

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – APRIL 11, 2024

Chairman Hanrahan called the Planning Board meeting of Thursday, April 11, 2024, to order at 7:30 p.m. for the Borough of Totowa.

PRESENT:

Commissioner Zarek	Chairman Hanrahan	Commissioner Coyle	Commissioner Sabatino
Commissioner Murphy	Commissioner Festa	Commissioner Niland	Commissioner Schell
Mayor Coiro	Councilman D'Angelo	Mike Cristaldi, P.E.	Paul Danner, Esq.
Danny Sagan, Esq.	Tom Czerniecki, PP, AICP		

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 11th day of April 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

Shepherds Lane Commons LLC	Block 11 – Lot 9.01	Amended Preliminary & Final
Shepherds Lane & Union Blvd	(carried from 3/14)	Site Plan Approval w/ "c" variance

Steven Schepis, Attorney for the applicant appeared to continue the application for Amended Preliminary & Final Site Plan with required "c" variances. Mr. Schepis explained that the reason for the amendment was due to a discovery in the DEED affecting the lot line in the rear of the property. Previous testimony was given March 14, 2024. At that time the matter was carried to the regular Planning Board meeting of April 11, 2024.

Patrick McClellan, P.E., testified and provided an overview of previous testimony on behalf of the applicant and provided an amended Fire Truck Access plan, exhibit labeled A4, sheet 2, which was reviewed and approved by the Totowa Fire Chief. Mr. McClellan reiterated that this amended application was based on a discovery in the Deed to the property at issue, which was only learned after Applicant's prior approved application, that revealed a portion of the property was adversely possessed. This resulted in a loss of square footage for the property, and it altered the dimensions of the property. Mr. McClellan testified that because of these changes, Applicant seeks to amend the prior approved application. Mr. McClellan further explained that the amended application seeks to move a portion of the construction away from Boyle Avenue, and closer to a more commercial area, which would be beneficial to neighbors located on Boyle Avenue.

Nicholas Graviano, a licensed Professional Planner, testified on behalf of Applicant. Mr. Graviano summarized the requested variance relief, and the reason(s) therefore. He laid out the variance relief requested: (1) a tract setback variance of 30.3 feet where 40.0 feet is required; (2) a building length of 223.0 feet for Building B, which was already approved in the prior application, and 262.0 feet for Building A where the maximum for each such building is 200 feet; (3) four (4) stories in height where three (3) stories are permitted; and (4) a setback for

the parking lot of only 10.0 feet, seven inches, where 20.0 is required. Mr. Graviano went on to state that c(1) variances would be satisfied based on the fact that Applicant recently discovered that the property was reduced in size via adverse possession. Ultimately, Mr. Graviano testified, the adverse possession affecting the square footage of the property constitutes an extraordinary and exception situation that, if not redressed, would result in an undue hardship on Applicant. As for c(2), Mr. Graviano testified that relief was appropriate under purposes (a), (g), and (i) inasmuch as the planned project is inclusionary, constitutes good civic design, and there is no substantial impairment. He also testified it would serve the community, advance the general health and welfare, and meet the needs of the community.

Lastly, the Applicant agreed that Applicant will enter into a developer's agreement between Applicant and borough of Totowa.

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

All in favor.....9-0

No Public to be heard

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

All in favor.....9-0

After a discussion, a motion was offered by Commissioner Festa and seconded by Commissioner Niland to approve the application 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 the site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board with this Application.
2. 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.
3. The granting of this application is subject to and conditioned upon the review and approval of the Borough Fire Inspector, Fire Sub Code Official and Building Inspector with respect to any internal partitions, exits, entrances and fire safety devices.
4. The granting of this application is subject to and conditioned upon Applicant supplying the Borough of Totowa Police Chief or his designee with an emergency contact list. The Police Chief or his designee shall also review and approve the installation of all alarms and security devices.
5. Applicant will abide by all requests regarding hours of operation relating to the construction work of this application.

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

ITEM #2

Mario Perri
156 Hobart Place

Block 65 – Lot 5

Minor Subdivision
Variances

Chairman Hanrahan read a letter from the applicant's Attorney, Anthony Fiorello that the applicant is withdrawing their application at this time.

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to withdraw this application and remove from the Agenda.

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

ITEM #3

ORDINANCE NO. 06-2024 –

Amend Code Chapter 415 entitled "Zoning and Land Use", Part 3, "Subdivision and Site Plan Review", Article XIII, "Design Standards", Section 98, "Grading and Soil Removal"

Mayor Coiro gave an overview of the proposed amendment to the Ordinance. Planning Board Members discussed the change and deemed that it was not inconsistent with the Master Plan and recommended approval.

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to recommended approval to the Mayor and Council.

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

MINUTES:

A motion was offered by Commissioner Murphy and seconded by Commissioner Zarek to approve the Planning Board Minutes of March 28, 2024 as presented.

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

Commissioner Festa, Councilman D'Angelo, Mayor Coiro
abstained

RESOLUTIONS:

A motion was offered by Commissioner Murphy and seconded by Commissioner Sabatino to approve the resolution for Wingstop - Block 11 – Lot 6.01 as prepared.

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

A motion was offered by Commissioner Murphy and seconded by Commissioner Zarek to approve the resolution for Scimunal Pharma - Block 179 – Lot 2.05 as prepared.

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

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

All in favor.....9-0

Respectfully submitted,

Anthony Murphy, Secretary

Patricia Paulson
Board Clerk

Date Approved