

**MINUTES
CLIFTON PLANNING BOARD
MEETING OF AUGUST 24, 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 August 24, 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 Trella, City Manager Villano Mayor Grabowski, Chairwoman Kolodziej

Those absent: Councilman Gibson, Commissioners Welsh, Lataro, and Korbanics, Vice Chair Withers

The minutes of the July 27, 2023 meeting were approved.

Resolutions

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

Upon motion duly made and seconded, the resolution approving the application was adopted.

Continued Hearing

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

Comr. Trella has certified that he has listened to the recording of the last meeting and is eligible to vote on the application.

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 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 applicant has submitted a stormwater management report and has made amendments to the environmental impact statement. The applicant submitted revised plans relating to landscaping and has

submitted a letter addressing the board's engineer's comments. The applicant received an updated letter from the Board's engineer.

The applicant recalled its engineer. 18 trees have been added to the plan. Ground cover has also been added. Permanent irrigation will not be provided. A transformer has been added to the plan. Comr. Binaso asked if the applicant could leave the trees and request a variance. The engineer stated that they would not survive because of the grade change. He says the plan exceeds the tree ordinance by 2 trees. The trees are a minimum of 4" caliper. Comr. Binaso suggested that the applicant could save some of the trees being taken down and could request a variance from the Board. The engineer stated that it would affect the functionality of the drive aisles. Ms. Gonchar stated that the applicant also looked at the condition of the trees. Comr. Binaso stated that he also looked and believes they are healthy.

There will be a decorative fence around the utility structure. The applicant has reviewed the ability of fire apparatus to navigate the site and the engineer concluded that it could. Ms. Gonchar stated that the applicant will comply with the request of the fire department. The Police department has reviewed the plans and had no further comment.

Site lighting complies with the provisions of the redevelopment plan. A 3000 Kelvin light is being used which is consistent with lighting on the campus. The applicant is also in compliance with the redevelopment plan's signage provisions. Ms. Gonchar stated that the applicant will comply with the revised report of the board's engineer. Item 2.11 of Neglia's report was addressed by stating the total area of disturbance. Item 3.2, the engineer stated that the pipe has an adequate capacity for the sanitary sewer. Item 3.10 utility crossing will be provided. The applicant stated that that they have received the DOT permit. Tree plantings will be 3 ½ to 4-inch caliper. The City Manager suggested adding four more pear trees, without losing parking spaces.

The meeting was opened to the public. Howard Davis, Esq., the attorney for Nutley Lumber, came forward. Nutley lumber is adjacent to the campus across a brook. The main concern is stormwater. He says there is a very significant impact. He asked how the stormwater report was prepared. The engineer said it was prepared for a "major development" due to the amount of disturbance. The witness stated that he is certified in stormwater management. The witness said that the entirety of ON3 is a major development. The witness stated that the report is specific to the Starbucks site. The applicant is working on a comprehensive study. The witness states there is a net decrease in discharge. Mr. Davis stated that the applicant is piecemealing the report for the site only. The witness stated that as they work through each portion of the project, they are making sure they meet the regulations. Mr. Davis questioned outfall 002 in front of Nutley lumber. Mr. Davis presented a picture marked as Exhibit O1. The witness stated that the picture is not the outfall for this site. He says the outfall for this site is 500 feet upstream. The witness stated the stormwater from the subject site is not going to outfall 002. Mr. Davis asked if all the lots need to be assessed in total for stormwater management. Another photo was marked as O2. A survey was marked as O3. The City Manager suggested that the photos were taken at different times. The witness stated that O2 is also a photo of outfall 002. He testified that he believes that Nutley lumber is southeast of the outfall. The witness stated that Roche had treated its manufacturing discharge at an environmental control facility. The witness stated that he has a general understanding of drainage areas but has not studied the entire site. He says it appears that O1 depicts discharge from the ON3 site. He says O2 is the same discharge point. Mr. Davis says that the outfall at 002, under Roche went to the PVSC. Ms. Gonchar states that discharge since Roche has been less. She

states that Mr. Davis's assertions are without foundation. Comr. Binaso asked if a study was done before any development on the ON3 campus. Mr. Kurus stated that the engineer report is satisfying the state's criteria for a major development.

Jessica Laird with Davis Law asked some questions of the witness about the proposed utility plan. The witness stated that the flow is conveyed by pipe and not sheet flow. There are six inlets proposed. The access road is not part of this application. All the stormwater collected discharges into the concrete channel to the site. This concrete channel leads south and discharges 500 feet upstream. The witness says that pervious surface is being added to offset the discharge, so that there is no increase in stormwater runoff. There are three different outfalls on the campus. Ms. Laird introduced the Proposed Drainage Area map that was part of an overall hydrology report which was marked as 0-5. There are three areas, A, B, and C. The witness stated that stormwater quantity has been reduced from predevelopment conditions. The witness prepared the stormwater management report for the Starbucks (current application). Mr. Davis read something that stated that there is to be an environmental impact statement (EIS), which requires a statement about water bodies and their relation to areas of disturbance. Mr. Davis read other provisions for an EIS. Mr. Davis asked to make a written submission and stated that he would bring witnesses to the next meeting. The witness stated that the natural resource inventory is limited to the City of Clifton. A memo dated July 26, 2023, was discussed which was received from the DEP. The witness again reiterated that within the disturbed area of the application will result in less impervious coverage. Motion by Comr. Binaso subject to compliance with all aspects of Neglia's report, all necessary approvals will be obtained. A copy of the Neglia report should be attached to the file at City Hall. The applicant will replace the trees as discussed on the record but will add trees as much as possible to the site, with a minimum of four inch caliper. Comr Binaso stated that, Second by Mayor Grabowski. Those in favor: Greco, Trella, Binaso, Villano, Grabowski, Kolodziej, Those opposed: None.

2:34.02

New Hearings:

PB Nutclif Master, LLC 340 Kingsland Street, Block 80.02, Lot 4.10 and 4.11 Minor Subdivision and amended preliminary and final major site plan approval.

Meryl Gonchar, Esq. represents the applicant. This is an amended preliminary and final site plan application and a subdivision application. This is a portion of the former Hoffman LaRoche campus. The applicant was before the board previously seeking approval for a medical office building and parking deck which was approved in 2022. At that time a subdivision which created a number of lots. The applicant seeks to adjust the lot line which will relocate the driveway coming off Route 3 from the medical office lot to the lot to the east. This is to align the road with future roads and to avoid conflicts with utility structures. In addition, the applicant is making adjustments to the location of the driveway where it comes off Metro Blvd., and seeks approval of signs for the medical building and for the parking garage. The applicant also seeks relief under Section 35 and 36 of the MLUL because the roads accessed are private roads and therefore seeks to be able to develop where there is no public street abutting the project. The applicant has noticed and published as required. An affidavit of service and publication have been received by the Board. The Board has jurisdiction to proceed. The applicant has received a review form the Board's planner and engineer. The applicant's engineer, Mr. Mauer, was sworn and his qualifications were accepted. A proposed site plan of June 19, 2023 was submitted as A1. The change to

the lot line is on the eastern side of the lot as shown on the plan. The change complies with the lot size requirements under the redevelopment plan. The witness described the relocation of the road as proposed. By moving the road, the storm water conveyance piping and collection structures were shifted to the east. Greenspace is being increased on the parking lot site. There is an improvement to the access from Route 3 to Metro Blvd. There is also an adjustment to Metro Blvd that is DOT approved. Three more trees are being added along Road I. The applicant reviewed the August 21 report of Neglia. Comment 2.6 was addressed, and the applicant will update. On Comment 2.2 applicant stated that there should be no change in lot designations. On Comment 2.12 the impervious for 4.10 was addressed and Mr. Mauer went through his calculations. He says that his proposed coverage is 74.6% which will comply, and the subdivision plan will be corrected and revised. Applicant will comply with the other comments of Neglia within his realm. The meeting was opened to the public and Mr. Howard Davis, Esq. from Davis Environmental Law representing Nutley Lumber appeared. He asked about impervious surface on-site. Mr. Mauer stated there is a reduction of impervious surface on site. Off site, there is a shifting of the road which was already impervious. Mr. Davis asked about his stormwater report. Mr. Mauer stated that he did not prepare a stormwater report, that it was previously approved. Mr. Mauer stated that he would not need to resubmit the report with the changes. Mr. Davis asked about references to additional pipes. Mr. Mauer stated that the length of the pipes is being changed. Mr. Mauer states that the pipes were shifted, and pipes lengthened. Mr. Mauer stated that he did not do any investigation about discharges off the major development OM3 that discharges to the St. Paul's Brook. Mr. Mauer stated that he is familiar with Nutley Lumber and the outfall across from Nutley Lumber and that water is discharged there. He stated that the application is improving the net flow. Total suspended solids may be discharged through the outfall to the Brook. Mr. Mauer stated that they are complying with the DEP regulations. Mr. Mauer last saw that outfall within a couple of months ago. He saw a very minor flow as there was no rainfall on that day. He does not know of others who saw the outfall flow. He believes the applicant has cameras directed at the outfall. He does not know when they were installed. He does not know where the video footage is kept. He understands that discharges by Hoffman LaRoche are existing. He says that Hoffman La Roche discharged to St. Paul's Brook. He has no understanding as to the frequency. He did not do the stormwater analysis. He is not relying on the prior reports of Greenberg Farrow. Mr. Mauer stated that at the end of the development of the entire campus that the applicant will review stormwater management. City Manager asked what Mr. Davis meant about water color. City manager questioned if this is a soil erosion issue. City Manager suggested that the applicant look at its soil erosion controls. Mr. Davis asked the applicant to investigate the source of the discoloration. The public portion was closed.

Matthew Secklar was sworn and accepted as a professional traffic engineer. He stated that from a traffic perspective, there is no change in trip generation. The proposed location is on the approved NJDOT plans. The DOT has already seen the alignment and as approved same. He said the internal roadways function safely and properly. He says that the design will provide proper emergency access. The meeting was opened to the public and no one appeared. Due to the hour, the matter was carried to the September 28, 2023 meeting of the Board.

Respectfully submitted,

Robert A. Ferraro

Secretary/Counsel.