

BOROUGH OF TOTOWA P L A N N I N G B O A R D

PASSAIC COUNTY
NEW JERSEY



MINUTES – AUGUST 9, 2018

Acting Chairman Festa called the Planning Board meeting of Thursday, August 9, 2018 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Ferraro	Councilman D'Angelo	Mayor Coiro	Commissioner Zarek
Commissioner Pugliese	Commissioner Festa	Mike Cristaldi, PE	Richard Brigliadoro, ESQ

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 12th day of August 9, 2018 is in accordance with the Schedule of Annual Notice, which is posted, and in accordance with Chapter 231 P.L. 1975 of the State of New Jersey. The agenda for this meeting has been prepared and distributed to the members of the Planning Board and a copy has been on file in the Construction Official's Office.

ITEM #1

Gold's Gym	Block 175 - Lot 10	Amended Site Plan
18 Furler Street		Hours of Operation

Mr. Jeff Mortman, the owner of Gold's Gym appeared requesting to expand the approved hours of operation during the overnight hours from 12:00 a.m. to 5:00 a.m. Mr. Mortman is requesting the Board's approval in order to be open for business 24 hours a day, seven days per week, 365 days a year.

A Letter of Intent dated June 28, 2018 was read into the record.

Mr. Mortman also explained that the purpose of providing the 24-hour operation is to enable men and women who work different shifts to have an opportunity to work out at his gym during the overnight hours. Mr. Mortman also explained that based on his experience, many law enforcement officers would be individuals that would benefit from having a 24-hour operation at this location. Mr. Mortman indicated that with the exception of changing the hours of operation, there were no other changes contemplated by the Applicant at this time.

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to approve the amended site plan for hours of operation as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. All terms and conditions of the Board's prior resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.

Six agreed on a roll call vote.....6-0

ITEM #2

Il Piatto Bistro
333 Totowa Road

Block 113 - Lot 7
change of owner

Minor Site Plan
Certificate of Use

Mr. Jorge A. Curi appeared requesting approval for the continued occupancy of an existing Italian Restaurant. This is a change of ownership only.

A Letter of Intent dated July 23, 2018 was read into the record.

Mr. Curi testified that the proposed hours of operation will be Monday through Sunday from 8:00 a.m. – 10:00 pm. Mr. Curi testified that he will be adding pizza to the menu and thus will be installing a pizza oven. In regard to onsite parking, there are ten parking spaces in the parking lot. Mr. Curi also represented that there are existing signs that will remain, the applicant is not changing the name of the business.

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to approve the minor site plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The construction of internal partitions, exits, entrances and fire safety devices are subject to and require the approval of the fire sub-code official, the fire inspector and the building inspector.
2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.
4. All previously approved conditions will remain in effect.

Six agreed on a roll call vote.....6-0

ITEM #3

Sync Heal & Fitness
Unity School of Jiu Jitsu
269-273 Union Blvd.

Block 43 - Lot 29

Minor Site Plan
Certificate of Use

Naji Mitchell and Devhonte Johnson appeared requesting approval for occupancy of approximately 6,000 sq.ft. to operate a martial arts and health facility. Mr. Mitchell testified that he is a partner along with Mr. Devhonte Johnson in the subject business. Mr. Mitchell testified that the business will offer various martial arts and fitness programs for both youth and adults. In addition, he testified that they are also personal trainers.

The business will be opened to the public Monday through Friday from 5:00 p.m. to 10:00 p.m., Saturday from 10:00 a.m. to 2:00 p.m. and Sunday from 9:00 a.m. to 3:00 p.m. Mr. Mitchell also testified that there is existing on-site parking for eight vehicles. Mr. Mitchell also addressed the issue of signage. The Applicant proposes to replace the two existing signs with two new signs reflecting Sync Fitness and the Unity School. The signs will be located in the existing sign boxes on the premises. The Unity School sign will be located on the space identified as 269 Union Boulevard and the Sync Fitness sign will be located on the space identified as 273 Union Boulevard.

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to approve the minor site plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The construction of internal partitions, exits, entrances and fire safety devices are subject to and require the approval of the fire sub-code official, the fire inspector and the building inspector.
2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.

Six agreed on a roll call vote.....6-0

ITEM #4

Durum Doner
325-327 Union Blvd.

Block 92 - Lot 10

Amended Site Plan
Outside Dining

Ms. Serife Bulbul appeared requesting approval for outdoor dining. The Applicant seeks approval to add three tables with four seats per table for a total of twelve seats. Ms. Bulbul testified that the tables and chairs will be situated in such a manner so as not to impede, obstruct or inhibit pedestrian traffic in the area of the outdoor dining.

Planning Board Attorney Rich Briglidoro read a letter of intent into the record.

Ms. Bulbul was also made aware of the existence of the Outdoor Dining Ordinance under Chapter 275 of the Totowa Borough Code, and that the applicant must annually file for an application with the Borough Clerk. Ms. Bulbul testified that she may install planters around the outdoor dining area, but that the planters would not impede or obstruct pedestrian traffic.

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to approve the amended site plan for outdoor dining as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The Applicant will comply with all terms and conditions set forth in Chapter 275 Outdoor Dining of the Totowa Borough Code.
2. The Applicant will obtain an outdoor dining license from the Borough Clerk.
3. All terms and conditions of the Board's prior resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.
4. The granting of this application is subject to a condition upon there being no spillover lighting on to adjoining properties.

ITEM #45

Coronet
55 Shepherds Lane

Block 11 - Lot 7.01

Amended Site Plan
Parking Lot Expansion – Failing to provide sufficient on-site parking and any other variances required.

Patrick McAuley, Esq. of the law firm Connell Foley LLP appeared requesting an amended site plan approval to permit the expansion of the parking lot and to grant "c" variance relief for the number of on-site parking spaces.

The following Exhibits were introduced into evidence at the time of the hearing:

- A-1 - Site Plan dated July 25, 2018, prepared by Matrix New World Engineering showing 117 parking spaces
- A-2 - Plan of Property dated June 13, 2018, prepared by Matrix New World Engineering
- A-3 - Report of Shropshire Associates, Traffic Engineer dated July 3, 2018
- A-4 - Internal Expansion Area
- A-5A - Plan showing existing landscaping
- A-5B - Plan showing landscaping after additional parking spots added
- B-1 - Letter of Denial dated July 10, 2018

Mr. McAuley represented that due to the success of Coronet's business at this location, Coronet now has 150 employees. As a result, Coronet intends to lease an additional 26,640 square feet of space to be utilized for warehouse purposes only and will not require Coronet to hire any additional employees.

Mr. McAuley stated the Applicant will be adding twenty-four (24) parking spaces to the existing ninety-three parking spaces for a new total of one-hundred seventeen on-site parking spaces. However, the Applicant requires one-hundred nineteen parking spaces and is thus, deficient two parking spaces necessitating "c" variance relief.

Russell Osur, CEO of Coronet, Inc. testified in regard to the nature of the operation. Mr. Osur testified that Coronet, Inc. is a high-end LED lighting facility. Mr. Osur testified at Coronet the workers assemble custom made lighting fixtures. He also represented that he has been the CEO of Coronet for the past eight years. Mr. Osur stated that one or two of Coronet's major competitors have since moved to Mexico. As a result, Coronet has filled the void and now occupies a greater market share, thus requiring the expansion of warehouse space at this facility.

Mr. Osur reviewed with the Board Exhibit A-4 and explained the internal area for the proposed expansion. Mr. Osur represented that the Applicant will be able to provide more storage on-site, which is anticipated to result in a 38% increase in efficiency. Mr. Osur next addressed the issue of on-site parking. He represented that Coronet has provided an incentive program to induce workers to arrive at work via mass transit or to carpool. He explained that workers that carpool are paid \$20.00 per week while Coronet, Inc. pays the bus fare for workers who take that mode of transportation to work. Mr. Osur further explained that twenty-seven workers carpool with a breakdown of three workers per car in nine vehicles. Twenty workers carpool in a two person vehicle, thus resulting in ten vehicles parking on-site. Three workers also arrive via bus. One hundred workers arrive separately. Next, Mr. Osur explained that Coronet, Inc. has contracted with the owner of the "Quick Check" Shopping Center for off-site parking for twenty-five vehicles. The arrangement with Quick Check through Anjo Realty provides for parking on that site through December 31, 2018. However, Coronet, Inc. is extending the arrangement for off-site parking for an additional year through December 31, 2019. Mr. Osur also testified that Coronet has entered into a license agreement with St. John's Cathedral to park twenty-five vehicles at the former St. Joseph Orphanage located at 124 Shepherds Lane. A License Agreement was executed which provides off-site parking from July 1, 2018 through July 1, 2020. It was also represented that there is a right to terminate the License Agreement by either side with thirty business days' written notice.

Dylan Ryan, P.E., a licensed Professional Engineer oriented the Board to the site, reviewed Exhibit A-1 and demonstrated where one-hundred seventeen parking spaces are located on the site. Mr. Ryan also reviewed with the Board Exhibits A-5a, which is a plan showing the existing landscaping and A-5b which is a plan showing landscaping after the additional parking spaces are added. Mr. Ryan testified that at the present time approximately 19% of the parking area is landscaped which will be reduced to 15% with the addition of twenty-four more parking spaces. However, he represented that the landscaping exceeds the minimum Ordinance requirement for landscaping in a parking area which is 10%.

David R. Shropshire, P.E., P.P., a licensed Professional Engineer and Planner prepared a Traffic Report which was introduced into evidence as Exhibit A-3, dated July 3, 2018. Mr. Shropshire reviewed his report with the Board and testified that traffic counts were conducted at the intersection of Union Boulevard and Shepherds Lane. He stated that there are delays during peak times at this intersection. However, he concluded that since there are no additional employees for Coronet's warehouse expansion, there is no increase anticipated in the peak hour traffic volumes. As a result, the existing peak hour operational conditions will remain unchanged. Mr. Shropshire testified that peak parking demands for Coronet were counted on several typical weekdays. The peak observed on-site parking demand was seventy-seven vehicles. During the surveys conducted by Mr. Shropshire's office, they were able to confirm that Coronet employees were utilizing twenty-five parking spaces at the Quick Check Shopping Center. Therefore, Mr. Shropshire concluded that the current peak parking demand for one-hundred fifty Coronet employees is one-hundred two vehicles with a breakdown of seventy-seven vehicles on-site plus twenty-five vehicles off-site.

Furthermore, employee parking demand would be minimized as a result of the measures implemented by Coronet to incentivize the use of carpooling and mass transit. Mr. Shropshire also testified that one-hundred nineteen parking spaces are required in connection with this development application and one-hundred seventeen parking spaces are proposed. Thus, he characterized the difference between the amount of on-site parking provided and the amount of on-site parking required by Ordinance to be *de minimis*. He also stated that there is very little customer activity and primarily the on-site parking is for employees. Mr. Shropshire next provided planning testimony in support of the granting of “c” variance relief for the number of on-site parking spaces, as well as in regard to landscaping in the parking area if it were determined that the Applicant did not meet the minimum 10% requirement for landscaping in the parking lot area.

Mr. Shropshire identified the purposes of the Municipal Land Use Law which would be advanced by the approval of this application. Mr. Shropshire testified that under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-2, subpart 2(a) would be satisfied because the approval of this application would encourage municipal action to guide the appropriate use or development of all lands in the State in a manner which will promote the public health, safety, morals and general welfare. Mr. Shropshire represented that the Applicant is not trying to overtax the site and is providing less impervious coverage. He further testified that 2(c) would be satisfied by providing adequate light, air and open space. He stated that the open space on the lot is adjacent to Boyle Avenue which is a residential area in the R-7 Zone. He stated that the Applicant will not disturb the area. Thus, the area with its vegetation will continue to provide a buffer for the residents. He also testified that 2(g) is satisfied because the approval of this application will provide sufficient space in appropriate locations for a business in an industrial/commercial area. He testified this is satisfied by being able to provide sufficient space to park cars on the site. He also stated that 2(m) is satisfied because the approval of this application will result in a more efficient use of land. He represented that the Applicant is not overdeveloping this site and the Applicant is also utilizing off-site parking so as to minimize further development of the site. In regard to the request for variance relief for landscaping in the parking area if it is required, Mr. Shropshire testified that landscaping is being provided as indicated on Exhibits A-5 and A-5a such that landscaping is around the perimeter of the parking area and the parking is in the middle. Thus the proposed use of landscaping in the parking area results in more efficient use of land. Mr. Shropshire concluded that the application can be approved without substantial detriment to the public good and without substantial impairment of the Zone Plan and Zoning Ordinance. He further testified that the benefits from the deviation substantially outweigh any detriments. He, therefore, concluded that both the positive and negative criteria were met to permit the Board to approve this application.

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to open the public portion of the meeting.

Six agreed on a roll call vote.....6-0

The meeting was opened up to members of the public and the Board was addressed by John Kuiken and Joan Kuiken, husband and wife, residents of 77 Shepherds Lane. Mr. and Mrs. Kuiken stated that there are issues involving traffic on Shepherds Lane during certain hours of the day when vehicles are stopped along Shepherds Lane due to traffic at the intersection of Union Boulevard and Shepherds Lane. The Kuikens also represented that the on-site parking is insufficient for the number of employees that work at this facility.

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to close the public portion of the meeting.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to approve the amended site plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. Applicant submitting revised plans to the Board Engineer adding a note to confirm the turning movements for the seven cars which are depicted on the plan in a parallel parking scenario are able to safely navigate the site which shall be subject to the review and approval of the Board Engineer.
2. The granting of this application is subject to and conditioned upon the Board Engineer reviewing the Applicant's Exhibits A-5a and A-5b and calculations relative to landscaping in the parking lot. In the event that the Board Engineer is not satisfied that the Applicant meets the minimum Ordinance requirements of 10% landscaping in the parking lot, the Applicant shall be required to add additional landscaping to meet the minimum requirement of 10% landscaping in the parking lot, or the Applicant shall be obligated to return to the Planning Board to seek variance relief.
3. All terms and conditions of the Board's prior resolutions shall remain in full force and effect except as satisfied and not in conflict with this approval.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Zarek and seconded by Councilman D'Angelo to approve the Planning Board Minutes of July 12, 2018 as prepared.

Five agreed on a roll call vote.....5-0

RESOLUTIONS:

A motion was offered by Commissioner Zarek and seconded by Councilman D'Angelo to approve the resolution for NJDC Urban Renewal, LLC as presented.

Five agreed on a roll call vote.....5-0

There being no other business, a motion was offered by Commissioner Zarek and seconded by Commissioner Ferraro to adjourn the meeting.

All in favor.....6-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved