

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

PASSAIC COUNTY  
NEW JERSEY



MINUTES – JANUARY 25, 2024

Chairman Hanrahan called the Planning Board meeting of Thursday, January 25, 2024, to order at 7:30 p.m. for the Borough of Totowa.

**PRESENT:**

Commissioner Zarek	Vice Chairman Coiro	Chairman Hanrahan	Councilman D'Angelo
Commissioner Festa	Mayor Coiro	Commissioner Murphy	Commissioner Niland
Commissioner Schell	Mike Cristaldi, PE	Paul Danner, ESQ	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 25th day of January 2024 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***

Apple Food Service of Totowa, Inc.	Block 174 – Lots 14	Major Site Plan Approval
465 Route 46 West		Variances – Parking, Sign

Mark J. Semeraro, Esq. appeared requesting approval of a preliminary and final major site plan approval with "C" variance relief, including the minimum parking space variance and four separate sign variances

Mr. Alex Krukis, who is Vice President of construction with Dougherty Enterprises ("Dougherty"). Dougherty owns over one-hundred Applebee's Restaurants, as well as other establishments. Regarding the subject restaurant, Jinya Ramen Bar, it is a new restaurant concept in New Jersey that will be open from 11:00 a.m. to 12:00 a.m. seven days per week. This application will also affect the existing Applebee's as the seating capacity will increase. Applebee's current hours will not change (11:00 a.m. to 1:00 a.m. during the week; 11:00 a.m. to 2:00 a.m. during weekends). Mr. Krukis also testified there is not a separate liquor license for the proposed Jinya Ramen Bar. Instead, Applicant plans to utilize the same liquor license that is currently held with respect to Applebee's. The Board made it abundantly clear that any required approvals require by, or from, the New Jersey Division of Alcohol Beverage Control is the obligation of Applicant.

Robert Girmaldi, a licensed Architect, also testified on behalf of Applicant. He testified that Applebee's is increasing its space by 725 square feet and will increase the seating capacity by approximately 50 seats. Furthermore, Jinya Ramen Bar will have 141 seats, as well as 40 additional seats in the extra area located in the back of the proposed restaurant. Mr. Girmaldi testified regarding the signage. The existing sign on the proposed location is 132 square feet and a new proposed sign for Jinya Ramen Bar will be smaller at 109 square feet. There will be aesthetic changes to the parapet wall as well. Notably, this will not increase the height of the parapet wall over the existing peak.

In addition, Applicant proposes a new façade sign at pedestrian level (Halo Light Sign - backlit with LED) that will be 32 square feet. Applicant further proposed a new double post pylon sign to replace the existing single post pylon sign near the property line abutting U.S. Route 46. The existing sign currently identifies the name of the commercial property (Totowa Square), Applebee's, and Linwood Pizza. The existing pylon sign, which is approximately 19 feet in height, is currently 15 feet from U.S. Route 46 (West). The proposed new double post pylon sign is 22 feet in height and its total area is 120.18 feet. It is 2.5 feet wider than the existing pylon sign. The new sign will continue to identify Totowa Square, Applebee's and Linwood Pizza, as well as the new Jinya Ramen Bar. The new double post pylon sign will be relocated from Route 46 to accommodate a Stop sign at the exit from Totowa Square to U.S. Route 46 (West).

Matthew Seckler, a Traffic Engineer, testified on behalf of Applicant. Mr. Seckler submitted a report detailing that the shopping center where the subject business is located provides a total of approximately 1198 parking spaces. As per Totowa Borough Code Section 415-103, the new restaurant requires 36 more parking spaces. Applicant seeks a waiver as to the 36 additional parking spaces. Mr. Seckler performed a visual assessment of parking and found there was sufficient parking for all existing operations on the property and could accommodate the new proposed restaurant. The report states, and Mr. Seckler testified, that even at times when increased traffic to the new restaurant may occur, there is more than enough parking currently available. This is aided by the fact that during such times, the other businesses at the location will be closed. Therefore, due to this balance, this application would not have a significant impact on the traffic operations. Mr. Seckler also testified as to certain issues in relation to the proposed signage.

Lastly, Steven Lydon, a Professional Planner, testified for Applicant and discussed the variances. Mr. Lydon detailed to the Board that C(1) variances would be satisfied under the physical features test, and under the hardship test. Moreover, C(2) would be satisfied based on the premise that this would serve the community and avoid a commercially valuable vacant space.

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

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

No public present expressing an interest in this application.

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

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

A motion was offered by Commissioner Niland and seconded by Commissioner Festa to approve the minor final 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 any terms and conditions set forth in either Board Engineer, Michael Cristaldi's report, from Alaimo Engineering or testimony regarding this application.
2. The Applicant will utilize three signs (2 façade signs and one pylon sign to include Applebee's and Linwood Pizza).
3. The Applicant is responsible for approvals from the Division of Alcohol Beverage Control for any issues pertaining to the use of its liquor license and this obligation is solely on Applicant.
4. Approval is granted for signage for Applebee's pylon sign to be 40.31 feet.
5. The construction of internal partitions, exits, entrances and fire safety devices are subject to and requires the approval of the fire sub-code official, the fire inspector, and the building inspector.
6. 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.
7. There will be no outside storage of equipment or materials on the premises.

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

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to excuse Mayor Coiro and Vice Chairman Coiro from the next application.

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

**ITEM #2**

AK552, LLC  
552 Totowa Road

Block 11 – Lot 6

Minor Subdivision Approval  
Variance – lot width

Steven J. Veltri, Esq, for the applicant appeared requesting a minor subdivision with “C” variance relief. Minor Subdivision Plans were prepared by MCB Engineering Associates, LLC, which detailed the proposed plans and requested variances: (1) minimum lot width; and (2) minimum side yard (accessory structure). The existing lot (Block 75, Lot 4) is 30,941 square feet. The Proposed Lot numbers will be verified with the Tax Assessor and are Lot 4.01 and Lot 4.02. The lot area is currently 30,941 square feet and the current lot width is 134.53 feet. The proposed lot areas would be 14,204 square feet for Proposed Lot 4.01 and 16,287 square feet for Proposed Lot 4.02. The proposed lot width would be 77.89 feet for Proposed Lot 4.01 and 56.58 feet for Proposed Lot 4.02. Lastly, there is an existing shed on Proposed Lot 4.01 that is 3.5 feet from the property line where the required distance is 4.0 feet.

Mr. Joseph Barbieri, from Joseph F. Barbieri & Associates, Inc., performs both planning and surveying services. Mr. Barbieri testified that the minor subdivision was fully conforming except for the proposed lot width on one of the two proposed lots. He explained that (1) the existing shed on Proposed Lot 4.01 is only 0.5 feet from the required distance and (2) that the lot area in Proposed Lot 4.02 is merely 13.42 feet from the required distance.

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

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 Festa and seconded by Commissioner Niland 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 Festa and seconded by Commissioner Niland to approve the minor Subdivision with associated variances 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. Applicant shall comply with any terms and conditions set forth in either Board Engineer, Michael Cristaldi’s report, from Alaimo Engineering or testimony regarding this application.
2. A lot development plan for the newly created vacant lot must be provided at the time of construction for review by the Borough Engineer.
3. The Deed recorded memorializing the minor subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. 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.
4. The granting of the application is subject to and conditioned upon Applicant providing payment in full of all taxes, fees, escrows, assessments, and other amounts due and owing to the Borough and/or any other agency.

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

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to re-admit Mayor Coiro and Vice Chairman Coiro into the remainder of the meeting.

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

**MINUTES:**

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to approve the Planning Board Re-Organization Minutes of January 11, 2024 as presented.

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

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to approve the Planning Board Regular Minutes of January 11, 2024 as presented.

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

**RESOLUTIONS:**

A motion was offered by Commissioner Murphy and seconded by Commissioner Festa to approve the resolution for Dynamic Tax & Accounting - Block 11 – Lot 6 as prepared.

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

A motion was offered by Commissioner Murphy and seconded by Commissioner Festa to approve the resolution for R&E Tax Services Block 174 – Lot 14 as prepared.

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

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

All in favor.....9-0

Respectfully submitted,

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Anthony Murphy, Secretary

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Patricia Paulson  
Board Clerk

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Date Approved