

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – MARCH 14, 2019

Chairman Hennion called the Planning Board meeting of Thursday, March 14, 2019 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Councilman D'Angelo	Commissioner Sabatino	Commissioner Campilango	Commissioner Zarek
Commissioner Niland	Commissioner Ferraro	Chairman Hennion	Commissioner Festa
Vice Chairman Coiro	Mike Cristaldi, 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 14th day of March 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

Totowa Pizza & Restaurant 333 Totowa Road	Block 113 - Lot 7	Minor Site Plan Certificate of Use
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Yannet Chocolatl appeared requesting the approval for occupancy of approximately 1,000 sq. ft of space to continue the operation of the existing Italian restaurant and to operate a pizza restaurant at this location.

Chairman Hennion read a letter of intent into the record. The anticipated hours of operation will be Sunday through Saturday from 10:00 am to 10:00 pm. There will be three employees. The restaurant will specialize in Italian food such as pizza, pasta, salads, and soft drinks.

Ms. Chocolatl testified as to the nature of the business and indicated that there are nine onsite parking spaces in the parking lot. In regards to the sign, they will place a new sign in the existing sign box to reflect the name of the new business.

A motion was offered by Commissioner Campilango and seconded by Commissioner Ferraro 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.
4. The applicant will comply with the Totowa Sign Ordinance.
5. The applicant will obtain and maintain all necessary State & Local licensing that is required.

Nine agreed to a roll call vote... 9-0

ITEM #2

Catholic Church of St. John
The Baptist
319 Cumberland Avenue

Block 12- Lot 1

Minor Sub-division

Mr. Gregory J. Castano, Jr. Esq. appeared requesting approval for a minor subdivision to create two new conforming lots. Proposed Lot 1.01 will consist of approximately 13.353 acres and Proposed Lot 1.02 will consist of approximately 10.312 acres.

Rev. Msgr Eugene R. Sylva, Vicar for Special Projects and Joseph F. Barbieri Jr. Licensed planner and surveyor provided testimony. The minor sub-division will separate the orphanage from the cemetery.

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

All in Favor 9-0

John Kuiken of 77 Shepherds Lane expressed his concerns regarding traffic and parking as well as drainage.

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

All in Favor 9-0

After a discussion, a motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the preliminary and final site plan and Resolution as presented. This approval is subject to and contingent upon the following conditions and is memorialized in the Resolution presented:

1. The approval is subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Totowa, County of Passaic, State of New Jersey or any other agency or entity have jurisdiction.

Nine agreed to a roll call vote... 9-0

ITEM #3

Bethwood Catering, LLC
38 Lackawanna Ave

Block 131 - Lot 1

Preliminary & Final
Add Ceremony Garden

Henry C. Walentowicz, Esq. of the Law Firm Celentano, Stadtmauer and Walentowicz, LLP., appeared requesting a preliminary and final site plan approval for landscape and related improvements. The Applicant currently operates a banquet facility at this location. The Applicant is proposing various landscape and patio improvements to improve the aesthetics of the site.

Mr. Adnan Khan, P.E., CME, a licensed Professional Engineer and Certified Municipal Engineer in the State of New Jersey testified that the Applicant is proposing to remove an existing pond and wooden bridge in the vicinity of the site adjacent to Lackawanna Avenue. In addition, an existing walk-in gazebo is to be removed in this area. Thereafter, the Applicant proposes to install a raised patio with pavers and to install a gazebo along with proposed water features. Mr. Khan testified in regard to storm water management on the site. Mr. Khan confirmed that he will be adding drywells relative to the front patio area. The Applicant also proposes to relocate a wood shed so that it conforms to the setback requirements. In addition, the Applicant proposes to remove another pond and wood bridge as well as an existing walk-in gazebo. The Applicant also proposes to install a pool, a 4-foot wide walking path around a lawn area to be installed along with a sitting area in the rear patio area. The Applicant stipulated that if the Board Engineer requires drywells to be installed in regard to the rear patio area, the Applicant would comply with that request. Thus, the Applicant is proposing in effect two patio areas each of which will be approximately 800 sq. ft. or more.

Mr. Arkadiusz Baginski is one of the members of Bethwood Catering, LLC. He testified in regard to the proposed improvements. Mr. Baginski stated that the proposed improvements were not designed to accommodate separate events, but rather they would be used for photo opportunities and wedding and other ceremonies for patrons attending an event at the Bethwood. Mr. Baginski also stipulated that the Applicant would not permit music to be played in regard to the rear patio area.

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

All In Favor 9-0

NO MEMBERS OF THE PUBLIC

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

All In Favor 9-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the 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 applicant stipulated that there would be no music played in the outdoor rear patio area.
2. The Applicant will install drywells for storm water management relative to the front patio and to install drywells in the rear patio area if required to do so by the Board Engineer. The installation of any dry wells shall be subject to the review and approval of the Board Engineer.
3. The applicant will comply with all terms and conditions set forth in the Review Report of Michael Cristaldi, P.E., P.P. of Richard A. Alaimo Engineering Associates dated March 14, 2019, and as testified to during the hearing process.
4. All terms and conditions of the Board’s previous Resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.

Nine agreed to a roll call vote... 9-0

ITEM #4

NJDC	Block 154 - Lot 19.03	Preliminary & Final
Minnisink Road		Assisted Living

Lisa A. John-Basta, Esq. of the Law Firm Chiesa, Shahinian and Giantomasi, P.C., appeared seeking preliminary & final major site plan approval with a “c” variance for approval in order to construct a 3-story assisted living residence measuring approximately 328,300 square feet in total floor area on a portion of the property. An assisted living residence is a conditionally permitted use within the MRRZ Zone and the development proposal satisfied all of the conditions within the Redevelopment Plan for such use. The assisted living residence will be comprised of approximately 117 assisted living units, approximately 108 skilled nursing units and related amenities as well as accessory uses including physical therapy services and an adult day care. The Applicant also requests variance relief relative to the construction of a retaining wall at a maximum height of 16 feet, whereas the Redevelopment Plan permits a maximum wall height of 4 feet in any front yard and 6 feet in any side or rear yard. Further, the Applicant requests “c” variance relief to not enclose a proposed trash compactor, whereas the Redevelopment Plan requires a masonry enclosure on three (3) sides.

Submitted in support of the application were the following documents:

1. Plans entitled “Preliminary and Final Site Plan for NJDC Urban Renewal, LLC Proposed Sycamore Rehabilitation & Assisted Living at Totowa”, prepared by Robert P. Freud, P.E. of Dynamic Engineering, P.C., dated August 29, 2018, revised through February 27, 2019, consisting of 16 sheets.

2. Plans entitled "Preliminary and final Site Plan Submission", prepared by NK Architects, dated February 28, 2019, consisting of 8 sheets.
3. Planning Board Application, no date.
4. Traffic Impact Study, prepared by Joseph J. Staigar, P.E., P.P. and Nick Verderese, P.E., dated November 9, 2018, revised through February 27, 2019.
5. Stormwater Management, Groundwater Recharge and Water Quality Analysis, prepared by Robert P. Freud, P.E., P.P. of Dynamic Engineering, dated August 2018.
6. Letter entitled "NJDC Urban Renewal, LLC, Application for Preliminary and Final Site Plan Approval", prepared by Lisa A. John-Basta of Chiesa, Shahinian & Giantomasi, PC, dated February 28, 2019, consisting of 3 pages.
7. Letter entitled "NJDC Urban Renewal, LLC Proposed Sycamore Rehabilitation & Assisted Living at Totowa", prepared by Robert P. Freud, P.E., P.P. and Jackie L. Giordano, P.E. of Dynamic Engineering, P.C., dated February 28, 2019, consisting of 3 pages.

The Board also considered the following reports:

- A. Report of the Board Planner, Darlene A. Green, P.P., AICP, Maser Consulting, P.A. dated March 13, 2019
- B. Report from Michael Cristaldi, P.E., P.P., C.M.E., Richard A. Alaimo Engineering Associates, dated March 11, 2019, last revised March 12, 2019.

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

1. Exhibit A-1 Aerial Exhibit;
2. Exhibit A-2 Aerial Overlay Exhibit
3. Exhibit A-3 Site Plan Rendering
4. Exhibit A-4 A0.40 Ground Level Plan
5. Exhibit A-5 AO.41 1st Level Plan
6. Exhibit A-6 AO.42 2nd Level Plan
7. Exhibit A-7 AO.44 Roof Plan
8. Exhibit A-8 A-7 Sight Study
9. A-9 A3.01 (colorized) Exterior Elevations

Mr. Richard Molfetta, Chief Operating Officer for Sycamore Assisted Living. Mr. Molfetta testified that the Applicant is proposing a 108-unit skilled nursing component for this facility along with a 117 unit assisted living component. He testified that the operation will be 24 hours per day, 7 days per week. Furthermore, Mr. Molfetta testified that Sycamore is licensed for a 126 bed skilled nursing component and a 136 bed assisted living component. Mr. Molfetta testified that skilled nursing is broken up into two categories, long-term care and short-term care. He characterized long-term care as essentially being for the remainder of a person's life and short-term care as being more rehabilitative in nature. Mr. Molfetta represented that the skilled nursing component will have approximately 35 employees per shift while the assisted living component would have approximately 20 employees per shift. He also stated that there will be 3 shifts and the hours of each shift are 7:00 a.m. to 3:00 p.m.; 3:00 p.m. to 11:00 p.m.; and 11:00 p.m. to 7:00 a.m.

Mr. Molfetta also testified that the Applicant will provide an adult day care service. The adult day care service will be Monday through Friday with two shifts. The first shift will be 7:00 a.m. to 12 p.m. and the second shift will be 1:00 p.m. to 6:00 p.m. Mr. Molfetta further stated that Sycamore is licensed by the Department of Community Affairs for a maximum of 200 adults per shift. Mr. Molfetta testified that Sycamore will provide a passenger van which can accommodate approximately 15 people. The passenger van will pick-up the patients and bring them to the facility and return each patient to their point of origin at the end of the shift. The medical adult day care will have approximately 27 employees. Physical therapy will be available 7 days per week.

The hours of operation for physical therapy will be 8:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday and Sunday. There will be approximately 8 employees per shift relative to physical therapy. Mr. Molfetta stated that most patients attending physical therapy will be from the facility and approximately 8% of the patients seeking physical therapy will have already been discharged.

Mr. Molfetta testified in regard to deliveries to the site. He stated that food service would occur 3 times per week by box trucks and deliveries will occur primarily between 8:00 a.m. and 9:00 a.m. Medical supplies will also be delivered via box trucks and would occur approximately once per week. Further, medication is typically delivered once per day.

Mr. Molfetta also stated that Sycamore would retain a private ambulance service, but that in the event of an emergency, the facility would call 911 for emergency help. Mr. Molfetta represented that the visiting hours for the facility are essentially 9:00 a.m. to 8:00 p.m. He confirmed that the doors would lock at 8:00 p.m. Mr. Molfetta also provided an overview of the outdoor courtyards and walking paths to be installed around the building.

Mr. Robert Freud, P.E., a licensed professional engineer in the State of New Jersey provided the Board with an overview of the proposed development. Mr. Freud testified that the Applicant is proposing a three-story building. The main entrance to the building is off of Roadway B. The building height is at 42.15 feet which conforms to the maximum building height in the MRRZ Zone wherein the maximum height is 50 feet. Mr. Freud oriented the Board to ingress to the site. He stated that the entrance to the building is via a circular drop-off off of Roadway B. There are four parking spaces in that area. He identified a parking field which includes sixteen handicap parking spaces. In addition, Mr. Freud identified another parking field for employee parking. In the rear of the building, there are additional parking spaces of which twelve parking spaces are reserved for individuals who want to park and utilize the walking path. Thus, there is a total of 196 parking spaces which does not include the 12 walking trail spaces and 5 drop-off spaces. Mr. Freud testified that pursuant to Residential Site Improvement Standards and the Institute for Transportation Engineer's Standards, this type of facility requires .5 parking spaces per bed. As a result, the Applicant is required to provide 166 parking spaces and the Applicant is providing 196 parking spaces. Furthermore, Mr. Freud identified an area for banked parking which consists of 39 parking spaces located off of Road B. Mr. Freud represented that these 39 banked future parking spaces are not included within the 196 parking space count. Mr. Freud testified in regard to a scenario where additional parking spaces are required such as on holidays or weekends, whereupon employees will be permitted to park by the medical office building across from Road A thereby freeing up parking spaces for visitors to the assisted living facility.

Next, Mr. Freud testified that the Applicant requires variance relief relative to the trash compactor not being enclosed as required under the Redevelopment Plan. Mr. Freud testified that the trash compactor is loaded from inside the building. Furthermore, due to its location on the site and the topography of the site, the trash compactor would not be seen by the public.

Mr. Freud next testified in regard to the request for variance relief for the retaining walls located along the rear of the property along the stream. The retaining walls were approximately 16 feet in height in the rear yard facing the stream. The public benefit is that the height of the retaining walls enables the Applicant to provide a walking path which is more level. Mr. Freud also stated that the topography of the site requires the Applicant to provide retaining walls that exceed the Ordinance requirements.

Mr. Freud also testified that there will be six natural gas-powered generators on-site, three located on the south side and three located on the north side. Each generator will have significant vegetative screening and, as such, they will not be visible by the public.

The Applicant is also maintaining there are four courtyard areas with each courtyard being located off of a wing of the building. The courtyard areas are secured by a fence 6 feet in height which enhances security. Next, with respect to stormwater management, Mr. Freud testified that the Applicant is proposing two primary basins which will be located between Roadway B and Minnisink Road.

Also testifying on behalf of the Applicant was Daniel Topping, a principal of NK Architecture. Mr. Topping reviewed with the Board the various floor plans of the building. He also reviewed with the Board Exhibit A-7 which is the Roof Plan. He testified that the mechanical equipment takes up less than 10 percent of the roof coverage which is substantially less than the maximum roof coverage for mechanical equipment permitted 25 percent under the Redevelopment Plan. Next, he reviewed with the Board Exhibit A-8 which he identified as a sight study. He stated that the mechanicals are not visible to the public from Minnisink Road. Mr. Topping testified that the Applicant is not proposing building façade signage at this time.

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

All in Favor9-0

Rick Fasoli – 33 Artillery Park Road – questions regarding the drainage and flooding of his property.

Terry Sabol – 135 Minnisink Road – questions & concerns tree removal as it relates to the 100 ft buffer. He also had concerns about the present spill over lighting. The applicant responded that there is security lighting relative to equipment on-site which is a temporary condition. The applicant also addressed the 100 ft buffer requirement.

AnnMarie Kane – 118 Winifred Drive – questions regarding traffic issues and the expertise of Mr. Moffit in his capacity as COO of Sycamore. Members of the public also had concerns about the increase in traffic as the result of the proposed development, stormwater management on-site and whether or not blasting would be required in connection with this project. Mr. Freud testified that it is not anticipated that there will be any blasting associated with this proposed development.

Mr. Bilynski – 5 Rutherford Court - concerns about 16 ft retaining wall and banked parking.

Mary Wos – 15 Roseland Ave – also had concerns about 16 ft. retaining wall, banked parking and buffer.

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

All in Favor9-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the preliminary and final site plan and “c” Variance relief is granted 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 March 13, 2019, 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 Michael Cristaldi, P.E., P.P., C.M.E. dated March 12, 2019 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 providing structural calculations and construction details regarding the proposed retaining walls which shall be subject to the review and approval of the Board engineer and the Totowa Borough construction code official.
4. The granting of this application is subject to and conditioned upon the Applicant providing 10 percent 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 Affordable Housing Planner.
5. The granting of this application is subject to and conditioned upon the Borough of Totowa Fire Chief's review and approval of fire truck turning movements and the Fire Chief's review and approval of the number and location of fire hydrants on site.
6. The granting of this application is subject to and conditioned upon the landscaping plan being subject to the review and approval of the Board Planner.
7. The granting of this application is subject to and conditioned upon the Applicant receiving water supply for the site through the City of Newark. The Borough has no obligation to provide water to the developer and all contractual obligations for water will be between the developer and Newark.
8. The granting of this application is subject to and conditioned upon the Applicant obtaining Hudson/Essex/Passaic Soil Conservation District approval, if required.
9. The granting of this application is subject to and conditioned upon the Applicant obtaining New Jersey Department of Environmental Protection approval, if required.
10. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval.
11. The granting of this application is subject to and conditioned upon New Jersey Department of Transportation approval, if required.
12. The granting of this application is subject to and conditioned upon the Applicant agreeing 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.
13. Subject to all other applicable rules, regulations, ordinances, and statutes of the Borough of Totowa, County of Passaic, State of New Jersey, or any other agency having jurisdiction hereunder.
14. 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.

Nine agreed to a roll call vote... 9-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Planning Board Minutes of February 28, 2019 as prepared.

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

Commissioners Ferraro abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Lavish Nails – Blk. 105 – Lot 12 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Made In Italy – Blk. 139 – Lot 1 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Rejuvenation Center – Blk. 6 – Lot 2 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 Festa to adjourn the meeting.

All in favor.....9-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved