

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

PASSAIC COUNTY  
NEW JERSEY



MINUTES – FEBRUARY 27, 2020

Chairman Hennion called the Planning Board meeting of Thursday, February 27, 2020 to order at 8:03 p.m. in the Municipal Building of the Borough of Totowa.

**PRESENT:**

Chairman Hennion	Commissioner Sabatino	Mayor Coiro	Commissioner Zarek
Commissioner Festa	Commissioner Murphy	Commissioner Niland	Councilman D'Angelo
Commission Campilango	Tom Lemanowicz, PE	Richard Briigliodoro, ESQ	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 27<sup>th</sup> day of February 2020 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**

The Tile Store	Block 177 – Lots 2 & 2.01	Site Plan Approval
1 Route 46 West	<i>(continued for signs)</i>	Certificate of Use

Mr. Manuel Colchete appeared providing more details regarding proposed signs 3, 4 and 5.

The applicant proposed a total of five signs at the Planning Board Meeting of February 13, 2020 as follows:

1. A freestanding sign with the text Holiday Inn with a Holiday Inn logo on the top of the sign which is located adjacent to Lackawanna Avenue wherein the Applicant will install a sign panel in the space provided. There are ten sign panels displayed, including a panel for the Tile Store, representing the various tenants in this shopping center;
2. A freestanding sign with the text Holiday Inn with a directional arrow on top of the sign which is located adjacent to Route 46 wherein the Applicant will install a sign panel in the space provided. There are nine sign panels displayed, including a panel for The Tile Store, representing the various tenants in this shopping center.
3. A freestanding sign adjacent to the freestanding sign with the text Holiday Inn and a directional arrow on top of the sign and identified in Item #2 herein. This freestanding sign has space for three sign panels which are represented by Petco, The Tile Store and Lens Crafters;
4. A rooftop sign for the Tile Store facing Route 46 which sign is 19.5 feet in length and 8.4 feet in height or approximately 164 square feet of signage;
5. A building façade sign over the front entrance to The Tile Store. The proposed sign is 9 ½ feet in length by 4 feet in height or approximately 38 square feet of signage.

Planning Board Attorney, Rich Briigliodoro reviewed the zoning file in the construction official's office and advised the Board regarding what was previously approved.

In regard to sign number 3 identified herein, this is a free-standing sign adjacent to the larger free-standing sign facing Route 46. The sign as proposed has three sign panels Petco, The Tile Store and Lens Crafters. This sign is preexisting. A review of the Price Buster Furniture Resolution decided on March 24, 2011 and memorialized on April 14, 2011 granted approval to allow Price Buster Furniture to place a fourth sign on top of the sign. This application only seeks to install a sign panel in one of the three sign panels that are existing on the sign. Therefore, this three panel sign was previously approved by the Planning Board.

Next, in regard to sign number 4, the Board previously approved a rooftop sign at 200 square feet. The approval was granted on December 9, 2010 and memorialized on January 13, 2011 in regard to the Price Buster Furniture application before the Board. The Applicant originally presented a rooftop sign at 165 square feet which has now been reduced in sign area to 78 square feet.

In regard to sign number 5, the Applicant has amended the application to propose a building facade sign over the front entrance to The Tile Store. The Applicant originally presented a sign at 38 square feet but has now increased the sign area to 78 square feet. The Applicant represented that the building facade sign over the front entrance was increased in sign area to be more in keeping with the size and scope of the front facade of the building.

Regarding Signage, a motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve "c" variance relief to permit installation of the following signs. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. A freestanding sign with the text Holiday Inn with a Holiday Inn logo on the top of the sign which is located adjacent to Lackawanna Avenue wherein the Applicant will install a sign panel in the space provided. There are ten sign panels displayed including a panel for The Tile Store representing the various tenants in this shopping center;
2. A freestanding sign with the text Holiday Inn with a directional arrow on top of the sign which is located adjacent to Route 46 wherein the Applicant will install a sign panel in the space provided. There are nine sign panels displayed including a panel for The Tile Store, representing the various tenants in this shopping center.
3. A freestanding sign adjacent to the freestanding sign with the text Holiday Inn and a directional arrow on top of the sign which is located and identified in Item #2 herein. This freestanding sign has space for three signs Petco, The Tile Store and Lens Crafters;
4. A rooftop sign for The Tile Store facing Route 46 which sign contains approximately 78 square feet of sign area.
5. A building façade sign over the front entrance to The Tile Store. The proposed sign contains approximately 78 square feet of sign area The Totowa Borough Code permits a building façade sign with a maximum of 30 square feet of sign area. The proposed signage exceeds 30 square feet.

Nine agreed to a roll call vote... 9-0

**ITEM #2**

Totowa Nails  
1 Route 46 West

Block 139 – 8  
*change of owner*

Site Plan Approval  
Certificate of Use

Sun Young Regan appeared requesting approval for the continued occupancy of a Nail salon providing pedicures, manicures and waxing. This is a change of ownership only. The applicant will occupy approximately 1,000 sq. ft of space.

An undated letter of intent was read into the record.

Ms. Regan testified as to the nature of the business and indicated that she will be taking over the nail salon known and operated as Totowa Nails. There will be four to five employees. The hours of operation will be 9:30 a.m. to 7: 30 p.m. Monday through Saturday. The Applicant will retain the existing “Totowa Nails” sign.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa 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. There will be no change to the existing sign. Applicant is permitted to place a sign in the window to identify the business, but the sign shall not exceed twenty percent of the glass window area.
5. The Applicant shall obtain and maintain any and all licenses, certificates or permits from any and all licensing authorities, including, but not limited to, the Borough of Totowa, County of Passaic, State of New Jersey or any federal agency having jurisdiction hereunder.
6. 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.

Nine agreed to a roll call vote... 9-0

Commissioner Festa excused himself from Item #3  
All In Favor 9 – 0

**ITEM #3**

Marek & Magdalena Slodyczka  
783 Union Blvd

Block 173 – Lot 4

Minor Sub-division w/variances for  
lot width, lot area, side & front yard  
Set-backs.

The Applicants were represented by John J. Veteri, Jr., Esq.

Mr. Veteri, Jr. Esq., attorney for the applicant provided the Board with an overview of the project. The Applicants seek minor subdivision approval with variance relief in order to subdivide an existing 30,000 square foot lot into two 15,000 square foot lots.

Mr. Veteri reviewed the requested variances. The Applicants require lot area variance relief for proposed Lot 4 and for proposed Lot 4.01 where the minimum lot area in the R-20 Zone is 20,000 square feet and each proposed lot is 15,000 square feet. The Applicants also require variance relief for lot width where the minimum lot width in the R-20 Zone is 100 feet and each of the proposed lots will have a lot width of 50 feet. The Applicants also require a front yard setback in regard to proposed Lot 4 which contains an existing single-family dwelling. The minimum front yard setback is 40 feet and the existing front yard setback is 36.7 feet. The Applicants next require side yard setback variance relief where the minimum side yard setback in the R-20 Zone is 15 feet and the Applicants are proposing a 9.23 foot side yard setback on Lot 4 and a 9.5 foot side yard setback on proposed Lot 4.01.

The Applicants also require two waivers relative to accessory building side yard setback where a minimum of 15 feet is required and 4 feet is being provided on both lots as well as in regard to a parking setback where a minimum of 2 feet is required and 0 feet is being proposed on Lot 4.

Mr. Veteri stated in regard to the proposed new house to be constructed on Lot 4.01 the plans as presently constituted have a setback of approximately 60 feet and the Applicants are prepared to move the house forward to be more in conformance with the setbacks in the area with most homes being setback between 30 feet and 40 feet.

Mr. Veteri also represented that the Applicants seek to restore the historic home and it will be sold. The Applicants also seek to construct a new home on proposed Lot 4.01 which home will be sold and will not be a rental unit.

Mr. Veteri reviewed the architectural plans with the Board. He represented that the first floor contains a veranda, an office/den area, a family room, dining room, kitchen and bathroom. The second floor will contain four bedrooms, two baths and a laundry room. The Applicants are also proposing a detached 2-car garage. The house will also have a basement with a utility room.

Testifying on behalf of the Applicants was David Fantina, P.E., a licensed professional engineer in the State of New Jersey. Mr. Fantina reviewed the variances. He also stated that the Applicants are proposing a detached garage in the rear of each dwelling. The Applicants originally proposed two driveways side-by-side. However, based upon Technical Comment 6 in the Board Engineer's Review Report, the Applicants agreed to the comment to consider the mirror image of the current layout for Lot 4.01.

Mr. Fantina also stated the Applicant is proposing drainage improvements on the lot consisting of a drywell on each lot where previously there were no drainage improvements on the property. He also stated that there are two (2) sheds in the backyard and a dog pen which will be removed as part of the approval. Mr. Fantina also stated that the Applicants are proposing to move the house forward on proposed Lot 4.01, but still comply with the minimum 40 foot front yard setback in the zone.

Mr. Fantina also stated that the Applicants will calculate the floor area ratio for each dwelling although he estimated that the floor area ratio would be well within the maximum limits of the Ordinance.

Mr. Fantina also reviewed the relocation of the driveway and garage on proposed Lot 4.01. Mr. Fantina also addressed access to the garage and the ability of a vehicle to perform a K-turn on the property.

The next witness to testify on behalf of the Applicants was John Leoncavallo, P.P., a licensed professional planner in the State of New Jersey. Mr. Leoncavallo provided an overview of the subject property and the existing area in which the property is located. Mr. Leoncavallo stated that the proposed development of the site for a single-family house is a permitted use in the R-20 Zone. He reviewed the request for variance relief. He stated that this is a classic case under the Kaufmann case for the Board to grant a flexible "c" variance. He stated that this is a two lot subdivision which improves the neighborhood harmony. He also stated that two smaller houses are a better zoning alternative than having one very large house on the oversized lot. Mr. Leoncavallo also stated that several purposes of the Municipal Land Use Law would be advanced by the approval of this application including 2(a) promotion of the general welfare, (g) providing sufficient space in appropriate locations for residential uses, (i) to promote a desirable visual environment through creative development techniques and (m) approval of this application would result in a more efficient use of land. He stated the approval of the application would improve the neighborhood harmony. He also stated that the benefits of the approval would outweigh the detriments. Mr. Leoncavallo also testified that the current configuration of the lot with an existing dwelling located on one side of the property opens up the remainder of the lot for development. Mr. Leoncavallo also represented that variance relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance.

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

All In Favor 9 – 0

Mark Festa, a resident of 785 Union Boulevard. Mr. Festa testified that as a result of grading activities on the subject property storm water from the Applicants site has migrated onto his property. Mr. Festa stated that the grade of the Applicants property has been raised about 2 feet. Mr. Festa also introduced into evidence two Exhibits: O-1 which depicts the rear yard of his property facing Union Boulevard and O-2 which depicts the extent of water collection on Mr. Festa’s property.

Mr. Veteri represented that the Applicants would agree to satisfy drainage issues on Mr. Festa’s property to the satisfaction of the Board Engineer.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to carry this matter to the March 26, 2020 Planning Board meeting without further notice in order to enable the Applicants to revise the plans in accordance with the testimony before the Board and to return to the Board at that time.

Eight agreed to a roll call vote... 8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to readmit Commissioner Festa into the remainder of the meeting.

All in favor.....9-0

A motion was offered by Commissioner Festa and seconded by Commissioner Murphy to approve the Planning Board Minutes of February 13, 2020 as prepared.

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

Commissioners Niland - Campilango & Councilman D’Angelo abstained

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

All in favor.....9-0

Respectfully submitted,

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Pete Campilango, Secretary

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Patricia Paulson  
Board Clerk

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Date Approved