

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – NOVEMBER 11, 2021

Chairman Hennion called the Planning Board meeting of Thursday, November 11, 2021, to order at 7:30 p.m. via a Zoom Meeting for the Borough of Totowa.

PRESENT:

Councilman D'Angelo	Commission Niland	Vice Chairman Coiro	Commissioner Campilango
Mayor Coiro	Commissioner Zarek	Commissioner Murphy	Chairman Hennion
Mike Cristaldi, PE	Richard Briigliadoro, ESQ		

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 11th day of November 2021 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, posted on the Borough's website and a copy has been on file in the Construction Official's Office. The Planning Board Agenda has also been posted on the entrance doors to the Municipal Building including the entranceway for handicapped individuals.

ITEM #1

Hello Fresh	Block 158 – Lot 4	Preliminary/Final Site Plan
8 Vreeland Ave		Existing loading & Parking

Planning Board Attorney, Rich Briigliadoro informed Board Members and public that Hello Fresh continues to actively pursue alternative solutions to their trucking and parking issues and requested that this matter be carried to our regular meeting of December 9, 2021 at 7:30pm without further notice.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to carry this matter to our regular meeting of December 9, 2021 at 7:30pm without further notice.

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

ITEM #2

361 Union Blvd., LLC	Block 94 – Lot 1	Site Plan Approval
361 Union Blvd.		Certificate of Occupancy

Planning Board Attorney, Rich Briigliadoro informed Board Members that the Attorney has requested be removed from our Agenda. The applicant will resubmit their application at a future date.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to remove this matter from our Agenda.

All In Favor 8-0

ITEM #3

AK Rashidzada Corp
50 Route 46 East

Block 179 – Lot 2.03

Minor Site Plan Approval
Certificate of Occupancy

Mr. Petriello, attorney for the applicant and Mr. Javid Sharifi appeared requesting the approval for occupancy of approximately 52,000 sq. ft. of space for the warehousing, distribution and shipping of general merchandise and household goods such as soaps, shampoos and detergents.

Mr. Sharifi represented that this is multi-tenant building with the other tenants being Bob's Discount Furniture and American Tire Distributors. There will be three tenants in this building.

The Applicant expects to employ approximately eight people at the site. The anticipated hours of operation will be 8:00 a.m. to 5:00 p.m. Monday through Friday. The Applicant has been allocated 28 parking spaces for its business. The Applicant is proposing a sign above the entrance door. The sign will reflect the name of the business as Stars Trading Corp. The sign will be no larger than the existing signage.

Mr. Sharifi testified that access to the site is from Gordon Drive. Mr. Sharifi represented trucks would not use Route 46, but rather would have ingress to the site and egress from the site from Gordon Drive. Mr. Sharifi also represented that no construction is proposed in leasing this space. He represented products are purchased in bulk from entities such as Colgate Palmolive and are distributed to smaller businesses such as grocery stores and dollar stores.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the site plan 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 pertaining to all alarms and security devices.
3. There will be no outside storage of equipment or materials.

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

ITEM #4

Totowa Food
539 Union Blvd.

Block 145 – Lot 13

Minor Site Plan Approval
Certificate of Occupancy

Mr. Raymond Reddin, attorney for the applicant and Pinkaj Patel appeared requesting the approval for occupancy of approximately 1,180 sq. ft. of space to operate a candy/convenience store at this location. The Applicant intends to sell items such as candy, snack foods, package cold cuts, soft drinks, milk, eggs and dairy products. In addition, items for sale will also include cigarettes and cigars, tobacco products and E-cigs. The Applicant will also offer for sale over the counter medicines, toiletries, confectionary items, newspapers and magazines. Lottery tickets will be sold at this location

Mr. Patel testified that there will be four partners plus two employees for a total of six individuals who will work at the convenience store. Mr. Patel represented that there would be two workers per shift. The anticipated hours of operation will be 6:00 a.m. to 11:00 p.m. seven days per week. Mr. Patel also testified that there are approximately eight parking spaces in the rear of the building and the parking spaces are shared by the tenants of this building.

Mr. Patel provided testimony regarding signage. Mr. Patel represented that there is an existing façade sign that the Applicant will replace with a new sign to reflect the name of the business. The new sign will be no larger than the existing sign and placed in the same location. Mr. Patel also represented that the sign colors would be in conformance with the Ordinance requirements of being either classic navy blue, burgundy or hunter green.

In addition, the Applicant will not be permitted to install neon signs. Further, any signage in the windows cannot exceed 20% of the window area.

A motion was offered by Commissioner Zarek and seconded by Vice Chairman Coiro to approve the minor site plan 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 pertaining to all alarms and security devices.
3. There will be no outside storage of equipment or materials.

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

ITEM #5

Marshalls -TJX Companies, Inc.
465 Route 46

Block 174 – Lot 1-3.02, 4.02,5 & 6
("C" variance for signage)

Amended Preliminary & Final
Major Site Plan Approval

Mark J. Semeraro, attorney for the applicant, as well as co-counsel, Sean Kiley appeared requesting the approval for the amended preliminary and final major site plan with c variance relief for a façade sign.

Mr. Jeffrey Taylor, AIA, a licensed Architect testified that the Planning Board previously approved an application wherein the Marshalls store was approved to be relocated to the subject Property. Mr. Taylor stated that the applicant proposes to place a façade sign 105 square feet in area on the eastern façade of the building. Mr. Taylor testified and reviewed with the Planning Board an aerial photograph of the site which depicts a parking field to the east of the building containing approximately 200 parking spaces. Mr. Taylor also represented that it is necessary to provide a sign on the eastern façade of the building so that motorists traveling in a westerly direction on Furler Street would be able to view the sign and identify the location of the Marshall's Retail Store. In addition, Mr. Taylor stated that access to the site is via Route 46 West and also from Furler Street.

Mr. Taylor represented that locating a building façade sign on the easterly side of the building would help to direct traffic flowing in a westerly direction on Furler Street to enter the site by identifying the location of Marshalls. Mr. Taylor also testified that buildings on the adjoining lot would act as an impediment or block the view of motorists traveling in a westerly direction on Route 46 from viewing the proposed sign on the easterly façade of the building.

Mr. Taylor stated that the eastern wall of the building is approximately 7,100 square feet in area. In applying the ordinance which limits the size of a façade sign to 30 square feet or 30% of the façade area of the building, whichever is less, requires the Applicant to seek c variance relief. Mr. Taylor also testified in regard to the number of c variances required in connection with the proposed location of a façade wall sign on the easterly side of the building. The Applicant requires three variances. First, the Applicant requires a variance for the size of the proposed sign at 105 square feet where the maximum size of a façade sign is 30 square feet. Second, the ordinance only permits façade signage to be inscribed on the front façade of the building and here the Applicant is proposing the façade sign on the easterly side of the building, thus requiring c variance relief. Third, the Applicant is only permitted to install one façade sign on the building and the proposed façade sign on the eastern wall would constitute a second façade sign.

Mr. Taylor represented that granting approval for the proposed signage would enhance safety regarding ingress to the site and egress from the site. The proposed sign also functions as a way-finding sign which would enhance and make more efficient traffic circulation and traffic flow by facilitating the ability of motorists to more easily identify the location of the Marshalls Retail Store. Mr. Taylor testified that the proposed size of the building façade sign at 105 square feet as well as the location of the proposed façade sign on the easterly wall is appropriate from an aesthetic standpoint as well as being proportionate for the size of the side of the building for which the sign is proposed to be located. Mr. Taylor testified that the proposed signage consists of 5-inch channel letters set approximately 2 inches off the wall. Thus the face of the channel letters would essentially be approximately 7 inches off the wall. The signage would also be internally illuminated. Mr. Taylor also indicated that the signage would be on a timer and the signage would be turned off at the same time as other lights in the shopping center are turned off.

The Applicant also provided proofs in regard to the request for c variance relief. First, in regard to the request for variance relief under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(1), the Applicant contends that hardship exists because the subject property is located in an area with access to two roads. Thus, there are two frontages with access to the site from Route 46 West as well as access to the site from Furler Street.

The Applicant's proofs also addressed the request for c variance relief under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(2) also known as a flexible "c" variance. The Applicant contends that the positive criteria has been met relative to the granting of "c" variance relief because the proposed signage would enhance safety and contribute to the free flow of traffic both off-site and on-site.

The Applicant thereafter addressed the negative criteria and represented that "c" variance relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance. The Applicant contends that relief should be granted because the proposed signage would promote safety and encourage and benefit business. Furthermore, the size limitations as set forth in the Ordinance at a maximum of 30% of the façade area or 30 square feet, whichever is less, does not allow for a sign to function effectively. A much smaller sign would not be effective in promoting safety and identifying the location of the retail store.

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

All in Favor 8-0

There were no members of the public present.

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

All in Favor 8-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the amended preliminary and major site plan and "c" variance relief 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. Sign approval is granted to permit the Applicant to install a second building façade sign 105 square feet in area on the easterly façade wall in accordance with a sign plan prepared by I.D. Associates dated 04/14/21 and submitted to the Planning Board as part of the application package.
2. All terms and conditions from the Board's previous Resolution of approval shall remain in full force and effect except as satisfied or amended and not in conflict with this approval.

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

ITEM #6

Homesense
465 Route 46

Block 174 – Lot 1-3.02, 4.02,5 & 6

Amended Preliminary & Final
Major Site Plan Approval & C/O

Mark J. Semeraro, attorney for the applicant, as well as co-counsel, Sean Kiley appeared requesting the approval for the preliminary major and final major site plan for the conversion and renovation of the existing structure, (formerly Bob’s Stores) into a Homesense discount home furnishing store.

Mr Jeffrey Taylor, AIA, a licensed Architect in the State of New Jersey testified that the Applicant will be occupying approximately 49,920 square feet of space at this location, while the Homesense space as proposed is less, measuring 32,936 square feet. Mr. Taylor represented that the remainder of the space is anticipated to be utilized in the future for the potential expansion of Hobby Lobby, an adjacent existing tenant.

The Applicant is proposing to install an internally illuminated wall mounted façade Homesense sign on the front elevation located to the south. The proposed sign is similar to the existing Bob’s Stores front façade sign in that they are both internally illuminated. The Bob’s Stores existing internally illuminated front façade sign measures approximately 327.88 square feet whereas the proposed Homesense front façade sign measures approximately 196 square feet, which is a reduction of approximately 131.88 square feet. The Applicant further proposes to replace and reface both sides of the existing pylon sign located along Route 46 West. The pylon sign lists all of the multiple tenants in the shopping center. The proposed Homesense pylon sign will replace the existing Bob’s Stores sign and the same will be the exact size and location of the existing Bob’s Stores pylon sign.

The Applicant also proposes to modify the front façade by removing the existing blue roofed vestibule and converting the same into a flat roofed vestibule area matching the height of the existing neighboring retail tenant, Hobby Lobby. The Applicant also proposes to remove the existing blue metal siding on the front façade and replace it with new grey metal siding.

With respect to the rear façade, the Applicant proposes to close off an existing loading dock garage door and existing egress door. A new egress door is proposed on the opposite side of the rear façade of the structure along with a door to access the fire sprinklers. The fire sprinklers will not be accessible from the inside of the structure. The Applicant is also proposing to increase the size of the existing concrete pad of which the existing generator sits atop and proposes to include a new compactor. The concrete pad will measure approximately 400 square feet 10 feet by 40 feet. The Applicant represents this will not increase impervious coverage as the expansion will expand over existing impervious coverage, an asphalt covered parking lot.

Mr. Taylor also represented that the Applicant is not proposing any changes to the parking lot with respect to the number of parking stalls, the size of parking stalls, or the location of parking stalls. Furthermore, the Applicant is not increasing the height of the building. In addition, the Applicant is not changing the building envelope.

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

All in Favor 8-0

There were no members of the public present.

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

All in Favor 8-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland approve the Preliminary major and Final major site plan for 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 pertaining to all alarms and security devices.
3. There will be no outside storage of equipment or materials. The Applicant is permitted to install internally illuminated front façade signage located above the front entrance measuring approximately 196 square feet in accordance with the signage exhibit prepared and submitted by the Applicant as part of the application package. The Applicant is also permitted to install signage on both sides of the existing freestanding pylon sign, formerly dedicated Bob’s Stores.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the Planning Board Minutes of October 28, 2021 as presented.

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

Commissioner Zarek & Vice Chairman Coiro abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Express Consolidation Systems – Block 177, Lot 6, C301 as prepared.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Camal Judo, LLC – Blk. 30 – Lot 10 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Totowa Beacon, LLC – Blk. 166.03 – Lot 13 as presented.

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

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

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved