

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – AUGUST 8, 2019

Acting Chairman Campilango called the Planning Board meeting of Thursday, August 8, 2019 to order at 8:10 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

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

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 8th day of August 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

Three Crown Development 1 Otilio & 101 Forest	Block 9 - Lot 1 & 3 <i>(continued)</i>	Preliminary Major Site Plan <i>81 Unit Multi-Family Development with lot merger, Variances & related relief</i>
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Ms. Triolo, ESQ reviewed with the Board the contents of the Borough of Totowa Fire Marshall's report dated August 7, 2019 and introduced into evidence as Exhibit B-10. Ms. Triolo reviewed the letter with the Board. She stated that the emergency access road was not presented as a staging area nor was it intended to be a road, but it is strictly for access by emergency vehicles only. In addition, she referred to the Fire Marshall's letter wherein the Fire Marshall states "If access around Building 3 cannot be improved then the building should be shortened to lessen the access distance". Ms. Triolo stated the Applicant will not shorten the building.

Ms. Triolo next reviewed the July 31, 2019 report of the Board Engineer and introduced into evidence as Exhibit B-9. Ms. Triolo first addressed the issue of water, and she stated that the Borough of Totowa included this site as an affordable housing site in its Housing Element and Fair Share Plan which was adopted and approved by the Court. She stated the Borough did not request a durational adjustment during the time it was within the jurisdiction of the Court seeking a Final Judgment of Repose and Immunity. She also stated that the Board can condition approval of the sewer issues by the City of Paterson after having been granted preliminary major site plan approval by the Borough of Totowa and prior to the Applicant returning to the Totowa Borough Planning Board for final major site plan approval. Ms. Triolo also referenced Exhibit A-19 which is a 2016 Paterson Ordinance wherein the City of Paterson confirms that it may provide sewer services to areas outside of the City of Paterson by Resolution of the Municipal Council.

Ms. Triolo also indicated that the Applicant needs street opening permits for sewer and stormwater from the City of Paterson. Ms. Triolo once again reiterated that the Applicant will not file an application with the City of Paterson with a plan involving stormwater and sanitary sewer unless and until the Applicant receives preliminary major site plan approval from the Borough of Totowa Planning Board.

The next matter addressed was in regard to grading and stabilization of the 2:1 slope. The Applicant is proposing vegetation instead of a tiered wall. Ms. Triolo stated the tiered wall is not a mandatory condition or requirement of the Ordinance. She also stated that tiered or terraced walls cause maintenance issues and safety issues. Ms. Triolo also stated that vegetative stabilization of the steep slope with a wildflower mix is a suitable way to address the stabilization of the steep slope.

Testifying on behalf of the Applicant was Kiersten Osterkorn. She confirmed that as part of a June 3, 2019 submission from her office it also included a soil report prepared by Dynamic Engineering. She also reviewed with the Board the substance of a meeting that she attended with the Totowa Borough Construction Code Official, Totowa Borough Planning Board Engineer and Totowa Borough Fire Official. In regard to the access gate for the emergency road, she testified there would be a locked gate with a chain. She also reviewed the vegetative plantings for slope stabilization. She represented that it would be wildflower mix. She also indicated that vegetative stabilization would work better than a tiered wall. In regard to the 15 percent slope of the emergency drive, she stated that she evaluated other public roads in the Borough of Totowa some of which had a slope of between 12 percent and 16 percent. Therefore, she concluded that a 15 percent slope for an emergency access drive is supportable.

Ms. Osterkorn also stated that with respect to any discrepancy between the architectural renderings and the engineering plans as to grading, the engineering plans would control and the engineering plans would be what the grades would be based off of. With respect to access to the buildings, Ms. Osterkorn stated that the proposed accessway design is compliant with Residential Site Improvement Standards (RSIS). Ms. Osterkorn also testified that some Paterson residents have physical encroachments onto the Applicant's property consisting of fences, walls and shrubbery. Ms. Osterkorn stated that it is not the Applicant's intention to require the Paterson residents to remove the encroachments. She next addressed the height of the turnaround wall which is at 17 feet and is characterized as being required due to the topography of the site.

Ms. Osterkorn also addressed the relocation of the water line. She stated that the water line is relocated to the east side and only in the flag stem do they encroach into the setback. She also indicated that the Applicant would minimize tree removal in this area of the site. Furthermore, she represented that the access to the Borough water tank in this area of the site would not be behind anyone's house. As a result, she stated that the water line coming down from the stem is the farthest that they can go away from any neighbors. Hence, she opined as to the water line this is very conservative plan with respect to disturbance in the buffer area.

With respect to snow removal, the Applicant stipulated that they will consent to a condition if the area cannot hold the snow then the snow will not be put into any parking spaces and the Applicant would remove the snow from the site. The Applicant also confirmed that there were a total of 18 affordable housing units with a breakdown as follows: Building 1 will have five two-bedroom units and one three-bedroom unit; Building 2 will have five two-bedroom units and one three-bedroom unit; and Building 3 will have four two-bedroom units and two three-bedroom units.

The next witness to testify on behalf of the Applicant was Craig Eich, P.E., a licensed professional engineer in the State of New Jersey. Mr. Eich stated that he attended the meeting between the Applicant's representatives and the Board's professionals and Borough staff. Mr. Eich testified that he has participated in numerous development projects where a vegetative plan was utilized for slope stabilization. He stated that the steep slope stabilization is for slopes 2:1 and the vegetative mix is a wildflower mix. He also reviewed with the Board a photograph of the slope which he stated was in Mt. Arlington and is a 2:1 slope.

Mr. Eich testified that the photograph of the steep slope which is stabilized by vegetation was included as a submission to the Board as part of a July 24, 2019 letter from Kiersten Osterkorn. The next witness on behalf of the Applicant was James Woods, P.E., a licensed Professional Engineer in the State of New Jersey.

Mr. Woods testified that he attended the July 9, 2019 meeting with the Board professionals and Borough staff along with the Applicant’s professionals. He stated the Cultec drainage system was discussed and that the Borough of Totowa Construction Code Official was both familiar with and satisfied with the system.

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

All In Favor

Neil DiDio, 62 Sterling Terrace, addressed the Board and stated that the proposed buildings are too large. Mr. DiDio stated that if a fire occurred on the site, he was concerned about the response time for a fire truck to get to this site from the Borough of Totowa. In addition, he felt that access to the site by fire and emergency vehicles would be an issue. He characterized the issue as a public safety issue.

Robert Sendewicz, 1 Hamilton Trail, characterized the project as being an ugly project.

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

All In Favor

After a discussion, a motion was offered by Commissioner Campilango and seconded by Commissioner Ferraro to deny the preliminary major site plan approval, ancillary “c” variance relief, design waiver relief and lot merger as presented.

Eight Agreed on a Roll Call Vote8-0

ITEM #2

Laurel Grove Cemetery
295 Totowa Road

Block 119 - Lot 2
(*carried*)

Preliminary & Final Site Plan
Mausoleum

Mr. Anthony Fiorello, Attorney for the applicant and Mr. Lobosco, Superintendent, appeared requesting approval to construct a fourth mausoleum on this site. The Applicant conducts cemetery operations on a large 358.05-acre tract. Counsel for the Applicant further recited a history of approvals relative to mausoleums constructed on the site. Thus, the Applicant now proposes to construct a fourth mausoleum, which like the prior three mausoleums will be utilized to inter decedents.

Mr. Lobosco testified that the proposed new mausoleum structure will be located behind the current office building and will be set back significantly from Totowa Road. The mausoleum will contain 896 crypts and there will also be a chapel inside. The crypts will be built internal and external. Mr. Lobosco testified that the office building is utilized for administrative purposes and sales.

In the area directly behind the office building is a parking area. The Applicant proposes to construct the mausoleum behind that parking area. Mr. Lobosco testified that the hours of operation for the cemetery are 8 a.m. to 5 p.m. with expanded hours during the summertime to approximately 7 p.m. The Applicant also represented that there will be no significant impact regarding traffic with people visiting their interred loved ones primarily on weekends and holidays.

The proposed mausoleum building is approximately 5,751 square feet in area. The mausoleum is set back a distance of approximately 74 feet from property identified as Block 117, Lot 54 and located at 26 Dewey Avenue. The setback from the other corner of the building is approximately 95.8 feet from the property line of as property identified as Block 117, Lot 55 and located at 20-22 Dewey Avenue.

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

All agreed 8-0

Dimovska Sidorski who resides at 20-22 Dewey Avenue. Ms. Sidorski had questions regarding the building setback from her property. Ms. Sidorski also asked if the Applicant could add more landscaping to provide screening as well as to enhance the buffer between her property and the Applicant's property. Mr. Lobosco agreed to enhance the landscape buffer between the cemetery property and the adjoining property located at 20-22 Dewey Avenue.

Mr. Albert Lopez, a resident of 208 Dewey Avenue, addressed the Board. Mr. Lopez had a similar request to increase the vegetation and buffer in the area of his house. However, it was estimated that his house would be located a minimum of 500 feet to a maximum of 1,000 feet away from the proposed mausoleum. Mr. Lobosco stated it would not be feasible to add a fence or landscaping behind Mr. Lopez's house.

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

All agreed 8-0

A motion was offered by Commissioner Festa and seconded by Commissioner Murphy to approve the Preliminary & Final site 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 granting of this application is subject to and conditioned upon Hudson, Essex and Passaic Soil Conservation District approval, if required. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval, if required.
2. The granting of this application is subject to and conditioned upon the Applicant complying with any and all regulations of the Totowa Borough Board of Health with respect to entombment in the proposed new mausoleum.
3. The granting of this application is subject to and conditioned upon the Applicant adding more landscaping and more screening to improve the vegetative buffer between the Applicant's property and the residential property located at 20-22 Dewey Avenue, Totowa, New Jersey and identified as Block 117, Lot 55 on the tax assessment map of the Borough of Totowa. The nature and extent of the increase in landscaping shall be subject to the review and approval of the Board Engineer.
4. All terms and conditions of the Board's previous approvals, except as satisfied and not in conflict with this approval.

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

ITEM #3

CAI Hong Enterprises Inc.
60A-B Commerce Way

Block 92 - Lot 6

Minor Site Plan
Certificate of Use

Mr. Michael J. Sweeney, Esq. appeared requesting the approval for occupancy of approximately 13,823 sq. ft. of space to operate a books, magazines, and pamphlets, binding business operation. The anticipated hours of operation will be primarily Monday through Friday from 7:30 a.m. to 5:30 p.m. and there will be approximately 15 to 20 employees on-site during the first year of occupancy.

Mr. Hans He testified that he is the General Manager of Cai Hong Enterprises, Inc. Mr. He testified that the Applicant operates an existing facility in Wayne, New Jersey. Printing of materials will be done at the Wayne location. Upon delivery to the premises, the printed materials will first be cut to size.

The materials will then be mechanically folded into book or pamphlet form. The book/magazine/pamphlets will then be bound by one of two methods. One called saddle stitching consists of two or three staples along the spine of the book or pamphlet depending on its size. The other, called perfect binding, is for thick books and consists of the application of a thin layer of glue along the spine of the book/pamphlet before the cover is affixed thereto.

This latter process entails the heating up of a tray of glue (about one pound) before it is applied, but which quickly re-solidifies, insuring that there is no waste. Once the book/pamphlets have been bound, they are trimmed into the sizes and bundled into appropriate quantities to be shipped out to the Applicant's customers mainly throughout the New York/New Jersey metropolitan region. The Applicant regularly uses 16 to 18 foot trucks for its deliveries.

The premises will be minimally staffed during the early evening hours to accept any deliveries or printed materials to be bound. However, during its peak season which is primarily August through February, the Applicant will likely add evening shifts and perhaps weekend hours to meet its customers' needs. Mr. He represented that during the overnight hours there would be approximately 15 employees on-site. Mr. He also represented that the noise from the machines could not be heard outside the building. The Applicant will occupy approximately 13,823 square feet of space at this location. In regard to signage, the Applicant proposes a sign 12 inches by 45 inches which shall be located above the glass portion above the entrance door to the suite.

A motion was offered by Commissioner Festa and seconded by Commissioner Murphy to approve the minor site 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 construction of internal partitions, exits, entrances and fire safety devices are subject to and require the approval of the fire sub-code official, the fire inspector and the building inspector.
2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.

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

ITEM #4

Shivaya Rehabilitation Inc.
999 Riverview Drive

Block 166.04 - Lot 1

Minor Site Plan
Certificate of Use

Ms. Varsha Pohuja appeared requesting the approval for occupancy of approximately 400 sq. ft. of space to operate an outpatient physical therapy and occupational therapy facility at this location. Ms Pohuja testified as to the nature of the business indicating that there will be two employees. The anticipated hours of operation are Monday through Friday from 9:30 a.m. to 4:30 p.m.

Ms. Pohuja testified that all therapists are licensed and are CPR trained and certified. In regards to signage, the name of the company will be added to the building directory and one 3 inch by 10 inch suite numbered plaque will be placed on the wall adjacent to the suite door.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the minor site 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 construction of internal partitions, exits, entrances and fire safety devices are subject to and require the approval of the fire sub-code official, the fire inspector and the building inspector.

- 2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief in regards to all alarms and security devices.
- 3. There will be no outside storage of equipment or materials.

Eight agreed on a roll call vote8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Ferraro to approve the Planning Board Minutes of June 27, 2019 as prepared.

Eight agreed on a roll call vote8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Ferraro to approve the Planning Board Minutes of July 11, 2019 as prepared.

Seven agreed on a roll call vote7-0

Commissioner Murphy abstained.

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for SM Vintage & Other Things – Blk. 92 – Lot 6 as presented.

Four agreed on a roll call vote.....4-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for The Dance Academy of North Jersey – Blk. 30 – Lot 16 as presented.

Four agreed on a roll call vote.....4-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Laundry Unlimited – Blk. 11 – Lot 6.01 as presented.

Four agreed on a roll call vote.....4-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Cibo Vita – Blk. 158 – Lot 3 as presented.

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

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

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved