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## **CITY OF PATERSON** **PLANNING BOARD**

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### **COUNCIL REPRESENTATIVE**

Shahin Khaliq

**DATE: WEDNESDAY, DECEMBER 19, 2018**  
**TIME: 6:30 p.m.**  
**PLACE: City Hall**  
Council Chambers, 3<sup>rd</sup> Floor

### **AGENDA:**

- 1. PLEASE TAKE NOTICE** that on Wednesday, December 19, 2018, at 6:30 p.m., in the Paterson City Hall, Council Chambers, Third Floor, 155 Market Street, Paterson, New Jersey 07505, the Planning Board ("Board") of the City of Paterson will hold a public hearing on the limited remanded application ("Application") of 160 West Broadway Associates (the "Applicant") for preliminary and final site plan approval ("Approvals") for the proposed tenant fit-out for the back warehouse section ("Project") for the property located at 136-160 West Broadway, Paterson, New Jersey, 07522 designated on the Paterson Tax Maps as Block 604, Lot 1 ("Property"). The Property is located in the First Ward Redevelopment Plan, in the C-2 General Commercial District.

The Project consists of supermarket, retail, and warehouse uses. The Property previously received site plan approval for these uses on December 2, 2015, as memorialized by resolution dated, January 20, 2016. The previous approval included variances for a front yard setback of 49.9 feet where the maximum front yard setback is 5 feet; not providing a curbed landscaped island equal to 5 percent of the area of the parking facility; and parking space width of 8 feet 6 inches where 9 feet is required. The current Project does not change these conditions.

This public hearing is a limited remand hearing only on traffic issues as Ordered by the Honorable Ernest M. Caposela, A.J.S.C. The Application received approval from the Planning Board on September 27, 2017, as memorialized by resolution dated, October 18, 2017 ("Resolution"). Below is the limited remand Order dated, October 5, 2018, excluding the timeline in the Order which has been changed:

- This matter will be remanded to the City of Paterson Planning Board to supplement and clarify the record.
- The remand will be limited to permit the Plaintiffs to present expert testimony on the traffic issues only.
- Upon hearing the additional traffic testimony, the Board shall again deliberate on the application and upon voting will state "I approve the application because ... or I disapprove the application because ...". They are to state their reasons in conjunction with their vote.
- The Court is not ruling on the issue of whether the Board acted arbitrarily, capriciously or unreasonable or on any of the other issues raised in the briefs. It will consider those arguments after the remand hearing.

While the Applicant believes that its Application is in conformance with the Zoning and Land Development Ordinance of the City of Paterson, New Jersey, it hereby requests any variances, deviations, amendments, waivers, exceptions, and/or other approvals as are required to obtain the Approvals.

At the hearing, all interested parties will be given the opportunity to be heard. You may appear either in person, by agent, or by attorney and present any objections of comments which you may have to the Application as limited by the remand Order.

**Planning Board Regular Meeting**

**December 19, 2018**

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All of the submitted plans, reports, and documents submitted by the Applicant as part of the Application, and the Resolution, are available for inspection by the public Monday through Friday, holidays and furlough days excepted, between the hours of 8:30 a.m. and 4:30 p.m., in the Office of the Division of Planning and Zoning, 125 Ellison Street, 4th Floor, Paterson, New Jersey 07505.

3. Adoption of minutes.
4. Adoption of resolutions.

**JANICE NORTHROP, CHAIRWOMAN**  
**MARGARITA VEGA, SECRETARY**