

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – OCTOBER 22, 2015

Chairman Hennion called the Planning Board meeting of Thursday, October 22, 2015 to order at 8:05 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Campilango	Commissioner Festa	Councilman D'Angelo	Vice Chairman
Coiro Commissioner Paese	Commissioner Niland	Commissioner Murphy	Mayor Coiro
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 22nd day of October 2015 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

Johnnyland, LLC	Block 179 - Lot 2.02	Minor Sub-division
10-40 Gordon Drive	(carried)	

Mr. Bernd Hefe, Attorney and Tom Graham, Engineer appeared requesting approval for a minor subdivision/lot line adjustment approval and ancillary c variance relief. At the present time, the site contains two principal structures on a single lot. There is an office building and an industrial building. Mr. Hefe represented that the office building has been vacant since 2006 and that the building is in disrepair, inclusive of water leaks and other problems with the roof. He also represented that the Applicant recently acquired title to the property.

Thomas F. Graham, P.E. testified that the property is essentially rectangular in shape. There are 25 existing parking spaces allocated to the office building and 52 parking spaces allocated to the industrial building. As a result, there are 77 total parking spaces on the existing Lot 2.02 where 252 parking spaces are required. Mr. Graham further indicated that the existing property is non-conforming with two principal structures on one lot. Mr. Graham stated that there are steep slopes behind the building along with wetlands. He also indicated that there is no ability to add more development on the site or to add more parking spaces.

Mr. Graham further testified in regard to the variances that are required for this application. The following variances are sought: 1) minimum lot area – where a minimum lot area of 3 acres is required and 1.952 acres is proposed for Lot 2.021 and 1.59 acres is proposed for Lot 2.022; 2) lot width– where a minimum lot width of 300 feet is required and 245 feet is proposed for Lot 2.021 and 195 feet is proposed for Lot 2.022; 3) side yard setback in regard to Lot 2.022 where 15.30 feet is proposed and 30 feet is required; 4) improved lot coverage in regard to Lot 2.022 where 74.2% is proposed and the maximum permitted improved lot coverage is 45%; 5) a variance is required with regard to the number of parking spaces where 25 parking spaces are proposed and 94 parking spaces are required in regard to Lot 2.021 and 52 parking spaces are proposed and 158 parking spaces are required in regard to Lot 2.022; and 6) there is a pre-existing non-conforming front yard setback of 49.69 feet where 50 feet is required for proposed Lot 2.022.

Mr. Anthony Basile, a real estate expert with Weichert Commercial Real Estate also testified. Mr. Basile performed some research and determined that the following properties were undersized in the I-3 Zone including, but not limited to, 80 Beaumont Place, 90-100 Maltese Drive, 4 Taft Road, 11 West End, 33 West End, 55 West End, 77 West End, 15 Jackson Road and 20 Jackson Road. The Applicant also represented that each of the aforementioned lots are more densely developed than this application. The Applicants proofs reflected that the existing site configuration is functionally obsolete and that, the proposed use will be for executive office use with limited parking. The Applicant further stated that they need to sell the building in order to provide more options relative to financing in order to bring the building back into the stream of commerce and to make it more viable.

The Applicant also stipulated that the Applicant will provide a deed restriction that there will be no further applications either now or in the future to provide additional parking spaces on the site. Furthermore, the Board Engineer in a report dated September 23, 2015 indicates that there is an existing sewer easement along the rear easterly property line that is shown ending at the Applicants property line. The Board Engineer recommends that the easement be reviewed by the Sewer Department and if additional easements are needed to run the sewer line through the property, or memorialize an existing easement that is not recorded, then the Applicant shall be required to grant those easements. The Applicant stipulated that it would comply with the Board Engineer's recommendation and locate manholes on the site and identify the easement areas or grant easements which shall be subject to the review and approval of the Board Engineer and the Borough of Totowa Sewer Department.

With respect to the proposed parking deficiency, the Applicant contends that parking is sufficient and the Applicant will seek occupancy by entities for which parking will be adequate. The Applicant further represented that the buildings are set apart 88 feet from one another, which is a sufficient distance to meet the intent of the ordinance.

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

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

NO PUBLIC TO BE HEARD

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to grant relief for a minor subdivision/lot adjustment and ancillary c or bulk variance relief and 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 comply with all terms & conditions set forth in a review report prepared by the Planning Board Engineer dated September 23, 2015.
2. The deed recorded memorializing this subdivision shall specifically refer to this resolution and shall be subject to the review and written approval of the Board Engineer and Board Attorney, prior to recording of same. The Applicant shall record the subdivision deed within 190 days of the memorializing resolution being adopted. Failure to do so shall render this approval null and void unless an extension of time is granted.
3. The applicant will provide a deed restriction that there will be no further applications either now or in the future to provide additional parking spaces on the site, which deed restriction shall be subject to the review and approval of the Board Engineer and Board Attorney.
4. The applicant providing sewer easements along the proposed subdivision line between Lots 2.021 and 2.022 which shall be subject to the review and approval of the Board Engineer and Board Attorney.

5. The applicant will obtain Passaic County Planning Board approval if required.
6. The applicant will obtain Hudson and Passaic County Soil Conservation District approval if required.
7. The applicant will obtain New Jersey Department of Environmental Protection (NJDEP) approval if required.
8. All terms and conditions of any prior approvals shall remain in full force and effect except as satisfied or amended herein and not in conflict with this approval.

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

VOUCHERS:

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

Invoice 186113 TOT-100 General File in the amount of \$38.00

Invoice 186114 TOT-729L Charles Bressman in the amount of \$817.00.00

Invoice 186118 TOT-855E A Good Life Massage in the amount of \$190.00

Invoice 186119 TOT-856E Kathie's Deli & Coffee House in the amount of \$190.00

Invoice 186120 TOT-857E China Town Express in the amount of \$190.00

Invoice 186121 TOT-858E Johnnyland, LLC in the amount of \$465.50

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

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

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved