

# BOROUGH OF TOTOWA P L A N N I N G   B O A R D

PASSAIC COUNTY  
NEW JERSEY



MINUTES – JULY 12, 2018

Chairman Hennion called the Planning Board meeting of Thursday, July 12, 2018 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

**PRESENT:**

Commissioner Campilango	Commissioner Ferraro	Commissioner Zarek	Commissioner Festa
Councilman D'Angelo	Chairman Hennion	Commissioner Murphy	Paul Przybylinski, PE
Richard Brigliadoro, ESQ			

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 12th day of July 2018 is in accordance with the Schedule of Annual Notice, which is posted, and in accordance with Chapter 231 P.L. 1975 of the State of New Jersey. The agenda for this meeting has been prepared and distributed to the members of the Planning Board and a copy has been on file in the Construction Official's Office.

**ITEM #1**

NJDC Urban Renewal, LLC  
169 Minnisink Road  
Minnisink Road

Block 154 - Lot 19  
Block 154.01 - Lot 1

Preliminary & Final Site Plan Approval  
for Phase I – Medical building

Lisa A. John-Basta, Esq. of the Law Firm Chiesa, Shahinian and Giantomasi, P.C. appeared requesting the preliminary and final major site plan approval with "c" variance relief for property formerly known as the North Jersey Developmental Center and designated as Block 154, Lot 19.03 as shown on the Tax Assessment Map of the Borough of Totowa, and located in the MRRZ Zone. The Applicant seeks approval in order to construct a 4-story medical office building, parking and loading area. Other proposed site improvements include a stormwater drainage basin, landscaping and lighting.

Submitted in support of the application were the following documents:

1. Plans entitled "Preliminary and Final Site Plan for NJDC Urban Renewal, LLC Proposed Medical Office Building", prepared by Robert P. Freud, P.E., P.P. and Brett W. Skapinetz, P.E. of Dynamic Engineering, PC, dated February 28, 2018, revised through June 26, 2018, consisting of 17 sheets.
2. Plans entitled "Proposed Medical Office Bldg.", prepared by Michels & Waldron Associates, LLC, dated April 3, 2018, revised through June 26, 2018, consisting of 9 sheets.
3. Plan entitled "Aerial Exhibit", prepared by Robert P. Freud, P.E., P.P. and Brett W. Skapinetz, P.E. of Dynamic Engineering, PC, dated February 28, 2018, consisting of 1 sheet.

4. Plan entitled "Steep Slope Disturbance Exhibit", prepared by Robert P. Freud, P.E., P.P. and Brett W. Skapinetz, P.E. of Dynamic Engineering, PC, dated May 18, 2018, revised through June 26, 2018, consisting of 1 sheet.
5. Survey entitled "Final Major Submission", prepared by Victor E. Vinegra, P.E., P.L.S. of Harbor Consultants Inc., dated February 8, 2018, revised through March 1, consisting of 1 sheet.
6. Site Plan Review Application, dated April 12, 2018.
7. Traffic Impact Study, prepared by Joseph J. Staigar, P.E., P.P. and John M. McCormack, P.E., P.T.O.E. of Dynamic Traffic, LLC, dated March 1, 2018, revised through May 24, 2018.
8. Stormwater Management Groundwater Recharge and Water Quality Analysis, prepared by Robert P. Freund, P.E., P.P., of Dynamic Engineering, PC, dated March 2018.
9. Letter entitled "NJDC Urban Renewal, LLC Proposed Medical Office Building", prepared by Robert P. Freud, P.E., P.P. and Jackie L. Giordano, P.E. of Dynamic Engineering, PC, dated May 25, 2018, consisting of 8 pages.

The Board also reviewed and considered a report dated May 3, 2018 from Michael Cristaldi, P.E. of Alaimo Group, Civil Engineer to the Borough of Totowa Planning Board and a letter dated July 11, 2018 from Darlene A. Green, P.P., AICP of Maser Consulting, P.A., Planner to the Borough of Totowa Planning Board.

The following Exhibits were also introduced into evidence during the hearing process:

1. Exhibit A-1 Aerial exhibit of the site prepared by Dynamic Engineering, dated July 12, 2018;
2. Exhibit A-2 Aerial overlay exhibit of the site prepared by Dynamic Engineering dated July 12, 2018;
3. Exhibit A-3 Site plan rendering with landscaping superimposed prepared by Dynamic Engineering dated July 12, 2018; and
4. Exhibit A-4 Drawing No. Ex-1 dated April 3, 2018 with revisions through June 26, 2018 showing line of sight from Minnisink Road to the top of the building and mechanical equipment prepared by Michels and Waldron Associates, LLC.

Testifying on behalf of the Applicant was Robert Freud, P.E., a licensed professional engineer employed by Dynamic Engineering Consultants, PC. Mr. Freud reviewed with the Board Exhibits A-1, A-2 and A-3. He further testified that the Applicant seeks approval to construct a medical office building consisting of approximately 125,000 square feet in area. He testified that the footprint is 31,250 square feet. Mr. Freud also represented that the medical office building is a permitted use pursuant to the North Jersey Development Center Redevelopment Plan. Mr. Freud testified that the Applicant will construct the medical office building in phases. In Phase I the Applicant will construct that portion of the medical office building identified on the Michels and Waldron architectural plans as Building A and which is further identified as the western building oriented towards Vreeland Avenue along with underground parking. The lobby or connecting area between Building A and Building B will also be constructed as part of Phase I. Mr. Freud represented that Building A can function as a standalone building. When the Applicant is ready for Phase II, Building B will be constructed and attached to the building in Phase I.

Mr. Freud testified that the Applicant is going to construct 520 parking spaces. However, the Applicant will construct approximately 65 percent of parking in Phase I, thereby resulting in approximately 336 parking spaces including ADA spaces being constructed in Phase I. The remainder of the parking spaces consisting of approximately 184 parking spaces will be constructed in Phase II. Mr. Freud testified that in accordance with Institute of Transportation Engineers, the Applicant is required to provide 400 on-site parking spaces for a 125,000 square foot medical office building. The Applicant is providing 520 parking spaces. As a result, Mr. Freud represented that the Applicant is providing sufficient on-site parking for the proposed use.

Mr. Freud also testified that the Redevelopment Plan allows a parking stall size of 9 feet by 18 feet for longer term parking. Mr. Freud characterized the nature of parking at the medical office building as long term in support of a 9 foot by 18 foot parking stall size to be utilized throughout the site.

Mr. Freud reviewed with the Board ingress and egress to the site as well as traffic circulation on the site. Mr. Freud testified that the Applicant either has or is in the process of submitting an application to the New Jersey Department of Transportation (NJDOT) in order to request that a driveway on Vreeland Avenue be installed. The Applicant is proposing two monument signs one near the entrance identified on the plans as Public Way "A" with access to Minnisink Road and one near the proposed entrance on Vreeland Avenue. The Board Planner in her report dated July 11, 2018 recommends that any approval of the 50 square foot monument sign in the vicinity of the proposed Vreeland Avenue driveway be conditionally approved, but only if and subject to the NJDOT approving the driveway off of Vreeland Avenue.

The Applicant also represented that it is withdrawing its request for building facade signs at this time and will reapply for signage at a later date.

Mr. Freud addressed Item 16 in the Board Planner's Review Report regarding the use of stop signs and painted stop bars in the parking lot. Mr. Freud supported the Applicant's request to provide both stop signs and stop bars when he testified that stop signs would be necessary for Title 39 enforcement purposes and stop bars would provide a visual aid to motorists within the parking lot.

In regard to the issue of lighting, Mr. Freud testified that the Applicant is using LED fixtures and the Applicant is proposing 24 foot high mounting poles for the lights within the parking lot. The lighting will have appropriate downward shields on the light fixtures. Mr. Freud also represented that the illumination meets the requirements of the Totowa Borough Code, Section 415-100. Mr. Freud represented that it is anticipated that the parking lot will be illuminated from dusk to dawn.

Mr. Freud reviewed with the Board the issue of the proposed landscaping on the site. Mr. Freud next reviewed stormwater management measures to be implemented in accordance with the proposed development of the site for a medical office building. Mr. Freud testified that the New Jersey Department of Transportation (NJDOT) along with the Borough Engineer will review the proposed stormwater system. Mr. Freud also testified that the Applicant is matching the pattern of runoff from that which currently exists, but that the peak runoff rates of water will be reduced from what is currently being discharged.

Mr. Freud addressed Item 6 in the Board Planner's Review Report that the Applicant is proposing a retaining wall with no railing to the rear of the parking area which has a maximum height of nearly 11 feet. The Applicant stipulated that it would install a railing on the top of the wall for safety purposes due to the proximity of the adjacent sidewalk. Mr. Freud testified that the Applicant has performed preliminary soil borings and that the Applicant does not anticipate blasting to occur in regard to the construction of the medical office building.

The next witness to testify on behalf of the Applicant was Joseph Staigar, P.E., a licensed professional engineer in the State of New Jersey with particular expertise in traffic related matters. Mr. Staigar testified that his office prepared a Traffic Impact Study dated May 24, 2018 and previously filed with the Board. He stated that the traffic report evaluated existing traffic conditions, how much traffic would be generated by the proposed use, traffic circulation and ingress to and egress from the site. Mr. Staigar testified that the Applicant and the NJDOT engaged in a pre-application meeting and Mr. Staigar outlined proposed improvements that are being presented to the NJDOT for approval.

The Applicant is proposing traffic mitigation measures including, but not limited to, the installation of a traffic light at the intersection of Minnisink Road and Vreeland Avenue. Mr. Staigar also reviewed with the Board the proposed improvements to the Minnisink Road/Vreeland Avenue intersection as well as Vreeland Avenue including, but not limited to, roadway widening along Minnisink Road, the installation of lane channels to facilitate turning movements as well as a widening of Vreeland Avenue along the property frontage.

Mr. Staigar testified that currently the intersection of Minnisink Road and Vreeland Avenue operates at a Level of Service (LOS) F which means there is more volume than capacity can allow. He stated that the main reason for this is having an un-signalized intersection at Minnisink Road and Vreeland Avenue. Mr. Staigar stated that for a 125,000 square foot medical office building, using Institute of Transportation Engineers methodology there would be 272 trips during a.m. peak hours and 426 trips during the p.m. peak hours. Mr. Staigar testified that the proposed traffic mitigation measures would improve the existing conditions and would be appropriate to address traffic in the build conditions. Mr. Staigar also highlighted the fact that Passaic County would have jurisdiction over improvements granting access to Public Way A while the NJDOT would have jurisdiction over the Minnisink Road and Vreeland Avenue intersection.

Mr. Staigar also testified that there is sufficient on-site parking based upon ITE standards where 400 parking spaces are required for a 125,000 square foot medical office building and the Applicant is providing 520 parking spaces. Mr. Staigar also testified that the NJDOT will require coordination of timing of traffic lights in the area in order to make sure that the entire Minnisink Road corridor is coordinated from a traffic signal perspective. Mr. Staigar also testified that in matters such as this, the Applicant and the NJDOT will enter into a Developer's Agreement relative to the proposed improvements.

The next witness to testify on behalf of the Applicant was Arthur Michels, a licensed architect and professional planner in the State of New Jersey. Mr. Michels reviewed with the Board the construction of the building as well as the phasing of construction. Mr. Michels testified that the building is designed primarily as two standalone buildings connected by a central atrium. The Applicant would construct in Phase I the building with the orientation towards Vreeland Avenue along with underground parking, the freight elevator and trash compactor and additional surface parking. Phase II of the construction would involve the building facing Minnisink Road as well as the remainder of the on-site parking spaces not constructed in Phase I. The central atrium and/or plaza area will be once again developed in Phase I. The building height will be 67.83 feet which complies with the Ordinance requirement not to exceed 70 feet.

Mr. Michels testified that the Applicant has eliminated the request for approval for the proposed facade signs. That issue will be revisited in the future. Mr. Michels also reviewed with the Board the request for variance relief relative to rooftop mechanical equipment. The rooftop mechanical equipment is not permitted to exceed 25 percent of the total roof area and may not extend more than 5 feet above the maximum height limit in the zone. Thus, the Applicant is permitted to have mechanical equipment on the roof of the building at a maximum height of 75 feet. In this instance, the Applicant is proposing a maximum height of mechanical equipment on the roof at 79 feet 10 inches. Thus, the Applicant requires "c" variance relief for the height of mechanical equipment on the roof for 4 feet 10 inches.

Mr. Michels testified in regard to the purposes of the Municipal Land Use Law that would be advanced by the approval of this application. Mr. Michels represented that the following purposes of the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-2 would be advanced: 2a the approval of this application would promote the general welfare; 2c the approval of this application would provide adequate light, air and open space; 2g the approval of this application would provide sufficient space in appropriate locations for a variety of commercial uses; 2i the approval would promote a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Michels also testified that the Applicant meets the negative criteria relative to the granting of variance relief because the variance relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

Mr. Michels testified in regard to the mechanical equipment on the roof. He concluded that due to the building height and the mechanical equipment being moved to the center of the roof, there would be no visual impact from the street as depicted in Exhibit A-4. Furthermore, the Applicant complies with that portion of the Ordinance that limits the maximum area to be utilized for rooftop mechanical equipment not exceed 25 percent (25%) of the roof area. The rooftop mechanicals would have screening around it containing acoustical properties that would reduce sound emissions.

In regard to the request for variance relief because the solid waste and recycle receptacles are not enclosed by a masonry enclosure on three (3) sides with a self-closing gate on the fourth, Mr. Michels testified that based on the location of the dumpster enclosure along with landscaping being provided for this area, there would be no visual impact for adjoining property owners.

Michael Cristaldi, P.E., the Board Engineer represented that he reviewed the stormwater management plan provided by the Applicant and he is satisfied that the stormwater management plan is compliant with the Borough of Totowa Ordinances and state regulations.

Deborah Lawlor, P.P., a licensed professional planner with Maser Consulting, PA stated she is satisfied with the presentation before the Board and confirmed that the Applicant was eliminating its request for approval for facade signs at this time.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to open the public portion of the meeting

All in Favor ..... 7 - 0

The meeting was opened up to members of the public and the Board was addressed by Roseanne Crocitto, 281 Winnifred Drive, Totowa, New Jersey; Shahidul Kahn, 140 Minnisink Road, Totowa, New Jersey; Eugene Ventimiglia, 6 Roseda Drive, Totowa, New Jersey; Terry Sabol, 135 Minnisink Road, Totowa, New Jersey; Anna Marie Kane, 118 Winifred Drive, Totowa, New Jersey; Annalyce D'Agostino, 70 Vreeland Avenue, Totowa, New Jersey; Debra D'Agostino, 70 Vreeland Avenue, Totowa, New Jersey; and Nasri Nacheff, 21 Roseland Avenue, Totowa, New Jersey. The members of the public had concerns about the increase in traffic as a result of the proposed development, stormwater management on site, sufficiency of the sewer system to accommodate the proposed use, on-site traffic circulation and whether or not blasting would be required in connection with this project.

- A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the
- \* Preliminary site plan approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46;
  - \* Final site plan approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-50; and
  - \* “c” Variance relief is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(2) regarding enclosure of the solid waste and recycling receptacles and for the height of the rooftop mechanical equipment.

This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved, as well as any further amendments required by the Planning Board or the Board’s professionals as a result of the hearing process.
2. The granting of this application is subject to and conditioned upon all of the representations and stipulations being made by or on behalf of the Applicant to the Totowa Borough Planning Board being true and accurate. The Planning Board notes that it specifically relied upon said representations or stipulations in the Board’s granting of approval. If any representation or stipulation is false, this approval is subject to revocation.
3. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the public hearing on July 12, 2018.
4. The granting of this application is subject to and conditioned upon the Applicant installing a monument sign 50 square feet per sign face adjacent to Public Way A. The Applicant is permitted to install a monument sign 50 square feet in area adjacent to the driveway with access to Vreeland Avenue, but only if the NJDOT permits the Applicant to install a driveway with direct access to Vreeland Avenue.
5. The granting of this application is subject to and conditioned upon the Applicant complying with all relevant terms and conditions set forth in the Board Planner’s Review Report prepared by Darlene A. Green, P.P., AICP dated July 11, 2018.
6. The granting of this application is subject to and conditioned upon the Applicant providing signed and sealed architectural plans and engineering plans.
7. The granting of this application is subject to and conditioned upon the Board Engineer’s final review and approval of the Applicant’s stormwater management plans and calculations.
8. The granting of this application is subject to and conditioned upon the Applicant installing a railing on the top of the retaining wall to the rear of the parking area.
9. The granting of this application is subject to and conditioned upon the Borough of Totowa Fire Chief’s review and approval of fire truck turning movements and the Fire Chief’s review and approval of the number and location of fire hydrants on site.
10. The granting of this application is subject to and conditioned upon the landscaping plan being subject to the review and approval of the Board Planner.
11. The granting of this application is subject to and conditioned upon the elimination of left turns out of driveway on Vreeland Avenue but only if the driveway remains unsignalized.
12. The granting of this application is subject to and conditioned upon the Applicant receiving water supply for the site through the City of Newark. The Borough has no obligation to provide water to the developer and all contractual obligations for water will be between the developer and Newark.
13. The granting of this application is subject to and conditioned upon the Applicant providing fully engineered block and modular wall details, which shall be subject to the review and approval of the Board Engineer.
14. The granting of this application is subject to and conditioned upon the Applicant providing details for a concrete transformer pad located to the right of the building. The details shall be subject to the review and approval of the Board Engineer and Board Planner.

- 15. The granting of this application is subject to and conditioned upon the Applicant obtaining Hudson/Essex/Passaic Soil Conservation District approval, if required.
- 16. The granting of this application is subject to and conditioned upon the New Jersey Department of Environmental Protection approval, if required.
- 17. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval.
- 18. The granting of this application is subject to and conditioned upon New Jersey Department of Transportation approval.
- 19. The granting of this application is subject to and conditioned upon the Applicant agreeing to open and maintain an escrow account with the Borough of Totowa and to keep the account current with sufficient funds for inspection and review fees.
- 20. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Board Engineer’s review report dated May 3, 2018.
- 21. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
- 22. Certificate that taxes are paid current to date of approval.
- 23. Subject to all other applicable rules, regulations, ordinances, and statutes of the Borough of Totowa, County of Passaic, State of New Jersey, or any other agency having jurisdiction hereunder.
- 24. All terms and conditions of the Planning Board’s previous Resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.

Seven agreed to a roll call vote... 7-0

**RESOLUTION:**

A motion was offered by Commissioner Campilango and seconded by Commissioner Zarek to approve the resolution for Spirit Halloween Block 174 - Lot 2 as presented.

Five agreed on a roll call vote.....5-0

**MINUTES:**

A motion was offered by Commissioner Campilango and seconded by Commissioner Zarek to approve the Planning Board Minutes of June 28, 2018 as prepared.

Six agreed to a roll call vote... 6-0  
Mayor Coiro abstained

There being no other business, a motion was offered by Commissioner Campilango and seconded by Commissioner Zarek to adjourn the meeting.

All in favor.....7-0

Respectfully submitted,

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Pete Campilango, Secretary

\_\_\_\_\_  
Patricia Paulson  
Planning Board Clerk

\_\_\_\_\_  
Date Approved