

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – JANUARY 26, 2017

Chairman Hennion called the Planning Board meeting of Thursday, January 26, 2017 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Murphy	Councilman D'Angelo	Chairman Hennion	Commissioner Festa
Commissioner Zarek	Mayor Coiro	Commissioner Campilango	
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 26th day of January 2017 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.

Commissioner Campilango was sworn into a new term as Commissioner.

ITEM #1

Delta Gas Station	Block 32- Lot 5	Minor Site Plan /Gas Only
160 Union Blvd.	<i>change of owner</i>	Certificate of Use

Mr. Sammewali appeared requesting the approval for occupancy for a change of ownership with respect to the sale of gasoline only. The Applicant is leasing the gas pumps only. The current ownership will remain the same with respect to the repair and towing business.

Chairman Hennion read a letter of intent into the record. This is a change of ownership to the gasoline pumps only. The anticipated hours of operation will be from 5am to 11pm, seven days per week. There will be 2 part-time employees and there are 4 on site parking spaces allocated. There will be a text change only to the gasoline sign only.

Mr. Sammewali also testified that they would be installing new gas dispensers which will replace the existing gas dispensers. Mr. Sammewali indicated that the 4 parking spaces allocated to the business will be utilized for employee/owner parking.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy 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 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.
2. The anticipated hours of operation will be from 5am to 11pm, seven days per week.
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.

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

ITEM #2

Pizza Mia
560 Union Blvd.

Block 139- Lot 4
change of owner

Minor Site Plan
Certificate of Use

Ms. Alejandra Garnica appeared requesting the approval for occupancy of approximately 1,000 sq. ft. of space for a change of ownership to continue to operate a family style pizzeria/restaurant at this location.

Chairman Hennion read a letter of intent into the record. The anticipated hours of operation will be 10:00 a.m. to 10:00 p.m., 7 days per week. The Applicant will provide both dine-in and take-out service. On-site parking is also provided. The Applicant will change the text on the existing pylon sign.

Ms. Alejandra Garnica indicated that there is an existing sign above the door where the Applicant will remove the text and replace it with the name of the new business. To the extent the Applicant will place a sign in the window area, such signage shall not exceed 20 percent of the window area in accordance with the Totowa Borough Sign Ordinance.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy 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. The anticipated hours of operation will be from 5am to 11pm, seven days per week.
4. 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.

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

ITEM #3

Sparkle Spa
9 St. James Place

Block 93- Lot 5

Minor Site Plan
Certificate of Use

Mr. Raymond Reddin, Attorney for the applicant and Angela Hadjiapostoli appeared requesting approval for the occupancy of approximately 1,350 sq. ft. of space to operate a beauty salon/spa business. The business will perform manicures, pedicures, facials, waxing, body treatments and eyelash extensions, as well as having a small retail section to sell beauty and spa products within the store.

Chairman Hennion read a letter of intent into the record. The anticipated hours of operation would be 9:00 a.m. to 8:00 p.m. Tuesday through Friday and on Saturday the business will be opened to the public generally from 9:00 a.m. to 5 p.m., however, the Saturday hours may also be extended to 8 p.m. There will be four to five employees and there are twelve parking spaces on-site.

Ms. Hadjiapostoli testified that she currently operates a business in Wayne Township commonly known as Nisha Salon. She has been in business for approximately 35 years. Ms. Hadjiapostoli testified that this will be a second location for her business. The Applicant will install a black awning over the front window and there will be white letters on the awning to identify the name of the business. The Applicant will also place the hours of operation on the entry door to the spa

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy 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. The anticipated hours of operation would be 9:00 a.m. to 8:00 p.m. Tuesday through Friday and on Saturday the business will be opened to the public generally from 9:00 a.m. to 5 p.m., however, the Saturday hours may also be extended to 8 p.m.
4. There will be no outside storage of equipment or materials.

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

ITEM #4

Toys R Us
445 Route 46 West

Block 174- Lot 1

Amended Site Plan
Seasonal Outside Storage

Donna M. Jennings, Esq. of the law firm Wilentz, Goldman & Spitzer, P.A. appeared requesting an amended Site Plan for seasonal outside storage.

Mr. Joseph F. Barbieri, a licensed Land Surveyor in the State of New Jersey reviewed with the Board a plan titled "Variance Plat for Storage Containers for Toys "R" Us Lease Area" dated September 25, 2016 and last revised December 21, 2016. The plan was prepared by Joseph F. Barbieri and Associates, Inc. and was provided to the Planning Board as part of the application package. Mr. Barbieri identified the area of the site where the seven storage trailers are proposed to remain in order to permit the Applicant to store additional seasonal merchandise from September 1 through the end of February of the following year.

Mr. Barbieri represented that he is very familiar with the site because his business office is located at 11 Furler Street, Totowa, New Jersey, which is in close proximity to the subject property. Mr. Barbieri stated that he has viewed the Toys "R" Us site at various dates and times and he has never observed any lack of available parking for the Toys "R" Us store. Although the storage trailers will occupy, on a seasonal basis, approximately thirty to forty parking spaces, the trailers would be parked in such a manner so as to maintain unobstructed access along that side of the building. Mr. Barbieri further identified on the plan the location of the proposed seven storage trailers.

Mr. Tracy LeBlanc, a Licensed Architect for Toys "R" Us. testified that the Applicant seeks approval to locate the seven storage trailers from September 1 through the end of February of the following year on a continuous basis. Mr. LeBlanc testified that the Totowa Toys "R" Us store is a high volume store which receives approximately one delivery per day. Mr. LeBlanc testified that Toys "R" Us reduced the shelf height in the store for health and safety reasons. Toys "R" Us did not want customers or employees reaching up to remove items from high shelves, as a result, Toys "R" Us required additional storage.

Mr. LeBlanc stated that the types of items to be stored in the storage trailers would be large bulky items such as swing sets, ride on vehicles and other large items, seasonal in nature. Mr. LeBlanc also stated that the storage trailers are 8 feet in width by 48 feet in length. The storage trailers also have reflectors on them in order to make the trailers visible at night. Mr. LeBlanc also testified that the area of the parking lot in which the storage trailers will be located is very well illuminated. Mr. LeBlanc also confirmed that the storage trailers would not obstruct access around the building nor would it interfere with vehicles traveling through the parking lot on the side of the building where the storage trailers are located.

The next witness to testify on behalf of the Applicant was Andrew Janiw, P.P., a Licensed Professional Planner with Beacon Consulting from Colts Neck, New Jersey. Mr. Janiw testified that he has visited the site on several occasions and that he has never found any conflicts with traffic circulation or on-site parking.

Mr. Janiw testified that the Applicant requires ancillary “c” variance relief from the Totowa Borough Code Section 415-104 Outside Storage, Section A. Mr. Janiw reviewed with the Board the proofs necessary to grant ancillary “c” variance relief. In regard to the positive criteria, Mr. Janiw testified that various purposes of the Municipal Land Use Law - N.J.S.A. 40:55D-2 would be advanced by the approval of this application.

Mr. Janiw next provided proofs in regard to the negative criteria. Mr. Janiw testified that there would be no drainage issues, no noise issues and no illumination issues as a result of the location of the seven storage trailers on site. He concluded that the approval of this application would not be substantially be detrimental to the adjoining property owners. The storage trailers will remain in place in an area of the parking lot where there is ample on-site parking and where there will be no obstructions to on-site traffic circulation and the site would continue to provide ample on-site parking. Mr. Janiw testified that this application could be granted without substantial impairment of the Zone Plan and Zoning Ordinance. Mr. Janiw testified that the approval of this application is consistent with the Zoning Ordinance and Master Plan, which permits large scale retail stores such as Toys “R” Us along the Route 46 corridor.

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

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

NO PUBLIC TO BE HEARD

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the amended site plan and Ancillary “c” or bulk variance relief is hereby granted in regard to permit the use of outdoor storage trailers to provide additional storage for seasonal merchandise from September 1 through the end of February of the following year on a continuous basis is granted pursuant to the Municipal Land Use Law under N.J.S.A. 40:55D-70c(2); and Minor Site Plan Approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46.1. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

- 1 The location of seven storage trailers as identified on plans entitled “Variance Plat for Storage Containers for Toys R US Lease Area” prepared by Joseph F. Barbieri & Associates, Inc. dated September 25, 2016 and last revised December 21, 2016.
- 2 The storage trailers only being permitted to remain on the property for the storage of seasonal items from September 1 through the end of February of the following year on a continuous basis. The seasonal storage trailers shall be removed and shall not be located on-site from March 1 through August 31st of each calendar year.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Planning Board Minutes of January 12, 2017 as prepared.

Six agreed on a roll call vote.....6-0
Commissioner Murphy abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Manara Institute – Blk. 171 – Lot 17 as presented.

Four agreed on a roll call vote.....4-0

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

All in favor.....7-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved