

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

PASSAIC COUNTY  
NEW JERSEY



MINUTES – NOVEMBER 10, 2022

Chairman Hennion called the Planning Board meeting of Thursday, November 10, 2022, to order at 7:30 p.m. for the Borough of Totowa.

**PRESENT:**

Chairman Hennion	Vice Chairman Coiro	Commissioner Sabatino	Councilman D'Angelo
Commissioner Murphy	Richard Briigliadoro, ESQ	Mike Cristaldi, PE	Austin Bejin, Planner

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 10th day of November 2022 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***

Cibo Vita, Inc. 12 Vreeland Ave Movement	Block 158 – Lot 3 <i>(carried from 10/27/22)</i>	Amended Site Plan Parking Area/Truck
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Anthony Fiorello, Esq., attorney for the applicant appeared requesting approval for amended preliminary & final site plan approval to permit restructuring of the parking lot as well as signage and modified days, hours and modes of operation. Mr. Fiorello, provided the Board with an overview of operations on the site and the nature of the proposed application before the Board.

The property which is the subject of the application measures approximately 8.524 acres on which is located a one story commercial warehousing and manufacturing facility. The Applicant, Cibo Vita, Inc., began operating out of the premises in 2018, and came before the Board for Minor Site Plan and Certificate of Use approvals which were granted. Cibo Vita, Inc., has now been in business approximately 13 years. The corporation imports packages and distributes high quality conventional and organic nuts, seeds, trail mixes, dry foods, snacks, and connections.

The building contains twelve tractor trailer bays six of which are located on the westerly side of the building and are used for receipt of products. The remaining six bays on the easterly side of the building are used for loading and distribution. The approval given in 2018 noted that Cibo Vita employed approximately 214 persons, working five days per week, in two shifts, and one shift operation on Saturdays. The original Resolution noted that there were 217 parking spaces.

The site has three driveways: one located to the west end of the property; the 2<sup>nd</sup> in approximately the middle; and the 3<sup>rd</sup> located to the most eastern end of the property, where the six delivery bays are located. Because of the internal traffic patterns secondary to tractor trailer traffic, the eastern most driveway was blocked off with moveable bars and signage.

Tractor trailer traffic was directed to the western most parking lot for delivery purposes and to the middle for exiting the premises. The constraint of parking and the difficulty moving tractor trailers i.e. those picking up product and backing up into bays and exiting the site, necessitated redesigning the parking lot for traffic efficiency, safety, and practical operation. The Applicant proposes the elimination and restructuring of the parking lot in the western and eastern portions to allow for greater safety and ease of tractor trailer ingress and egress. The present parking is now 195 spaces, the premises has been operating with these spaces without any overflow or parking congestion. The Board may recall that Cibo Vita has leased a large commercial building consisting of 136,937 sq. ft. on a lot which measures 6.9 acres at the intersection of Madison Road and Riverview Drive. A significant portion of the operation of the applicant now takes place at that site eliminating the need for employees and parking on the Vreeland site. There is no additional signage contemplated at the site.

Introduced into evidence during the November 10, 2022 hearing were the following Exhibits:

- A-1 Colored Zoning Map
- A-2 Maser Planner Report which contains a Location Map
- A-3 Site Plan Survey – Cibo Operation
- A-4 Madison Road Survey Dated 7/1/03
- A-5 Cibo Vita Landscape Plan Dated 6/2/19
- A-6 Boundary Survey
- A-7 Dynamic Traffic/Parking Plan
- A-8 Landscape Plan – Cibo Vita
- A-9 Dynamic Traffic/Parking Plan Dated 5/3/19
- A-10 Cibo Vita Operations Plan
- A-11 Leaflet Provided to all truck drivers regarding path of travel when exiting the site

Testifying on behalf of the Applicant was Danielle Lescrinier, P.E., a licensed Professional Engineer in the State of New Jersey. Ms. Lescrinier was qualified to testify as an expert witness as a Civil Engineer. Ms. Lescrinier reviewed the site plan prepared by Dynamic Engineering and dated February 7, 2020 with revisions through March 30, 2022. The plans reference modifications to the parking lot. Ms. Lescrinier testified that there are three concrete curbed islands in the parking lot. She represented that it is the Applicant's intent to remove the three concrete curbed islands and replace each island with yellow striping. She further represented that the Applicant has removed approximately 561 square feet of impervious surface and has added a grass area on the site. Ms. Lescrinier also identified on the plan the area where eight arborvitae which are 12 feet in height are planted. Ms. Lescrinier also testified that there will be no diminution in the number of on-site parking spaces as a result of the proposed changes to the site. Ms. Lescrinier further testified that trucks were running over the concrete curb islands and thus, the concrete curb islands are being removed to eliminate that traffic condition. Ms. Lescrinier testified in regard to ingress to the site and egress from the site. The easternmost driveway is blocked off with movable bars and signage. Thus, the easternmost driveway is closed off to traffic. Tractor trailers enter the site for delivery purposes through the westernmost driveway. The middle driveway is for tractor trailers and vehicles exiting the site. Tractor trailers are advised and there are signs which indicate that tractor trailers are to turn left out of the driveway onto Vreeland Avenue in order to head towards Route 80 and Route 46 and not towards Riverview Drive.

The next witness to testify on behalf of the Applicant was Corey Chase, P.E., a licensed Professional Engineer in the State of New Jersey. Mr. Chase was qualified as an expert witness in the field of Traffic Engineering. Mr. Chase like Ms. Lescrinier is employed by Dynamic Engineering.

Mr. Chase in his testimony corroborated the testimony of Ms. Lescrinier in regard to the internal traffic patterns and the status of the eastern driveway, middle driveway and western access driveways. He further testified that the Applicant is removing the three concrete curb islands in order to provide more maneuvering area for tractor trailers traversing the site.

Mr. Chase further testified that the Applicant is not adding any additional parking spaces nor is the Applicant eliminating any existing parking spaces. He stated that the modifications as proposed enhance safe and efficient traffic movement on the site. Mr. Chase also reviewed with the Board Exhibit A-7 which is the Site Plan prepared by Dynamic Engineering dated February 7, 2020 with revisions through March 30, 2022. Mr. Chase confirmed that there are 195 parking spaces on-site and there will be no reduction in regard to the number of on-site parking spaces.

The next witness to testify on behalf of the Applicant was Duncan Mould. Mr. Mould is the Operations Director for Cibo Vita, Inc. Mr. Mould testified that he has been employed by Cibo Vita, Inc. for the past four years. He also represented that he oversees operations at both the Vreeland Avenue site and the Madison Road site. The Applicant also introduced into evidence Exhibit A-10 identified as a Cibo Vita Operations Plan.

Mr. Mould testified in regard to the second shift. He stated the second shift cleans and services the machines and there is also a sanitation crew which cleans the floors. Mr. Mould also testified that on a typical workday workers commence arriving at approximately 7 a.m. with a majority of the workers arriving at 8 a.m. The office personnel typically arrives approximately 9 a.m. There are approximately 350 employees on the first shift which ends at 4:45 p.m. The second shift has approximately 40-50 employees. The employees park in the eastern parking area of the site. The second shift primarily strips the machines down, cleans the machines and performs maintenance on the machines. Mr. Mould testified that there is a third shift with 4 or 5 individuals that clean up the floors and park on the western side of the parking lot. He also indicated that Saturday hours of operation are approximately 8 a.m. to 12:45 p.m. He further represented that approximately 3 to 4 employees will be in the building on a Sunday.

Mr. Mould also testified that there is someone on-site at approximately 5 a.m. in order to open up the business and to monitor truck traffic if any tractor trailers are on-site. With respect to monitoring traffic, the individual will make sure that trucks are not idling more than the time permitted under State regulations. Furthermore, if tractor trailers are stacked, this individual will make sure it is done in an appropriate manner. Further, leaflets are issued to truck drivers with instructions on path of travel upon exiting the site. Exhibit A-11 was introduced into evidence which is a leaflet which is given to all truck drivers.

Mr. Mould explained the delivery process and confirmed that there is a 2 hour window for tractor trailers to meet their appointed delivery time. He further stated that the earliest time for tractor trailers to arrive on-site will be 8 a.m. He stated there are signs throughout the site indicating no idling of trucks, signs which indicate no right turn out of the site, as well as additional signs with arrows directing trucks to make a left turn out of the site onto Vreeland Ave.

Mr. Mould also testified that the Applicant has leased space at a second building in Totowa located at 25 Madison Road. The alternate site was leased once the Applicant determined they needed more space than could be accommodated at 12 Vreeland Ave. He further stated that the Madison Road site is the main warehouse for raw materials. Mr. Mould also confirmed that there are 12 loading docks at Madison Road. He further represented that the Madison Road facility measures approximately 140,000 square feet in area.

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

All In Favor

Debra D'Agostino, 70 Vreeland Ave., Totowa, NJ. Ms. D'Agostino raised issues in regard to trucks exiting the site and making a right turn and heading towards Riverview Drive as opposed to making a left turn as required by previous Board approvals and as stipulated by the Applicant.

Ms. D'Agostino had questions in regard to the sufficiency of landscaping on the site and whether or not it was in compliance with prior Resolutions of approval. Ms. D'Agostino also raised an issue that lighting from the site crosses over the property line onto adjoining properties. She also raised an issue in regard to trucks idling on the site at night longer than permitted by State regulations. Ms. D'Agostino also stated that the Applicant does not have a Certificate of Occupancy to be operating.

Counsel for the Applicant and the Applicant's witnesses refuted the claims of Ms. D'Agostino.

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

All In Favor

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy to approve the amended preliminary & final site plan approval to permit restructuring of the parking lot as well as signage and modified days, hours and modes of operation 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 development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. All terms and conditions of the Board's prior Resolutions shall remain in full force and effect except as satisfied or amended and not in conflict with this approval.

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

**ITEM #1**

LRF2 NJ Maltese Drive LLC  
70 Maltese Drive

Block 170.03 – Lot 5

Amended Site Plan Approval  
Height of existing structure

Danielle Federico, Esq. with the law firm Chiesa Shahinian & Giantomasi PC. appeared requesting preliminary and final site plan approval, ancillary "c" variance relief and design waiver relief.

Counsel for the Applicant provided an overview of the project. Ms. Federico represented that the subject property and the adjacent property at 50 Maltese Drive (Lot 4) share a driveway. Ms. Federico further represented that the two property owners have engaged in negotiations in order to enter into an easement agreement for access and maintenance of the easement area. She further indicated that in accordance with the terms of the easement six parking spaces were eliminated. Ms. Federico identified the spaces that would be removed as the three parking spaces along the common property line and three parking spaces at the rear corner of the Applicant's property. As a result, the proposed number of onsite parking spaces is being reduced from 57 parking spaces to 51 parking spaces. Ms. Federico also stipulated that a copy of the executed and recorded easement agreement would be provided to the Board for inclusion in the Board's file.

The first witness to testify on behalf of the Applicant was Gerard Gesario, P.E. a licensed professional engineer in the State of New Jersey. Mr. Gesario was qualified as an expert witness as a civil engineer. Mr. Gesario testified that he prepared the site plan in connection with this development application. Mr. Gesario then reviewed Exhibit A-1 which was identified as an aerial exhibit dated October 27, 2022. He oriented the Board to the site as well as characterizing the site as an irregularly shaped lot. Mr. Gesario testified that the lot measures approximately 175,413 square feet in area and is located in the I-3 Zone. He represented that the subject property has 275 feet of frontage along Maltese Drive. Mr. Gesario identified on the aerial plan the area of shared access between the subject property and the adjacent lot at 50 Maltese Drive, Lot 4.

Mr. Gesario next reviewed Exhibit A-2 which was identified as a site plan with color shading. This plan sheet was dated October 27, 2022. Mr. Gesario reviewed the parking scheme on the subject property. He also identified the area wherein three 'Make Ready' electric vehicle charging stations will be added to the site. Mr. Gesario further confirmed the elimination of six parking spaces as outlined by the Applicant's attorney during her opening statement. Thus, there will be a total of 51 onsite parking spaces for the subject property.

Mr. Gesario also reviewed with the Board lighting and landscaping. He further testified that the Applicant is constructing a new walkway for handicap accessibility. Mr. Gesario also testified that the Applicant is removing dumpsters and the Applicant will construct a new trash enclosure which is depicted on the plans as measuring 15 feet by 10 feet. The new trash enclosure will require a design waiver, as accessory structures are prohibited in any required front or side yard setback and the accessory trash enclosure is located 3.5 feet from the western property line and within the 30 required 30-foot side yard setback.

Mr. Gesario also reviewed with the Board four existing non-conforming conditions as follows:

- a. All paved areas and industrial developments to have concrete curbs and concrete no curbs currently exist on the property;
- b. Side yard setback where 30 feet is required and the existing warehouse has a 24.53 foot side yard setback to the southeast property line;
- c. Building coverage where the maximum building coverage permitted is 45%, the existing building coverage is 48.74% and the proposed building coverage is 48.51%; and
- d. Two-way driveway width for industrial uses, as 20 to 30 feet is permitted and 155 feet is existing and proposed for the driveway on the west side of the subject property and 12 feet, 6 inches is proposed for the driveway on the east side of the subject property due to the split between the subject property and 50 Maltese Drive (Lot 4) to the east.

The next witness to testify on behalf of the Applicant was Matthew Jarmel, AIA a registered architect in the State of New Jersey. Mr. Jarmel was qualified as an expert witness in the field of architecture. Mr. Jarmel reviewed with the Board Exhibit A-3 which was identified as existing conditions and contained four photographs. Mr. Jarmel testified that the office space measures approximately 7,116 square feet, the warehouse space measures approximately 53,000 square feet and the building addition measures approximately 22,513 square feet.

Mr. Jarmel characterized the building as being a tired old building constructed during the 1940s/1950s as a typical World War II style building. Mr. Jarmel testified that the existing height of the building is 20.92 feet. The Applicant seeks to increase the height of the building by 13.75 feet for a new height of 34.67 feet. However, when the height is measured pursuant to the zoning definition, the height measures 37.29 feet which is still less than the maximum height of 40 in the I-3 Zone.

Mr. Jarmel reviewed Exhibit A-4 which is a plan dated August 18, 2022, wherein the office portion is colored in green and measures approximately 7,116 square feet, the existing warehouse A is colored in blue and measures approximately 53,000 square feet and the existing warehouse B is colored in yellow and measures approximately 22,513 square feet.

Mr. Jarmel reviewed Exhibit A-5 which was identified as a roof plan and dated August 18, 2022 which depicts the proposal to raise the roof on a portion of the existing warehouse building. He next reviewed with the Board Exhibit A-6 which was identified as an elevations plan dated August 18, 2022. Finally he reviewed with the Board Exhibit A-7 which was identified as an exterior rendering and material samples board. Mr. Jarmel testified that the Applicant intends to clean up the façade, paint it, and raise the roof in order to make the building more attractive.

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

All In Favor

No public to be heard

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

All In Favor

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy to approve the preliminary and final site plan approval, ancillary “c” variance relief and design waiver 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. The Applicant shall comply with all terms and conditions set forth in the Board Engineer’s review report dated August 2, 2022 prepared by Michael Cristaldi, P.E. and as testified to during the hearing process.
2. The Applicant shall comply with all terms and conditions set forth in the Board Engineer’s review report dated September 19, 2022 prepared by Darlene A. Green, PP, AICP Colliers Engineering and Design and as testified to during the hearing process.
3. The granting of this application is subject to and conditioned upon the Applicant providing three (3) Make Ready electric vehicle charging stations.
4. The granting of this application is subject to and conditioned upon the Applicant providing a lighting plan which shall be subject to review and approval of the Board Engineer.
5. The granting of this application is subject to and conditioned upon the shed being removed.
6. The granting of this application is subject to and conditioned upon the Applicant providing the Board with a recorded copy of an easement for access and maintenance of the shared driveway with the subject property and the adjacent property at 50 Maltese Drive (Lot 4) for inclusion in the Board’s files.

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

**ITEM #3**

Coronet Inc.  
55 Shepherds Lane

Block 11 – Lot 7.01

Minor Site Plan Approval  
Hours of Operation

Patrick McAuley, Esq. of the law firm Connell Foley LLP., appeared requesting approval in order to permit a second work shift for the applicant, Coronet Inc.

The following Exhibits were introduced into evidence at the time of the hearing:

- A-1 - Site Plan dated September 5, 2018, prepared by Matrix New World Engineering depicting 117 parking spaces
- A-2 - Photograph of the front parking lot parallel to Shepherds Lane
- A-3 - Photograph of the front parking lot parallel to Shepherds Lane with handicapped parking spaces depicted.
- A-4 - Photograph of the front parking lot (opposite end as depicted on A-2 and A-3) parallel to Shepherds Lane

The first witness to testify on behalf of the Applicant was Russell Osur, the CEO of Coronet, Inc. Mr. Osur testified in regard to the nature of the operation. Mr. Osur testified that Coronet, Inc. is a high-end LED lighting facility. Mr. Osur further represented that at Coronet the workers assemble custom made lighting fixtures. He also represented that the workers are members of a union.

Coronet, Inc. is a tenant that occupies the entire building at 55 Shepherds Lane. Coronet, Inc. previously appeared before the Totowa Planning Board in August of 2018 and in a memorialized Resolution dated September 13, 2018 received site plan approval which included 117 parking spaces for a shift of 150 employees. At that time, Coronet, Inc. occupied a portion of the building which measures 117,406 square feet. Coronet, Inc. now occupies 100% of the building.

Coronet, Inc. is now seeking to add a second work shift which would consist of 80 employees. The second work shift would begin at 4:15 p.m. and the first shift would end its workday at 3:55 p.m. The second work shift would end at 11:45 p.m. Mr. Osur testified that the first work shift now has 175 employees. Mr. Osur represented that there will be no truck traffic at night, no materials will be delivered during the night, and there will be no recycling or garbage collection at night.

Mr. Osur represented that there is sufficient parking spaces available in the front lot to accommodate the proposed expansion for a second work shift. Mr. Osur also informed the Board that he has an agreement with the Quick-Chek shopping center to lease 25 parking spaces on that lot. Mr. Osur represented that the Applicant could use those 25 parking spaces for the second work shift. Mr. Osur testified in regard to ingress to the parking lot and egress from the parking lot as well as the sufficiency of parking for the second work shift. Mr. Osur represented that parking would be accommodated in the following manner: 25 cars would be parked in the Quick-Chek shopping center lot and the remainder of vehicles would park in the front parking lot in the area of the lot which adjoins the Quick-Chek shopping center and continues generally to the midpoint of the building where the handicapped parking spaces are located. All vehicles for the second work shift will enter and exit the site through the driveway closest to the adjoining property line with the Quick-Chek shopping center. In addition, Mr. Osur stipulated that Coronet, Inc. would place cones in the parking lot thereby blocking off access to the northerly driveway.

Mr. Osur testified that the business operates one-half day on Saturday approximately one time per month. The business does not operate on Sunday. Mr. Osur also stipulated that there will be no second work shift on Saturdays. Mr. Osur also stipulated that all dinner breaks for the night shift would be in the cafeteria inside the building.

The next witness to testify on behalf of the Applicant was David Earickson, P.E., a licensed Professional Engineer in the State of New Jersey. Mr. Earickson was accepted as an expert witness as a Civil Engineer. Mr. Earickson testified that he visited the site on November 1, 2022 at around 3:30 p.m. He stated that while he was in the building, he could not hear the operations. Thus, he indicated that sound from the operation would not be heard outside of the building. Mr. Earickson further stated that since the Applicant cannot expand the building, that is the reason why the Applicant is seeking to add a second work shift.

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

All In Favor

John Kuiken of 77 Shepherds Lane and Mary Honour of 105 Crosby Ave. Neither member of the public had any objections in regard to sound or noise emanating from the business. Their general questions were in regard the amount of traffic on Shepherds Lane and on Union Boulevard.

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

All In Favor

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy 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 granting of this application is subject to and conditioned upon there being no truck traffic at night, no materials shall be delivered at night, and there shall be no recycling or garbage collection at night.
2. The granting of this application is subject to and conditioned upon the first work shift terminating no later than 3:55 p.m. and the second work shift beginning at 4:15 p.m. and ending no later than 11:45 p.m.
3. The granting of this application is subject to and conditioned upon the Applicant providing evidence of a written agreement between the Applicant and the Quick-Chek shopping center relative to the use of 25 parking spaces on the Quick-Chek shopping center. The Applicant shall utilize these 25 parking spaces for second shift workers. The remainder of the second shift workers that need parking spaces shall park in the front parking lot of the building parallel to Shepherds Lane. The Applicant shall only use that portion of the parking lot during the second shift from the common property line between the Quick-Chek shopping center and the subject Property up to approximately the area of the handicapped parking spaces in the front of the building.
4. The granting of this application is subject to and conditioned upon the Applicant providing cones in the front parking lot to block off access to the northerly driveway during the second shift. The Applicant shall only permit ingress to the site and egress from the site at the southerly driveway adjacent to the QuickChek shopping center parking lot during the second work shift.
5. The Applicant is permitted to operate a half day on Saturday, and there shall be no second work shift on Saturdays.
6. All terms and conditions of the Board’s prior resolutions shall remain in full force and effect except as satisfied or amended and not in conflict with this approval.

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

**MINUTES:**

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy to approve the Planning Board Minutes of October 27, 2022, as presented.

Four agreed to a roll call vote... 4-0  
Commissioner Sabatino abstained

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

All in favor.....5-0

Respectfully submitted,

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Pete Campilango, Secretary