

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – JUNE 12, 2014

Chairman Hennion called the Planning Board meeting of Thursday, June 12, 2014, to order at 8:05 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Mayor Coiro	Commissioner Campilango	Councilman D'Angelo	Commissioner Paese
Chairman Hennion	Commissioner Niland	Commissioner Festa	Commissioner Murphy
Mike Cristaldi, 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 12th day of June 2014 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.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to admit Commissioner Niland into the meeting.

Seven agreed on a roll call vote.....7-0

ITEM #1

Totowa Barber Shop	Block 91- Lot 15	Minor Site Plan
382 Totowa Road		Certificate of Use

Mr. Ahmad Albashjawish appeared requesting approval of occupancy of approximately 1,000 sq. ft. of space to be used as a Barber Shop.

Chairman Hennion read a letter of intent into the record. The hours of operation will be approximately 9:00 a.m. to 7:00 p.m. seven day per week. There will be one employee.

Mr. Albashjawish testified as to the nature of the business. The proposed operation includes haircuts, shave, hair color and hair wash. The applicant intends to start with 2 chairs for his service and hopefully add another. The applicant proposes to install a Barber Pole in front of his business and plans on replacing the existing sign with new text only. There is no on-site parking.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application for occupancy 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/materials.
- 4. The applicant proposes to install a Barber Pole in front of his business and plans on replacing the existing sign with new text only.

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

ITEM #2

SAI Shraddha, LLC
339 Union Blvd.

Block 93- Lot 6

Minor Site Plan
Certificate of Use

Peter V. McArthur, Esq. of the law firm Azrak & Associates, L.L.C., appeared requesting approval for preliminary and final site plan approval with ancillary “c” variance relief and design waivers to convert a former automotive repair shop into a Dunkin Donuts.

The Board Planner, Darlene A. Green, P.P., AICP, of Maser Consulting P.A., issued a review report dated June 6, 2014. The Board Planner opined that the application, as submitted, does not meet the definition of “specialty food service”, which consequently requires a d use variance. As a result, the Board Planners opinion was that the Planning Board does not have jurisdiction to hear the SAI application since it requires a d use variance.

The Planning Board Engineer, Nordan Murphy, P.E similarly issued a review report on June 6, 2014, wherein the Board Engineer identified the same jurisdictional issue as raised by the Board Planner. The Board Engineer, in item no. 2 of his review report, offers the opinion that the proposed use of the premises as a Dunkin Donuts does not conform to the Ordinance definition of a specialty food service under Chapter 415-4 of the Borough Code. The Board Engineer further indicates that the architectural plans depict tables and a seating area which is specifically identified on the plans as a seating area. As a result, the tables and seating area constitute a dining area. Therefore, the proposed application, as submitted, will require a use variance as it does not comply with the definition of a specialty food service.

The Board Engineer, also identified another issue which deprived the Board of jurisdiction to proceed on June 12, 2014. More specifically, the Board Engineer, in item no. 3 of his review report, indicates that adjacent properties, identified as Block 93, Lots 1 and 7, also utilize the driveways located within Block 93, Lot 6, which is the subject property. The Board Engineer offered his opinion that Block 93, Lots 1 and 7, in addition to Block 93, Lot 6, all function together as one integrated site and, therefore, for notice purposes, the Applicant was required to obtain a list of property owners of all real property within 200 feet in all directions of the property which is the subject of the application before the Board. In this instance, the Applicant obtained a list of property owners from the Tax Assessor for Block 93, Lot 6, but not for Block 93, Lots 1 and 7.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa have this matter transferred to the Board of Adjustment.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to excuse Commissioner Niland from the next matter.

Seven agreed on a roll call vote.....7-0

ITEM #3

ADT
20 Commerce Way

Block 166.03- Lot 14

Minor Site Plan
Certificate of Use

Wendy Berger, Esq. of Cole Schotz Meisel Forman & Leonard, PA., appeared requesting approval of occupancy of approximately 20,780 sq. ft. of space. A small portion of the total space consisting of 2,410 square feet will be allocated as a small parts warehouse. ADT is a full service security company that provides its clients with home installation services. None of the client services are done at this location. Technicians will access the rear loading area of the building to pick up items from the small parts warehouse.

Chairman Hennion read a letter of intent into the record. The hours of operation will be approximately 7:30 a.m. to 4:30 p.m. and Saturday from 7:30am to 12:00pm. There will be 22 full time employees and 61 part time employees. There are 57 unassigned parking spaces and 5 assigned parking spaces for ADT's use.

The Applicant intends to install a window sign and a sign on the door to the entrance suite. The window sign will be approximately 16 inches by 31 ¼ inches, and the sign on the entrance door to the suite will be 9 inches by 17 ½ inches. The Applicant represents that the proposed window sign will not exceed more than 20 percent of the sign area. Furthermore, there is a freestanding pylon sign and ADT will have a nameplate on the existing pylon sign.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application for occupancy 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/materials.
4. The Applicant intends to install a window sign and a sign on the door to the entrance suite. The window sign will be approximately 16 inches by 31 ¼ inches, and the sign on the entrance door to the suite will be 9 inches by 17 ½ inches. The Applicant represents that the proposed window sign will not exceed more than 20 percent of the sign area. Furthermore, there is a freestanding pylon sign and ADT will have a nameplate on the existing pylon sign.

Seven agreed on a roll call vote.....7-0

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

Seven agreed on a roll call vote.....7-0

ITEM #4

B&D Car & Limo Service
490 Commerce Way

Block 178- Lot 3.01

Minor Site Plan
Certificate of Use

Mr. Hakan Demiroz appeared requesting approval of occupancy of approximately 250 sq. ft. of office space to operate his car service. Mr. Hakan Demiroz testified as to the nature of the business indicating that the operation is to provide transportation to Newark International Airport, John F. Kennedy Airport and LaGuardia Airport

Chairman Hennion read a letter of intent into the record. The office hours of operation will be approximately 8:00 a.m. to 5:00 p.m. There will be 2 employees. B&D has 6 parking spaces allocated by the landlord. The Applicant will install a building attached sign two feet in height by ten feet in length for a total of twenty square feet. The sign will be consistent in size with the existing signs on the building façade. The Applicant also plans to install a small identification sign on the glass window next to the entry door to the building.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application for occupancy 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/materials.
4. The Applicant will install a building attached sign two feet in height by ten feet in length for a total of twenty square feet. The sign will be consistent in size with the existing signs on the building façade. The Applicant also plans to install a small identification sign on the glass window next to the entry door to the building.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Planning Board Minutes of May 22, 2014 as prepared.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve the “Special Meeting” Planning Board Minutes of June 5, 2014 as prepared.

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

Mayor Coiro, Chairman Hennion & Commissioner Festa abstain

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Smashburger.-Blk 174-Lot 12 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Hong Kong Chinese Restaurant.-Blk 106-Lot 4 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Totowa Bagel Cafe.-Blk 38-Lot 1 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Holy Sepulchre Cemetery.-Blk 13-Lot 27 as presented.

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

VOUCHERS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve a series of vouchers for Weiner Lesniak for the Professional services as listed below:

Invoice 171356 TOT-100 General File in the amount of \$237.50

Invoice 171357 TOT-772E Total Bagel Cafe Blk. 38-Lot1 in the amount of \$142.50

Invoice 171358 TOT-779E SAI Shraddha Blk. 93-Lots 19, 20, 21 in the amount of \$29.38

Invoice 171359 TOT-780E Eugene A. Batelli,DPM Blk. 174-Lot12 in the amount of \$190.00

Invoice 171360 TOT-781E Grandma Joan’s Blk. 174-Lot 1 in the amount of \$190.00

Invoice 171361 TOT-782E Holy Sepulchre Cemetery Blk. 13-Lot 27 in the amount of \$237.50

Invoice 171362 TOT-783E Smashburger Blk. 174-Lot12 in the amount of \$190.00

Invoice 171363 TOT-784E Hong Kong Chinese Restaurant Blk. 106-Lot 4 in the amount of \$190.00

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

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

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved