

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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TOTOWA BOARD OF ADJUSTMENT MINUTES OF SEPTEMBER 8, 2021

The September 8, 2021, regular meeting of the Borough of Totowa Board of Adjustment was held via zoom. Chairman Fierro called the meeting to order at 7:02 p.m.; followed by the Flag Salute. Attorney Corrado read the Open Public Meetings Act and the Remote Meeting Protocol.

A motion to accept the minutes of the August 11, 2021, meeting was made by Commissioner Mancini and seconded by Commissioner Nash. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Present-Chairman Fierro, Vice Chairman Krautheim, Commissioners Bavazanno, Patten, Mancini, Nash & Carr, Attorney Corrado, Engineer Cristald, Planner Green, & Alternate Henry. Absent-Alternate Masi.

1ST CASE: RICHARD & SALVATORE IUSO, 6 FURLER STREET

Attorney Corrado reads a letter from the Applicants Attorney, Fiorella to request to carry this application to the October 13, 2021, meeting. Attorney Corrado states that the notifications to the neighbors are all in accordance and asks the Board if they would like to carry it to the October 13, 2021, meeting.

A motion was made by Commissioner Patten to carry this application to the October 13, 2021, meeting and was seconded by Vice Chairman Krautheim, a vote was taken and passed 7-0 to carry.

2ND CASE: 10 CLIFTON ASSOCIATES LLC, BLOCK 169, LOT 6

Lisa John-Basta is representing the applicant and is seeking preliminary and final site approval. This is a fully developed site and is in connection with the property located at 930 Riverview Drive. This site is currently fully developed with multi tentative building. They are seeking to re-stripe the existing parking spaces to provide 250 employee parking spaces as well as 10 trailer parking spaces for the Hello Fresh operation located at 8 Vreeland Drive in Totowa. The applicant is also seeking a use variance because the principal business is not located on the same lot as 930 Riverview Drive.

Zachary Chaplin, Civil Engineer, was sworn in by Attorney Corrado. His business is located at 92 Park Avenue in Rutherford New Jersey and considered an expert in his field by the Board. The existing condition on site is approximately 16.3 acres, site is almost completely developed with minimal landscaping, tenants as of today include a self-storage facility, warehouses, office space, and emergence church. The site is in the I-3 restricted industrial district. There is no retail on this space, and none is being requested. The church

did also require a use variance to operate on this property. The tenants on site, Freihofers, is a month-to-month lease with some larger vehicles-that lease will be terminated if this site plan were to be approved and the meals on wheels also has some larger vehicles operated by the Passaic County and would not require a site plan approval or do they conflict with the proposed application. On the corner of Taft and Madison, there are some vehicles shown on google earth-there is nothing there today. Ms. Batista states the was a temporary use for PSE&G that is no longer used today. The self-storage has some oversized vehicles and there will be a separate application for that. Mr. Chaplin shows Sheet C3, which is broken down into Areas A-C, which are in the rear and D & E are in the middle of the property. There is a shuttle that will bring employees to and from the parking area to Hello Fresh and will operate from 5 A.M to 8:30 A.M. and 5 P.M. to 8:30 P.M. seven days a week, which would be 12 total trips or 6 in each direction. The shuttle will hold about 20-25 workers and will operate in 10-minute intervals. There will be 250 designated parking spaces for Hello Fresh employees and 10 spaces for trailers. Exhibit A-1 is Hello Fresh vehicle movement exhibit 1 of 1 and show the route of the shuttle and trailers to and from 930 Riverview Drive to 8 Vreeland Drive. The route would be Vreeland to Minnisink to Riverview Drive to West End Road to Taft and reversed to go back. There are 1023 parking spaced being proposed along with 10 trailer spaces. There were 833 existing parking spaces on the lot. There is a breakdown of each area and the required and proposed spaces on the plans. The applicant has lease agreements with all the tenants, and they have accepted all the parking spaces given. The applicant is proposing new LED lighting re-utilizing the light poles that exist today. There is a waiver needed for some areas and the applicant will supply some wall mounted lights to improve security lighting. The landscaping issue is there are 64 new shade trees being removed, 42 which are 6" in diameter or less. The applicant is proposing 42 new shade tress which meets the replacement ordinance requirements. The storm water management, the applicant is adding a bunch of porous pavements to meet the new storm water requirements for the NJDEP.

Mr. Chaplin review Mr. Cristaldi's letter, which was dated August 12, 2021, and Ms. Green's letter dated September 8, 2021. The applicant is proposing a retaining wall and will work with the neighbor to provide whatever is needed. Commissioner Nash brings up the old Thomas English muffing building is now a COVID testing and vaccination and backs up to Union Blvd. Mr. Chaplin states he is not aware of this. Commissioner Nash also states there are job fares on Sundays with hundreds of cars there and is not sure if this is part of the county. Ms. Batista states the condo association will have to address that with the County if this application is approved. Commissioner Carr asked if this is a 24/7 operation. Mr. Chaplin responds that it is, but the shuttle will only be running from the times stated earlier. Chairman Fierro asks if the route from Vreeland to Building will have any revisions and if so, they would have to come back in front of the Board for approval and where are they coming from now. Mr. Chaplin agrees that they would have to come back in front of the Board if the route changes from what is being proposed this evening and right now the employees are being shuttled from Willowbrook mall to Vreeland. Vice Chairman Krautheim would like to know who will be enforcing the route. Ms. Batista states that Hello Fresh will enforce the route or the public can report if they see anything different. Mr. Kruatheim would also like to know how often the shuttle will run. Mr. Chaplin states the shuttle will run every 10 minutes form 5 A.M. to 8:30 A.M. and 5 P.M. to 8:30 P.M. Hello Fresh will inform employees where they will park and the employees that park at the Vreeland site will have permit passes. Hello Fresh will also manage when the trailers are waiting at Riverview Drive location and coming to Vreeland Drive. Commissioner Nash goes to work near this location everyday around 4:30 A.M. and there are 50-60 people waiting to go to work so this seems like a good remedy. Commissioner Patten would like to know if this will be a private bus or NJ transit and where will they be stored. Mr. Chaplin states they will be using a separate company and they will store the shuttles are their facility.

Planner Green review testimony about the shuttles running morning and night 5 or 7 days a week. Mr. Chaplin states it will run 7 days a week. Ms. Green states they are no wayfinding signage permitted and Mr. Chaplin states he will remove that, and lets the Board know that all parking spaces for Hello Fresh employees will be clearly marked with a HF stamp on the asphalt of each spot. Ms. Green states her concerns about lighting and the lack of it. Mr. Chaplin will be adding .3 footcandles to meet the minimum requirements and will increase lighting for all the handicap spaces. There will be no ADT vehicles parked overnight. The ten trailer spaces will only be temporary and not parked overnight. Engineer Cristaldi asked if more than one use with a total of 100 spaces, do you expect that there would be some point where they all overlap at the same time-that is a lot of vehicles on this site. Mr. Chaplin states that is the purpose of the plan set to show the allocation of the different tenants and the lease agreements. The shuttles are running on intervals and that will spread the amount of people coming and going at the same time. Vice Chairman Krautheim would like to know how many parking spaces are earmarked for Hello Fresh and do they anticipate using them all. There are 250 spaces for Hello Fresh and they do not anticipate using them all. The following exhibits are marked and put into evidence. Exhibit A-1, Vehicle movement, A-2, the Cover sheet, A-3, the Overall site plan, A-4, the Parking plan, A-5, the Lighting plan, A-6, the Landscaping plan, and A-7, the Vehicle movement shuttle bus.

Kennan Hughes, Planner, was sworn in by Attorney Corrado. Mr. Hughes business is located at 33 Newark Street, Hoboken New Jersey and is considered an expert in his field by the Board. The site is in the I-3 zone and parking is not a permitted principal use. This location is suited because the location is less than a half mile from Hello Fresh property, the location is within an established industrial district that permits manufacturing and similar uses, the property size is five times the minimum lot size in the I-3 zone, it has underutilized parking space, and the parking is buffered from the residential view which is roughly over 1000 feet from residents across Riverview Drive. There are several purposes of municipal land use law will advance purposes AGH&I and general welfare for parking need with no detriment to residents, will keep Hello Fresh in town, resolve improved traffic circulation, and eliminate any potential overflow of trailers and parking at Hello Fresh and the site improvement improving the new landscaping, lighting, storm water management. The negative criteria are they will impair the master plan and there is no impact to the surrounding residents and roadway network, minimum impervious coverage.

At this time the meeting is open to the public.

Denisse Angulo, 947 Riverview Drive, has been a resident for 16 years and states the traffic is an issue and there will be more accidents. Ms. Angulo would like to know if an environmental impact statement has been prepared. Ms. Batista states there is not one available and was not on the check list for the municipality. Per the national policy, a EIS should be completed by a third-party consultant because the area to be disturbed is over an acre in size and is necessary and should be completed and should be available for review by the zoning board members as well as the public. What is the increase in traffic, whether or not the trucks will be re-routed, or employee buses be re-routed what is the guarantee and the effect as well, what is the effect of flooding and run off, what is the increase in light pollution and potential crime and security for residents? Ms. Batista states there was already testimony given that Hello Fresh will supply maps to employees and truck operators to where they should park, and all would be coordinated by Hello Fresh. Mr. Chaplin states there is no real increase in traffic-the trips are already on the road and is increasing parking just to direct employees from Hello Fresh to park on there site instead of Willowbrook Mall. The storm water management report meets all the DPD requirements. The environmental impact is not required but if requested there wouldn't be much in the report because there is not much changing there is no increase in traffic, and they are not changing anything to the building just the lighting. Planner Green does not feel the need for this type of report.

Debra D'Agostino, 70 Vreeland Ave, was sworn in by Attorney Corrado. Ms. D'Agostino sent a letter and email to the Mayor & Council and Mr. Cristaldi. Ms. D'Agostino states she was blocked for the initial Hello Fresh meeting last November. Some of Ms. D'Agostino's concerns are Hello Fresh has 400 employees, which should have come in front of the Board of Adjustments and not the Planning Board. The property needs enough parking spaces to accommodate the workers on the property. The initial meeting the Attorney states the 400 employees will be accommodated for the parking and they never had approvals. Ms. D'Agostino states Hello Fresh has multiple violations that have not been addresses, the staff being dropped off, eating lunch, smoking cigarettes. This application should not be in front of the Board due to violations or approvals for shuttle buses. The guard in the guardhouse is not doing his job. There are more than two trucks at a time making deliveries. The employees are walking all through the night in the streets, which is not safe. Ms. Batista appreciates the comments about trucks running and insufficient parking but Ms. D'Agostino should be addressing the issues pertaining to the expert's testimony. Chairman Fierro understands and sympathizes with her concerns and will not deny her the opportunity to speak but does this application address some of her concerns. Ms. D'Agostino does not feel these addresses any of her issues, nothing will change, Hello Fresh will not follow through and it is still unsafe for employees to be walking at night with no sidewalks. Chairman Fierro expresses if we do not entertain this application then nothing will change and the issues will remain, we are trying to divert this away from Ms. D'Agostino's property. Commissioner Mancini states that Ms. D'Agostino is all over the map with her comments. Ms. D'Agostino is addressing Hello Fresh and all the violations and why they should not be in front of the Board. Attorney Corrado explains the application was filled properly and paid the necessary fees, it related to a piece of property in the industrial complex, the application complied with the state law and the Board has jurisdiction to handle the application. The Board has been extremely liberal with Ms. D'Agostino to be allowed to testify as to areas, but your testimony needs to be addressed to the professional that have testified, if you have questions of their professionals, you should ask those questions, that is the purpose of the public hearing. Ms. D'Agostino is concerned about Hello Fresh's end of this application. Attorney Corrado states the Board had indicated that the condition of there approval they are going to make the applicant comply with the route which has been entered into evidence. Ms. D'Agostino reminds the Board about Commissioner Nash's testimony to trucks and people on the road at 4:30 A.M. is not where the shuttle will run, so the traffic is still there. She feels that if employees have to get to and from their cards this is a convenient area for them to be able to walk which is unsafe. Ms. Batista states the intention is that employees will use the shuttle, not walk which was testified by both professionals. Ms. D'Agostino feels is will not be enforced and will remain an issue. Vice Chairman Krautheim would like to know what the shift hours are. The hours are 7 A.M. to 5 P.M. and 7 P.M. to 5 A.M. Vice Chairman Krautheim would like to know if the applicant would consider security for the parking area and maybe they could be used to transport employees back and forth to their cars if needed when shuttles are not running. Ms. Batista states they applicant will consider the suggestion.

At this time the public portion of the meeting is closed.

Ms. Batista reviews the application.

A motion was made by Commissioner Patten to approve with the condition to adhere to the route that was testified this evening and incorporates that conditions and pre-existing condition of previous approvals for this application by this Board. The motion was seconded by Commissioner Mancini. Application passed 7-0.

RESOLUTION TO MEMORIALIZE:

1ST CASE: DANIEL & ANGELA ALCALA, 3 ROOSEVELT AVE.

Application was approved to construct an addition to a single-family home in the R-7 zone increasing non-conforming front, side, and rear yard setbacks and requesting any and all other variances.

A motion was made by Commissioner Carr and seconded by Vice Chairman Krautheim.

A motion to adjourn the meeting was made by Commissioner Bavazanno and seconded by Commissioner Patten @ 9:06 P.M.

Respectfully submitted,
Pam Steinhilber, Secretary