

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – SEPTEMBER 12, 2024

Chairman Hanrahan called the Planning Board meeting of Thursday, September 12, 2024, to order at 7:30 p.m. for the Borough of Totowa.

PRESENT:

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

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 12th day of September 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

ITEM #5

Smash "N" Pizza	Block 139 – Lot 4	Minor Site Plan Approval
560 Union Blvd		Certificate of Occupancy

Karen Mendoza, owner/applicant, and Joseph Dellaccio and Robert Aliano, who will be managing the business on a day-to-day basis; appeared requesting approval for the occupancy of approximately 100 sq. ft. of space for the continued operation of a Pizza/Burger eatery.

The new business will employ approximately four total employees, which may increase if the business develops. It will sell pizza(s), smash burgers on a flat grill, chicken wings, and other similar foods. The Applicant testified that 2 flat grills (24" & 48") plus a deep fryer will be installed. The anticipated hours of operation will be seven days a week, from 11:00 a.m. to 11:00 p.m.

The applicant testified as to the nature of the business indicating it will mostly be a delivery/pick-up food business, but it will have some seating, specifically four tables and a counter. As for signage, the Applicant informed the Board that it will change the color from red to a burgundy red. The name of the sign will be either "Smash N Pizza" or "Smash 'N Pizza". The Applicant assured the Board that it will possess a proper trash system.

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 construction of internal partitions, exits, entrances and fire safety devices are subject to and requires approval of the fire sub-code official, the fire inspector, and the building code 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 proposes signage to replace existing sign on the building, no larger.
4. There will be no outside storage of equipment or materials on the premises.

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

ITEM #2

Totowa UE, LLC – Lidl Grocery
545 Route 46

Block 170 – Lot 3

Amended Site Plan Approval
Certificate of Occupancy
Variances

Jennifer Mazaway, Esq., of K&L Gates LLP, attorney for the applicant, and Stephen Damico, an employee of LIDL appeared requesting approval for a preliminary and final site plan approval with design waiver relief for the purposes of operating a grocery store.

The Applicant proposes several design waiver relief requests related to parking and signage. As for parking, 1,561 parking spaces are required and the Applicant seeks approval for 1,089 parking spaces. This request is one less space than the pre-existing relief that was provided to a prior applicant. With respect to signage, the Applicant seeks relief for signage: (1) the size(s) of the front and side signage; (2) the signage be permitted to project out sixteen inches from the building when eight inches are allowed; and (3) permission to replace the existing Marshall's name (former tenant) on the pylon sign with a sign for the Applicant.

Applicant submitted several exhibits to the Planning Board in connection with its application, as follows:

- Aerial Location Exhibit - marked as Exhibit A-1;
- Colored Rendering of the Site Plan - marked as Exhibit A-2;
- Lease Outline Drawing - marked as Exhibit A-3;
- Architectural Elevation - marked as Exhibit A-4; and
- Façade Material and Color Sample - marked as Exhibit A-5

Stephen Damico is the construction and real estate manager for LIDL, who is involved with the Applicant's new store rollout plan. Mr. Damico testified that the store hours will be 8:00 a.m. to 9:00 p.m., and it will be open seven days per week. There will be approximately thirty employees working at any one time. The Applicant hopes to have the grocery store open around Thanksgiving 2025.

Joseph Holzapfel, an engineer at Bohler Engineering, provided testimony on behalf of the Applicant regarding, deliveries and signage. He explained that the Applicant is occupying the building that Marshall's previously occupied and would have deliveries scheduled when the store is not open. The Applicant will also maintain the existing loading dock. As for the signage relief, the Applicant originally requested that the signs be substantially larger than the required amount, *i.e.*, front signage and side signage be 64.34 square feet and 61.13 square feet, respectively. As per Mr. Holzapfel, the Applicant believes the sizes are appropriate for the area. He noted that neighboring businesses and the sizes of their signage. Mr. Holzapfel also testified that there were numerous existing non-conformities on the property, which are not changing, including lot coverage, landscaping, and parking stall dimension(s). Lastly, the two pylon signs would remain the same except for replacing Marshall's name with LIDL.

David Fahim, a traffic engineer, testified that extensive research was performed to conclude that this request is appropriate. The research included performing tests at existing LIDL stores, which revealed that there were only approximately sixty-one parking spaces occupied at one time. Mr. Fahim also discussed the breakdown of the parking spaces in the lot and how they are divided among the neighboring businesses. The LIDL area would occupy one hundred and eighty-two spaces.

Ryan Doherty, an architect, provided testimony on behalf of the Applicant. He explained that the Applicant will install building ramps for accessibility standards and that most modifications will occur in the front of the building. He also stated that the Applicant will not propose signage in the area that is neighboring the building, and that specific signage will belong to the future tenant who will have to make the necessary requests to the Planning Board.

Following discussion with the Planning Board, the Applicant revised its proposal and testified that it was willing to limit the size of the side signage (for the LIDL logo and the words "Food Market") to no more than eighty (80) square feet collectively. Regarding the front signage, the Applicant testified that the two signs (LIDL logo and "Food Market") will not exceed the originally proposed 126.47 square feet collectively. With respect to the protrusion from the building, the Applicant submitted that based on the area, the type of store, and the size of the building, increasing the protrusion from the façade from sixteen (16) inches from the allowed eight inches was appropriate. The Planning Board acknowledged the Applicant's argument(s).

It was noted that the "Signage" sign on the neighboring building, which was illustrated in the Applicant's plans cannot be used by the applicant.

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

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

No Public to be heard

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

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

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to approve the application preliminary and final site plan approval with design waiver relief. 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 the Borough Board Engineer, Michael Cristaldi's report, from Alaimo Engineering or testimony regarding this application.
2. The hours of operation will be 8:00 a.m. to 9:00 p.m. and it will be open seven days per week.
3. Approval is granted for the front two signs (LIDL logo and "Food Market") and that they collectively will not exceed 126.47 square feet
4. Approval is granted for side signage with the two signs (LIDL logo and "Food Market") and that they collectively will not exceed eighty square feet.
5. The Planning Board determines that the "Signage" sign, which was illustrated on the Applicant's plans, cannot be used by the Applicant.
6. Approval is granted for the signs to be projected no more than sixteen inches out.
7. The pylon signs will remain the same except for replacing Marshall's name with LIDL.
8. The Applicant is responsible for maintaining a safe parking lot area, including safeguarding the area from any carts being unaccompanied.

9. The Applicant will ensure that the illuminated signage on the building will be turned off one hour after closing.
10. All deliveries will occur during the hours when the store is not open, and only one delivery truck will be allowed at any time.
11. All delivery trucks must enter and exit the property from and to U.S. Route 46.
12. 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.
13. The Applicant will supply 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.

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

ITEM #3

111 Maltese, LLC
111 Maltese Drive

Block 170.02 – Lot 9

Preliminary & Final Major
Site Plan Approval-Variations

Jeffrey R. Chang, Esq., attorney for the applicant, appeared requesting a Preliminary and Final Major Site Plan with “c” variance and design waiver relief. The Applicant seeks to expand the parking area along the front of 111 Maltese Drive by 0.75 acres. This request is to increase the current non-conformance that is related to impervious coverage. While the I-3 zone requirement sets a maximum impervious coverage at 45% of the property, at the present time, the lot currently is 69.9% impervious. The Applicant seeks to increase the coverage to 86.2%. Along with the variance relief, this application also includes design waiver relief relating to landscaping and site lighting.

Jacob Lewkowski, a licensed engineer testified that the Applicant’s purpose for this application is to improve the site. The property is approximately 33,000 square feet. The sole business at the location is trucking of refrigerated and frozen goods. It was emphasized that there is no storage of materials in the trailers. The proposed plan will allow forty-seven new parking spaces, primarily for employees, and twenty-four new trailer parking spaces. This will also include the existing twenty loading docks. As per the Applicant’s design, some existing light poles on the property need to be removed and eight new light poles will be installed to aid in illuminating the property. Further, the Applicant proposes the addition of new wall lights. Mr. Lewkoski’s presentation highlighted that the area is industrial, as are the neighbors, which eliminates concerns about disturbing surrounding properties. Thus, as per Mr. Lewkoski, the variance and design waiver relief requested should not pose an issue to the neighbors and should fit within the identity of the area.

Planning Board Members raised certain concerns regarding variance relief, while the Planning Board recognized the benefits and need from the Applicant, there were concerns with the south end of the property. The Applicant represented that it would be willing to round out the south end of the property, which will affect some spaces, to accommodate an additional grass berm(s) and/or buffering.

Regarding the design waiver relief, the Applicant stated that the tree plan will meet the requirement to have 10% of the area devoted to landscape. While the Applicant plans to remove twenty-eight trees, it will replace them with twenty-seven new trees. At the same time, the Applicant recognizes that this number is below the fifty-four trees that are required to be installed. The Applicant offered to: (1) pay the Totowa Shade Tree Commission \$250.00 for each tree not being added, totaling \$6,750.00 to the Totowa Shade Tree Commission; and (2) defer to the Borough of Totowa, by and through the Planning Board’s Engineer, with regards tree species selected for the new trees.

As for lighting, the Applicant is requesting both minimum and maximum light intensity, specifically proposing 0.2 FC, when 0.3 FC is required, and 1.1 FC, when 0.5 FC is required. The Applicant testified that will undertake a good faith effort to make the lights consistent throughout the property, which will be measured by way of a lighting study. If, as a result of that study, it is deemed that the lights still demand relief regarding minimum and maximum light intensity, it will seek that the Borough provide such relief, assuming the Borough of Totowa is satisfied with the efforts made by the Applicant. Lastly, the Planning Board raised concerns about the water tank on the site, and ensuring the Applicant complies with any issues potential flooding issue(s). The Applicant agreed that it will work to improve the area around the tank, comply with all state regulations, and work with the New Jersey Department of Environmental Protection (“NJDEP”), as necessary, to address any such issue(s). In addition, the Applicant agreed to work with the Planning Board’s engineer to finalize a plant screen for the water tank.

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

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

No Public to be heard

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

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

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to approve the application preliminary and final site plan approval with design waiver relief. 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 the Borough Board Engineer, Michael Cristaldi’s report, from Alaimo Engineering or testimony regarding this application.
2. The Applicant will work with a professional to revise the plan to shave some of the parking/impervious coverage at the trucking spaces in the southernmost portion of the property and work with the Borough to their approval.
3. The Applicant will improve the area around the water tank by installing screening, as agreed upon between the Planning Board engineer and the Applicant’s engineer.
4. The Applicant will comply with all the state regulations, including comply with the New Jersey Department of Environmental Protection.
5. The Applicant make a payment to the Totowa Shade Tree Commission for \$250.00 for each tree not being added, totaling \$6,750.00.
6. The Applicant will allow the Borough to select the tree species that will be placed in the area.
7. The Applicant will make a good faith effort to rectify any issues pertaining to the lighting, including conducting a light study. The Applicant will share the results with the Borough Engineer.

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

ITEM #4

Pal-Pro Builders, LLC
40 Vreeland Avenue

Block 158 – Lot 3.01

Minor Site Plan Approval
Certificate of Use/Relocation

Applicant was not present. Chairman Hanrahan read a letter from the Building Code Official indicating that the application should be removed from the agenda until such time proper paperwork is submitted.

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to withdraw the application without prejudice.

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

ITEM #5

Regal Commodities
200 Maltese Drive

Block 170.02 - Lot 5

Minor Site Plan Approval
Certificate of Occupancy

Applicant was not present.

A motion was offered by Commissioner Festa and seconded by Commissioner Niland to carry this matter to the Planning Board meeting of September 26, 2024.

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

MINUTES:

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the Planning Board Minutes of August 8, 2024 as presented.

Four agreed to a roll call vote... 4-0

Commissioners Sabatino, Festa, Coyle, Vice Chairman Coiro,
Councilman D'Angelo, Mayor Coiro abstained

RESOLUTIONS:

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the resolution for Plush Studio, Block 174 – Lot 14 as prepared.

Four agreed to a roll call vote... 4-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the resolution for Replay, Block 177 – Lot 2 as prepared.

Four agreed to a roll call vote... 4-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the resolution for Makeup by Jillyan, Block 174 – Lot 14 as prepared.

Four agreed to a roll call vote... 4-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the resolution for Cibo Vito, Block 170.02 – Lot 6 as prepared.

Four agreed to a roll call vote... 4-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the resolution for Minnisink Road Urban Renewal, LLC, Block 154 – Lot 19.07 as prepared.

Four agreed to a roll call vote... 4-0

A motion was offered by Commissioner Zarek and seconded by Commissioner Niland to approve the resolution for Three Crown Development, LLC, Block 9 – Lots 1 & 3 as prepared.

Four agreed to a roll call vote... 4-0

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

All in favor.....9-0

Respectfully submitted,

Anthony Murphy, Secretary

Patricia Paulson
Board Clerk

Date Approved