



BOROUGH OF EAST RUTHERFORD PLANNING BOARD MEETING MINUTES FEBRUARY 1, 2017

A special meeting of the East Rutherford Planning Board was held on **February 1, 2017** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford.

ROLL CALL

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| <input checked="" type="checkbox"/> Carmen Polifronio, Chairman | <input checked="" type="checkbox"/> John Giancaspro, Secretary |
| <input checked="" type="checkbox"/> Kaz Dabek, Vice-Chairman | <input checked="" type="checkbox"/> James Novello, Attorney |
| <input type="checkbox"/> Mayor James L. Cassella | <input checked="" type="checkbox"/> Mark Everett, Planner |
| <input checked="" type="checkbox"/> Councilman Saverio Stallone | <input checked="" type="checkbox"/> Glenn Beckmeyer, Engineer |
| <input checked="" type="checkbox"/> Robert Roth | |
| <input checked="" type="checkbox"/> Joseph Morris | |
| <input type="checkbox"/> John Fusco | |
| <input checked="" type="checkbox"/> Michael Homaychak | |

Denotes in Attendance

The meeting was called to order by Chairman Carmen Polifronio, followed by the Pledge of Allegiance.

APPROVAL OF PREVIOUS MINUTES

A motion was made by Mr. Morris, seconded by Mr. Homaychak to approve the meeting minutes of January 9, 2017. All were in favor.

HEARING OF APPLICANTS

Mr. Novello introduced the 10 Morton Street application to the Board and explained that this application has been considered incomplete until tonight. He also explained that a special meeting to hear this application was required by Judge's order. He concluded his opening statement by asking Board Planner Mark Everett if the application could be considered complete. Mr. Everett responded that the application was complete and Mr. Novello stated that the Board would begin to hear the application at this meeting, and have 95 days to act. He requested an orderly proceeding and noted that testimony would conclude at 10:00pm, at the latest.

Mr. Brian Chewcaskie, Attorney for the Applicant, introduced the application for 10 Morton Street, LLC. Mr. Chewcaskie explained that the Applicant's professionals had received review



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letters from the Board Engineer and the Fire Department, but were unable to respond due to the short time frame they were provided, and the lengthiness of the reviews. He proposed to have a separate meeting with the Engineer and Fire Department to discuss their issues and return with revised plans. Additionally, the Applicant's professionals would provide testimony related to the application during this meeting, but understood that the Engineer and Fire Department's concerns would stand. The Board was agreeable to Mr. Chewcaskie's proposed meeting, and moving forward with hearing testimony.

Mr. Chewcaskie continued by introducing Adolf Montana, a licensed professional engineer, employed by PS&S. Mr. Montana was sworn in to give testimony related to the site plan of the application and provided the following information related to it:

1. The site is 3.8 acres with a proposed three-story building of 76 affordable housing units.
2. The site has two parking areas with 186 spaces, exceeding the requirement of 152.
3. Pedestrian access is provided via a four-foot sidewalk.
4. There are six handicap parking spaces provided in the eastern parking area.
5. A trash enclosure is provided in the western parking area as a pick-up location.
6. A loading area measuring 36-feet by 18 feet is proposed.
7. Retaining walls are present on the eastern and western sides of the property.
8. Existing drainage on site is being improved by a detention system underground through linear pipes.
9. Lighting and landscaping is provided in accordance with the Borough ordinance.
10. The driveway access to Lot 9 has been expanded to 24 feet.
11. All necessary utilities are currently within the area to service the proposed development.
12. The Right of Way will service the proposed private driveway and improved accordingly.
13. Current homes on Morton Street will be shielded from headlights of vehicles entering and exiting the site through installation of a six-foot fence.
14. A zoning table has been included on the plans and meets the requirements of the Affordable Overlay Zone associated with the property.
15. A 20-foot curb radius is required, however, a 10-foot radius is proposed to discourage vehicles from entering from the west, but could be modified to comply with the 20-foot requirement, if necessary.

Mr. Montana stated that he felt that the proposed plans comply with the requirements of the Affordable Overlay Zone and Site Plan Ordinance. He further noted that he had reviewed the comments provided in the Board Engineer's letter, as well as the Fire Department, and believed the site plan could be revised to accommodate those concerns.

The Board's members and professionals raised the following questions and concerns:



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1. Councilman Stallone inquired whether the current sewer infrastructure can accommodate the proposed development.
 - a. Mr. Montana felt that the sewer infrastructure was adequate and noted that he would consider any review comments provided by the Borough's Sewer Engineer.
2. Based on the proposed elevations of the site, in comparison to the elevations on Morton Street, Board Engineer Glenn Beckmeyer questioned the adequacy of a six-foot fence to shield headlights exiting the site.
 - a. Mr. Montana felt this screening would be appropriate, but noted he would reevaluate the plans and provided an answer to the Board.
3. Mr. Everett asked about the topography of the site and when the survey was last updated.
 - a. Mr. Montana responded a survey was prepared and dated in December of 2016.
4. Mr. Beckmeyer requested overlap details with other properties as it relates to the proposed retaining walls.
 - a. Mr. Montana responded he would provide the requested details.
5. Mr. Morris requested more details related to the proposed walls.
 - a. Mr. Montana explained the walls ranged between three and four feet in height.
6. Councilman Stallone expressed his concerns for fire safety and asked about the access for Fire Department apparatus.
 - a. Mr. Montana exhibited a circulation plan and noted he would discuss access further with Fire Department representatives.
 - b. Charles Flenner, President of the East Rutherford Fire Department was sworn in to provide testimony. Mr. Flenner noted that there appears to be challenges to fire department operations on the site, as it relates to the topography and access. Specifically, he noted the difficulty in utilizing ground ladders because of proposed slopes, and the inability to access the site should the one means of access be blocked or otherwise obstructed.
7. Mr. Polifronio asked for additional details regarding the compliance with the Borough's landscaping requirements.
 - a. Mr. Montana exhibited Sheet C-6 (Exhibit A-1) and noted that the plan called for approximately 20 shade trees, 100 conifers, and a series of shrubs throughout the proposed development.



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8. Mr. Beckmeyer requested additional testimony regarding the proposed draining areas, specifically, the areas that appeared to be depressions and possible retention.
 - a. Mr. Montana responded that no retention areas are being proposed and drainage is expected to be accomplished through sheet flow off site. Mr. Montana noted he would discuss the matter further with Mr. Beckmeyer and the anticipated future meeting.

9. Mr. Polifronio asked for information related to the Lighting Plan.
 - a. Mr. Montana explained there would be six lights installed on the site which would appropriately light the access driveway and meet the minimum foot candle requirement.

10. Mr. Polifronio requested more details on the trash enclosure, and Councilman Stallone followed up asking how many trash containers were proposed.
 - a. Mr. Montana responded the trash enclosure would be in the western parking area and would be a masonry enclosure. He noted that there would be two, two-yard containers for trash.

11. Mr. Homaychak requested further review by the Borough's Public Works and Utilities Commission related to the existing sewer infrastructure.
 - a. Mr. Chewcaskie noted that the plan was reviewed by Alaimo Engineering and Alaimo's original review was responded to on December 7, 2016. Since that time, Mr. Chewcaskie stated no further review was received from Alaimo. Additionally, he explained a Treatment Works Application approval would be needed prior to construction. Mr. Novello stated the Board would follow up with Alaimo on any additional comments/concerns they may have.

A motion was made by Mr. Homaychak and seconded by Councilman Stallone to open the meeting to the Public for questions of the Applicant's Engineer. All were in favor.

Mr. Adam Faiella of Sills Cummis & Gross P.C. came forward and introduced himself and his firm as a representative of Lester Entin Associates, the adjacent property owner. Mr. Faiella had the following questions:

1. Mr. Faiella asked Mr. Montana to show the extent of the proposed sidewalk improvements and driveway pavement as it pertains to the limits of the improvements and the access easement.
 - a. Mr. Montana pointed out the extent of the sidewalk improvement and noted he believed it was in the Right of Way. He also pointed out the extent of the proposed



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driveway improvements. Based on the areas pointed out by Mr. Montana, Mr. Faiella stated that he felt that because there was no consent obtained to improve on those areas by adjacent property owners, the Board did not have jurisdiction to hear the application as currently proposed.

2. Mr. Faiella asked Mr. Montana to explain how the stormwater system would be connected.
 - a. Mr. Montana responded that the stormwater would be connected to an existing inlet on Mr. Faiella's client's property. Mr. Faiella followed up asking if consent to do so was obtained, which Mr. Montana stated that it had not been obtained. Mr. Faiella again stated to the Board that he did not feel the Board had jurisdiction to hear the application because proper consent had not been obtained, and he believed the stormwater connection as proposed would not service the property properly.
3. Mr. Faiella asked if the stormwater management report would have to be revised if connection into his client's property was not achieved.
 - a. Mr. Montana responded that other options could be pursued, but locating lines has been difficult for his surveyors. He noted that he hoped a solution could be reached in collaboration with the Board Engineer.
4. Mr. Faiella referenced the stormwater management plan and asked if there were aeriels of the property.
 - a. Mr. Montana stated he had pictures of the site but no aerial imagery. Mr. Montana stated the five pictures were taken by PS&S staff depicting gravel and weeds overgrown throughout the site. The pictures were entered as Exhibit A-3 A through E. Following Mr. Montana's description of the pictures, Mr. Faiella asked about the extent of the gravel and if the gravel were not present, if it would affect run off conditions. Mr. Montana responded it would.
5. Mr. Faiella asked about the soil composition on the property. Mr. Montana responded that the type of soil was Type D and noted no investigation could be done because the site is under remediation. Mr. Montana noted that Type D was used as it consistent with urban redevelopment and further explained that the application will require review by the New Jersey Department of Environmental Protection.
6. Mr. Faiella inquired if there were any depressions on the site, or proposed. Mr. Montana said no depressions were proposed and any areas that needed to be filled in would be.



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7. Mr. Faiella asked about the time of concentration regarding run off. Mr. Montana provided data related to a longer time of concentration based on the watershed. He explained that less run off was being proposed.
8. Mr. Faiella asked if there was any water quality proposed based on the increased impervious coverage. Mr. Montana stated that impervious surface was calculated with gravel included, therefore the increase in impervious surface did not reach the threshold to require water quality. He noted the site is subject to NJDEP review as well.
9. Mr. Faiella asked how groundwater recharge requirements would be handled. Mr. Montana responded that the site does not require any because it is urban redevelopment. Mr. Faiella asked how this will affect his client's property. Mr. Montana stated these conditions would improve conditions with less run off on Mr. Faiella's property.
10. Mr. Faiella questioned whether a variance from Section 35 of the Municipal Land Use Law as it relates to the private roadway was required. Mr. Chewcaskie stated he did not feel the variance was required, but did notice for such, based on the possibility of the Board deeming it necessary. Mr. Faiella asked about the existing width of the driveway, to which Mr. Montana noted that he was not sure about the existing width but explained 24-feet was being proposed.
11. Mr. Faiella asked questions related to the requirements of the Borough's code as it relates to the design of the driveway and whether the driveway could be widened and set back the project. Mr. Montana noted that they are improving an existing condition, but did not feel it could be widened any further on one side because of existing residential neighborhood and one to two feet, maximum, on the proposed development's property.

Councilman Stallone asked if the professionals present had information related to the demolition and any fill brought on to the site in the past. Mr. Chewcaskie stated they did not have that information, but would inquire.

Mr. Everett asked if any additional clean-up or remediation would be required. Mr. Montana explained that a LSRP was assigned to the project, but he was unaware of the future remediation needed.

Mr. Paul Weiss of 207 River Renaissance came forward and asked Mr. Montana to verify that two, two-cubic yards were proposed and adequate. Mr. Chewcaskie noted that Mr. Montana was not the appropriate person to answer the question and the Applicant's Architect would be more suited.



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A motion was made by Mr. Morris, seconded by Mr. Dabek to close the meeting to the Public. All were in favor.

Chairman Polifronio called for a short recess before the hearing would continue.

Chairman Polifronio called the meeting back to order and Mr. Chewcaskie introduced Mark Virgona, Architect for the Applicant. Mr. Chewcaskie noted that Mr. Virgona had previously testified related to the application.

Mr. Virgona introduced the latest revision of the architectural drawings of five sheets, with the latest revision dated October 4, 2016. The sheets were marked as Exhibit A-4. Mr. Virgona explained the sheets as follows:

- A-1: Elevation of the Morton Street and the southeast elevation
- A-1.1: Elevation of the northwest and southwest, and two building sections
- A-2: Parking Level Floor Plan
- A-3: First Floor Plan
- A-4: Typical Floor Plan

Mr. Virgona testified the building would have cement siding, bay windows, decorative cornices, and a stone veneer along the base of the building. He noted that the building was three stories in height from the Morton Street side, and increased in elevation moving towards the site. He explained the parking areas, as well as a parking level underneath which also incorporated a storage area, trash chute and compactor, along with utilities on the same level. He explained that the trash will be collected inside the building and then removed to the outside enclosure by a maintenance crew for pick-up, which would occur every two to three days.

He explained the First Floor Plan provided a lobby with access to units and amenity. He explained the second floor is similar to the first, except for additional units, and the third floor being similar to the second with change in unit numbers based on unit size. Mr. Virgona testified the building would have 11 one-bedroom units, 46 two-bedroom units, and 19 three-bedroom units. Additionally, the building would have a fitness center, a lounge and community room, and an exterior clubhouse with a pool.

Mr. Virgona testified that the height of the building is in conformance with the Borough's requirements.



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Chairman Polifronio inquired to the size of the units. Mr. Virgona responded that the units had approximate sizes as follows:

- One Bedroom Units: 780-850 square feet
- Two Bedroom Units: 1,050-1,250 square feet
- Three Bedroom Units: 1,300 square feet

He noted that the breakdown was in conformance with the Affordable Housing requirements.

Mr. Homaychak asked for clarification on the number of stories in the building. Mr. Virgona explained it was three stories with a level of parking underneath. The parking level being at the ground level. Mr. Homaychak asked if the parking level was protected with a sprinkler system, to which Mr. Virgona responded the entire building was protected by an NFPA Type 13 sprinkler system. He further noted that the Applicant was not creating an unusual condition by not having access all the way around the building for fire apparatus, and is consistent with the code and other projects.

Chairman Polifronio asked for the parking details again. Mr. Virgona explained that there were 186 9' x 18' parking spaces, with six handicap spaces. Councilman Stallone asked if there would be fees charged for parking spaces, to which Mr. Chewcaskie responded that there would not be fees charged. Mr. Reagan recommended that if the Board chose to approve the application, as a condition of that approval, there be no fees charged.

Councilman Stallone asked if the Applicant considered to make the development an "Over 55" community. Mr. Chewcaskie responded that he was unaware if that was a consideration, but he would inquire.

Chairman Polifronio asked for information related to accessing the garbage in the interior of the building. Mr. Virgona explained there would be a double door with access to the outside of the building, near the outside trash enclosure.

Councilman Stallone asked for the total height of the building and parking area, to which Mr. Virgona explained the total height was 35' and the ceiling height in the parking level was 8'.

A motion was made by Councilman Stallone, seconded by Mr. Morris to open the meeting to the Public.



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Mr. Flenner representing the Fire Department came forward and noted that prior to meeting with the Applicant's professionals, he would like to ask some preliminary questions. He asked the following questions related to the building:

1. Mr. Flenner asked if a fire flow calculation was completed.
 - a. Mr. Virgona responded that the calculation was not done.
2. Mr. Flenner inquired as to whether a fire hydrant test was conducted, and noted that historically the Fire Department has had hydrant flow issues in this area of the Borough.
 - a. Mr. Virgona responded that no test was completed, but would be, and if necessary a fire pump would be included in the building.
3. Mr. Flenner noted that the Fire Department Connection (FDC) on the building would have to be free of any obstructions.
 - a. Mr. Virgona responded that further review would be done.
4. Mr. Flenner expressed the Fire Department's concerns related to the sloping elevation on the southeast corner of the building and the difficulty to place ground ladders for rescue purposes.
 - a. Mr. Virgona provided information related to the elevations, with Mr. Flenner noting that a 35' foot ladder would not reach.
5. Mr. Flenner asked for the total square footage of the building and if a fire wall was proposed.
 - a. Mr. Virgona responded that the square footage would be approximately 120,000 square feet. He also showed on the plans where the fire wall would be placed.
6. Mr. Flenner requested consideration in placing a knox box and fire alarm panel in a centralized location approved by the Fire Department.
 - a. Mr. Virgona responded that he could work with the Fire Department to accomplish the request.

Paul Weiss of 207 River Renaissance came forward and asked about the anticipated number of children that would come from the proposed development. Mr. Chewcaskie responded that Mr. Virgona was not qualified to answer the question, but the Planner could testify at a later time to that question.



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Adam Faiella, representing Lester Entin Associates came forward and asked the following questions:

1. Mr. Faiella asked if there were any sound blocking features proposed.
 - a. Mr. Virgona responded that there were no such features proposed.
2. Mr. Faiella inquired as to whether residents in the proposed building would be able to see the loading area on his client's property at 50 Morton Street, and if there was any proposed screening.
 - a. Mr. Virgona responded there would be trees and shrubbery provided, but residents would likely be able to see the loading area. Mr. Faiella followed up with a question as to how complaints over viewing trucks loading would be mitigated, Mr. Virgona explained nothing further could be done, but there was over 100' feet of standoff distance.
3. Mr. Faiella asked if there will be a negative visual effect on the neighborhood, railroad, and historic buildings in the area.
 - a. Mr. Virgona felt that the building was designed to be attractive and would not negatively impact the area.

Chairman Polifronio asked for additional details related to the pool. Mr. Virgona explained the pool would be located in the southeast corner of the site, and shielded by the driveway through the community building. It is 30' x 50' and has an appropriate decorative fence around it.

Mr. Homaychak moved to close the meeting to the Public, seconded by Councilman Stallone. All were in favor.

Mr. Homaychak asked about the proposed HVAC system. Mr. Virgona explained that each unit would have a separate unit, and common areas would be serviced by units stored on the roof.

Mr. Chewcaskie concluded the hearing by noting that he would arrange the meeting between the Applicant's professionals and the Board's professionals and revise plans accordingly. He noted that he would like to return for the February 13, 2017 meeting and requested no further notice be required. The Board agreed and Chairman Polifronio announced to the Public that no further noticed would be provided through the mail or newspaper.



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A motion was made by Mr. Morris, seconded by Councilman Stallone to adjourn the meeting.

Minutes By:
John Giancaspro
Board Secretary