

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – JUNE 13, 2024

Chairman Hanrahan called the Planning Board meeting of Thursday, June 13, 2024, to order at 7:30 p.m. for the Borough of Totowa.

PRESENT:

Commissioner Schell	Chairman Hanrahan	Commissioner Coyle	Vice Chairman Coiro
Commissioner Sabatino	Commissioner Murphy	Councilman D'Angelo	Mayor Coiro
Mike Cristaldi, PE	Danny Sagan, ESQ	Tom Czerniecki, Planner	

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

Flag Salute

Chairman Hanrahan excused himself from participating in the first matter to be heard.

ITEM #1

Frank Gloor 130 Minnisink Road	Block 153.01– Lot 1	Preliminary & Final Minor Subdivision Approval
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Mark Semeraro, Esq. of Semeraro Fahrney LLC; attorney for the applicant appeared requesting approval for dividing the existing single lot into three separate lots (Lots 1.01, 1.02, and 1.03), which will require Side Yard setback variances for Proposed Lot 1.01, which currently contains two existing structures (residential house and detached garage) within the requisite twenty-five foot setback.

The existing lot Block 153, Lot 1 is 30,433 square feet. The Proposed Lot numbers will be verified with the Tax Assessor and are Lots 1.01, 1.02, and 1.03. The proposed lot areas are as follows:

1. Proposed Lot 1.01 - 16,433 square feet, 100.48' lot width, 163.65' depth, which contains the existing residential dwelling and detached garage;
2. Proposed Lot 1.02 - 7,000 square feet, 70' lot width, 100' lot depth; and
3. Proposed Lot 1.03 - 7,000 square feet, 70' lot width, 100' lot depth.

The existing residential dwelling and detached garage on the original lot do not meet the twenty-five foot Side Yard setback for structures abutting a Side Yard Street. Therefore, for this application to be approved, Side Yard variances for the existing residential dwelling and detached garage must be approved and/or reaffirmed for Proposed Lot 1.01.

Mr. Patrick D. McClellan, who is a licensed professional engineer testified that Proposed Lot 1.01 requires Side Yard Street setback variances for existing structures. The setback requires 25' and the existing residential dwelling is 9.2' and the detached garage is 8.9'. Proposed Lots 1.02 and 1.03 will be fully conforming, and satisfy all existing zoning requirements, and, therefore, do not necessitate any variance relief. Mr. McClellan acknowledged a minor oversight within the proposed plans with respect to the Scale on Sheet 2. It indicates that 1" = 20' but it was in fact 1" = 30'. He explained that this did not affect the proposed lots and represented to the Planning Board that a corrected Sheet 2 would be submitted as a condition of approval.

Ms. Spach Trahan, Professional Planner testified that that the variances were necessary solely to address the pre-existing non-confirming condition(s), and no variances would be required for the newly proposed lots. With respect to the existing condition, *i.e.*, residential dwelling and detached garage, Ms. Trahan testified that the c(1) Hardship Variance was satisfied because the lot is unique (narrow and long), and it would be unreasonable to require the Applicant to deconstruct existing structures, which have been on the property for decades. The Applicant further confirmed that there is no planned reconstruction and/or additional construction on Proposed Lot 1.01.

Ms. Trahan also testified that the variances were warranted under Purposes A and E, c(2) (Good Thing Variance), because the benefits to the community would outweigh any detriment in deviating from the zoning requirements. She testified that the new lots would conform in size to existing requirement(s) and they would benefit the community by providing additional residential housing. She further testified that there would be a sufficient buffer between the lots. As for the existing structures, Ms. Trahan testified that Purpose E was satisfied given that the residential dwelling and detached garage have existed for decades, and the variances were needed solely to bring the structures within compliance.

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

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

Mr. Brian Mattaliano, 120 Minnisink Rd., Totowa, New Jersey, testified as to his concerns about losing privacy on his property. Mr. Mattaliano conceded, however, that Proposed Lots 1.02 and 1.03 would not overlook his residence, but a portion of his backyard. He also expressed concern over water runoff from any new development on Proposed Lots 1.02 and 1.03. The Applicant was clear that his application did not include approval for any planned structures on either of those lots.

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

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

After a discussion, a motion was offered by Commissioner Murphy and seconded by Commissioner Sabatino to approve the application for minor subdivision with 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. Applicant will submit a corrected and/or revised plan Sheet 2 amending the scale to 1" = 20' instead of 1" = 30'.

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 Planning 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. Future development on Proposed Lots 1.02 and 1.03, which was not made part of this application, a lot development plan shall be submitted to the Borough Engineer at the time for construction review and shall include the use of dry wells.

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

Chairman Hanrahan was readmitted into the remainder of the meeting.

ITEM #2

Complete Medical Transport Corp.
409 Minnisink Road

Block 171– Lot 17
(Suites 103 & 107)

Minor Site Plan Approval
Certificate of Use

Mr. Steve Veltri, attorney for the applicant and Ms. Mevludie Murati appeared requesting the approval for occupancy of approximately 2,900 sq. ft of office space for a non-emergency Medical Transport Company. The Applicant will use Suite 103 and 107 as currently constructed and testified that it does not plan to perform any interior re-construction of the existing space.

Ms. Murati testified as to the nature of the business and that most of the services provided by the Applicant are scheduled in advance, and generally include wheelchair and stretcher services for patients and customers to and from their place of residence and outside medical care facility. The Applicant will have access to an additional 9,000 square feet in the basement at the premises, which will be used to store stretchers, wheelchairs, and clothing. The Applicant made clear that no chemicals nor oxygen tanks will be stored in the basement area.

The anticipated hours of operation will be Monday through Saturday from 5:00 a.m. to 8:00 p.m.. The staff will consist of certified EMTs and office workers who will answer calls, schedule services, and process billing. There will be ten employees. There will be twenty allocated parking spaces, of which the Applicant plans to use six spaces for medical transport vehicles housed on-site.

A motion was offered by Commissioner Murphy and seconded by Vice Chairman Coiro 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 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.
2. 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 device.
3. Applicant will comply with signage requirements and window requirements. The Applicant provided the Board with an image of the sign and understands signage cannot block the windows to the space and that its space cannot use neon signage in its window.
4. There will be no outside storage of equipment or materials on the premises with the exception of 6 medical transport vehicles.
5. No storage of chemicals or oxygen tanks in the basement area on the property.

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

ITEM #3

Totowa UE LLC
Tesla Sales & Service
545 Route 46

Block 170 – Lot 3

Preliminary & Final Site Plan
Approval

Mr. Jerome Vogel, attorney for the applicant appeared requesting the approval of a preliminary & final site plan with design waiver relief of 90,000 sq. ft. of space to be used as a Tesla Car Showroom & Service operation.

Mr. Steven Innerfield, Tesla Motors Regional Sales Manager testified that Tesla Motors generally sells about one-half of its vehicles in-person, the other half online. Tesla currently has four licenses to sell vehicles in the State of New Jersey and plans to move one of those licenses to the planned Totowa location. Tesla also provides on-site vehicle service but performs about two-thirds of such services at the off-site location(s) of the vehicle(s) rather than at a Tesla brick and mortar location. Tesla plans to initially have about 15-30 sales employees and an additional 50-70 service employees on-site at any one time. The anticipated hours of operation for Sales will be 9:00 a.m. to 8:00 p.m., and 8:00 a.m. to 8:00 p.m. for Service, Monday through Saturday. Tesla anticipates it will receive about 20-150 sales customers per day and approximately 30-75 cars on-site daily for vehicle repair and maintenance. Applicant plans to have about 100 cars on-site as part of its sales inventory.

Mr. Jose Garcia, Regional Tesla Service & Body Manager, also testified that most repairs and service(s) are performed off-site and that no paint or body repairs will be conducted on the planned site. Mr. Garcia explained that the only batteries maintained on-site are lithium batteries for the vehicles. Some of the batteries are kept on-site, but generally Tesla can have batteries delivered to service locations within 24 hours of the planned installation. Mr. Garcia stated that between 35-60 vehicles will be on-site awaiting repairs/service at any one time, and Tesla aims to perform the same within a 24-hour period. Tires will be kept on the exterior of the building, although maintained in an enclosure.

Mr. Patrick D. McClellan testified about the physical location, including reference to an aerial photograph taken on June 13, 2024, and marked as “Exhibit A1”. He stated that the planned Tesla location will be located in the former space occupied by Bed Bath & Beyond and Buy Buy Baby retail stores. There will be changes to the existing façade consistent with Tesla’s marketing and colors, but the new façade will not exceed the existing façade height. The planned project also includes wayfinding signs for customers and drivers, and 11 EV charging stations to be utilized by Tesla employees only. “Exhibit A2” was also marked, entitled Totowa Tesla Center – Cold Climate. Mr. McClellan testified the entire site, which includes a Home Depot and Staples, has 1,500 to 1,600 parking spaces, of which 406 will be utilized by Tesla as follows: 21 spaces at rear of building for service; 109 spaces around the perimeter of the lot for Tesla employees; 112 spaces for customer pickup; 118 for inventory, and 46 for customer parking. No vehicle inventory will be stored and/or parked within the requisite 40’ setback.

Mr. Brian Reno, a licensed architect with Stantec, introduced “Exhibit A-3” which is an exterior conceptual rendering of the proposed Tesla structure. The exterior will include Tesla’s customary neutral black and gray colors. “Exhibit A-4” and “Exhibit A-5” were also marked showing the building elevation(s) and comparison of the building signage (front). The signage on the façade will replace the prior signs for the Bed Bath & Beyond and Buy Buy Baby, and a new pylon sign will not exceed the size of the signage for the two former retail stores. During Mr. Reno’s testimony there was discussion of providing a supplemental summary of the proposed signage.

Ms. Spach Trahan, Planner testified that automobile sales in Zone B-3 is satisfied for conditional use because the primary function is sales of new vehicles, and any service accessory sales are ancillary. Ms. Trahan, also indicated because there are no off-street implications to the application, and no vehicles for sale will be stored or displayed within the 40' front depth setback. With respect to outdoor storage, Ms. Trahan testified that a design waiver was appropriate because it was not intended to prevent the storage of vehicles for sale on an approved sale location.

Ms. Trahan testified that only one sign is permitted on the front façade measuring no more than 30 square feet. Tesla seeks to have three exterior front façade signs: (1) "T" logo on southern side of front building measuring 36.25 square feet; (2) "Tesla" sign on the front of the building measuring 96.9 square feet; and (3) a wayfinding "Service" sign on the northern side of the front façade measuring 9.28 square feet. These three signs total 142.43 square feet. Ms. Trahan testified that relief is warranted because the proposed signage is smaller than the pre-existing signage for the Bed Bath & Beyond and Buy Buy Baby retail stores. She also stated that the proposed signage was proportional in size to the building front façade and necessary to provide visibility from the roadway.

Ms. Trahan further testified that Tesla also seeks signage relief for the side of the building, which allows one sign measuring no more than 10 square feet. Tesla seeks relief for a 172.29 square foot sign on the north side of the building façade facing Interstate 80. Ms. Trahan testified that the sign size is necessary for drivers to observe it from I-80 and there are no neighbors on that side of the site. As for the pylon signage, Ms. Trahan testified that the Tesla sign will not exceed the current joint size of the Bed Bath & Beyond and Buy Buy Baby, which was previously approved by the Planning Board.

Mr. Craig W. Peregoy, PE, testified that Dynamic performed a traffic assessment at the site and comparison of the prior usage at the site (for the former Bed Bath & Beyond and Buy Buy Baby) and the anticipated traffic for the Tesla. Mr. Peregoy testified that the Tesla will result in less traffic to/from the site on a daily and weekly basis.

A discussion between the Planning Board members and the Applicant, including its witnesses, on the issue of deliveries to the site. The Planning Board expressed its concern that delivery trucks will exit Route 46 West on to Riverview Drive with the intent to make a left hand turn into the site at the existing traffic light. Specifically, concerns were raised that there may be insufficient clearance for the trucks prompting vehicles waiting at the traffic light to exit the site onto Riverview Drive to have to back up thereby creating traffic and other potential issues. There was mention of potentially moving deliveries to off-hours, but that seemed impractical given the proposed hours of Applicant and the existing Home Depot on the same site. Tesla represented by and through Mr. Garcia, that it could re-route its delivery trucks by providing instructions to only access the site by making a right turn from Riverview Drive.

There was also discussion about the fenced area housing the tires to be maintained on the exterior of the building. Tesla agreed to install slats into the chain link fence to obstruct the view of the tires. In addition, Tesla witnesses confirmed that they were unaware of any specific approval needed by the Planning Board to install the charging stations, that the site already had the requisite power for the charging stations, and the charging stations, while intended solely for Tesla employees, would be made available in those rare situations that a Tesla operator could not make it to the next charging station before the battery power was exhausted.

Finally, there was discussion related to placing some demarcation on the ground in the area between the existing Staples and the space to be occupied by Tesla to alert pedestrian traffic to presence of motor vehicles. The Tesla design currently provides that vehicles will access that area. Tesla agreed to provide appropriate signage and/or ground markings.

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

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

NO PUBLIC TO BE HEARD

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

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

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy to approve the preliminary and final site plan with design relief 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: The granting of the application is subject to and conditioned upon the Building Inspector issuing a Certificate of Occupancy in accordance with the Borough of Totowa Zoning and Land Use Code in accordance with Section 415-4.

1. 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.
2. 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.
3. Applicant shall comply with any terms and conditions set forth in either the Plaintiff Board Engineer, Michael Cristaldi's report, from Alaimo Engineering or testimony regarding this application.
4. Approval is granted for conditional use relief regarding the display of vehicles provided that such vehicles are not stored within the 40' front setback;
5. Approval for outdoor storage relief for vehicles and tires, provided that the tires are contained in a fenced area with slats obstructing view of the tires.
6. Approval is granted for three front façade signs totaling no more than 142.43 square feet;
7. Approval is granted for side signage on the north side of the building façade facing I-80 totaling no more 172.29 square feet;
8. Approval is granted for pylon signage not to exceed in size the joint size of the existing Bed Bath & Beyond and Buy Buy Baby signage.
9. Applicant will provide directions to its delivery drivers and/or re-route its delivery trucks by providing instructions to only access the site by making a right turn from Riverview Drive, thereby avoiding trucks making a left-hand turn from Riverview Drive into the site.
10. Applicant will place ground marking and other signage in the area between the existing Staples and the new Tesla building alerting pedestrians to vehicular traffic between the two structures.
11. Applicant will install no more than eleven charging stations, which will only be used by Tesla employees except in rare occurrences when a Tesla user needs access to a charger for a short-term charge to get them to the next available public charging station.

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

MINUTES:

A motion was offered by Commissioner Murphy and seconded by Commissioner Coyle to approve the Planning Board Minutes of April 25, 2024 as presented.

Seven agreed to a roll call vote... 7-0
Commissioner Sabatino abstained

RESOLUTIONS:

A motion was offered by Commissioner Murphy and seconded by Commissioner Coyle to approve the resolution for Café 179 - Block 40 – Lot 20 as prepared.

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

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

All in favor.....8-0

Respectfully submitted,

Anthony Murphy, Secretary

Patricia Paulson
Board Clerk

Date Approved