

**RESOLUTION OF THE BOARD OF FREEHOLDERS  
COUNTY OF ESSEX**

**RESOLUTION NO.** \_\_\_\_\_ **AUTHORITY FOR RESOLUTION:** N.J.S.A. 40:41A-38(n)

**PROPOSED BY:** COUNTY EXECUTIVE **AUTHORITY FOR ACTION:** N.J.S.A. 40:41A-36(i)

**SUBJECT:**

DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING – AGREEMENT WITH BLOOMFIELD BELLEVILLE URBAN RENEWAL, LLC FOR THE INSTALLATION OF A TRAFFIC SIGNAL AND ROADWAY IMPROVEMENTS ON BELLEVILLE AVENUE AT ITS INTERSECTION WITH MEMORIAL PARKWAY IN THE TOWNSHIP OF BLOOMFIELD

**WHEREAS**, it has been mutually determined by the County and Bloomfield Belleville Urban Renewal, LLC that a traffic signal should be installed and roadway improvements should be made on Belleville Avenue at its intersection with Memorial Parkway in the Township of Bloomfield; and

**WHEREAS**, Bloomfield Belleville Urban Renewal, LLC, has retained a traffic engineering consultant to design and oversee the construction of the traffic signal and roadway improvements and plans/specifications have been completed and approved by the County Department of Public Works and NJ Department of Transportation; and

**WHEREAS**, it is recommended that the Board of Chosen Freeholders authorize the execution of the proposed traffic signal installation and maintenance agreement between the County of Essex and Bloomfield Belleville Urban Renewal, LLC, concerning the installation, operation and maintenance of the traffic signal to be located at the intersection of Belleville Avenue and Memorial Parkway in Bloomfield per the agreement attached hereto and made part hereof; and

**WHEREAS**, the County Executive has submitted for Board of Chosen Freeholders approval the agreement for the Installation of a Traffic Signal and Roadway Improvements on Belleville at its intersection with Memorial Parkway in Bloomfield per the agreement attached hereto and made part hereof; now, therefore, be it

**RESOLVED**, by the Board of Chosen Freeholders of the County of Essex as follows:

1. That the Traffic Signal Installation Agreement with Bloomfield Belleville Urban Renewal, LLC, attached hereto and made part hereof is hereby approved in accordance with the provisions of law.
2. That the Clerk of the Board of Chosen Freeholders shall provide 2 certified copies of this resolution and executed agreement to Sanjeev Varghese, Director, Department of Public Works and one (1) to the Office of County Counsel.

Approved as to form and legality Courtney Greene Date 1/15/16

ESSEX COUNTY COUNSEL

RECORD OF VOTE (X=Vote N.V.=Abstention ABS=Absent)

Moved By Freeholder \_\_\_\_\_  
 Second by Freeholder \_\_\_\_\_

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
Bobadilla					Richardson				
Gill, V.P.					Sebold				
Johnson					Timberlake, Pres.				
Jones					Toro				
Luciano									

It is hereby certified that the foregoing Resolution was ( ) adopted ( ) defeated ( ) tabled by roll call vote at a \_\_\_\_\_ meeting of the Board of Chosen Freeholders of the County of Essex, New Jersey held on \_\_\_\_\_.

Is Publication Required ( ) Yes ( ) No

Date Published \_\_\_\_\_

Britnee N. Timberlake, President

Bloomfield Belleville Urban Renewal, LLC

jf 01/15/16

ESSEX COUNTY  
 BOARD OF  
 CHOSEN FREEHOLDERS  
 RECEIVED  
 CLERK OF THE BOARD  
 2016 JAN 22 AM 11:36

January 27, 2016  
Meeting Back-up  
Documentation  
For Resolution #  
12



COUNTY OF ESSEX

DECISION MEMORANDUM

COUNTY EXECUTIVE

BOARD AGENDA ITEM

COUNTY ADMINISTRATOR

DEPARTMENT: Public Works

DIVISION: Engineering

TO: Ralph Ciallella  
County Administrator

FROM: Sanjeev Varghese, P.E., P.P.  
Director & County Engineer

DATE December 17, 2015

RE: **Traffic Signal Installation and Maintenance Agreement  
Intersection of Belleville Avenue and Memorial Parkway  
Township of Bloomfield**

**INTRODUCTION**

The Department of Public Works proposes that the Essex County Board of Chosen Freeholders authorize an Agreement between the County of Essex and Bloomfield Belleville Urban Renewal, LLC, a New Jersey Limited Liability Company, whereby the County of Essex agrees to the installation by Bloomfield Belleville Urban Renewal, LLC of a traffic signal and roadway improvements on Belleville Avenue at its intersection with Memorial Parkway in the Township of Bloomfield, with Bloomfield-Belleville Urban Renewal, LLC., agreeing fund all engineering and construction costs as well as contribute Seven Thousand Five Hundred Dollars (\$7,500.00) per year towards the operating and maintenance costs of the traffic signal. This contribution amount shall be increased 5% per year commencing January 1, 2017.

**RECOMMENDATION**

It is recommended that the Board of Chosen Freeholders authorize the execution of the proposed traffic signal installation and maintenance agreement between the County of Essex and Bloomfield Belleville Urban Renewal, LLC, concerning the installation, operation and maintenance of the traffic signal to be located at the intersection of Belleville Avenue and Memorial Parkway in Bloomfield.

Memorandum to Ralph J. Ciallella, County Administrator  
December 17, 2015  
Page 2

### **REASON FOR RECOMMENDATION**

Bloomfield Belleville Urban Renewal, LLC has retained the firm of Vanase, Hangen Brustlin, Inc., as its traffic engineering consultant. The plans and specifications for the proposed traffic signal installation and roadway improvements prepared by that firm have been approved by the Office of the County Engineer and will improve traffic flow at the intersection of Belleville Avenue and Memorial Parkway in Bloomfield. This will benefit both County and non-County residents who drive through this intersection. The engineering, construction and maintenance of the traffic signal and roadway improvements will be borne by Bloomfield Belleville Urban Renewal, LLC.

### **FISCAL IMPACT**

No expenditure of funds by the County is required. Instead, pursuant to the terms of the Agreement, Bloomfield Belleville Urban Renewal, Inc., has agreed to contribute Seven Thousand Five Hundred Dollars (\$7,500.00) per year towards the operating and maintenance costs of the traffic signal which amount shall be increased 5% per year commencing January 1, 2017.

**AGREEMENT FOR THE INSTALLATION OF A TRAFFIC  
SIGNAL AND ROADWAY IMPROVEMENTS ON  
BELLEVILLE AVENUE AT ITS INTERSECTION WITH  
MEMORIAL PARKWAY IN THE TOWNSHIP OF  
BLOOMFIELD MADE ON THIS      DAY OF OCTOBER,  
2015**

**Between**

**COUNTY OF ESSEX, a body politic and corporate  
of the State of New Jersey, hereinafter referred to  
and known as the "County," having its Principal  
office at the Hall of Records, Fourth Floor, Newark,  
NJ 07102**

**And**

**BLOOMFIELD BELLEVILLE URBAN RENEWAL,  
LLC, a New Jersey Limited liability Company, hereinafter  
referred to as "Bloomfield-Belleville," having its  
Principal office at 820 Morris Turnpike, Millburn,  
NJ 07078**

**WITNESSETH**

**WHEREAS,** It has been mutually determined by the County and Bloomfield-Belleville that a traffic signal should be installed and roadway improvements should be made on Belleville Avenue at its intersection with Memorial Parkway in the Township of Bloomfield, as depicted on Exhibit A attached hereto and made a part hereof; and

**WHEREAS,** Bloomfield Belleville has retained the firm of Vanase, Hangen Brustlin, Inc., as its traffic engineering consultant to design and oversee the construction of the traffic signal and roadway improvements; and

**WHEREAS**, Vanase, Hangen Brustlin, Inc. prepared plans and specifications for the traffic signal and roadway improvements, which plans and specifications have been approved by the County's Department of Public Works and the New Jersey Department of Transportation (NJDOT) and are attached hereto and made a part hereof as Exhibit A; and

**WHEREAS**, Bloomfield-Belleville made a proposal to the County regarding the design, construction, operation and maintenance of the proposed traffic signal and roadway improvements pursuant to which Bloomfield-Belleville will be responsible for all costs associated with the design of the traffic signal and roadway improvements, the provisions of the traffic signal and roadway improvements, the construction of the traffic signal and roadway improvements and the approval of traffic signal installation and roadway improvements by the Office of the County Engineer and NJDOT; and

**WHEREAS**, the County and Bloomfield-Belleville have engaged in discussions and negotiations with regard to the design, construction, operation and maintenance of the traffic signal and roadway improvements and have reached an agreement whereby Bloomfield-Belleville will pay for all costs for the design, construction and installation of the traffic signal and roadway improvements and will contract directly with a contractor for the installation and construction of the traffic signal and roadway improvements; and

**WHEREAS**, upon completion of the traffic signal and roadway improvements and the approval thereof by the County Engineer and NJDOT, the County will assume ownership and control of the traffic signal and roadway improvements and shall be responsible for the operation and maintenance of same; and



WHEREAS, Bloomfield-Belleville has agreed to contribute Seven Thousand Five Hundred Dollars (\$7,500.00) per year towards the operating and maintenance costs of the traffic signal which amount shall be increased 5% per year commencing January 1, 2017; and

WHEREAS, the parties desire to memorialize the agreements reached in this regard into a formal agreement;

NOW, THEREFORE, in consideration of the mutual undertakings set forth below, it is agreed as follows:

- 1. Design and Construction.** Bloomfield-Belleville has and shall continue to engage a traffic engineering consultant to design the traffic signal and roadway improvements and to oversee the construction of the traffic signal and roadway improvements. The design, plans and specifications attached hereto as Exhibit B have been approved by the County Engineer and NJDOT (the "Plans.") Bloomfield-Belleville shall engage and contract with a contractor who shall construct the traffic signal and roadway improvements in conformance with the Plans. The payment of all costs and expenses for the design and construction of the traffic signal and roadway improvements shall be the sole responsibility of Bloomfield-Belleville.
- 2. Ownership, Operation and Maintenance.** Upon completion of the construction and installation of the traffic signal and associated roadway improvements and the written approval by the County Engineer and NJDOT (the "Approval"), the County shall become the absolute owner of the traffic signal and roadway improvements and shall assume possession and control thereof, including the operation and maintenance of the traffic signal and roadway improvements.
- 3. Contribution for Maintenance.** Upon the County's assumption of the ownership, possession and control of the traffic signal and roadway improvements, Bloomfield-Belleville shall contribute Seven Thousand Five Hundred Dollars (\$7,500.00) per year to the County to pay for the operating and maintenance costs of the traffic signal and roadway improvements (the



"Contribution"). The Contribution shall increase by 5% per year commencing on January 1, 2017. The Contribution shall be payable annually on the first (1<sup>st</sup>) day of every January, beginning on the first day of the first January following the Approval. The annual contribution for any partial year immediately following the Approval shall be due and payable within fifteen (15) days of the Approval, and shall be pro-rated on a per diem basis. Bloomfield-Belleville shall be responsible for the payment of all costs, including but not limited to costs for design, construction, engineering and inspection, for any future modernization/removal of the traffic signal and roadway improvements necessitated by any action, activity or transaction entered into by Bloomfield-Belleville, which future modernization/removal can only be undertaken with the written approvals of the County Engineer and the NJDOT.

4. **Responsibility.** Upon acceptance of ownership, possession and control of the traffic signal and roadway improvements by the County, Bloomfield-Belleville shall have no further maintenance or repair responsibility for the traffic signal and roadway improvements other than its responsibilities as set forth in paragraph 3 above.
5. This Agreement shall be binding upon and shall inure to the benefit of the County and Bloomfield-Belleville and their successors and assigns.
6. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.
7. Neither this Agreement nor any term set forth herein may be changed, waived, discharged or terminated orally or in writing except by a writing signed by the parties hereto.
8. This Agreement shall not be effective and binding upon the parties unless and until it has been signed by the Essex County Executive and approved by Resolution of the Essex County Board of Chosen Freeholders.

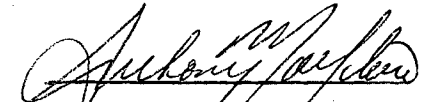
Witness or Attest

COUNTY OF ESSEX

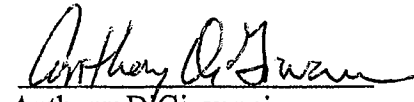
\_\_\_\_\_  
Deborah Davis Ford  
Clerk of the Board

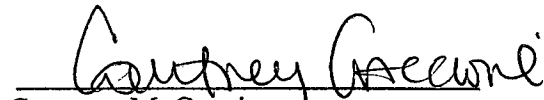
  
RALPH J. CIALLELLA  
Joseph N. DiVincenzo, Jr.  
County Executive 

BLOOMFIELD BELLEVILLE  
URBAN RENEWAL, LLC.

  
Anthony Macitane

By:

  
Anthony DiGiovanni  
member

  
Courtney M. Gaccione  
Essex County Counsel

This Agreement was approved by Resolution No. \_\_\_\_\_ of the Essex County  
Board of Chosen Freeholders adopted \_\_\_\_\_.



**COUNTY OF ESSEX  
DEPARTMENT OF PUBLIC WORKS**

ESSEX COUNTY PLANNING BOARD  
900 BLOOMFIELD AVENUE  
VERONA, NEW JERSEY 07044-1393

☎ (973) 226-8506  
☎ (973) 226-7469

**JOSEPH N. DIVINCENZO, Jr.  
COUNTY EXECUTIVE**

**Joseph Alessi  
Chairman**

**Peter Scarpelli  
Secretary**

June 12, 2013

Nicole Brennan, Sec  
Bloomfield Planning Board  
1 Municipal Plaza  
Bloomfield, NJ 07003

**RE: Application SP 01-0213/41-H-46  
Bloomfield Belleville Associates, LLC  
221-225 Belleville Avenue  
Bloomfield, Essex County, New Jersey  
Block 544, Lot 40 & 61  
Plans by: Vanasse Hangen Brustlin, Inc.  
Plans Dated: 01/28/2013**

Dear Secretary:

At a meeting of the Essex County Planning Board held on June 11, 2013 the Board approved the above-mentioned application with the following conditions:

- The proposed traffic signalization of Belleville Avenue at Memorial Parkway and roadway improvement plans must be developed in conjunction with and be deemed acceptable by the Office of the County Engineer.
- Bloomfield Belleville Associates, LLC and its engineering firm/contractor will be responsible for obtaining all applicable County and NJDOT permits that may be required to effectuate the construction of the proposed roadway improvements and traffic signal installation.
- Execution of a Traffic Signal Maintenance Agreement between Bloomfield Belleville Associates, LLC and the County of Essex.
- Contribution payment of \$7,500.00 due to the County of Essex prior to the County accepting responsibility of maintenance and operation for the traffic signal and roadway improvements.
- Annual operating and maintenance cost payment to the County will increase 5% annually commencing with the payment due on January 1, 2014.
- County will provided with two full sets of signed and sealed final as-built plans of the proposed roadway and traffic signal improvements on Mylar.
- Proposed painted median on Belleville Avenue, east of the Memorial Parkway intersection, should be revised as to provide a greater queue distance for eastbound motorist making the left turning movement onto the Garden State Parkway.

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- Applicant shall conduct an after traffic study to evaluate potential adverse impacts to Belleville Avenue and its signalized intersection with Memorial Parkway and intersection with Williamson Avenue. The study shall be conducted once 75% occupancy of the dwelling units has been achieved with the applicant agreeing to mitigate any impacts identified as a result of the review of the study. A performance bond in the amount of \$7,500.00 shall be posted as assurance that the after traffic study will be conducted.

Any and all changes to the approved plans must be resubmitted to the Essex County Planning Board for further review and/or approval.

If you have any questions, please direct them to David Antonio at (973) 226-8500, extension 2580 or [dantonio@essexcountynj.org](mailto:dantonio@essexcountynj.org).

Sincerely,



Peter Scarpelli  
Secretary

cc: Dennis R. Sedaille, Asst. County Engineer  
Ralph J. Salerno, Esq.

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*Putting Essex County First*

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

**RESOLUTION OF THE TOWNSHIP OF  
BLOOMFIELD PLANNING BOARD**

RESOLUTION IN THE MATTER OF THE APPLICATION OF BLOOMFIELD BELLEVILLE ASSOCIATES URBAN RENEWAL, LLC, AS APPLICANT, AND BLOOMFIELD BELLEVILLE ASSOCIATES, LLC AND PANDA ASSOCIATES, INC., AS OWNERS, FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL AND FOR SITE PLAN SUBMISSION EXCEPTIONS FOR PLAN SCALE AND MAP SIZE TO PERMIT THE CONSTRUCTION OF THREE, FIVE STORY RESIDENTIAL BUILDINGS AND ACCESSORY STRUCTURES AT PROPERTY LOCATED AT 221-225 BELLEVILLE AVENUE, BLOCK 544, LOTS 40 AND 61.

WHEREAS, Bloomfield Belleville Associates Urban Renewal, LLC, as Applicant, and Bloomfield Belleville Associates, LLC and Panda Associates, Inc., as owners, filed an application with the Township of Bloomfield Planning Board for preliminary and final site plan approval and for exceptions from site plan requirements governing map size and plan scale, to permit the construction of three, five story residential buildings and an accessory pool and club house at property located at 221-225 Belleville Avenue, Block 544, Lots 40 and 61; and

WHEREAS, Bloomfield Belleville Associates, LLC is the owner of Block 544, Lot 61 and Panda Associates, Inc., is the owner of Block 544, Lot 40. Applicant is the contract purchaser of both lots; and

WHEREAS, by resolution adopted on May 19, 2008, Block 544, Lots 40 and 61 were designated as an area of redevelopment by the Mayor and Council of the Township of Bloomfield pursuant to the

procedures and criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL"), (the "Redevelopment Area"); and

WHEREAS, the Mayor and Council, on August 10, 2009, adopted by ordinance pursuant to the LRHL, the "Oakes Pond Redevelopment Plan" to govern the redevelopment of Block 544, Lots 40 and 61 (the "Redevelopment Plan")

WHEREAS, Applicant was designated by the Governing Body of the Township of Bloomfield as the redeveloper of the Redevelopment Area and has entered into a redevelopment agreement and a financial agreement with the Township, the latter providing the terms of a long-term tax abatement; and

WHEREAS, Applicant proposed to demolish all existing buildings and construct three, five-story buildings containing 332 residential units on the site; and

WHEREAS, the application fully conformed with the terms and provisions of the Redevelopment Plan; and

WHEREAS, Applicant requested exceptions from site plan submission requirements for the size of its plans and for the plans' scale; and

WHEREAS, hearings on this application were held before the Township of Bloomfield Planning Board on May 15, 2012, June 26, 2012, July 24, 2012, August 7, 2012, September 18, 2012 and October 2, 2012; and

WHEREAS, the Applicant filed an affidavit with this Board showing compliance with the statutory requirements concerning notice to the affected property owners and of making proper and timely publication of the application in the official newspaper of the Township of Bloomfield.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Bloomfield as follows:

This is an application for preliminary and final site plan approval and exceptions from the Township's site plan submission requirements governing map size and plan scale. The subject property is triangular in shape, encompasses approximately 12.5 acres and has long been improved with as many as 16 industrial buildings. It is accessible from Belleville Avenue to the south via Memorial Parkway which narrows to one lane across a bridge spanning the Third River. A second access point to the north through Spring Street enters a one and two family residential development. The site is bordered by the Garden State Parkway to the east and the Third River to the west and south. A municipal recreation area containing Foley Field and Memorial Park is to the west of the Third River. A 50 foot wide, approximately 30 foot high wooded hill separates the subject property from the dwellings to the north. The bulk of the property is located in the flood plain for the Third River. Applicant proposed to



demolish the industrial buildings (those on Block 61 have already been demolished) and construct three, five story residential buildings, which will contain ground floor parking and four residential floors above with 332 one and two bedroom units. The complex would also contain a club house and pool for the residents and exterior parking areas. Applicant's request for exceptions from the Township's site plan submission requirements for map size and plan scale were based upon the desire to show the entire 12.5 acre site on a one page plan.

In order for the Applicant to obtain preliminary and final site plan approval, it must meet all the requirements of the applicable provisions of the Township's Land Development Ordinance and demonstrate consistency with the Redevelopment Plan. Exceptions from the site plan submission requirements are governed by N.J.S.A. 40:55D-51(b), which gives the Planning Board power to grant exceptions from site plan requirements "if the literal enforcement of one or more provisions of the ordinance is impractical or will exact undue hardship because of the peculiar conditions pertaining to the land in question."

Applicant was represented by Ralph J. Salerno, Esq., of the firm Genova, Burns, Giantomasi & Webster. Mr. Salerno presented the testimony of Michael W. Junghans, a New Jersey licensed professional engineer with the firm of Vanasse Hangen Brustlin, Inc., Laurence Appel, a New Jersey licensed architect, with the

firm Appel Design Group Architects, Robert Edgar, a senior product manager with H2M Associates, Inc., an environmental consulting firm, and Paul Eng-Wong, a New Jersey licensed professional engineer specializing in traffic, with the firm of Vanasse Hangen Brustlin, Inc. All of Applicants' witnesses were accepted by the Board as experts in their respective fields. Anthony Marucci, the Board's consulting engineer, and Joseph Staigar, a traffic engineer from the firm Staigar & Perego, advised the Board on this application through both written reports and oral testimony. The Board also retained Richard B. Reading of the firm Richard B. Reading & Associates to conduct a fiscal impact analysis for the project. Many members of the public participated in the hearing through questions of witnesses and comments.

Based on the evidence presented at the hearing, the Board made the following findings of fact:

1. The subject property is a triangular-shaped, 12.5 acre tract bordered to the east by the Garden State Parkway, to the west and south by the Third River and to the north by a residential development consisting of one and two family dwellings. Beyond the Third River to the west is Memorial Park and Foley Field, a municipal recreation complex. A multi-family residential development is to the southwest of the site;

2. Primary access to the site is from Memorial Parkway, which connects to Belleville Avenue to the south. At the northerly end of Memorial Parkway is a 15-foot wide, one lane bridge over the Third River which leads into the site. The property is also accessible from Spring Street to the north, but that connection has been inactive for some time;

3. The subject property essentially sits in a hole, since its elevation is significantly below the elevation of the surrounding properties;

4. The property has long been used for industrial purposes, with a variety of business occupying as many as 16 buildings over the last 100 years. Some of the buildings have recently been demolished by the Applicant, particularly on Lot 61;

5. Pursuant to the LRHL, the Applicant has been designated as the redeveloper of the site by the Governing Body and has entered into a redevelopment agreement with the Township;

6. The Redevelopment Plan includes multi-family residential dwellings as a permitted use, at a density of 40 units per acre. The Plan limits the height of buildings to five stories and 60 feet;

7. There are contaminants on the site in both the soil and the groundwater, resulting from historic fill on the westerly portion of the site and the discharge of contaminants by some of

the industrial users on the easterly portion of the site. A remedial action plan was approved by the New Jersey Department of Environmental Protection and remediation has been ongoing for several years. The responsible parties, and not the Applicant, are undertaking the cleanup. Much of the contaminated soil has been removed and the remainder awaits the demolition of the remaining buildings and their concrete pads. Monitoring wells have been installed on the site, and new ones will be added once the demolition is completed. Remediation of the site is being monitored by licensed site remediation professionals ("LSRP") pursuant to NJDEP regulations, who will be authorized to issue a Response Action Outcome letter ("RAO") once the cleanup is completed. In addition to the removal of some contaminated soil, some of the contaminants will remain on site but be capped by clean fill and the concrete and pavement used for construction of the development project. Once the cleanup plan has been fully implemented, including the construction of all improvements contemplated by this application, and the RAO is issued, the site will be remediated to permit a multi-family residential use;

8. The majority of the site is located within the 100-year flood plain of the Third River. Currently, flooding takes place throughout the site during a major storm;

9. Applicant proposed to complete the demolition of the site and construct three, five story residential buildings. The

ground elevation where the buildings would be constructed would be raised above the flood zone with 35,000 yards of clean fill, creating a flood basin around the eastern, western and southern perimeter of the site which would drain back into the Third River. The elevation of the area to be used for the flood basin would be lowered to create a deeper basin and capture more water, so the site would hold as much flood water as it currently does, consistent with NJDEP requirements;

10. A large industrial building located on Block 40 is built at the top of the riverbank, and forms part of a retaining wall for the Third River. Additional retaining walls are located along the north bank of the River, east of Memorial Parkway. The retaining walls have been undermined, and the removal of the building would exacerbate that condition. Photographs illustrating the condition of the walls were included in the application submitted to DEP for a stream encroachment permit, and DEP will need to approve any alterations to or replacement of the retaining walls in conjunction with the issuance of a permit;

11. Applicant intends to capture rainwater flowing from Spring Street onto the site using inlets and piping and transport that water to the River. It also intends to construct a swale and a gabion retaining wall at the base of the northerly slope to capture the water flowing down the hill and to control the flow

of the water into the Third River. This system should reduce erosion currently affecting vegetation on the hill;

12. Water from the remainder of the site currently sheet flows into the River. Under build conditions, water would be captured through an extensive piping network and piped into the River;

13. Total impervious coverage on the site would be reduced from 72.8% to 56.9%, thereby significantly improving drainage;

14. In order to provide sufficient and safe vehicular access onto the site, Applicant proposed to construct a 24-foot wide, two-lane bridge immediately to the east of the existing one lane bridge on Memorial Parkway. The existing bridge, which has underneath it a hydraulic control system regulating the water level in the Third River, will remain and will become a pedestrian pathway;

15. The Spring Street access will be redesigned and utilized for emergency access only. A gate would prevent its use other than in emergencies. In addition to emergency vehicles, Spring Street could be used by residents in case a severe flood event or other emergency prevented the use of Memorial Drive. As requested by the Township's fire official, the gate would be activated by the fire or police department using a radio transmission. The design of the gate will be coordinated with the Township police and fire departments;

16. The three, five-story buildings would consist of four residential floors above ground floor parking. Two identical buildings (Buildings A and B) would be set back 50 feet from the hill to the north. The third building, Building C, would be in the southeast corner of the site, with a setback of at least 60.48 feet from the Garden State Parkway right-of-way. One of the existing industrial buildings abuts the riverbank, but Building C would be at least 100 feet from the top of the bank;

17. All three buildings would be "U"-shaped with a courtyard in the center. Buildings A and B each would have 100 residential units, and Building C, with an easterly leg longer than its westerly leg, would have 132 units, for a total of 332 units. The unit mix would be 80 one-bedroom units and 252 two-bedroom units, after the Applicant, during the course of the hearings, converted 24 proposed three-bedroom units to two-bedroom units;

18. The height of the buildings, at five stories and 60 feet, complies with the maximum permitted height established by the Redevelopment Plan. The 332 proposed units on 12.5 acres equates with a density of 26.6 units per acre and the Redevelopment Plan permits 30 units per acre.

19. The New Jersey Residential Site Improvement Standards establish that the 332 units with the aforementioned bedroom mix would require 648 parking spaces, and 654 are proposed. Of

those, 382 spaces would be located under the buildings and 272 spaces would be in surface lots. Buildings A and B will each have 119 spaces in the garage and Building C will have 144 spaces in its garage. Thus, each unit would have at least one garage parking space. All parking stalls would be 9 feet by 18 feet, except for the 13 spaces which would be handicapped accessible, inclusive of two van accessible spaces. The size of all spaces conform to both Township and RSIS regulations;

20. All of the surface spaces would be located outside the flood zone except for 80 spaces located in the northeast corner of the site, to the east of Building B. The other surface spaces would be located to the west of Building A, to the south of Buildings A and B and across the Third River from Building C. Those latter spaces will be accessible to the site from an existing footbridge which connects this parking area to the remainder of the site. The footbridge will lead to a path that will connect to a seating area and gazebo and then connect with the sidewalk adjacent to Memorial Parkway;

21. A 2,400 square foot clubhouse would be attached to the northwestern corner of Building C, providing locker rooms and community space for the residents of the project. Slightly to the west of the clubhouse would be a pool area, and a playground would be located to the south of the clubhouse, between Building C and the pool area;



22. Emergency vehicles and garbage trucks, including the largest municipal fire engine, will be able to access the site and maneuver through it;

23. Enclosed trash areas would be located to the west of Building A and to the east of Building B. However, there will be garbage chutes in each building which will descend to compactors. and there will be recycling rooms on each floor for the convenience of the residents. Building staff will collect the recyclables and transport the compacted trash to the exterior enclosures, where they will be collected by private haulers;

24. Areas within the exterior parking lots will be used for snow removal;

25. The buildings will have a uniform facade treatment on all sides, with a stone base, a brick middle and a stucco top, with the brick rising to varying heights on the horizontal elements, which will also vary in height. The vertical elements would be topped with decorative cornices. The units will all have balconies;

26. There will be two entrances to each building, one for each wing. Similarly, the garages would provide separate access to the east and west wings of each building. Access to the buildings would be controlled through an electronic key system, and visitors will use an intercom system. A gatehouse at the northerly end of Memorial Parkway will control vehicular access

to the site. Cameras would be used to identify visitors for residents;

27. The garages would be open-air, allowing for natural ventilation through the garage doors and through openings in the walls of each building, which would be covered by wrought iron vents;

28. One-bedroom units would range from approximately 900 square feet to 1,270 square feet and two-bedroom units would range from 1,300 square feet to 1,670 square feet. Each unit would have its own laundry facilities;

29. An extensive landscaping plan would add a tree line along Memorial Parkway and extensive plantings along the Third River, the Garden State Parkway and at the base of and on the northerly hill. Each building courtyard would also be landscaped with grass and plantings, with benches for outdoor seating. A pathway would be constructed along the Third River in the westerly portion of the site;

30. The Applicant will submit its landscaping plan to the Township Forrester for his review and recommendations;

31. There is currently a 118.5 foot high smokestack on the site which is used as a monopole for wireless communications antennas. As part of the construction of the site, Applicant proposes to remove the smokestack and erect a monopole of the same height in the easterly portion to the site, adjacent to the

parking area in the northeast corner of the property and the Garden State Parkway. The monopole will look like a flagpole, but without a flag, and the antennas will be camouflaged;

32. Belleville Avenue is a heavily traveled County road with an entrance to the northbound Garden State Parkway approximately 285 feet east of the Memorial Parkway intersection. Both the Applicant's traffic expert and the Board's traffic expert projected that traffic exiting Memorial Parkway onto Belleville Avenue would operate at a Level of Service F under build conditions. Both experts accordingly recommended installation of a traffic signal at the intersection, with pedestrian signal heads and push buttons;

33. The signal timing should include a lead for eastbound traffic on Belleville Avenue to facilitate left turns onto Memorial Parkway. The Board's traffic consultant also recommended creating a left turn lane at Memorial Parkway for eastbound traffic on Belleville Avenue and shifting the center line to the north so that the eastbound lane would be 18 feet wide and the westbound lane would 12 feet wide. In addition to easing pass-by movements at Memorial Parkway, this would allow eastbound vehicles to bypass traffic turning left onto the Garden State Parkway northbound ramp and reduce the possibility that cuing vehicles will back up to Memorial Parkway;

34. To create the left hand turn lane at Memorial Parkway, the Belleville Avenue cartway would need to be widened by four feet, two feet on each side. This widening would be within the existing 50 foot right-of-way. It would still leave three feet between the curb and the four foot wide sidewalk on both sides of Belleville Avenue, which is appropriate for pedestrian safety. The left turn lane could be added without encroaching into the Belleville Avenue bridge over the Garden State Parkway;

35. A pedestrian crosswalk across Memorial Parkway and across Belleville Avenue would need to be added, and a crossing guard during school hours will assist children walking to nearby Fairview School;

36. Directly across Belleville Avenue from the Garden State Parkway northbound ramp is Williamson Avenue. Currently, Williamson Avenue traffic seeking to cut across Belleville Avenue to the northbound Garden State Parkway or trying to make a left turn onto Belleville Avenue experiences excessive delays. Additionally, there is a relatively high volume of accidents at the Williamson Avenue intersection over the last four years, including three right angle accidents related to through movements from Williamson Avenue to the Garden State Parkway ramp. As a result, it was recommended that a right-turn-only restriction be implemented for northbound traffic on Williamson

Avenue. This restriction could be limited to the morning and evening peak traffic hours;

37. The modifications to Belleville Avenue, including the traffic signal, crosswalks, widening, moving the center line and limiting movements from Williamson Avenue will all require approval from the Essex County Planning Board. Additionally, the New Jersey Turnpike Authority would have to approve moving the center line on the Belleville Avenue bridge spanning the Garden State Parkway. Applicant agreed that Mr. Staigar would participate in the process of seeking these approvals on behalf of the Planning Board and the Township, and will be compensated through the escrow fund established with the Board by the Applicant;

38. Mr. Reading's analysis estimated that 33 school-aged children would reside in the complex. This was disputed by several members of the public, including the principal of Fairview School, where the children would attend. However, Mr. Reading's report and testimony reflected his reliance on empirical data and standard methodologies, while those who disputed his estimate were simply speculating;

39. Mr. Reading also analyzed the fiscal impact of the proposed development by comparing the anticipated costs to the Township generated by the project to the revenues to be received under the terms of the financial agreement between the Township

and the Applicant, which calls for a 30-year tax abatement with incremental increases in payments. He found that even in the earlier years when Applicant's payments-in-lieu-of-taxes would be lowest, the tax revenues exceeded the anticipated municipal costs. However, due to both the provisions of the Long-Term Tax Abatement Statute and the terms of the financial agreement, the public schools would receive no tax revenues from this development for the 30 year abatement period. The Board made a recommendation that the Township provide to the Board of Education sufficient revenues to cover the costs of the additional public school students generated from the project; and

40. The site plan submission exceptions requested by the Applicant for map size and plan scale were reasonable given the size of the site and the project. Increasing the map size to 30 inches by 42 inches from the maximum permitted size of 24 inches by 36 inches and decreasing the scale from 1 inch equals 30 feet to 1 inch equals 40 feet allowed the entire site to be included on a single page of the plans, thereby allowing for easier review of the details of the proposed project by the Board and the public.

On the basis of these findings of fact, the Board made the following conclusions of law:

1. The Applicant's plans conform with the requirements of the Township's regulations governing site plan review and approval;
2. The Applicant's plans comply with all the requirements of the Redevelopment Plan, and thus the application is fully conforming;
3. The discretion afforded a Planning Board to deny a fully conforming site plan application is very limited, and would have to result from unusual circumstances related to the safety of the project or insufficient information included with the application;
4. The Applicant provided detailed and satisfactory testimony explaining how flooding, stormwater management, emergency vehicle access and environmental conditions would be addressed;
5. Plans for ensuring pedestrian and vehicular safety into and out of the site were also detailed. Applicant acknowledged that a traffic signal, with pedestrian signal heads, at the intersection of Memorial Parkway and Belleville Avenue was an essential condition of approval, as was the addition of crosswalks at the intersection. Crossing guards would assist children walking to and from school. The widening of Belleville Avenue to accommodate a left turn lane into Memorial Parkway and the shifting of the center line to the north, both of which would

allow for an 18 foot eastbound lane, would further enhance safety for vehicles traveling on Belleville Avenue in the vicinity of Memorial Parkway, as would a right turn only restriction for northbound traffic on Williamson Avenue during the peak hours;

6. All of the recommended improvements to Belleville Avenue, including the traffic signal, the left turn lane, the shifting of the center line and the prohibition on movements from Williamson Avenue, are necessitated by the development of the site by Applicant;

7. The construction of a 24 foot wide, two lane bridge over the Third River on Memorial Parkway and the use of the Spring Street access point for emergency vehicles and egress would also ensure the ability to safely enter and exit the site, both for daily traffic and during emergencies;

8. The Applicant, with the assistance of the Board's traffic consultant, has demonstrated that the Belleville Avenue and Memorial Parkway intersection will function safely and appropriately with the modifications described herein;

9. While the Applicant has satisfactorily explained its plans for handling flooding, stormwater management and environmental contamination, those plans are ultimately under the jurisdiction of the New Jersey Department of Environmental Protection;



10. The impact of a development proceeding as an conforming site plan application on the public schools, on the Township's tax revenues and on off-site traffic conditions cannot constitute grounds for denying the application;

11. The requested exceptions for map size and plan scale were justified due to the unusual size of the site and the project and the convenience to the Board and the public of having the entire project displayed on one sheet; and

12. In light of the testimony concerning conditions at Fairview School, the Planning Board recommended that the Mayor and Council appropriate sufficient resources from the Applicant's PILOT payments to cover the per pupil costs of any public school students generated by the development of this site and that the Mayor and Council conduct a traffic study of conditions in the neighborhood of Fairview School.

On the basis of these findings of fact and conclusions of law, and the discussion of the Members of the Board present at the hearing, the Planning Board of the Township of Bloomfield, by a vote of six (6) in favor and three (3) opposed, determined that the Applicant had met all of the requirements of the applicable Township Ordinances for preliminary and final site plan approval, that the project was fully conforming with the Redevelopment Plan and that the requested exceptions to the site plan submission requirements were necessitated by the size of the site, were

reasonable and were consistent with the intent of the Land Development Ordinance.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Bloomfield that the application for preliminary and final site plan approval and for exceptions from site plan submission requirements for map size and plan scale, permitting the development of three, five story residential buildings and accessory structures on property located at 221-225 Belleville Avenue, Block 544, Lots 40 and 61, be and hereby is GRANTED, subject to the following:

1. Conformance with the Applicant's plans submitted with the application, as amended by this Resolution;
2. All necessary approvals by the Essex County Planning Board, including, without limitation, its authorization for (i) a traffic signal at the intersection of Memorial Parkway and Belleville Avenue, with pedestrian signal heads; (ii) pedestrian crosswalks at the intersection; (iii) the widening of Belleville Avenue to permit an eastbound left turn lane onto Memorial Parkway; (iv) moving the center line of Belleville Avenue to the north so that the width of the eastbound lane at Memorial Parkway and at the Belleville Avenue bridge spanning the Garden State Parkway is 18 feet; and (v) right turn only restrictions for

northbound traffic on Williamson Avenue during the morning and evening peak traffic hours;

3. Approval for the shifting of the Belleville Avenue centerline by the New Jersey Turnpike Authority, if required;

4. Construction of a new bridge on Memorial Parkway, at least 24 feet in width, spanning the Third River;

5. The implementation of the improvements set forth in paragraphs 2, 3 and 4, above, by the Applicant and/or the responsible governmental authority. If any of the aforesaid improvements cannot be implemented for any reason, the Applicant shall seek relief from the Board for each such condition;

6. All of the road improvements detailed in these conditions, including the new bridge over the Third River on Memorial Parkway, shall be undertaken at the sole expense of the Applicant;

7. The Applicant enlisting the assistance of Joseph Staigar, the Board's traffic consultant, in its applications to the Essex County Planning Board and the New Jersey Turnpike Authority for the off-site road improvements required hereby, at the Applicant's expense, with the payments for Mr. Staigar's services to be made from the Applicant's escrow on deposit with the Planning Board, which shall be replenished as needed;

8. All necessary approvals by NJDEP, including, without limitation, the issuance of a stream encroachment permit, which

would include the approval of any changes to the retaining walls on the north bank of the Third River, approval of Applicant's proposed stormwater management system and approval of a sanitary sewer connection;

9. Completion of the remediation of the environmental conditions on the site to allow for a multi-family residential use, under the monitoring of LSRP's and consistent with NJDEP regulations. No certificate of occupancy shall issue until the Applicant receives a Response Action Outcome letter;

10. The Applicant keeping the Township apprised, through communications with the Township and Board engineers and the Township's construction department, of all developments with respect to the required roadway improvements, NJDEP's review of the flood storage and stormwater management plans and the environmental cleanup of the site;

11. Installation of an emergency gate and other improvements at the Spring Street access point, to ensure that emergency vehicles, including all Township fire equipment, can gain access to the site and that residents can exit the site in an emergency. The gate shall be operated by a radio transmission utilized by the fire and police departments and shall be designed in cooperation with both departments;

12. The installation of a flagless monopole for the relocation of the wireless communication antennas, with the

antennas camouflaged to mitigate their visual impact, which shall be designed in consultation with Anthony Marucci, the Board's consulting engineer, and the Township construction department;

13. Consultation with the Oakside Cultural Commission concerning the widening of Belleville Avenue;

14. All other necessary governmental approvals, including, without limitation, the Hudson-Essex-Passaic Soil Conservation District;

15. Review of Applicants' landscape plan by the Township Forrester;

16. Conformance with all building code requirements;

17. Consolidation of Block 544, Lots 40 and 61 into a single tax lot;

18. Submission of detailed site plans when applying for construction permits at a scale of 1 inch equals 20 feet for the overall Site Plan, the Grading and Drainage Plan and the Utility Plan; and

19. Provision of maintenance and performance bonds as required by law.

IN FAVOR OF GRANTING THE APPLICATION:

Councilman Hamilton	Yes
Chairman LaQuaglia	Yes
Mayor McCarthy	Yes
Dr. Ophori	Yes
Mr. Pietrykoski	Yes
Mr. Zitka	Yes

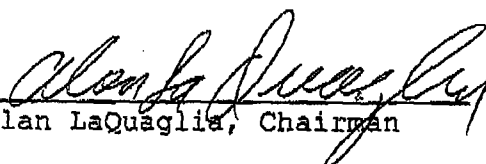
(6) Yes

OPPOSED TO GRANTING THE APPLICATION:

Dr. Sotillo	No
Mr. Stephan	No
Mr. Zimmerman	No

(0) No

The undersigned, a member of the Township of Bloomfield Planning Board, certifies that the foregoing is a true copy of the Resolution adopted on the 16<sup>th</sup> day of October, 2012, to reflect the action taken by said Board on the 2<sup>nd</sup> day of October, 2012.

  
Alan LaQuaglia, Chairman

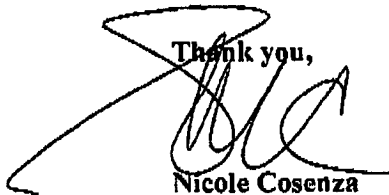
**Fax Cover Sheet**  
**Township of Bloomfield**  
**Department of Planning & Zoning**  
**1 Municipal Plaza, room #203**  
**Bloomfield, NJ. 07003**  
**PH# (973) 680-4012**  
**FAX# (973) 748-3520**

**Date:** 10/17/12  
**To:** Ralph Salerno  
**From:** Nicole

**Number of pages including cover:** 26

**Comments:**

The original will be in  
today's mail  
😊

Thank you,  
  
Nicole Cosenza  
Secretary to the Boards