

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – JUNE 27, 2019

Vice Chairman Coiro called the Planning Board meeting of Thursday, June 27, 2019 to order at 8:10 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Festa	Commissioner Sabatino	Commissioner Campilango	Mayor Coiro
Commissioner Niland	Vice Chairman Coiro	Commissioner Ferraro	Councilman D'Angelo
Mike Cristali, PE	Richard Briigliadoro, ESQ	Darlene Green, PP	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 27th day of June 2019 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

Laurel Grove Cemetery	Block 119 - Lot 2	Site Plan
295 Totowa Road	<i>(to be carried to 7/11)</i>	Mausoleum

Anthony Fiorello, Attorney for the applicant requested that this matter be carried to the regular Planning Board Meeting of July 11, 2019 at or about 8:00pm without further notice.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to the next regular Planning Board meeting of July 11, 2019 at or about 8:00pm without further notice.

Eight agreed to a roll call vote... 8-0

ITEM #2

Sombrero	Block 105 - Lot 12	Amended Site Plan
326-328 Union Blvd.		Outside Dining

Mr. Alvaro F. Chaljub appeared requesting approval to permit outdoor dining for his business. The applicant intends to provide four tables with seating of four at each table for a total of 16 outdoor seats. There are twenty-five indoor seats, which makes the seating capacity for this establishment 41 seats.

Mr. Chaljub testified that the tables and chairs would be situated in such a manner so as not to impede, obstruct or inhibit pedestrian traffic in the area of the outdoor dining. The Totowa Borough Code provides that unobstructed access is between the edge of the outdoor dining tables and the curb line of the sidewalk. Further, the Code provides that pedestrian access shall have a minimum width of at least eight feet. Mr. Chaljub was also made aware of the existence of the Outdoor Dining Ordinance under Chapter 275 of the Totowa Borough Code, and that the applicant must annually file for an application with the Borough Clerk. Mr. Chaljub testified that he may install planters or something similar around the outdoor dining area, but that the planters would not impede or obstruct pedestrian traffic.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the outdoor dining 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. The Applicant will obtain an outdoor dining license from the Borough Clerk and comply with all terms and conditions set forth in Chapter 275 Outdoor Dining of the Boro Code .
2. All terms and conditions of the Board's prior resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.
3. There will be no spillover lighting on to adjoining properties.

Eight agreed to a roll call vote... 8-0

ITEM #3

Cibo Vita 12 Vreeland Avenue	Block 158- Lot 3 (<i>carried</i>)	Amended Site Plan 2 nd Work Shift - 4pm – 1am Seven Days per week
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The Board continued the public hearing in regard to this matter. The Applicant also introduced into evidence the following Exhibits:

- Exhibit A-3 Boundary survey of site prepared by Maser Consulting (2014)
- Exhibit A-4 Zoning Map
- Exhibit A-5 A tree planting schedule dated April 8, 2019;
- Exhibit A-6 A tree planting exhibit;
- Exhibit A-7 A tree planting rendering which depicts what the Applicant has committed to do regarding tree planting;
- Exhibit A-8 Additional detail regarding tree planting;
- Exhibit A-9 Internal signs; and
- Exhibit A-10 After hours controlled access to the site.
- Exhibit A-11 After hours controlled access for the middle driveway;
- Exhibit A-12 After hours controlled access driveway closest to the curve on Vreeland Avenue. (This access is for passenger cars only.)

Mr. Anthony Fiorello, attorney for the applicant explained that the six western bays would accept deliveries and the six eastern bays would involve the trucks exiting after they have been loaded on the site. The Applicant is also proposing to comply with the original site plan approval by reestablishing a vegetative buffer in the front of the site. Additionally, the applicant is also proposing improved ingress and a circulation plan on-site which would address the issues of trucks stopping, standing or queuing along Vreeland Avenue. Mr. Fiorello also represented that the new entrance on the western most driveway eliminated approximately 19 parking spaces. Furthermore, box trucks will be moved to the Madison Road site and 65 employees will be transferred from the Vreeland Avenue facility to the Madison Road facility.

The Applicant also introduced into evidence Exhibit A-3 which is a boundary survey of the site prepared by Maser Consulting. The Applicant also introduced into evidence Exhibit A-4 which contains a portion of the zoning map with two areas colored in yellow.

Mr. Fiorello confirmed that the Madison Road facility will have approximately 65 employees. The 65 employees would not be new employees, but would rather be employees who were transferred to Madison Road from the Vreeland Avenue facility. Therefore, there will be 262 employees at the Vreeland Avenue facility and there will also be 217 parking spaces on-site at the Vreeland Avenue facility. Mr. Fiorello confirmed the 19 parking spaces would be eliminated. Thus, 198 parking spaces would remain.

Mr. Fiorello also represented that based on conversations with Mr. Ortiz, that approximately 70 parking spaces are not being used because workers carpool and take mass transit to come to work. Mr. Fiorello also represented that the westerly parking spaces would be utilized by administrative staff.

Mr. Fiorello stated that the Applicant is now proposing to have two shifts. The first shift would be 7:00 a.m. to 5:00 p.m. and the second shift would be 5:00 p.m. to midnight. Mr. Fiorello confirmed that deliveries to the site would cease between 5:00 p.m. and 6:00 p.m. Deliveries from the site to the general market would cease around 7:00 p.m. The Applicant has indicated that the hours of operation for Saturday would be 7:00 a.m. to 3:00 p.m. However, with respect to the Saturday work schedule, it was represented that there would be no deliveries on Saturday and no shipping on Saturday just production and cleaning. In addition, it was represented that there would be no more than 50 people working on the weekend. It was also explained that the Applicant originally wanted to work on Sunday, however, Mr. Fiorello stated that the Applicant is abandoning its request for Sunday hours.

The Applicant also reviewed new signage that will be located on the site including, but not limited to, a 5 Mile Per Hour speed sign, a No Idling sign and No Trespassing signs. Mr. Fiorello also stated that one of the issues that Cibo Vita has encountered has been “rogue” truck drivers who have no affiliation with Cibo Vita bringing their tractor trailers on site and parking overnight. Mr. Fiorello stated that these individuals are trespassers. It was represented that the Applicant will either install gates or controlled access gates in order to regulate access to the site. It was also represented that there would be no deliveries to the site through the westernmost driveway after 7:00 p.m. and there would be no products either in or out of the site after 7:00 p.m.

Mr. Fiorello also explained the enhanced landscaping plan that the Applicant installed. The Applicant has installed trees along the western corner of the facility. This is the area of the site with the least amount of parking. This parking area of the site is mostly used by workers in the business office. Mr. Fiorello also confirmed that picnic tables have been removed. It was represented that the Applicant will either install gates or controlled access gates in order to regulate access to the site.

Also testifying on behalf of the Applicant was Juan Ortiz. Mr. Ortiz testified that Cibo Vita has a partnership with schools through an intern program. He further testified in regard to the purpose of the second shift. He stated there would be 18 employees and the employees would be needed for both production and cleaning. The cleaning crew is necessary in order to clean the machines in order to get ready for the next day.

The next witness to testify on behalf of the Applicant was Craig Peregoy, P.E., a licensed professional engineer employed by Dynamic Engineering. Mr. Peregoy has particular expertise in traffic related matters. Mr. Peregoy reviewed with the Board Exhibit A-13 which is a truck parking exhibit dated May 3, 2019. Mr. Peregoy stated there is a curve in the road along Vreeland Avenue and that the driveway closest to the curve will be a passenger vehicle entrance only. The middle driveway would be a car and truck exit and the westernmost driveway would be the truck entrance to the site. Also, there would be ample opportunity on site to have a long queue of trucks contained within the site. Mr. Peregoy testified that he visited the site and that there are a significant number of available parking spaces in the westerly side parking lot. Mr. Peregoy also stated that the Applicant will put up a sign stating no right turn out of the site. He stated that the reconfiguration of the driveway and on-site circulation would result in a safe and efficient traffic design for the site.

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

All In Favor8-0

Mr. Jim Crocitta, 281 Riverview Drive - Mr. Crocitta stated that the Applicant cleaned up the property very well. However, he also stated that he still has objections regarding the beeping sound and audible alarms that trucks make when they are backing up. These activities take place on the site in close proximity to his home. Also, he stated that the Applicant has five 40 yard dumpsters on-site. Mr. Crocitta's complaint is that when the garbage in the dumpsters is removed, this activity makes a lot of noise in the vicinity of his house.

Debra D'Agostino, 70 Vreeland Avenue - Ms. D'Agostino had questions regarding signage, the idling of tractor trailers, and stopping and standing of tractor trailers along Vreeland Avenue. In addition, Ms. D'Agostino testified that tractor trailers come to the site at all hours of the night, and the trucks make audible alarm sounds. The trucks also use their air brakes which creates noise that disturbs the peace and tranquility of the residential neighbors. Ms. D'Agostino also stated that the property owner has removed plantings which have not been replanted. It was stipulated that the Applicant would provide an enhanced landscaping plan which would be subject to the review and approval of the Board Planner. Ms. D'Agostino also objected to the increase in hours of operation.

Annalyse D'Agostino, 70 Vreeland Avenue - also testified in regard to tractor trailers traveling along Vreeland Avenue, blocking the road and creating a dangerous and hazardous condition along Vreeland Avenue.

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

All In Favor8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application for amended site plan as well as to increase the hours of operation of the business 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 represents that all of its representations and stipulations made either by or on behalf of the Applicant to the Borough of Totowa Planning Board are true and accurate, and acknowledges that the Planning Board specifically relied upon the Applicant's stipulations in the Board's granting of this approval. If any representation or stipulation is false, this approval is subject to revocation.
2. The granting of this application is subject to and conditioned upon the Applicant complying with the Sign Ordinances of the Borough of Totowa. Sign approval is hereby granted to permit the Applicant to install signage as represented on Exhibit A-9 and as testified to by the Applicant during the hearing process.
3. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board during the hearing process held on April 11, 2019 and June 27, 2019.
4. The granting of this application is subject to and conditioned upon the hours of operation being Monday through Friday, first shift 7:00 am to 5:00 pm and the second shift terminating at 9:30 p.m.
5. The maximum number of employees for the second shift is limited to 20 employees.
6. The granting of this application is subject to and conditioned upon there being no deliveries to the site after 6:00 p.m. Monday through Friday and no product out of the site after 7:00 p.m.
7. The granting of this application is subject to and conditioned upon the hours of operation for Saturday being 7:00 a.m. to 3:00 p.m. The business will be closed on Sunday.
8. The granting of this application is subject to and conditioned upon there being no other cars or trucks from any other business not related to Cibo Vita being permitted to park in the Cibo Vita parking lot either during the day or during the overnight hours.
9. The granting of this application is subject to and conditioned upon the Applicant installing controlled access gates at all three (3) driveways in order to regulate vehicle and truck access to the site.
10. The granting of this application is subject to and conditioned upon the Applicant submitting a landscape plan which shall be subject to the review and approval of the Board Planner, further, the Board Planner recommends that the Applicant shall include in its landscape plan shrubs which shall include Armstrong Juniper, Savin Juniper and English Laurel.

11. The granting of this application is subject to and conditioned upon the Applicant restriping the parking lot as necessary which shall be subject to the review and approval of the Board Engineer.
12. The granting of this application is subject to and conditioned upon the prohibition about Cibo Vita trucks queuing up on the Vreeland Avenue right-of-way to enter the facility. Also truck traffic shall not proceed along Vreeland Avenue to Riverview Drive, but rather truck traffic shall either exit the site and enter Route 80 Westbound off of Vreeland Avenue or proceed directly to Minnisink Road.
13. The granting of this application is subject to and conditioned upon there being no right hand turns for truck traffic exiting the site.
14. All terms and conditions of the Board’s prior Resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.
15. The granting of this application is subject to and conditioned upon there being no outside storage of equipment or materials on the premises.

Eight Agreed on a Roll Call Vote8-0

ITEM #4

Three Crown Development
1 Ottilio & 101 Forest

Block 9 - Lots 1 & 3

Preliminary Major Site Plan
81 Unit Multi-Family Development with
Lot merger, Variances & related relief

Planning Board Attorney, Rich Briigliodoro indicated that this is the fifth public hearing for the applicant. Planning Board Members that have missed any of the hearings have been identified. Those Planning Board Members have had the opportunity to listen to those meetings and have signed an affidavit stating as such.

Priscilla Triolo, Esq. appeared continuing with the application for preliminary approval stating that the application was first submitted on September 28, 2018, amended in March 2019, and again on June 3, 2019.

Ms. Triolo addressed questions from the previous Planning Board Meeting regarding Market prices as follows:

Market Prices - Mid \$300’s to high \$300’s.

- 81 Units in Total – 3 buildings
- 63 Units Market Rate price will be set by Developer
- 6 Affordable Units in each Bldg.
- 18 Affordable Units in Total
- Units will be Condo Ownership

Totowa Boro Planner Darlene Green provided Affordable Housing Income figures:

- 1 person - \$53,286
- 2 person - \$60,900 anyone over 18 who has an income qualifies
- 4 person - \$76,000
- Taxes + HOA Fees

Darlene Green also indicated that the Boro Administrative Agent would set the unit prices for the Affordable Housing based on guidelines and calculations.

Kiersten Osterkorn, Engineer for the applicant testified as to a slight change to Exhibit A-17 regarding the movement of the Water Line. She also discussed changes to the Buffer, regarding establish trees in the Buffer Area - 26 Trees to remain and 9 to be removed of which 2 would be removed for grading purposes.

Others areas of discussion in regards to changes were:

Potable Water- Tree removal in buffer area for water line

Push back water line to opposite side. Forest Road is a paper street – Right-Of-Way

Ms. Osterkorn presented Smaller version of site ariel Exhibit A-18

A variance is still needed due to it going over buffer area. Sunset Ridge – Three Crown proposes to grant them an easement. Sunset Ridge will put in a tap for Sunset Ridge and Three Crown. Ms. Osterkorn discussed the pressure issue and indicated that the water tank is full.

Sewer – Totowa Planning Board Engineer & Three Crown had different conversations with different people in Paterson regarding requirements. Applicant wants to follow process and get preliminary approval then get to Paterson.

Drainage - Applicant originally had a trench drain, north of driveway - replace and make a double inlet along Preakness Avenue. Calculations were based on additional acreage of coverage But not a part of this application. The Applicant will pipe stormwater to Chatham Ave. in Paterson.

GeoTech Investigation – Reviewed records, D Soil, Emergency pipe system.

Full Soil Investigation performed and confirm D Soil – not infiltration – Therefore re-charge is not required. Solid pipe collects roof run-off cultic system – proposed underground system. Can just be used for detention. 1st Row is a separator row which goes to 2d level cleans TSS (Total Suspended Solids) More environmentally friendly. Operation & Manual for Maintenance gets submitted with construction plans.

This is a private system – Developer is responsible

Grading- Does not require Tract Buffer, it does not exist along Forest Ave.

Developer/Owner – worked on plans for 8 or 9 months before they submitted it.

Developer wanted to ensure it complies.

Monument Sign will be illuminated by shielded flood lights. There will be no wall mounted lights on the buildings.

Planning Board Engineer, Mike Cristaldi express concerns regarding the change to the use of stone in the drainage system, stating stone does not absorb water and volume gets larger because you are only working with voids in the stone. Mr. Cristaldi questioned if the proposed system can clean the stone? Details in plans shows a recharge chamber. Now is the time to address everything.

Ms. Triolo indicated that the Applicant will agree – If Totowa wants a solid chamber system, then the Applicant would switch it out to that system from the cultic system. This is an underground system and nothing will change on the site plan – i.e. location of buildings, # of parking spaces.

Planning Board Attorney Rich Briigliodoro indicated that a letter was received from Allan Burkhardt regarding Turning Radius Template. The applicant had not seen letter since it was dated June 27, 2019. Mr. Briigliodoro read the letter into the record and marked it as Exhibit B-7. After a discussion, the applicant indicated that they would work with him to provide a suitable plan.

Ms. Triolo indicated that the plans are compliant and will accept a condition that nothing will be constructed until final approval.

Vice Chairman Coiro expressed his concerns about the number of questions that the Planning Board Engineer had regarding the drainage system.

Commissioner Campilango had concerns over the turnaround for School Bus Drivers, Garbage trucks and emergency vehicles.

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

Robert Niemic -7 Hamilton Trail – concerns regarding emergency access – will have a gate or a chain. Human factor of the maintenance of stormwater system - Operations and Maintenance Manual. Mr. Niemic was also concerned about the future Phase 2.

Robert Sendowiz - 1 Hamilton Trail – concerns about length of time to construct the project and feels it is a detriment.

Neil DiDio - 62 Sterling Terrace – concerns regarding Buffer 50 ft., the Bldg. being 67 ft. away from property line, Garbage collection close to him

Ms. Osterkorn addressed Mr. Didio indicating he is at a higher elevation, that there is only 1 story above him and roof line. Also that the dumpster 10 feet lower than his property.

Mr. William Lydecker - 61 Sterling Terrace, his prior background is law enforcement and he has Public safety concerns - difficult for Fire Dept. to get to the site. Public safety concerns even with a sprinkler system.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to our August 8, 2019 at or about 8:00am

All In Favor 8-0

MINUTES:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Planning Board Minutes of June 13, 2019 as prepared.

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

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for University Health Realty/II, LLC – Blk. 147 – Lot 31 as presented.

Eight agreed on a roll call vote.....8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Ablar Associates, LLC – Blk. 172 – Lot 3 as presented.

Eight agreed on a roll call vote.....8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Living Social – Blk. 10.01 – Lot 2.01 as presented.

Eight agreed on a roll call vote.....8-0

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

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved