

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

PASSAIC COUNTY  
NEW JERSEY



MINUTES – September 9, 2021

Chairman Hennion called the Planning Board meeting of Thursday, September 9, 2021, to order at 7:30 p.m. via a Zoom Meeting for the Borough of Totowa.

**PRESENT:**

Councilman D'Angelo	Commission Ferraro	Vice Chairman Coiro	Commissioner Campilango
Mayor Coiro	Commissioner Festa	Chairman Hennion	Mike Cristaldi, PE
Richard Briigliodoro, ESQ			

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 9th day of September 2021 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**

Bobcat of North Jersey  
201 Maltese Drive

Block 170.02 – Lot 1

Amended Plan Approval  
Outdoor Storage

John Testa, Esq. and Alan Campbell, P.E., L.S appeared requesting Preliminary and Final Site Plan Approval, as well as ancillary “c” variance relief. The Applicant seeks approval to locate a prefabricated pole barn on the site. The pole barn is 35 feet by 80 feet or approximately 2,800 square feet in area.

Mr. Campbell confirmed that the pole barn is a prefabricated structure approximately 35 feet by 80 feet in size and approximately 26 feet 8 inches in height to the ridge line of the roof of the structure. Mr. Campbell also provided an overview of the site. He testified that the site is approximately 2.5 acres in area and is in the I-3 Zone. It is the Applicant’s intent to locate a prefabricated storage building in the rear left side of the lot. He indicated that this area of the lot is adjacent to Borough property.

Mr. Campbell also testified that the location of the prefabricated pole barn on the lot would have ready access to drainage structures. He also confirmed that there would be no adverse impact to isolated wetlands which are located on Lot 2 in Block 170.02 which is an adjoining lot. Furthermore, Mr. Campbell represented that the Applicant is not violating the 50-foot wetlands transition area limit line regarding the installation of the pole barn. Mr. Campbell also testified that the building would have a concrete floor and would contain dry storage items. Furthermore, all setbacks are complied with. Mr. Campbell represented that the Applicant requires “c” variance relief regarding impervious coverage inclusive of building and pavement where 45% is permitted, 59.32% is existing and will now be increased to 61.86%.

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Mr. Ryan is the President of Bobcat of North Jersey, he supplemented the testimony of Mr. Campbell and indicated that the prefabricated building would not contain a heating system, nor would the structure have air conditioning. Furthermore, the building would be used for dry storage which Mr. Ryan characterized further as containing items such as overflow parts, filters, and parts for machinery. He further indicated that the building would be green and silver in color like the existing Bobcat building on the site.

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

All in Favor ..... 7-0

NO PUBLIC TO BE HEARD

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

All in Favor ..... 7-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the preliminary and final site plan, as well as 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 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 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.

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

**ITEM #2**

In-N-Out Express  
154 Union Blvd.

Block 32 – Lot 6

Site Plan Approval  
Certificate of Occupancy

Harold P. Cook, III, Esq and Mr. Kunal Shah appeared requesting the approval for occupancy to operate a convenience store at this location. The convenience store will sell lottery tickets as well as other items including, but not limited to, snacks, cigarettes, coffee, ice bags and cold beverages. No hot food or sandwiches items will be sold on the premises.

Mr. Shah indicated that the anticipated hours of operation are 6:00 a.m. to 10:00 p.m. seven days per week. The Applicant also represents that there will be on-site parking for fifteen cars. Furthermore, Mr. Shah testified that the store would receive approximately two deliveries per week. Generally, the deliveries are between the hours of 9:00 a.m. and 3:00 p.m. There will be approximately six employees associated with this business.

The Applicant proposes signage on the building façade above the front entrance door and below the second-floor space. The sign has the text “In N Out Express.” In addition, the sign is approximately 16 square feet in area. The Applicant also represented that the signage would conform to Ordinance requirements regarding sign color. It was also explained to the Applicant that any signage on the windows or door cannot exceed 20% of the glass door or glass window area. Regarding on-site parking, on-site parking is shared in common with the other tenants in the shopping center.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the 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.

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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.
4. The applicant will comply with the sign Ordinances of the Borough of Totowa. The Applicant will install one building façade sign not to exceed a sign area of 16 square feet. The Applicant will comply with condition number 4 of the Planning Board Resolution adopted on May 11, 2017 regarding signage for this site. Condition number 4 of the 2017 Resolution permits the site to have a total of six building façade signs with a maximum of five signs on the larger building and one sign on the smaller building. The total sign area for the building façade signs for both buildings shall not exceed 189 square feet. Regarding the existing double-sided freestanding pylon sign, there shall be no increase from the existing sign area. The freestanding pylon sign shall also be on a timer with the sign not being illuminated between the hours of 11:00 p.m. and 6:00 a.m. Any signage on the door or glass windows shall not exceed 20% of the glass door or glass window area.
5. The applicant will obtain the approval of the Borough of Totowa Board of Health, Passaic County Board of Health, if required, and the approvals of any other local, county or state agencies that exercise jurisdiction over this application.

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

**ITEM #3**

Kayal Orthopedic Center

Block 31 – Lot 8.02

Site Plan Approval

Matthew G. Capizzi, Esq. Trevor Proshad and Maureen Flynn appeared requesting the approval of approximately 968 sq. ft. of space on the first floor to use as a medical office. The Applicant will continue the podiatric practice of Dr. Leodori.

The Applicant will occupy approximately 968 square feet of space on the first floor. The typical office hours will be Monday through Friday from 9:00 a.m. to 5:00 p.m. Patients are seen by appointment only. There will be three employees on-staff inclusive of one physician and two support staff. There is on-site parking in the rear of the building for six vehicles.

There is an existing freestanding sign and the Applicant will change the text on the sign to reflect Kayal Orthopaedic Center as the new occupant of the first floor of the property. The sign will have a black background with white text. The Applicant also proposes to install under the freestanding sign an additional sign with the Applicant's telephone number and website address. The total square footage of the proposed signage is 20.3 feet. This exceeds the maximum sign area allowed of 15 square feet. As a result, the Applicant requires design waiver relief for sign area. The Applicant also requested that the sign be permitted to be illuminated until midnight. The Board and the Applicant engaged in a discussion regarding signage.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the site plan with 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 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.

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4. The Applicant will change the text on the existing freestanding sign in order to reflect the name of the new business. The Applicant is also permitted to have an extension to the sign to include the Applicant's telephone number and website address. The total sign area of 20.3 square feet is approved. Any signage or lettering on the glass windows or glass door shall not exceed 20% of the area of the glass window or glass door. The signage shall not be illuminated after midnight.
5. The applicant will obtain the approval of the Borough of Totowa Board of Health, Passaic County Board of Health, if required, and the approvals of any other local, county or state agencies that exercise jurisdiction over this application.
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.

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

**ITEM #4**

Giuseppe's Cafe  
339 Union Blvd.

Block 93 – Lot 6

Site Plan Approval  
Certificate of Occupancy

Giuseppe Tramontana and John Racyn, Jr. appeared requesting the approval of approximately 225 sq. ft. of space to operate an Italian specialty store serving coffee, cappuccino, and other Italian specialty products.

Mr. Tramontana testified that there will be no cooking in the building. Food will be prepared at his restaurant Spiga and brought to the café. The anticipated hours of operation are 8:00 a.m. to 8:00 p.m. Tuesday,

Wednesday and Thursday, and 8:00 a.m. to 10:00 p.m. Friday, Saturday and Sunday. The business will be closed on Monday. Mr. Tramontana testified that there will be no cooking in the building. Food will be prepared at his restaurant Spiga and brought to the café.

The Applicant is proposing two building façade signs, one sign is approximately 24 square feet and the other sign is approximately 12 square feet for a total sign area of approximately thirty-six square feet.

The Applicant requires a design waiver in order to have two signs and for sign area, where 15 square feet is permitted and approximately 36 square feet is proposed.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the site plan with 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 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.
4. Applicant complying with the sign Ordinances of the Borough of Totowa. The Applicant is permitted to replace the existing signage with signage to reflect the name of the new business. The Applicant is permitted to have two building signs with a total sign area not to exceed 36 square feet in accordance with the Sign Plan prepared by Signarama and submitted to the Planning Board as part of the application package. Any signage or lettering on the glass windows or glass door shall not exceed 20% of the area of the glass window or glass door.
5. The applicant will obtain the approval of the Borough of Totowa Board of Health, Passaic County Board of Health, if required, and the approvals of any other local, county or state agencies that exercise jurisdiction over this application.

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

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A motion was offered by Commissioner Campilango and seconded by Commissioner Vice Chairman Coiro to approve the Planning Board Minutes of June 24, 2021 as prepared.

Six agreed on a roll call vote.....6-0  
Commissioner Ferraro abstained

A motion was offered by Commissioner Campilango and seconded by Commissioner Vice Chairman Coiro to approve the Planning Board Minutes of July 8, 2021 as prepared.

Five agreed on a roll call vote.....5-0  
Commissioners Ferraro and Festa abstained

**RESOLUTIONS:**

A motion was offered by Commissioner Campilango and seconded by Vice Chairman Coiro to approve the resolution for Three Crown – Block 9, Lots 1 and 3 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Vice Chairman Coiro to approve the resolution for 922 RVD, LLC – Blk. 169 – Lot 5 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Vice Chairman Coiro to approve the resolution for I Bake Fresh, LLC – Blk. 11 – Lot 7.01 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Vice Chairman Coiro to approve the resolution for VRG 77 - Beverly Hills Rejuvenation Center - Blk. 143 - Lot 1 as presented.

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

A motion was offered by Commissioner Campilango and seconded by Vice Chairman Coiro to approve the resolution for Ordinance No. 03-2021 (Prohibition on Retail Marijuana) as presented.

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

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,

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Pete Campilango, Secretary

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Patricia Paulson  
Board Clerk

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Date Approved