

**MINUTES
CLIFTON PLANNING BOARD
MEETING OF JULY 27, 2023**

Minutes of the regular meeting of the Planning Board of the City of Clifton, New Jersey, held at the City Hall, Clifton, New Jersey on July 27, 2023. Pursuant to the “Open Public Meeting Act” all notice requirements were satisfied. The time, place, date, and form of notice was announced as well as advising all applicants that formal action may be taken on the matters on the agenda.

Those present: Comrs. Binaso, Greco, City Manager Villano Mayor Grabowski, Vice Chair Withers, Chairwoman Kolodziej

Those absent: Councilman Gibson, Commissioners Welsh, Korbanics, and Trella

The minutes of the June 22, 2023 meeting were approved.

NEW HEARINGS

1. Vera Ercolino
20 & 22 Orange Avenue
Block 43.01; Lots 41 and 42

This is an application for a minor subdivision and bulk variances.

Dominick Ianarella, Esq. represents the applicant. The Applicant owns adjoining properties. Two structures exist, one on each lot. The applicant wants to move lot line 2 feet to the right for part of the lot line. The area in question is paved. The current lot line is two feet into the other driveway so the applicant wants to move it so the entire driveway is within the property line of the receiving lot. That subdivision creates variances for side yard setback and lot width, other than existing variances. The uses remain the same. Both lots contain a two family residence. There is no shared driveway. The other lot has not had access to the driveway. When applicant sells lot 42 that there be no question as to future buyer owning two feet of the driveway.

Motion by Binaso to approve, seconded by City Manager.

Those in favor: Commissioners Binaso and Greco, City Manager Villano, Vice Chair Withers, Chairwoman Kolodziej.

Those opposed: None

2. PB Nutclif Master, LLC
340 Kingsland Street
Block 80.02; Lots 1.08, 1.09, 1.10 & 4.13

Application for Preliminary and Final Site Major Site Plan

Robert A. Ferraro, Esq. recused himself from this hearing and stepped down. Jaime Placek, Esq. took over representing the Board on this matter.

Meryl Gonchar, Esq. represents the applicant which seeks preliminary and final site plan approval for a 2013 sq. foot café restaurant, with site improvements located in the Clifton Hoffman LaRoche amended Phase III plan area. The property is adjacent to Route 3 and the westerly quadrant of the Campus. No variances are required from the plan are being sought. The applicant may be seeking relief to either amend the plan or to obtain a use variance relative to a lot that is owned by PSEG and proposed to be used for parking. The proposed café crosses over a lot which is block 80.02 Lot 3. That lot is owned by PSEG. That lot was not included in the redevelopment plan or the area in need study which means that it is physically included; however, when the lots were listed, that lot was not included. Hoffman Roche always used this parcel for parking.

Applicant believes it may need a variance to include the PSEG lot as part of the development. This lot would be paved. Parking lots are not a permitted principal use, so that the applicant intends to seek approval from this Board and then approval from the zoning board for any use variance. The alternative is to go back and include this parcel in the plan.

James Mauer is the applicant's engineer who was sworn and qualified. He is referring to the site plan entitled Starbucks etc. June 2023. In general, the project is a 2800 sq foot single structure. There is a parking lot, a drive-thru, refuse area, landscaping and other improvements. The building is situated along Metro Blvd. The drive thru wraps around the east portion with a drive thru at the north end. At the opposite side is parking. The Board discussed the queuing that is proposed for the drive-through. The Board's engineer asked for turning templates and asked to see if turning and by pass can be improved. The use is either a café or a restaurant. The applicant used the more conservative use when calculating parking which was the café use. The electric vehicle charging station requirement will be satisfied. To the south of the building is an 8X12 area for bike racks. The ADA access is close to the building to provide the shortest route. There are sidewalks that lead off to Metro Blvd. that provides pedestrian access. The plan is in compliance with the bulk standards required in the zone. The applicant will meet all stormwater management requirements. There will be eight employees at peak shift. Hours of operation are 6 am to 9 p.m. The applicant stated that they are reducing the flow of stormwater from the site.

The applicant reviewed the report of Neglia Engineering. The applicant indicated they will add additions and notes to the plan as required. Seating area must be delineated to show the seating proposed and permitted. The planner stated that there should be better landscaping for an outdoor seating area. The applicant will address comments regarding sanitary sewers. Commissioner Withers stated that the PSEG site must be looked at to see how it affects the overall impervious coverage requirements. The applicant will relocate below grade utilities.

The applicant does not propose moving the building to accommodate a by pass lane. Interior landscape was discussed. Temporary irrigation is proposed.

Comr. Binaso asked the applicant to meet with Neglia to come up with a more robust plan for landscaping, including additional trees and an irrigation system.

The meeting was opened to the public. No members of the public had questions for the Engineer.

Matthew Wolf is the applicant's architect who was sworn and qualified. The architect submitted a package of five pages to aid his testimony before the Board. The document was marked A-1. The witness showed the drawings depicting the proposed building. He reviewed signage on the building.

The Vice Chair mentioned a concern that the glass on the building may affect drivers as the sun reflects off the glass.

The witness stated that trees to be planted and those present will mitigate against this. Comr. Greco asked about street signage. Ms. Gonchar stated that eventually there will be an overall package for On 3. There is a drive thru sign on the ground. Illuminated signs are internally lit. Ms. Gonchar stated that the plan provides that signs may be illuminated internally or externally. The hearing was opened to the public. The construction materials board was marked as A-2. No members of the public appeared.

The next witness was Matthew Secklar a traffic engineer who was sworn and accepted as an expert in the field. Mr. Secklar had submitted a report dated June 16, 2023. He includes all the buildings that are on the larger site along with all buildings that have been approved but not yet built. He says that Starbucks mainly relies on pass by traffic, not those seeking a destination. Therefore, they are capturing traffic already on the roadways and therefore 2/3 of their customers are pass by customers. So, they are not adding significantly more traffic than is already there. The use also is well suited for the other uses on the total site, so those customers will be taking internal trips on the campus. This development does not significantly change the traffic at the intersections. He says that the new lanes proposed on Route 3 will not affect the trees that are in place. He discussed the site circulation and the drive thru use. There are seven positions from when you place your order and when you pick it up. The standard order time is four minutes per order. He also factored into orders using the app. Mr. Secklar discussed the lack of a by pass lane. He says that by pass lanes are needed where people cannot get around the drive thru to get to the parking spaces. This is not the case with this application. He says there is no need for a by pass lane here. He says all drive aisles and number of spaces meet industry standards. He said deliveries do not occur at peak hours. He says the deliveries are by box trucks and can be scheduled at times that would not affect the use of the site. He says they are compliant with the ordinance in all aspects with the exception of a by pass lane which he stated is not needed on this site. He stated that there is safe access for fire and emergencies. The site, as proposed, can also accommodate refuse pick up. Vice Chair discussed the Economic Impact Statement. The applicant will resubmit the EIS with proper exhibits if they were omitted. The applicant will comply with conditions in the Neglia report other than the by pass lane. Mr. Secklar stated that some people may want to access going Northbound; however, he stated that he did include those counts in his report. He says about 20% would be coming from the South or internal traffic that was already on the site for other purposes. He also stated that the use would function even if there was a restriction on traffic into Nutley. He says the conclusions would remain if all had to leave on Route 3. He stated that the peak hour is between 8:00 a.m. to 9:00 a.m. He stated that peak hour would produce about 120 customers. Commissioner Binaso is concerned about a bottle neck

during peak hours. Mr. Secklar stated that star bucks is processing about 7 orders at a time. Those cars are in the queue. The meeting was opened to the public. No one appeared.

The applicant presented its planner, Thomas Behrens, who was sworn and qualified. In preparation for his testimony, Mr. Behrens reviewed the plans, the site and all the expert reports. He stated that the application fully conforming to the redevelopment plan. He also stated that he is aware of the issue relating to the PSEG lot. He stated that the utility corridors were clearly intended to be part of the redevelopment plan. He stated that the applicant seeks relief under Section 35 of the MLUL which requires that the lot abuts a street. Therefore, the applicant requests conditional relief subject to the plan to address this issue as proposed by the applicant. He also states that relief may be granted under Section 36 of the MLUL because the campus does function as a whole with road throughout the campus. He stated that the criteria under Sections 35 and 36 have been satisfied. The meeting was again opened to the public and no one appeared.

The meeting was again opened to the public for general comment or testimony about the application.

Howard Davis, with Davis Environmental Law who is an attorney for Nutley lumber appeared. Mr. Davis asked if he could come back to the next meeting for his presentation. No other members of the public appeared.

Miscellaneous:

Vice Chair discussed that there is a subcommittee meeting next week.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Robert A. Ferraro

Secretary/Counsel.