

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – DECEMBER 8, 2022

Vice Chairman Coiro called the Planning Board meeting of Thursday, December 8, 2022, to order at 7:30 p.m. for the Borough of Totowa.

PRESENT:

Commissioner Zarek	Vice Chairman Coiro	Commissioner Hanrahan	Councilman D'Angelo
Commissioner Festa	Mayor Coiro	Commissioner Campilango	Richard Briigliodoro, ESQ
Mike Cristaldi, PE			

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 8th day of December 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

Totowa Spine & Injury Center, LLC 500 Union Blvd.	Block 102 – Lot 11	Minor Site Plan Approval Certificate of Occupancy
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Dr. Jorge De La Torre appeared requesting approval for occupancy of 1,500 sq ft upstairs and 700 sq ft downstairs to operate a chiropractic and physical therapy facility. Dr. Jorge De La Torre indicated that he has operated his business in Totowa since November 2015 and he will be relocating from 547 Union Boulevard to 500 Union Boulevard.

Dr. Jorge De La Torre represented that he has two administrative staff members, a Chiropractor and Physical Therapist, there will be four employees on the premises. In addition, there are 32 parking spaces available in the parking lot and the Applicant is permitted to use 8-10 parking spaces. The entrance to the facility is through the parking lot. The proposed hours of operation are Monday, Wednesday and Friday from 8:00 a.m. to 7:00 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m.

With respect to signage, there are two existing façade sign boxes, one facing Union Boulevard and one facing Harding Avenue. The Applicant is permitted to place signage identifying the name of his business in each sign box in the space provided.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application 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 on the premises.
4. The Applicant will replace text on the existing sign to reflect the name of the new business.
5. The Applicant will not generate any biomedical waste nor any hazardous waste in connection with the use and occupancy of the premises.

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

ITEM #2

Med Urban Renewal, LLC
205-225 Minnisink Road

Block 154 – Lot 19.07
Signage Medical Office Bldg.

Amended Final Site Plan Approval

Lisa A. John-Basta, Esq. of the law firm of Chiesa, Shahinian and Giantomasi, P.C. appeared requesting that this matter be carried to the next regular Planning Board Meeting of January 12, 2023 without further notice to the public

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to the next regular Planning Board Meeting of January 12, 2023 without further notice to the public.

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

ITEM #3

WJC Holding, LLC
272 Route 46 East

Block 173 – Lot 31.01 & 31.02

Minor Subdivision Approval
w/Variance Relief

Lisa A. John-Basta, Esq. of the law firm of Chiesa, Shahinian and Giantomasi, P.C. appeared requesting minor subdivision approval with variance relief to adjust the lot lines between the properties. Block 173, Lot 31.01 measures 10,946 sq ft in area (0.251 acres) and as a result of the proposed minor subdivision the lot area will be increased to 11,822 sq ft or 0.271 acres. The minimum lot depth in the B-3 Zone is 200 feet and the existing lot depth is 101.76 feet which will be increased to 140.34 feet. Existing Lot 31.02 in Block 173 measures 54,088 sq ft (1.242 acres) and will be reduced in lot area to 53,212 sq ft (1.222 acres). There is one variance required in connection with the minor subdivision of Lot 31.02. The Applicant seeks approval to maintain the existing non-conforming side yard setback of 19.33 feet on the westerly side of the building where a minimum setback of 20 feet is required.

Testifying on behalf of the Applicant was Robert Benedetto, a licensed Professional Engineer with E&LP. Mr. Benedetto was qualified as an expert witness in the field of civil engineering. Mr. Benedetto characterized the irregular and unique existing lot configuration as being essentially two triangle wedges. Mr. Benedetto provided an overview of the lot area and lot depth requirements in the B-3 Zone as it relates to this property.

The next witness to testify on behalf of the Applicant was Anthony Garrett, P.P., a licensed Professional Planner in the State of New Jersey. Mr. Garrett was qualified as an expert witness in the field of land use planning. Mr. Garrett testified in regard to the highly irregular and unusual shape of Lots 31.01 and 31.02 in Block 173. Mr. Garrett testified that the existing building on Lot 31.02 encroaches onto Lot 31.01 which encroachment will be eliminated as a result of the Board granting subdivision approval in this matter. He also testified that three (3) lots use the same driveway and that the approval of the subdivision will bring the lots more into conformity with the B-3 Zone standards and would equalize the use of the driveway.

Mr. Garrett also represented that the Applicant meets the positive and negative criteria for granting “c” variance relief under the Municipal Land Use Law and that “c” variance can be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance.

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

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

There were no members of the public present expressing an interest in this application.

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application for minor subdivision/lot line adjustment approval with ancillary "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. The Applicant shall comply with all terms and conditions set forth in the Board Engineer's Review Report prepared by Michael Cristaldi, P.E., dated December 5, 2022 and as further represented on the record.
2. The Deed recorded memorializing the subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render the approval null and void unless the period of time is extended by the Planning Board.
3. The Applicant opening and maintaining an escrow account with the Borough of Totowa and keeping the account current with sufficient funds for professional inspection and review fees.
4. The Applicant shall obtain Passaic County Planning Board approval, if required.

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

ITEM #4

WJC Holding, LLC
300 Route 46 East

Block 173 -31.02

Preliminary & Final Major Site
Plan Approval w/Variance Relief

Lisa A. John-Basta, Esq. of the law firm of Chiesa, Shahinian and Giantomasi, P.C. appeared requesting preliminary and final site plan approval with ancillary "c" variance relief for property known and designated as Block 173, Lot 31.02, proposed Lot 31.021. Counsel for the Applicant provided an overview of the project.

Mr. Robert Benedetto, a licensed Professional Engineer in the State of New Jersey testified that the building to be renovated is commonly known as Route 46 Lounge. The Applicant seeks approval in order to construct an addition to the existing restaurant building located on the property. Mr. Benedetto testified the Applicant is going to restripe the existing parking lot and then will also provide three ADA parking spaces as well as adding six EV charging Make-Ready spaces. Furthermore, there are two metal storage containers and a shed in the rear of the property which are being removed. Mr. Benedetto also testified that the patio area will be enclosed and will be part of the building. With respect to parking, Mr. Benedetto testified that the parking calculation is one space per three seats in the restaurant dining area. The Applicant proposes to have 196 seats and thus 66 parking spaces are required. Mr. Benedetto testified that the Applicant complies with the parking requirement and no variance relief is required in regard to the number of on-site parking spaces.

Mr. Anthony Garrett, P.P., an Architect in the State of New Jersey reviewed with the Planning Board the proposed improvements to the building including, but not limited to, enclosure of the existing patio, expanding the building to accommodate a new kitchen, as well as a small addition for a handicapped bathroom.

Mr. Garrett introduced into evidence Exhibit A-1 which was identified as a photo composite proposed rendering for the building. Mr. Garrett testified that the existing building measures approximately 4,563 sq ft. With the proposed addition and enclosure of the existing patio area, the total building area will measure approximately 11,150 sq ft. Mr. Garrett testified that the existing building height is 20 ft and the proposed new building height will be 24 feet. The Applicant is also proposing thermal insulation around the building which would make the building much more energy efficient. The Applicant will construct a new roof to the building and a ramp to make the building barrier-free accessible in order to comply with ADA codes.

Mr. Garrett testified that the intent as far as the design of the renovation is to reflect a building that has more of a restaurant look to it. Furthermore, the plan is for the restaurant to be open for lunch.

The Applicant is also proposing decorative block on the lower portion of the building. The Applicant also proposes to change the text on the existing ground mounted freestanding sign to reflect the name of the restaurant and there are no other changes proposed to the existing ground mounted freestanding sign

Mr. Garrett then reviewed variances that are required in connection with this development application as follows:

1. To permit a front yard setback of 28.75 ft, whereas a minimum of 40 ft is required; and
2. To permit a side yard setback of 18.58 ft and 19.33 ft, whereas a minimum of 20 ft is required
3. To permit lot coverage of 21%, whereas a maximum of 20% is permitted ; and
4. Variance relief for sign area where a maximum façade sign area of 30 sq ft or 30% of the building façade whichever is less, and the Applicant proposes a façade sign of 72 sq.

.Mr. Garrett also introduced into evidence Exhibit A-2 which was identified as an aerial photograph with tax lot numbers super imposed on the photograph as well as Exhibit A-3, which was identified as a photo array.

Mr. Garrett testified that variance relief can be granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(1) due to hardship based on the irregular shape of the lot and location of existing building on the lot.

Mr. Garrett also testified in regard to granting variance relief under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(2). Mr. Garrett testified that purposes of the Municipal Land Use Law would be advanced by the approval of this application include, but are not limited to, N.J.S.A. 40:55D-2a, the approval of this application will promote public health and safety by facilitating access to the Subject Property as well as by making the building ADA/barrier-free compliant. In addition, the Applicant is proposing to provide six EV charging Make-Ready parking spaces. Mr. Garrett represented that the Applicant also satisfies purpose 2(i) which is to promote a desirable visual environment through creative development techniques and good civic design and arrangement. He stated this is satisfied due to the proposed aesthetic improvements of the building. In regard to the negative criteria, Mr. Garrett testified that variance relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance and that the benefits of any deviation substantially outweigh any detriment.

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

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

There were no members of the public present expressing an interest in this application.

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the application for minor subdivision/lot line adjustment approval with ancillary "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. The Applicant shall comply with all terms and conditions set forth in the Board Engineer’s Review Report prepared by Michael Cristaldi, P.E., dated December 5, 2022 and as further represented on the record.
2. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
3. The Applicant will provide the Board with a recorded copy of an easement for access and maintenance of the shared driveway between properties located at 272 New Jersey State Highway Route 46 Block 173, Lot 31.01 proposed Lot 31.011 and 300 New Jersey State Highway Route 46 Block 173, Lot 31.02, proposed Lot 31.021 for inclusion in the Board’s files.
4. The Applicant will submit revised plans which shall include, but shall not be limited to adding a chart showing the size of the existing building as well as the size of the proposed addition and the total new size of the building.
5. The Applicant opening and maintaining an escrow account with the Borough of Totowa and keeping the account current with sufficient funds for professional inspection and review fees.
6. The Applicant shall obtain Passaic County Planning Board approval, if required.
7. The Applicant shall obtain New Jersey Department of Transportation approval, if required.

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

MINUTES:

A motion was offered by Vice Chairman Coiro and seconded by Councilman D’Angelo to approve the Planning Board Minutes of November 10, 2022, as presented.

Two agreed to a roll call vote... 2-0

Commissioners Campilango, Hanrahan, Zarek, Festa, Mayor abstained

RESOLUTIONS:

A motion was offered by Vice Chairman Coiro and seconded by Councilman D’Angelo to approve the resolution for Cibo Vita Inc., Block 158 – Lot 3 as prepared.

Two agreed to a roll call vote... 2-0

A motion was offered by Vice Chairman Coiro and seconded by Councilman D’Angelo to approve the resolution for Coronet Inc., Block 11 – Lot 7.01 as prepared.

Two agreed to a roll call vote... 2-0

A motion was offered by Vice Chairman Coiro and seconded by Councilman D’Angelo to approve the resolution for LRF2 NJ Maltese Dr. Inc., Block 170.03 – Lot 5 as prepared.

Two agreed to a roll call vote... 2-0

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

All in favor.....7-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved