

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF JULY 10, 2024

The July 10, 2024, regular meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:05 P.M.; followed by the Flag Salute. Attorney DeDio read the Open Public Meeting Act.

Present: Chairman Fierro, Commissioners Patten, Mancini, Nash, Carr, Alesandrelli, Alternate Tedeschi, Engineer Cristaldi, Planner Czernicki, and Attorney DeDio. Absent: Vice Chairman Krautheim and Alternate Henry.

A motion to accept the minutes of the June 12, 2024, meeting was made by Commissioner Patten and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

1ST CASE: TFJ 930 PARKING LLC, 930 RIVERVIEW DRIVE, BLOCK 169, LOT 6.

Application is being carried to the August meeting by request of the Applicant. Attorney DeDio states no republished or renotification is needed.

2ND CASE: MANZO DOREEN 46 EAST LLC, 244 US ROUTE 46, BLOCK 173, LOT 32.01

Applicant Attorney, Jared Drill reviews the application.

Engineer, Afton Savidz, was sworn in by Attorney DeDio and considered an expert in the field by the Board. Ms. Savidz's place of business is 92 Park Avenue, Rutherford. The report was prepared by her office and is marked exhibit A1, site plan rendering exhibit dated July 9, 2024. The lot area is 43,560 square feet and is surrounded by the B3 zone. At the north is Route 46, to the west is the bagel shop, to the south is an industrial use, and to the east is a wooded area. There is a shared access to enter and the proposed access will remain the same. The former business is the Sonic Restaurant which is no longer operating, and the lot is vacant. The building is slightly over one story high and is 1739 square feet and 18 feet high. The existing building will remain but be renovated and there will be an increase in impervious coverage. The proposed structure will be a Starbucks with outdoor dining. The previous application did not have outdoor dining because the conditional use limits this. Year round dining is being sought where the ordinance only allows outdoor dining between April to October. They are seeking relief for front yard setback where 40

feet is required, and 38 feet is being provided the relief is being sought because of a canopy that will cover the pickup area for customers to stay dry while getting their order. They are seeking parking relief where one spot is required per three seats, plus area where there is not seating provided to provide waiting space. The applicant is providing 22 seats outside and the building footprint is 1700 square feet exclusive of bathrooms so there is approximately 500 square feet of actual service space. The applicant is seeking relief per ordinance of 41 spaces required which is calculated because the 1700 square foot footprint. There will be an increase in impervious coverage, they will need to reduce the runoff rate and will work with the board to demonstrate that. They have provided a landscaping plan and 10% of the parking area needs to be landscaped and they will comply. New pole lights will be installed and all existing will be removed. The signage plan marked exhibit A2, shows where all the signs will be located. This plan was dated July 10, 2024, and was prepared by her office. The plan shows the existing building with proposed signage locations, one of the two existing freestanding signs will be removed and replaced, and they will need relief because of the quantity used and location. There will be one window sign at the main entrance, there are two existing pylon signs, the one encroaches on the property line. The Applicant will work with the Town Engineer to make sure wherever there is a patron there will be proper lighting. The height of the free-standing sign ranges from 17' to 24' to the top of the sign. Board engineer goes over walkway for pedestrians to park, angle parking is slightly less than 18', and states there needs to be conditions upon approval on record. The workers will park in the same 27 spots onsite, there are no designated spots for employees. There will be no seating inside the building.

Traffic Engineer, Nicholas Kennedy, was sworn in by Attorney DeDio and considered an expert in his field by the Board. Mr. Kennedy's place of business is 92 Park Avenue in Rutherford. The traffic report was prepared by him but was not submitted to the board. Route 46 has four lanes of traffic on each side and has about 100,000 vehicles a day which is about 8000 per peak hours. Mr. Kennedy presents a letter of no intent from the DOT from December of 2023. Cars that are already on the road and stopped on route to somewhere are called pass by traffic. Pass by traffic is what primarily is figured for a Sonic or Starbucks, they are not creating additional trips, they are trips from drivers already on route and stop for food/beverages. Comparing the Sonic traffic volumes to the proposed Starbucks is very comparable in terms of new traffic generated. A Starbucks will create more traffic during the morning where a store like Sonic will have more in the evening. The parking space sizing is 17.8 feet in length which will fit a Chevy Tahoe, the applicant is also supplying an 18-foot drive aisle where 12 feet is typical. You can have eight vehicles in queue for the drive through before blocking any parking spaces. Board Engineer Cristaldi states there can be 8 before blocking any drive aisle or parking spaces and can fit 16 in queue to the bagel shop, and 24 to queue the route 46.

Architect, Michael Testa, was sworn in by Attorney DeDio and considered an expert in his field by the Board. Mr. Testa's place of business is 701 Tennent Road, Manalapan. Mr. Testa prepared the Architectural drawings, which are marked exhibit A3 and labeled existing floor plan. This plan shows the interior and exterior, which will be completely gutted and new finishes will be installed on the exterior. They will be removing the existing vestibule. Exhibit A4, proposed building elevation shows the changed exterior finished. Exhibit A5 is the colored rendering of all 4 sides with concrete paneled and horizontal black canopy. The height will not change, and the roof top equipment will be removed and all new will be replaces and be screened. They will use existing sanitation removal and if it needs to be repaired, they will do so. There will be fencing around the seating area to protect the patrons.

Landscaping expert, John Olivo, was sworn in by Attorney DeDio and considered an expert in his field by the Board. Mr. Olivo's place of business is 350 Main Street in Bedminster. Mr. Olivo prepared the plan sheet L100 which shows a mix of plants/trees to beautify the property lines. Mr. Olivo also did the landscaping plan for the property on Minnisink Road Starbucks. He is planning to beautify the area with various plants and automatic irrigation. The plan is for 5 more trees, 392 more shrubs, 1000 additional perennials, and 14 more grasses. The south-western corner of the property is where the snow removal will go and the plants there will be able to withstand salt. If they need additional space they will remove the snow off site.

Planner, Matthew Flynn, was sworn in by Attorney DeDio and considered an expert in his field by the Board. Mr. Flynn's place of business is 101 Gibraltar Drive, Morris Plains. Mr. Flynn reviews the site and states it is a permitted use in the zone and just the outdoor dining is a conditional use in this zone. Mr. Flynn goes over the D3 conditional use variance. Purpose A, promotion of the general welfare, purpose G, variety of uses in an appropriate location, purpose I, desirable visual environment, and purpose N, efficient use of land. This is a well buffered site with compatible land uses around the application. The additional C-variances are lot depth, this is an existing non-conforming condition and will remain as is, front setback where 40 feet is required and 38 feet is being proposed, and parking. Mr. Flynn feels this is justified by the C2 balancing test or benefits of the application as a whole outweighs any detriments. The negative criteria is there is more than double the side setback that's required in the zone, more than 4 times the rear setback, the F.A.R is .11 where .3 is allowed and the building coverage is about half of what is permitted. The design waivers are drive isle, number of façade signs, façade side area, façade signage on side of building, free standing sign, free standing sign encroaching on the right of way, sign on the roof, and street address signage. All waivers can be justified by section 51 of the municipal land use law. The hours of operation will be 7 days a week from 7:00 A.M. to 7:00 P.M. They withdrew the conditional use variance for the surrounding fence around the seating area but still need the variance for year-round outdoor dining.

At this time the meeting is opened to the public.

There is no public to be heard and a motion to close the public portion of the meeting was made by Commissioner Carr and seconded by Commissioner Nash.

Applicants Attorney Jared Drill reviews the application.

A motion was made to approve the application by Commissioner Nash and seconded by Commissioner Carr. Application was approved 7 – 0 at 8:19 P.M.

2ND CASE: ANGEL PERALES, 5 MEADOW DRIVE, BLOCK 150, LOT 25.

Mr. Perales was sworn in by Attorney DeDio. Mr. Perales states he purchased the home a few years ago and it is a 3-bedroom, 2-bathroom cape. His intention when he purchased it was to expand the home for his growing family. The lot is non-conforming, and he would like to add a second floor and push the back out approximately 10 feet. The addition will make the home a five-bedroom, 3-bathroom home. He needs

relief for the front yard variance. He would be reducing the impervious coverage because he is removing the deck and paved patio.

At this time the meeting is opened to the public.

There is no public to be heard and a motion to close the public portion of the meeting was made by Alternate Tedeschi and seconded by Commissioner Nash.

A motion to approve the application was made by Commissioner Mancini and seconded by Commissioner Nash. Application passed 7 – 0 at 8:33 P.M.

RESOLUTION TO MEMORIALIZE:

1st CASE: SEAN YENNIE, 299 GRANT AVE

A motion to approve the resolution was made by Commissioner Patten and seconded by Commissioner Mancini.

A motion to adjourn was made by Commissioner Alesandrelli and seconded by Commissioner Carr @ 8:35 P.M.

Respectfully submitted,

Pam Steinhilber-Daub