

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – AUGUST 10, 2017

Chairman Hennion called the Planning Board meeting of Thursday, August 10, 2017 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Campilango	Chairman Hennion	Commissioner Zarek	Vice Chairman Coiro
Councilman D'Angelo	Mayor Coiro	Commissioner Murphy	Nordon Murphy, PE
Richard Briigliodoro, ESQ	Darleen Green, Planner		

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 10th day of August 2017 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		General Development Plan Application &
169 Minnisink Road	Block 154 - Lot 19	Preliminary & Final Approval for
Minnisink Road	Block 154.01 - Lot 1	Subdivision with variance relief

Richard Briigliodoro, Planning Board Attorney read a letter outlining this property's history up to present situation.

The Applicant was represented by Lisa A. John-Basta, Esq. of the law firm Chiesa, Shahinian and Giantomasi, PC. Submitted in support of the application were the following documents:

1. Report entitled "North Jersey Developmental Center (NJDC) General Development Plan prepared by HDR Architects & Engineers, dated July 29, 2017
2. Borough of Totowa General Development Plan Review Application, Attachment
3. Borough of Totowa Planning Board Application, dated July 20, 2017
4. Borough of Totowa Application for preliminary & Final Approval for Subdivision, dated July 20, 2017
5. Survey entitled Boundary & Topographic Survey, 169 Minnisink Road dated May 12, 2017
6. Plan entitled Subdivision Plan – North Jersey Developmental Center Redevelopment – 169 Minnisink Road, dated June 20, 2017
7. Description of Consolidation of Lot 1, Block 154.01 and Lot 19, Block 154
8. Description of Lot 19A, Block 154 – 653 Totowa Road, dated June 29, 2017
9. Description of Lot 19B, Block 154 – 139 Totowa Road, dated June 29, 2017
10. Description of NJDC Redevelopment Area Lot 19C, dated June 22, 2017
11. Description of Area to be conveyed to Passaic County, Totowa Road, dated June 22, 2017

Board Members also considered the following documents:

1. Report dated August 7, 2017 from Darlene A. Green, P.P., AICP, Maser Consulting, PA, Planner to the Planning Board.
2. Report dated August 7, 2017 prepared by Nordan Murphy, P.E., P.P., CME from Richard A. Alaimo Engineering Associates, Engineer to the Planning Board.

The following Exhibits were introduced into evidence by the Applicant during the course of the hearing process:

1. Exhibit A-1- Architectural Rendering for Assisting Living Building Design Parameters;
2. Exhibit A-2 - Medical Office Building Architectural Illustration;
3. Exhibit A-3 - Circulation Plan;
4. Exhibit A-4 - Signage Plan; and
5. Exhibit A-5 - Open Space Plan.

The GDP application was prepared in accordance with the requirements outlined in the North Jersey Developmental Center Redevelopment Plan, dated February 5, 2016 and the North Jersey Developmental Center First Amendment to Redevelopment Plan, dated April 6, 2017 (collectively the "Redevelopment Plan"). The Borough and NJDC entered into a Redevelopment Agreement dated June 15, 2017 outlining the parties' obligations with respect to the redevelopment of the Property. NJDC proposes to consolidate the two (2) existing lots comprising the Property through the recordation of a Deed of Consolidation in the Passaic County Clerk's Office. Immediately thereafter, NJDC seeks approval to create a three (3) lot subdivision of the Property, including:

1. Proposed Lot 19A (aka the "House Parcel"), which Applicant will convey to the Borough and which is anticipated to measure approximately 51,504 square feet or 1.18 acres in area, following a right-of-way dedication to Passaic County;
2. Proposed Lot 19B (aka the "Borough Land"), which Applicant will convey to the Borough and which is anticipated to measure approximately 67,102 square feet, or 1.540 acres in area; and
3. Proposed Lot 19C (aka the "Remainder Parcel"), which NJDC will retain for development and which is anticipated to measure approximately 5,921,885 square feet or 135.94 acres in area.

The first witness to testify on behalf of NJDC was Richard Prakopcyk, employed by HDR and who is the Master Planner and Site Designer for the Property. Mr. Prakopcyk provided the Planning Board with an overview of the proposed GDP.

Mr. Prakopcyk testified that per the terms of the Redevelopment Agreement the Applicant will merge the two existing lots forming the Property and, thereafter, subdivide the Property to create three (3) lots (i.e. the House Parcel, the Borough Land, and the Remainder Parcel). The House Parcel and the Borough Land will be conveyed to the Borough for Borough use.

On the Remainder Parcel, NJDC is proposing the construction of an assisted living facility in two (2) buildings containing a total of approximately 180,000 square feet of gross floor area, comprised of approximately 240 beds/units together with approximately 187 parking spaces for staff, residents and visitors. This area of the site is approximately 20.42 acres and the location of the assisted living facility component of the GDP is identified as No. 3 on the Project Site Plan.

NJDC is also proposing to develop the Remainder Parcel with Data Centers. The initial plans for the Data Centers is to construct three (3) structures totaling approximately 380,000 square feet of gross floor area together with approximately 351 parking spaces for staff and visitors. This area of the site measures approximately 25.20 acres and is identified as No. 4 on the Project Site Plan.

NJDC proposes development of the Remainder Parcel for a medical office building. This portion of the site measures approximately 10.40 acres. The initial plans for the medical office building is to construct a single, five (5) story, approximately 125,000 square foot, building together with approximately 473 parking spaces for staff, patients and visitors. The medical office building is identified as No. 5 on the Project Site Plan. The medical office building will be at a height of 70 feet with mechanical equipment extending five (5) Feet above which height is permitted under the Borough's Zoning Ordinance. The medical office building is proposed as an L-shaped building with a central lobby.

NJDC is also proposing a one-story flex/R&D building consisting of approximately 100,000 square feet of space, together with approximately 200 parking spaces for staff and visitors. This area of the site measures approximately 16.90 acres and is identified as number 6 on the Project Site Plan.

NJDC also seeks approval to provide an additional Data Center as a one-story approximately 256,000 square foot building together with approximately ninety (90) parking spaces for staff and visitors. This area of the Remainder Parcel measures approximately 59.19 acres and is identified as No. 7 on the Project Site Plan.

Mr. Prakopcyk testified that the Applicant will comply with all GDP Standards of the Redevelopment Plan.

Mr. Prakopcyk reviewed with the Board Exhibit A-3 the Circulation Plan and represented that the Applicant is proposing emergency site access from Hideaway Drive, or in the alternative, emergency access through the Borough Land to be conveyed to the Borough. Mr. Prakopcyk explained that Hideaway Drive is a private road, and therefore, an alternate emergency site access road is also being proposed.

Mr. Prakopcyk reviewed with the Board Exhibit A-4 which is a Signage Plan. The proposed signage for the site is still being developed but NJDC anticipates the installation of monument signs at the entry points with a sign area of less than fifty (50) square feet per sign face in order to conform to the Redevelopment Plan. NJDC is also proposing signs to identify the various tenants and/or occupants of the site. The business signs will be no larger than thirty-five (35) square feet per sign face and will comply with the signage requirements contained in the Redevelopment Plan.

Mr. Prakopcyk reviewed with the Planning Board Exhibit A-5 which is an Open Space Plan. Mr. Prakopcyk identified areas of the Remainder Parcel where there are wetlands, isolated wetlands and a stream corridor. Mr. Prakopcyk also addressed the landscape buffer and represented that the preservation of natural wooded areas is an important part of the buffering on the site. However, the Applicant will clean out the natural wooded area and diseased growth will be removed. Furthermore, supplemental plantings will be utilized in areas where the buffering does not provide a solid landscape screen. Mr. Prakopcyk indicated that areas of preserved buffers and wetlands as part of a future Conservation Easement would be revisited and addressed at the time individual Site Plan Applications are presented to the Planning Board. In regard to the proposed power substation, Mr. Prakopcyk represented that the substation would only serve Area 7 on the Project Site Plan.

The next witness to testify on behalf of the Applicant was Thomas Banker. Mr. Banker testified as an expert witness in regard to the Community Impact Statement. Mr. Banker testified that his analysis included a review of the financial benefits versus the financial burdens of the project. He stated that the Property has been tax-exempt for many years, but the Property did impose burdens on the Borough. He evaluated the proposed uses for the Remainder Parcel. Mr. Banker represented that there are no residential uses proposed that would generate school children. He considered that fact to be a benefit. Mr. Banker also stated that the proposed uses do not generate major public safety requirements. He offered his opinion that there would be very little police and fire response required for the proposed development. In regard to the fire response, Mr. Banker stated the buildings will be designed with fire suppression systems which will assist the Borough Fire Department in fighting a fire.

Mr. Banker stated that solid waste would be addressed by private commercial haulers. In conclusion, he stated that the proposed development of this Remainder Parcel would have a relatively low impact on the community. He stated that it would have a net positive revenue. He stated that it is clearly net beneficial to the community and a net positive impact on the Borough.

The next witness to testify in regard to the application was Luigi Casinelli, P.E., a licensed Professional Engineer in the State of New Jersey and an Expert in Traffic related matters. Mr. Casinelli reviewed with the

Board his Traffic Impact Report. He further concluded that the redevelopment of the Remainder Parcel will have impacts on the surrounding roadway network that can be mitigated with signalization and geometric changes at the five (5) analyzed intersections. The Applicant is proposing various left turn pockets and signalization of nearby intersections and roadways as traffic mitigation measures, the details of which were outlined in the submitted traffic report.

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

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

The Board was addressed by Joseph Appio, 25 Artillery Park Road; Ted Kopec, 253 Winifred Drive; Anne Krautheim, 43 Winifred Drive; Debra D'Agostino, 70 Vreeland Avenue; Terry Sabol, 135 Minnisink Road, Jay Carr, 302 Winifred Drive and Michele Riccobono, 39 Winnifred Drive, Totowa, New Jersey. The members of the public had general questions and comments in regard to the use of an emergency generator on-site and sound levels at the property line and storm water management. Ms. Krautheim and Mr. Riccobono offered their opinions that the approval of this application would have a positive impact on the community and bring additional ratable to the Borough.

The comments from the members of the public were addressed during the hearing process. The Applicant will be required to provide a Storm water Management Plan at the time of Site Plan Applications for each phase of the development. The storm water Management Plan shall conform to the New Jersey Department of Environmental Protection Regulations and Standards. In addition, the Applicant will be required to obtain Hudson, Essex and Passaic County Soil Conservation District ("HEPSCD") approval through the submission and approval by that entity of a Soil Erosion and Sediment Control Plan relative to the on-site construction. HEPSCD and that entity will monitor improvements during the construction process.

Ms. D'Agostino submitted to the Board the following Exhibits:

1. Exhibit O-1 – A screenshot of the Totowa Borough website with Council meeting dates listed thereon;
2. Exhibit O-2 - A colorized version of a Key Map identified as Figure 9.13-1 Hurricane Irene inundation in the Borough of Totowa;
3. Exhibit O-3 – Department of Environmental Protection Government Records Request Form dated December 19, 2016; (Re: 31 Vreeland Ave. Totowa); and
4. Exhibit O-4 – Department of Environmental Protection Government Records Request Form dated December 19, 2016; (Re: 11 Vreeland Ave. Totowa).

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

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

The Applicant has provided a Land Use Plan; Environmental Constraints Analysis; Open Space Plan; Project Site Plan; Circulation Plan; storm water Management Plan; Utility Plan; Demolition Plan; Project Implementation Plan; Traffic Impact Report; Environmental Impact Statement; Community Impact Statement; and Building Design Parameters.

The Board finds that the Applicant has proposed an Open Space Plan which serves as a significant buffer to the surrounding residential areas of the Echo Glen Development, as well as adjacent residential uses with frontage on Minnisink Road, Rutherford Court, Roseland Avenue and Totowa Road.

A minimum of one-third of the site has been maintained as open space green area. The total site-wide open space calculation is 37.27% of the total site which does not include any green area around developed buildings. Furthermore, a passive recreation park and trail along the waterway will be provided with access and use by the public.

The 50 foot wide stream greenway will act as a passive linear park for the NJDC site and public. The proposed pathway within this greenway will be a width of 6 feet and will be surfaced with an ADA accessible surface. The Board is also satisfied that the Applicant will preserve natural wooded areas and enhance and supplement landscaping and buffering where necessary to protect the adjoining residential neighborhoods.

The Board also accepts the representations of the Applicant's traffic expert regarding the proposed mitigation devices to ameliorate traffic along Minnisink Road and the intersection of Minnisink Road and Vreeland Avenue as well as roadways in the immediate area that may be affected by the proposed development. The Board accepts the representations of the Applicant's traffic expert that these mitigation measures will result in continuing acceptable levels of service for traffic post-development along the surrounding road network.

The Board also carefully considered the Applicant's proofs in regard to the Community Impact Statement and finds that the project does not appear to impose any new demands for municipal or school services that cannot be met by currently available municipal resources. The project does not provide for any family residential housing and, therefore, there will be no impact on the school district. The Board also notes that two lots identified as the House Parcel measuring approximately 1.182 acres in area and the Borough Land measuring approximately 1.540 acres in area are being conveyed to the Borough to be utilized for a public purpose. The conveyance of these properties to the Borough is a substantial public benefit.

In regard to the Environmental Impact Statement, the exact location and delineation of wetland areas are subject to verification by the New Jersey Department of Environmental Protection ("NJDEP") in the form of a Letter of Interpretation ("LOI"). It is anticipated that on-site wetlands will be classified as intermediate resource wetlands with a 50 foot transition area. The Applicant will maintain a 50 foot wide buffer along the unnamed stream corridor that bisects the Remainder Parcel, in compliance with NJDEP riparian buffer zone requirements. Finally, the Applicant is also only developing approximately 84.5 acres of the approximate 140 acre site which is beneficial from an environmental impact standpoint.

The Board also finds that the proposed maintenance and conservation of common open space are reliable, and the amount, location and purpose of the common open space are adequate. The Board further finds that through the physical design of the proposed development for public services, control over vehicular pedestrian traffic and the amenities of light, air, recreation and visual enjoyment are adequate. The Board also finds that the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established. The Board also finds that the Applicant intends to phase construction over a period of several years through approximately 2022. The Board finds the proposed development contemplates construction over a period of years, and the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the general development plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. Land use relief is granted - General Development Plan approval is granted under the MLUL pursuant to N.J.S.A. 40:55D-1 et. seq. and more specifically N.J.S.A. 40:55D-45 et. seq.
2. 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 Board's Professionals as a result of the hearing process.
3. The development of this parcel shall be implemented in accordance with the requirements outlined in the North Jersey Developmental Center Redevelopment Plan dated February 5, 2016 and the North Jersey Developmental Center First Amendment to Redevelopment Plan dated April 6, 2017.
4. The Applicant will comply with the requirements of the Redevelopers Agreement dated June 15, 2017.
5. The Applicant will comply with all terms and conditions set forth in the Board Engineer's Review Report prepared by Nordan Murphy, P.E., P.P., Richard A. Alaimo Engineering Associates dated August 7, 2017 with the exception of the Open Space Plan comment to provide a conservation easement which shall be addressed at the time individual site plans are presented to the Planning Board.
6. Applicant will comply with all terms and conditions set forth in the Board Planner's Review Report prepared by Darlene A. Green, P.P., AICP, Maser Consulting, PA, dated August 7, 2017 with the exception of Comment No. 5 to provide a conservation easement which shall be addressed at the time individual site plans are presented to the Planning Board, and Comment No. 17 to provide a financial impact analysis which shall be provided to the Mayor and Council as part of any future application for tax abatement and/or exemption under applicable law.
7. The Applicant will return to the Planning Board on an application for development of each phase of the General Development Plan.
8. The Applicant agrees 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.

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

Anthony Gallerano, P.E., P.P., a licensed Professional Engineer and Planner presented the application before the Board requesting preliminary and final subdivision approval with ancillary "c" variance relief for property formerly known as the North Jersey Developmental Center and designated as Block 154, Lot 19 and Block 154.01, Lot 1 as shown on the Tax Assessment Map of the Borough of Totowa ("Property"), in the MRRZ Zone. The Applicant is proposing to consolidate the two (2) existing lots forming the Property, and thereafter to create three (3) new parcels. Proposed Lot 19A will be approximately 1.18± acres in area and will contain the existing residential dwelling. Proposed Lot 19B will be approximately 1.54± acres in area and will contain one of the vacant buildings that was part of the original North Jersey Developmental Center facility. Proposed Lot 19C will be approximately 135± acres in area and will contain the improvements proposed in connection with the Redevelopment Agreement and as depicted on the Applicant's General Development Plan, which was approved by the Planning Board on August 10, 2017. Proposed Lots 19A and 19B will be conveyed to the Borough for Borough use.

In conjunction with the Applicant's request for subdivision approval, the Applicant also requests "c" variance relief to deviate from the front yard setback requirements affecting the existing residential dwelling on Proposed Lot 19A with frontage along Totowa Road, if deemed necessary by the Board.

The North Jersey Development Center Redevelopment Plan dated February 5, 2016 and the North Jersey Developmental Center First Amendment to Redevelopment Plan, dated April 6, 2017 (collectively the "Redevelopment Plan") regulates the zoning for the Property. It requires a front yard setback of 50 feet for Proposed Lot 19A whereas following the proposed right-of-way dedication to Passaic County, the front yard setback will be approximately 34.3 feet.

The Redevelopment Plan expressly provides that the existing residential site improvements within the subdivided parcel, Proposed Lot 19A, are permitted to remain at existing setbacks. It is additionally recognized that Proposed Lots 19A and 19B are beginning subdivided at the Borough's directive and will be conveyed to the Borough for future Borough use.

In regard to the request for "c" variance relief for the existing dwelling on Proposed Lot 19A, Mr. Gallerano testified that the Applicant is entitled to relief by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Mr. Gallerano represented that undue hardship would be created if the Applicant were required to relocate the existing residential dwelling with frontage along Totowa Road in order to comply with the front yard setback after the right-of-way dedication to Passaic County.

Mr. Gallerano further testified as to the negative criteria and stated that variance relief can be granted without substantial detriment to the public good and without substantial impairment of the Zone Plan, Zoning Ordinance or the Redevelopment Plan. The residential dwelling has been in existence for many years and there has been no substantial negative impact to the adjoining properties. Further, the variance relief is necessitated by the right-of-way dedication to Passaic County in order to widen Totowa Road which is a public benefit.

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

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

The Board was addressed by Debra D'Agostino a resident at 70 Vreeland Avenue, Totowa, New Jersey; Frank Holmberg a resident at 139 Minnisink Road, Totowa, New Jersey; and Terry Sabol a resident at 135 Minnisink Road, Totowa, New Jersey. The members of the public had general questions in regard to the zoning for the subdivided properties, as well as clarifying the fact that Proposed Lots 19A and 19B will be conveyed to the Borough to be used for a lawful public purpose. It was explained to the members of the public that the precise use of Proposed Lots 19A and 19B had not been settled yet, but that whatever use would occur in the future would constitute a lawful public purpose.

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the application for preliminary and final subdivision as well as "c" or bulk variance relief as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The Applicant shall comply with any terms and conditions contained in a Review Report prepared by Nordan Murphy, P.E., P.P., Richard A. Alaimo Engineering Associates dated August 7, 2017 with the exception of Comment No. 6, as well as any other terms and conditions imposed by the Planning Board or the Board's Professionals and not in conflict with the Applicant's testimony and stipulations before the Board during the course of the public hearing.
2. The granting of this application is subject to and conditioned upon the Applicant complying with the requirements of the Redevelopment Agreement dated June 15, 2017.
3. The granting of this application is subject to and conditioned upon the perfection of the subdivision approval being in accordance with the requirements of N.J.S.A. 46:26B-1 et. seq; the MLUL and any other relevant laws or regulations that are applicable.

- 4. The Applicant, shall not be permitted to perfect the subdivision until the property which is the subject of the Redevelopment Agreement dated June 15, 2017 and the Redevelopment Plan and First Amendment to the Redevelopment Plan has been conveyed to the designated Redeveloper.
- 5. The granting of this application is subject to and conditioned upon the conveyance of Proposed Lots 19A and 19B from the Applicant to the Borough of Totowa for a lawful public purpose.
Seven agreed to a roll call vote... 7-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the Planning Board Minutes of July 13, 2017 as prepared.

Six agreed to a roll call vote... 6-0
Chairman Hennion abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Zarek to approve the resolution for Art of Natural Solution - Block 166.03 - Lot 8 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Zarek to approve the resolution for Fischer Fixings, LLC - Block 174 - Lot 12 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Zarek to approve the resolution for J&J Specialized/Salt River Equip. - Block 172 - Lots 2 & 3.01 as presented.

Six agreed on a roll call vote.....6-0

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,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved