

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF  
ADJUSTMENT



MUNICIPAL BUILDING  
537 TOTOWA ROAD  
TOTOWA, NJ 07512

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## BOARD OF ADJUSTMENT MINUTES OF JUNE 14, 2017

The June 14, 2017 meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:35 p.m.; followed by the Flag Salute. Attorney Briigliodoro read the Open Public Meetings Act. The minutes from the May 24<sup>th</sup>, 2017 meeting was approved by Commissioner D'Ambrosio and seconded by Commissioner Mancini.

1<sup>ST</sup> CASE: CORNELIUS VAN ESS  
310 WINIFRED DRIVE, BLOCK 167, LOT 16

Attorney Michael DeMarris is representing the applicant Cornelius, Cornelius was sworn in by Attorney Briigliodoro. Attorney DeMarris presents exhibit A-1, which is a map and survey of the property and was prepared by J & J Butler dated 2-24-17. Mr. Van Ess states he has been a resident since 1963; he was a member of the US arms services branch 100 first airborne. In 1968 he was deployed to Vietnam and was involved in a firefight in 1968, he was shot 7 times has had 4 re-constructive surgeries. Mr. Van Ess was a Totowa police officer for 30 years and moved to Captain, later retiring in November of 2011. While on duty and in the process of arresting a drunk driver, he got hit and had nerve damage. Since Mr. Van Ess's retirement he has been diagnosed with leukemia and has been declared 100% disabled in December of 2014.

Mr. Van Ess presents a letter dated 9/19/16 which is a wartime service letter stating the connected disability is totally disabling, this is marked Exhibit A-2. Mr. Van Ess states he is in tremendous pain when he walks so he paved the front part of his driveway to park closer to the front door to lessen the walk. The survey shows concrete driveway in front of the home and asphalt driveway that was just installed at the top of the asphalt driveway is the paved walkway to one step to go into the house, Mr. Van Ess would like to put a ramp to eliminate the step. Once you enter the home immediately to the right is Mr. Van Ess's bedroom which an office area and handicap bathroom.

Exhibit A-3, dated 4/28/17 is an email confirming the paving company, Aliotta Paving, contacted Verizon, city of Newark, public service electric and gas, and the Boro of Totowa. Attorney DeMarris asked Mr. Van Ess if he applied for a permit for the job, Mr. Van Ess did not. Commissioner D'Ambrosio explains the people notifies above where called by the paving company to mark out the job only. Exhibit A-4 is a warning notice dated 1/9/2017 from the Boro of Totowa marked with Number 09384. Commissioner

D'Ambrosio asked how many cars can be parked in the new driveway; Mr. Van Ess says 2 to 3. The 2 car garage is not being used and is blocked off, there is two steps from the driveway to enter the home where as the front has only one. Attorney Brigliadoro asked why the garage is sealed up. Mr. Van Ess states he made more area for himself and the VA gave home money to put in a handicap bathroom. Commissioner Nash asked the applicant if he got permits to seal up the garage. Mr. Vane Ess thought it was ok and the VA pamphlet says he does not need permits. Attorney Brigliadoro asked Mr. Van Ess if he called the town to find out if it was ok, Mr. Van Ess did not.

Engineer Murphy's report; dated 4/12/2017 B-1 refers to the google map picture from 2013 of the applicant's home. Commissioner D'Ambrosio states for the record there were no permits taken out and the driveway was never inspected, the applicant agrees. Attorney Brigliadoro asked the applicant about the two car garage in the google map if both were sealed up, Mr. Van Ess states they are both sealed. Commissioner Patten refers to the letter the VA sent says in 2011 he received disability or was it 1994 because our papers show 2014. Commissioner Patten stated the dimensions of the new driveway are not noted on the survey. Attorney DeMarris states the expert will verify. Commissioner Patten says the survey company should have supplied the dimensions. Attorney Brigliadoro has in his file and email dated February 20, 2017 with the driveway measurements from Aliotta paving company that is marked Exhibit A-5.

Vice Chairman Krautheim asked the applicant if he is still driving and if he put in the driveway without a permit and paved why he didn't put a ramp in. Mr. Van Ess is still driving and he did not put the ramp in because he had a lot of personal problems at the time. Attorney Brigliadoro spoke before the meeting with Engineer Murphy and the construction code official and the Board does not need to rule on the ramp, the applicant needs to go to the construction code official's office to apply.

Professional Planner, Mia Petrou was sworn in by Attorney Brigliadoro and is considered and expert in her field by the Board. Ms. Petrou presents A-6 which is an Arial photo dated June 14, 2017 and Exhibit A-7 a two page photo exhibit. The property is located on a wedge shape parcel-100 linear fee to the front goes to 4 linear in the back. It is a 7000 square foot property in an R-7 zone and is a single family residential. Ms. Petrou states adding paved area the impervious area can be affected, 1026 square feet of 14.6% of the 7000 square feet is 22.3% of impervious where 25% is accepted. Section 4-C restricts parking spaced from being located within the 25 foot front yard setback. Section C-9 driveways have to provide direct access to a garage or an approved parking area. The C-1 variance personal hardship and the C-2 variance benefits of granting improve public safety.

Commissioner Patten asked Ms. Petrou the dimensions of the driveway, Ms. Petrou states 540 square feet according to the survey. Commissioner Patten also would like to know how many people are living in the home that you would need so many parking spaces. Mr. Van Ess did not do it for that, he did it for himself personally. Attorney Brigliadoro states the two cars in front of the driveway there is a slate walk. Commissioner D'Ambrosio would like to know if the new driveway can hold 4 cars, Ms. Petrou states

only 2. Commissioner Nash states if the garage was not blocked off the applicant could fit two more cars for parking. Ms. Petrou states that a garage could also be used for storage and not parking cars. Attorney Brigliadoro states in section 415 (103) C-1 for each dwelling unit 2 off street parking spaces will be provided all off street parking spaces shall be confined to garages and approved parking areas and driveways. Attorney Brigliadoro states the area of the existing driveway to the new is 513 square feet. Commissioner Patten would like to see the survey with the dimensions; Exhibit A-8 is the survey with dimensions by Butler dated 2/24/2017 does not show the actual dimensions of the new driveway.

At this time Chairman Fierro opens the public portion of the meeting.

There is no public to be heard and Commissioner D'Ambrosio motioned to close the public portion and was seconded by Commissioner Nash.

A submission from Attorney DeMarris, he states the ease of access to the front door justifies the need for this application. Attorney Brigliadoro presents Exhibit B-2 which is Engineer Murphy's report dated June 14, 2017 and Exhibit B-1 the new report with handicap ramp, the board does not have to concern themselves with that. Section 415 (103) C-4 states in residential districts, no required parking space shall be located closer to a street line than a minimum depth of front yard required by this chapter not within two feet of a party lot line. Section 415 (103) C-9 states no driveway or parking area shall be installed within the front or rear yard of any residential lot other than that which provides access to a garage or to an approved parking area.

A motion was made by Commissioner D'Ambrosio to deny the application; this was seconded by Commissioner Nash. Vote was denied 7-0 at 8:49 pm

Board took a recess and a roll call was taking to re-adjourn.

2<sup>ND</sup> CASE: MR. & MRS. TEA  
2 CONTINENTAL CIRCLE, BLOCK 910, LOT 58

Mr. Sterba presents Exhibit A-3 revised 6/12/17 and reviews Engineer Murphy's report. The first floor will expand the existing kitchen and dining room to equal the 2<sup>nd</sup> floor additions. The second floor will be expanding the two bedrooms and adding 1 new bathroom. Mr. Sterba states the basement level is just a crawl space and the addition is to the rear of the home. Vice Chairman Krautheim said it looks like the applicant is squaring off the house. Commissioner Patten asked if there are any balconies or decks on the second floor, Mr. Sterba said there are none. Commissioner Mancini would like to know if the expansion is just for living space, Mr. Tea responds yes.

At this point Chairman Fierro opens this portion of the meeting to the public.

There is no public to be heard and Commissioner D'Ambrosio motions to close the public portion and is seconded by Commissioner Bavazzano.

A motion was made by Commissioner Patten to approve the application and was seconded by Commissioner Mancini. Application was passed 7-0 at 9:09 pm

A motion was made by Alternate Masi to adjourn the meeting and was seconded by Commissioner Nash at 9:11 pm.

Respectfully submitted,  
Pam Steinhilber, Secretary