

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – May 26, 2016

Acting Chairman Campilango called the Planning Board meeting of Thursday, May 26, 2016 to order at 8:05 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Campilango Commissioner Murphy Commissioner Paese Commissioner Niland
Commissioner Zarek Councilman D'Angelo 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 26th day of May 2016 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.

A motion was offered by Commissioner Paese and seconded by Commissioner Niland to admit Commissioner Murphy into the remainder of the meeting.

ITEM #1

EMG Realty	Block 171- Lot 7	Minor Site Plan
825 Riverview Drive		Certificate of Use

Mr. Raymond Reddin, attorney for the applicant and Mr Ayesh, principal, appeared requesting approval for occupancy of 7,772 square feet of space to operate a medical facility. Mr. Ayesh testified that the Applicant has entered into a lease agreement with the owners of the former "Chase Bank building" located at 825 Riverview Drive, Totowa, NJ 07512. Exhibit A-1 identified as an artist's rendering of the proposed facility was introduced into evidence.

The Applicant seeks to renovate the building for use as a medical facility. There will be an Urgent Care Center located on the first floor and doctors' offices located on the second floor. Mr. Ayesh testified that the Applicant currently operates four other similar facilities in the area inclusive of three in Paterson and one in Woodland Park.

The facility will operate seven days per week with hours approximately 8 a.m. to 8 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday and Sunday. The Urgent Care will be staffed by one physician per shift, along with one nurse and two medical assistants. The Urgent Care will contain six examination rooms, one procedure room, one x-ray room, and one manager's office. The second floor will contain medical offices. The second floor will have thirteen exam rooms, one procedure room, five consult rooms and one laboratory.

Also, testifying on behalf of the Applicant was Patrick D. McClellan, P.E., a licensed Professional Engineer in the State of New Jersey. Mr. McClellan provided an overview of the Site Plan, which was marked into

Evidence as Exhibit A-2. Mr. McClellan reviewed with the Board the proposed improvements to the site. Mr. McClellan testified that the Applicant will remove the canopy which formerly involved the drive-thru window when the facility was operated as a bank. Thus, the canopy will be removed and new parking spaces will be included in the area where the canopy has been removed. The Applicant will be adding nineteen parking spaces. The Applicant will provide four handicapped accessible parking spaces along with four signs for handicapped parking. The Applicant will also repair cracks in the parking lot and restripe the parking lot. The Applicant will also provide dumpsters in the rear of the property for refuse removal. Mr. McClellan testified on-site traffic circulation would be in a counterclockwise area around the building. Mr. McClelland also represented that vehicles such as an ambulance would be able to safely navigate the site.

With respect to on-site parking, the Applicant indicated that five spaces per 1,000 square feet are required which results in the Applicant needing thirty-nine parking spaces and the Applicant is proposing sixty-two parking spaces on-site. Mr. McClelland represented that the Applicant has sufficient parking spaces for its needs.

The Applicant will also provide landscaping to enhance the beauty of the site. The Applicant also proposes to add a new freestanding sign. The representations of the Applicant were that the sign would conform to Ordinance standards.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to 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 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 in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.
4. The anticipated hours of operation will be seven days per week with hours approximately 8 a.m. to 8 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Six agreed to a roll call vote... 6-0

ITEM #2

Distination XL Group, Inc.
465 Route 46 West

Block 174- Lot 12

Minor Site Plan
Certificate of Use
Variance-Sign

Mr. Darren Del Sardo, attorney for the applicant appeared requesting the approval for occupancy of approximately 6,669 square feet of space to operate a retail operation of a specialty retailer of big and tall men's apparel. The Applicant is the largest multi-channel specialty retailer of big and tall men's apparel with operations throughout the United States, Canada and in London, England. The retailer operates under six brands: Destination XL® (DXL®), Casual Male XL, Rochester Clothing, B&T Factory Direct, ShoesXL and LivingXL. The Applicant contends that with more than 2,000 private label and name brand styles to choose from, big and tall customers are provided with a unique blend of wardrobe solutions not available at traditional retailers. The traditional retailers were identified as Polo Ralph Lauren®, Brooks Brothers®, Lacoste®, Nautica®, True Religion®, Lucky Brand Jeans®, Levi's®, Robert Graham®, Calvin Klein®, Reebok®, Adidas Golf® and others.

The anticipated store hours of operation will be 10 a.m. to 9 p.m. Friday through Wednesday with extended shopping hours on Thursdays from 10 a.m. to 10 p.m. There are typically three employees per shift and the number of customers is projected to be approximately 45 per day.

Testifying on behalf of the Applicant was Sean Sulzbach, a representative of Image Works Sign Company. Mr. Sulzbach testified in regard to a Sign Plan prepared by Image Works and submitted as part of the application package. The Applicant is proposing a 93.6 square foot sign attached to the building façade above the front entrance. In addition, the Applicant will place signage in the space provided on the two existing freestanding signs. Furthermore, in the rear of the building, there is an existing Jennifer Convertibles and Jennifer Leather sign. A DXL Mens Apparel sign will replace the Jennifer Leather portion of the sign so that the new sign will have the name of DXL Mens Apparel and Jennifer Convertibles.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to 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 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 in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.
4. The anticipated hours of operation will be 10 a.m. to 9 p.m. Friday through Wednesday with extended shopping hours on Thursdays from 10 a.m. to 10 p.m.
5. A Design Waiver is granted for signage. Applicant will install the front building façade sign at 93.6 square feet. In addition, the Applicant will install signs in the space provided on the two existing freestanding signs, as well as one sign in the rear of the building on the existing Jennifer Convertibles Jennifer Leather sign. The Applicant will replace the Jennifer Leather portion of the sign so that the new sign will have the name of DXL Mens Apparel and Jennifer Convertibles, all in accordance with the Sign Plan prepared by Image Works and dated March 29, 2016. The Applicant will comply with the Totowa Borough Sign Ordinance.

Six agreed to a roll call vote... 6-0

ITEM #3

Benissimo
545 Union Blvd.

Block 178- Lot 2

Amended Site Plan
Outdoor Dining

Mr. Robert Fischetta, applicant appeared requesting the approval to provide outdoor dining at his existing restaurant. The existing restaurant is approximately 1,400 square feet in area and the Applicant proposes a new outside deck of approximately 312 square feet.

Acting Chairman Campilango read a letter of intent dated May 11, 2016 into the record.

Mr. Robert Fischetta testified that the outside dining deck will be added to the side of the building but will not be attached to the building. A new door will be added to provide access from the main restaurant to the outside dining area. The Applicant will provide six tables with seating for approximately twenty-five additional patrons of the restaurant. The deck will begin 10 feet from the front of the building and trees will be placed along the building space where the sidewalk starts in order to provide privacy for the dining patrons.

Additionally Mr. Fischetta indicated a retractable awning will be installed to provide protection from the elements to the patrons dining on the deck area. The Applicant will install cedar posts and lighting for the deck area will include fixtures on each of the cedar posts. The awning is anticipated to be burgundy in color with cream colored stripes. The Applicant will paint a mural of an Italian seaport on the wall in the deck area. There will also be painted on the exterior wall a banner with the text "Benissimo Al Fresco". The Applicant will also provide a new waste collection area at the end of the property which waste collection area will be fenced in and covered.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to 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 the terms and conditions of the Outdoor Dining Code and will obtain the necessary license from the Borough Clerk.
2. All terms and conditions of the Board's prior resolutions will remain in full force and effect.

Six agreed to a roll call vote... 6-0

ITEM #4

Mud Pies Learning Center
785 Totowa Road

Block 10- Lot 3
change of ownership

Minor Site Plan
Certificate of Use

Mr. Daniel Shapiro, attorney for the applicant and Tanya Leacock and Safiyyah Baldwin appeared requesting approval for the continued occupancy of an existing child care center. This is a change of ownership only with the only other change will be a name change to signage. The anticipated hours of operation will remain as 7:00 a.m. to 6:00 p.m. Monday through Friday. The daycare center has a capacity for fifty-six children. There are currently four teachers which will be increasing to approximately ten employees. There are approximately fifteen parking spaces in the parking lot allocated for use by the Applicants in order to allow easy entrance to and from the daycare. The applicants represented that there will be no changes to the premises and there will be no changes in the operation of the daycare center.

After a discussion, a motion was offered by Commissioner Niland and seconded by Commissioner Murphy to 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 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 in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.
4. The anticipated hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday.
5. All terms and conditions of the Board's prior resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.

Six agreed to a roll call vote... 6-0

ITEM #5

NYCT Service, LLC
999 Riverview Drive

Block 166.04- Lot 1

Minor Site Plan
Certificate of Use

Mr. Yunus Cimedon appeared requesting the approval for occupancy of office space known as suite 220 at the above location. Mr. Cimedon testified that he seeks approval in order to operate a limousine service located at 999 Riverview Drive, Totowa, NJ 07512. The purpose of the business is to transport people to airports, New York City trips, and special events in a safe and dependable way. The Applicant represents that the pricing for such services will be affordable.

Acting Chairman Campilango read a letter of intent into the record. The name by which the company will be known is Clever Limousine. There will be one car with one driver with anticipated hours of operation from 6:00 a.m. to 12:00 a.m. Mr. Cimenden further testified that he will bring his personal car to the site, pick up the limousine and then when he returns the limousine will be on site, he will then pick up his personal vehicle. The Applicant will have the name of his business on the directory in the office building.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to 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 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 in regards to all alarms and security devices.

Six agreed to a roll call vote... 6-0

ITEM #6

Totowa Reflex Spa, LLC
169 Union Blvd.

Block 39- Lot 1

Minor Site Plan
Certificate of Use

The applicant did not appear. There has been no correspondence submitted requesting that this matter be rescheduled.

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve the resolution for Prestige Driving School – Blk. 30 – Lot 11 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve the resolution for DIJJ Solutions – Blk. 174 – Lot 7 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve the resolution for Blush Bar Makeup Studio – Blk. 178 – Lot 3.01 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve the resolution for Agrusa, Inc.– Blk. 10.01 – Lot 2.01 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Paese to approve the resolution for the Lower Boro Area In Need of Rehabilitation as presented.

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

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

All in favor.....6-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved