

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – DECEMBER 13, 2018

Vice Chairman Coiro called the Planning Board meeting of Thursday, December 13, 2018 to order at 8:04 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Mayor Coiro	Councilman D'Angelo	Commissioner Murphy	Chairman Hennion
Vice Chairman Coiro	Mike Cristaldi, PE	Richard Brigliadoro, ESQ	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 13th day of December 2018 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.

ITEM #1

Dr. De La Torre	Block 103- Lot 10.02	Minor Site Plan
442 Union Blvd.		Certificate of Use

Raymond B. Reddin, Esq. and Jorge Dr. De. La Torre appeared requesting approval of approximately 1,500 sq. ft. of space to operate a health and wellness center which provides holistic services to the community, such as chiropractic, physical therapy, massage therapy & acupuncture. Dr. De La Torre is relocating his existing business from 159 Union Boulevard to 442 Union Boulevard.

Vice Chairman Coiro read a letter of intent into the record. The anticipated hours of operation will be Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturdays from 9:00 a.m. to 1:00 p.m. There are twenty shared on-site parking spaces.

Dr. De La Torre testified as to the nature of the business and that his staff will consist of one chiropractor, two physical therapists, one acupuncturist, one massage therapist & two part-time front desk receptionists. The Applicant is going to provide for a building façade sign in the existing sign box. In addition, if the Applicant intends to install any signage in the window, said signage shall not exceed 20% of the window area.

A motion was offered by Commissioner Campilango 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 except that which has been identified.
4. The applicant will comply with the Totowa Sign Ordinance.

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

ITEM #2

263 Studios, LLC
265 Route 46 West

Block 179 – Lot 3

Minor Site Plan
Certificate of Use

David Diaz appeared requesting approval of approximately 663 sq. ft. of space to operate as a private office space and a dual conference use for podcasting, talk radio and recording. Mr. Diaz stated that he is the sole owner of 263 Studios, LLC. Mr. Diaz will occupy Suite 3I.

Vice Chairman Coiro read a letter of intent into the record. The hours of operation are anticipated to be Monday through Friday from 12:00 p.m. to 11:00 p.m., Saturday from 8:00 a.m. to 10:00 p.m. and Sunday from 12:00 p.m. to 8:00 p.m. The Applicant intends to reuse the existing open office layout and storage provided by the landlord. Parking is shared with other tenants.

Mr. Diaz testified as to the nature of the business and indicated that podcasting is the practice of using the internet to make digital recordings of broadcasts available for downloading to a computer or a smart phone. Mr. Diaz stated that his company does not have any employees with the exception of himself. Mr. Diaz stated that he will have a plaque on the door to his office suite identifying the name of his business and he will have a name in the directory in the foyer identifying his business.

A motion was offered by Commissioner Campilango 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 except that which has been identified.
4. The applicant will comply with the Totowa Sign Ordinance.

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

ITEM #3

NJDC Urban Renewal
169 Minnisink Road

Block 154 - Lot 19.03

General Development
Plan & Subdivision

Lisa A. John-Basta, Esq. of the law firm Chiesa, Shahinian and Giantomasi, PC. appeared requesting preliminary and final major subdivision approval for property formerly known as the North Jersey Developmental Center and designated as Block 154, Lot 19.03 (formerly a part of Block 154, Lot 19) and located at 169 Minnisink Road, Totowa, New Jersey, in the MRRZ Zone.

Submitted in support of the application were the following documents:

1. Plan entitled "Final Major Submission", prepared by Victor Vinegra, P.E., P.L.S. of Harbor Consultants Inc., dated September 21, 2018, revised through October 15, 2018, consisting of 1 sheet.
2. Description of Block 154, Lot 19.031, prepared by Victor Vinegra, P.E., P.L.S. of Harbor Consultants Inc., dated October 15, 2018, consisting of 14 pages.
3. Description of Block 154, Lot 19.05, prepared by Victor Vinegra, P.E., P.L.S. of Harbor Consultants, Inc., dated September 21, 2018, consisting of 9 pages.
4. Description of Block 154, Lot 19.06, prepared by Victor Vinegra, P.E., P.L.S. of Harbor Consultants Inc., dated October 15, 2018, consisting of 4 pages

By way of historical background, the subject property is a 79± acre property which was part of the former North Jersey Developmental Center. The Applicant, NJDC Urban Renewal, LLC entered into a Redevelopment Agreement with the Borough in 2017 and became the Redeveloper of the NJDC site. The property was formerly the subject of a General Development Plan approval memorialized in a resolution adopted by the Planning Board on September 14, 2017 and most recently amended by the approval of an Amended General Development Plan by the Planning Board on October 25, 2018, which approval was memorialized in a resolution adopted by the Planning Board on December 13, 2018. There are several prior approvals in conjunction with the former North Jersey Developmental Center site.

The Applicant now seeks Preliminary and Final Major Subdivision approval in order to subdivide Lot 19.03 into three separate parcels, Lots 19.031, 19.05 and 19.06 in order to align with the recently approved Amended General Development Plan.

Testifying on behalf of the Applicant was Victor E. Vinegra, P.E., P.P., P.L.S. Mr. Vinegra testified that the application requires no variance relief, no waiver relief and no new site improvements are proposed in connection with this application. Mr. Vinegra introduced into evidence Exhibit A-1 and identified as a colored rendering of the subdivision plan submitted to the Planning Board. Mr. Vinegra testified that proposed Lot 19.05 will be approximately 24.397 acres in area and will contain a data center. Proposed Lot 19.031 will be approximately 35.821 acres in area and will contain a medical office building and an assisted living facility. Proposed Lot 19.06 will be approximately 18.853 acres in lot area and will contain a research and development facility.

Mr. Vinegra testified in connection with a walking path on the property which was previously presented to the Planning Board as part of the Amended General Development Plan application and heard by the Board on October 25, 2018 that the walking path would be generally located around the perimeter of the assisted living building. Mr. Vinegra testified that the Applicant fully intends to provide the walking path as reflected in the Amended General Development Plan, but the Applicant is looking for some flexibility and will perfect the precise location of the walking path during the site plan presentation for the assisted living facility. In that regard, Mr. Vinegra stated that the Applicant will add a note to the subdivision plan that the exact location of the walking path will be determined at the time of the assisted living site plan application.

Mr. Vinegra also requested, and the Board agreed, that the Applicant will provide notes on the subdivision plan reflecting a change in the name of the Overhead Wires Easement to a Utility Easement, and also appropriate labeling of the wetland areas on the site. Mr. Vinegra further testified that the proposed subdivision plan complies with the Amended General Development Plan. Mr. Vinegra also stated that the Applicant intends to perfect the Final Major Subdivision by recording a plat.

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

All In Favor 5-0

Terry Sabol, 135 Minisink Road, Totowa, New Jersey; Joe Appio, 25 Artillery Park Road, Totowa, New Jersey; Michael Cuocolo, 37 Artillery Park Road, Totowa, New Jersey; Anthony Sabatino, 21 Artillery Park Road, Totowa, New Jersey; and Rick Fasoli, 33 Artillery Park Road, Totowa, New Jersey. The members of the public had various questions or comments in regard to the schedule for completion of the project, landscaping and buffering, drainage, complaints that work is being commenced prior to the starting time permitted by ordinance, sufficiency of the proposed landscaping and buffering and the ability to add additional or supplemental landscaping if requested by the residents.

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

All In Favor 5-0

Mr. Glenn Domenick, a representative of the master developer, testified that as to the issue of workers starting before the prescribed time under the ordinance, that he has previously addressed this matter with the site contractors and he once again will address this matter with the site contractors. He also stated that the Applicant is in the process of commencing to plant new trees, and that in the Spring, additional trees and plantings will occur. Mr. Domenick also stated that he most recently walked the buffer area and marked trees to be replaced and identified areas where additional plantings will occur. In addition, it was represented on the record that the stormwater management plan has been approved by the NJDEP.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the Preliminary and Final Major Subdivision 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 development of this parcel shall be implemented in accordance with the plans submitted and approved along with any amendments as set forth on the record before the Planning Board or as requested by the Board's professionals during the public hearing.
2. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions as set forth in the December 11, 2018 Planning Report of the Board Planner, Darlene A. Green, P.P., AICP of Maser Consulting, P.A. as well as any other terms and conditions imposed by the Planning Board or the Board's Professionals and not in conflict with the Applicant's testimony and stipulations before the Board during the course of the public hearing.
3. The granting of this application is subject to and conditioned upon the Applicant complying with the requirements of the Redevelopment Agreement dated June 15, 2017.
4. The granting of this application is subject to and conditioned upon the perfection of the subdivision approval being in accordance with the requirements of N.J.S.A. 46:26B-1 et. seq; the MLUL and any other relevant laws or regulations that are applicable.
5. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval, if required.
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.
7. The granting of this application is conditioned upon the Applicant adding a note to the subdivision plan that the exact location of the walking path will be determined at the time the assisted living site plan application is presented to the Planning Board.
8. The granting of this application is conditioned upon the Applicant providing notes on the subdivision plan reflecting a change in the name of the Overhead Wires Easement to a Utility Easement, and also appropriate labeling of the wetland areas on the site.

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

MINUTES:

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the Planning Board Minutes of November 8, 2018 as prepared.

Three agreed to a roll call vote... 3-0

Commissioners Campilango & Mayor Coiro abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Murphy to approve the resolution for Brogan Cadillac – Block 179 – Lot 3 as presented.

Three agreed to a roll call vote... 3-0

RESOLUTIONS con't:

A motion was offered by Commissioner Zarek and seconded by Councilman D'Angelo to approve the resolution for Wurth International Trading America - Block 169 - Lot 8 as presented.

Three agreed to a roll call vote... 3-0

A motion was offered by Commissioner Campilango and seconded by Councilman D'Angelo to approve the resolution for NJJDC Urban Renewal - Block 166.04 - Lot 1 as presented.

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

VOUCHERS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve a series of vouchers for Weiner Law Group - Professional services as listed below:

Invoice 221879 TOT-100 – General File in the amount of \$389.50

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

All in favor.....5-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved