

BOROUGH OF TOTOWA PLANNING BOARD

PASSAIC COUNTY
NEW JERSEY



MINUTES – October 22, 2020

Chairman Hennion called the Planning Board meeting of Thursday, October 22, 2020 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

Due to COVID-19 and Executive Orders by Governor Murphy, this Planning Board Meeting is being held virtually via Zoom.

PRESENT:

Chairman Hennion	Commissioner Ferraro	Mayor Coiro	Commission Campilango
Commissioner Sabatino	Councilman D'Angelo	Commissioner Festa	Commissioner Niland
Richard Brigliadoro, ESQ	Tom Lemanowicz, PE	Darlene Green P.P	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 22nd day of October 2020 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

United Federated	Block 179 – Lot 2.02	Amended Site Plan
10 Gordon Drive	<i>(Request for adjournment until November 12, 2020)</i>	1 Story Addition

Planning Board Attorney, Rich Brigliadoro indicated that the attorney for the applicant requested that this matter be carried to our regular Planning Board meeting of November 12, 2020 without further notice.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to our regular Planning Board meeting of November 12, 2020 without further notice.

All in favor.....7-0

ITEM #2

University Health & Urgent Care	Block 147– Lot 31	Amended Site Plan
525 Union Blvd		Sign variance

Mr. Khaled J. Klele, Esq., appeared requesting the approval for “c” variance relief for sign approval. Applicant seeks approval for a building façade sign over the front entrance to the Urgent Care Center. The proposed façade sign is 25 square feet in area. The sign is 2 feet, 6 inches in height and 10 feet in length. The signage is light blue and green in color and will match existing signage on the site. Counsel for the Applicant represented that a 25 square foot sign represents only 6% of the front façade area. He also stated the Totowa Borough Code limits the size of a building façade sign to 15 square feet.

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

All in favor.....7-0

No public to be heard.

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

All in favor.....7-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the “c” variance relief for sign and amended 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 the Applicant complying with the sign Ordinances of the Borough of Totowa. Sign approval is hereby granted to permit the Applicant to install a building façade sign with a sign area of 25 square feet as indicated on the sign plan prepared by Marshall Signs, Inc. and submitted as part of the application package. The sign is permitted to be light blue and green in color in order to match existing signage on the site.
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.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to admit Councilman D’Angelo into the remainder of the meeting.

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

ITEM #3

NJDC – Assisted Living Facility
Minnisink Road

Block 154 – Lot 19.07

Amended Preliminary & Final
Site Plan Approval

Lisa A. John-Basta, Esq. of the Law Firm Chiesa, Shahinian and Giantomasi, P.C. appeared requesting an amended preliminary and final major site plan approval in order to permit the construction of an assisted living and skilled nursing facility with associated physical therapy measuring approximately 319,600 square feet. An assisted living residence is a conditionally permitted use within the MRRZ Zone and the development proposal satisfied all of the conditions.

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

1. Exhibit A-1 Aerial Overlay Exhibit dated March 13, 2019 and prepared by Dynamic Engineering.
2. Exhibit A-2 Colored Site Plan Rendering dated 2019.
3. Exhibit A-3 Colored Rendering of current proposal with landscaping superimposed and dated October 8, 2020.

Robert Freud, P.E., a licensed Professional Engineer in the State of New Jersey employed by Dynamic Engineering Consultants, P.C. Mr. Freud provided the Board with an overview of the proposed development. Mr. Freud testified that existing Lot 19.07 was created by virtue of a subdivision approval granted by the Borough of Totowa Planning Board on December 14, 2018, which approval was memorialized in a Resolution adopted by the Planning Board on January 10, 2019. He testified that Lot 19.07 is approximately 35 acres in area. Mr. Freud reviewed with the Board Exhibits A-1, A-2 and A-3. Mr. Freud represented that the assisted living residence will be comprised of approximately 117 assisted living units with up to 136 beds and approximately 108 skilled nursing units with up to 126 beds. He testified that there has been no change with respect to the number of beds and units from what the Board previously approved on March 14, 2019 and memorialized in a Resolution adopted by the Planning Board on April 11, 2019.

Mr. Freud testified that the Applicant had to redesign the project in order to relocate the building due to shallow bedrock which he stated is approximately 10-13 feet under the existing grade. Therefore, the site was redesigned in order to reduce the amount of rock removal. Mr. Freud confirmed that the building was shifted in a westerly direction such that the building will now be located approximately 30 to 35 feet farther away from the nearest residential properties on Minnisink Road.

Mr. Freud testified in regard to program changes at the facility. Mr. Freud represented that the adult day care use which was previously approved by the Planning Board has now been eliminated. Mr. Freud testified that by removing the adult day care component of the building, it resulted in significantly less basement excavation. Furthermore, as a result of the elimination of the adult day care use, drop-off parking spaces in connection with the adult day care use have now been eliminated.

The number of on-site parking spaces has been increased from 192 parking spaces to 193 parking spaces. The twelve (12) parking spaces adjacent to the greenway path remain unchanged. Further, the thirty-nine (39) banked parking spaces also remain unchanged. The twelve (12) parking spaces near the greenway path and the thirty-nine (39) banked parking spaces are conditions of the prior approval and they will remain as part of this application. The Applicant also eliminated four (4) drop-off spaces in the rear of the building.

Mr. Freud testified in regard to the impact that the elimination of the adult day care component of the building would have on the overall traffic for the project. Mr. Freud referenced a Dynamic Traffic Report dated July 29, 2020. Mr. Freud summarized the report and indicated that there would be an approximate 50% reduction in trip generation as a result of the elimination of the adult day care component. Mr. Freud testified that two court yards in the southeast and northeast corners of the building will remain while the court yards in the northwest and southwest corners of the building have been eliminated.

Mr. Freud testified that the two generator pads on the west side of the building are generally in the same location as was previously approved and they are tucked in close to the building. Mr. Freud represented that the relocation of the generator pads has resulted in more screening of them due to the building and the berm of the basin.

Mr. Freud also testified as a result of the amendments to the site plan, approximately 38,000 square feet of impervious surface has been eliminated. Mr. Freud also testified that there are two detention basins one in the rear and one in the front of the site. Mr. Freud stated that stormwater runoff from the roof of the building as well as the front parking lot would discharge to the front basin. He also represented that stormwater runoff from the rear parking lot would discharge to the rear basin.

The next witness to testify on behalf of the Applicant was Daniel Topping, a Registered Architect in the State of New Jersey. Mr. Topping testified that with the proposed improvements there has been no appreciable change to the building footprint. Mr. Topping also testified that the prior approval permitted a 328,000 +/- square foot building and this building will be approximately 319,600 square feet, thereby resulting in an approximately 9,000 square foot reduction. Mr. Topping also confirmed there has been no change with respect to the number of beds for the assisted living component which will remain at 136 beds and 126 beds for the skilled nursing facility for a total of 262 beds.

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

All in favor.....7-0

Terry Sabol, 132 Minnisink Road, Totowa, New Jersey. Mr. Sabol had questions in regard to site disturbance by blasting. It was explained to Mr. Sabol that blasting is regulated by the State of New Jersey and that the Applicant would be required to follow all protocols in connection with any blasting to occur on the site. There were no other members of the public present who expressed an interest in this application.

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

All in favor.....8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the "c" variance relief for sign and amended 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 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 October 16, 2020, and subject to modifications as testified to during the hearing process.
2. 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 Engineer's Review Report prepared by Richard Wostbrock, P.E., P.P., C.M.E. dated October 19, 2020 and subject to modifications as testified to during the hearing process.
3. The granting of this application is subject to and conditioned upon the Applicant complying with Section 3.3.3(1) of the Redevelopment Plan by providing 10% of the assisted living units being designated as affordable units and the affordable units shall be Deed restricted for a period of 30 years with appropriate provisions protecting the affordable housing units in a form satisfactory to the Borough and subject to the review and approval of the Borough's Affordable Housing Planner. The Applicant shall also comply with any licensing requirements of the State of New Jersey in order to obtain an assisted living facility license.
4. The granting of this application is subject to and conditioned upon Sycamore Assisted Living or its successor or affiliate entering into a contract with a private ambulance service and providing a copy of the contract or agreement to the Planning Board for inclusion in the Board's file.
5. The granting of this application is subject to and conditioned upon Sycamore Assisted Living or its successor or affiliate entering into a contract with a private ambulance service and providing a copy of the contract or agreement to the Planning Board for inclusion in the Board's file.
6. The granting of this application is subject to and conditioned upon the Applicant obtaining Hudson/Essex/Passaic Soil Conservation District approval, if required
7. The granting of this application is subject to and conditioned upon the Applicant obtaining New Jersey Department of Environmental Protection approval, if required.
8. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval. The granting of this application is subject to and conditioned upon the Applicant providing a turning template for the second loading area which shall be subject to the review and approval of the Board Engineer (# 8 of Board Engineer's Review Report).
9. The granting of this application is subject to and conditioned upon the Borough Fire Official's Review and approval of the fire apparatus turning template (#7 of the Board Engineer's Report).
10. 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.

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

ITEM #4

NJDC - Medical Office Building
Minnisink Road

Block 154 – Lot 19.07

Amended Preliminary & Final
Site Plan Approval

Lisa A. John-Basta, Esq. of the Law Firm Chiesa, Shahinian and Giantomasi, P.C. appeared requesting an amended preliminary and final major site plan approval with “c” variance relief in order to permit the construction of a 4-story medical office building.

Site improvements include off-street parking, pedestrian and vehicle circulation improvements, mechanical equipment pads, retaining walls and fences, landscaping, signage, lighting and a stormwater drainage basin.

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

1. Exhibit A-1 Rendering of Proposed Medical Office Building dated July 22, 2020
2. Exhibit A-2 Site Plan rendering showing prior plan dated July 12, 2018
3. Exhibit A-3 Proposed Site Plan rendering dated October 20, 2020.

Testifying on behalf of the Applicant was Arthur Michel, a Registered Architect in the State of New Jersey. Mr. Michel reviewed with the Planning Board Exhibit A-1, which is a rendering of the Proposed Medical Office Building. Mr. Michel testified that the building has a 31,250 square foot footprint. The building also contains approximately 125,000 square feet of useable area indoors which was previously approved. Mr. Michel stated there is no change to the building footprint as previously approved. The height of the building is 67.83 feet. Thus, the height of the building is less than the 70-foot maximum height permitted under the Redevelopment Plan. With respect to that portion of the Medical Office Building characterized as Building B, the Applicant added a separate entrance vestibule with a separate set of elevators.

Mr. Michel testified that the Applicant made some modifications to the basement of the building and thus, there is 133,320 square feet of useable area. Mr. Michel testified that there will be two (2) patios. The lower patio will have a food preparation area and a small café. This lower patio will allow natural light into the café area. The upper patio is designed such that the mechanicals have been located underneath the upper patio.

The Medical Office Building will contain a primary care/urgent care component, as well as small pharmacy which is approximately 1,000 square feet in area. There will be a 150 square foot area for customers or patients to utilize the pharmacy while they are in the building. Mr. Michel represented that there will be no marketing to the outside community in regard to the existence of the pharmacy. He stated that the purpose in having a pharmacy on-site is to facilitate the dispensing of pharmaceutical products to particular patients that are at the Medical Office Building. Mr. Michel also testified that the Applicant is proposing a platform for occupancy by an MRI vehicle. He stated that the Applicant expects the MRI vehicle to be located on the platform on a very infrequent basis. He also testified that there is a parapet wall around it constructed of a stone material that ties it into the building. Mr. Michel testified that most of the time that area will be vacant.

Mr. Michel confirmed that the Medical Office Building is now fully leased. Mr. Michel also confirmed that the useable space in the basement in Building B has been increased to approximately 8,000 more square feet in area. He stated this area of the basement is now being used for clinical purposes.

In regard to a question regarding what appeared to be windows at the basement level of that portion of the building facing Vreeland Avenue, Mr. Michel testified that is for ventilation purposes for the parking garage which remains consistent with what was previously approved by the Board.

Mr. Michel further clarified the purpose of the MRI pad. He stated it is not contemplated to be used on a regular basis, but rather it will be used sparingly. He indicated that it would be used when an MRI machine would become necessary, or for example, if there were a blood drive a mobile vehicle could also occupy the space. In addition, a backup MRI unit could be located there in the event the primary MRI unit were out of service.

The next witness to testify on behalf of the Applicant was Robert Freud, P.E., P.P. Mr. Freud reviewed Exhibit A-2 which is a Site Plan Rendering from July 12, 2018. Mr. Freud testified that the major elements of the site plan previously approved by the Planning Board have not changed. More specifically, he stated the building footprint has not changed and the building location remains unchanged. He also stated that the site plan had to be modified to accommodate the needs of the tenant.

Mr. Freud reviewed Exhibit A-3 which is the Proposed Site Plan Rendering dated October 20, 2020. Mr. Freud stated that the Applicant is adding a Cancer Center to the building. The Applicant is also proposing a canopy in order to provide a covered drop-off area for the Cancer Center.

Mr. Freud testified in regard to the sufficiency of on-site parking. The Applicant was previously approved for 520 parking spaces. The Applicant has now added 61 additional parking spaces for a total of 581 parking spaces. Mr. Freud also testified that the parking demand is driven by the particular use and not by a parking formula or a parking calculation. Mr. Freud explained where the 61 parking spaces would be located. He stated they added parking and handicapped parking spaces in the parking field by the Cancer Center and to the north end of the parking lot another row of parking was added.

Mr. Freud testified that the Applicant has received from the New Jersey Department of Environmental Protection a Wetland Averaging Plan Permit. Mr. Freud testified that the proposed site improvements resulted in impervious surface coverage increasing by about 15,000 square feet. However, he stated that the access points all remain the same and the internal circulation is approximately the same as it was previously approved.

Mr. Freud testified in regard to the proposed installation of stabilized grass pavers within the 50-foot Vreeland Avenue improvement setback. Mr. Freud testified that the installation of the grass pavers was necessary to enable both equipment and machinery to gain access to the maintenance facilities relative to the stormwater improvements made on-site. Furthermore, access to this area may become necessary in order to facilitate MRI equipment being brought into the building.

Mr. Freud testified that there would be virtually no line of sight from Minnisink Road to the MRI platform. Mr. Freud testified that under the platform would be two (2) compactors, one (1) for garbage and one (1) for recycling. He stated that the use of compactors would result in less frequent removal of refuse and recycling.

Mr. Freud also testified that the Applicant is proposing electrical switch gear backup generators with fuel. The generators will be located within the screened in maintenance area.

Mr. Freud testified regarding the view from Vreeland Avenue looking towards the equipment area. He stated one would see low vegetation trees and a double row of evergreens. There would also be a screened wall 9 feet high which consists of a 3-foot high wall and a 6-foot high fence which would have the effect of screening everything behind the wall and fence.

The Applicant proposes two (2) dumpsters and two (2) trash compactors which does not conform to the Redevelopment Plan requirements. The Applicant previously received relief from the Redevelopment Plan to permit two (2) trash containers in 2018. The two (2) compactors exacerbate the degree of the deviation, thus requiring variance relief.

Mr. Freud testified in regard to the need for emergency generators in the event of a disruption in power. Mr. Freud also testified that the additional parking spaces created additional impervious surface. The additional impervious coverage can be collected by inlets in the parking area and will be discharged to the basin in the front of the site.

Mr. Freud testified that the request for 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. Freud testified that an application with the New Jersey Department of Transportation (NJDOT) is currently pending in regard to the proposal to install a traffic light at the intersection of Vreeland Avenue and Minnisink Road, to install turning channels at this intersection and to widen the road at this intersection. Mr. Freud also testified that Passaic County is also currently reviewing this matter in addition to the NJDOT.

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

All in favor.....8-0

Terry Sabol, 132 Minnisink Road, Totowa, New Jersey. Mr. Sabol had questions regarding the parking layout but they were answered during the Applicant's presentation.

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

All in favor.....8-0

Mr. Freud testified that in regard to the Alaimo Engineering Report, that the Applicant will comply with all terms and conditions set forth in the report with the exception of Item 16c) and 16e).

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the "c" variance relief regarding enclosure of the solid waste, recycling receptacles and compactors, height of the rooftop mechanical equipment and stabilized grass paver maintenance area within the 50-foot Vreeland Ave. improvement setback and preliminary and 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 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 October 7, 2020.
2. 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 Engineer's Review Report prepared by Richard Westbrook, P.E., C.M.E., Richard A. Alaimo Engineering Associates, Engineer dated October 7, 2020 with the exception of Item # 16(c) and 16(e).
3. The granting of this application is subject to and conditioned upon the Vreeland Avenue driveway being utilized for ingress to the site and for a right turn only upon exiting the driveway onto Vreeland Avenue. Vehicles exiting the site are prohibited from making a left turn onto Vreeland Avenue, and vehicles exiting the site are also prohibited from proceeding straight across the road in order to access Route 80 via the Route 80 westbound entrance ramp off of Vreeland Avenue. The restrictions shall remain in effect as long as the Vreeland Avenue driveway remains unsignalized.

4. The granting of this application is subject to and conditioned upon the Applicant obtaining Hudson/Essex/Passaic Soil Conservation District approval, if required.
5. The granting of this application is subject to and conditioned upon the New Jersey Department of Environmental Protection approval, if required.
6. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval, if required.
7. The granting of this application is subject to and conditioned upon New Jersey Department of Transportation approval, if required.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Planning Board Minutes of October 8, 2020 as prepared.

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

RESOLUTION:

A motion was offered by Commissioner Campilango and seconded by Commissioner Sabatino to approve the resolution for Fitness Superstore – Blk. 173 – Lot 33 as presented.

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

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

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved