

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 FEBRUARY 10, 2016

The February 10, 2016 regular and meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:40 p.m.; followed by the Flag Salute. Attorney Briigliodoro read the Open Public Meetings Act.

A motion to accept the minutes of the January 13, 2016 meeting was made by Commissioner Nash and seconded by Commissioner D'Ambrosio. On a roll call vote all Commissioners present voted in the affirmative.

1ST CASE: FORTRESS HOLDINGS LLC
555 PREAKNESS AVENUE, BLOCK 6, LOT 2

Attorney Darren DeSardo reminds the Board of the previous approval and after meeting with the county there have been changes to the initial plans.

Engineer, Patrick McClellan was sworn in by Attorney Briigliodoro and is considered an expert by the Board. Mr. McClellan addresses a letter from Engineer Murphy dated 2/9/2016. Lines 1 & 2 of the letter are commentary. Line 3 is the site plan & variance plan sheet 2 of 8 dated January 15th, 2016 also sheet 2 of 5 dated April 30th, 2015. Original parking proposed is now removed and plans are to restore existing parking in rear of building. There will be a new guardrail in front and new sidewalk in front entrance along with putting new curbs in. Sheet 4 of 8, dated Jan. 15, 2016 is soil erosion. There will be a reduction of parking spaces, previously approved was 102 and with the changes only 99 are needed.

Commissioner D'Ambrosio asked if the gravel path is a minimum of 12', McClellans responds yes. Engineer Murphy would like to know if building permits were ever filled out for the fountain. Engineer McClellan does not know of any permits filed. The property is in an I-3 zone. The applicant is requesting 70.7' of side yard abutting residential and 53.5' of rear yard setback. Attorney Briigliodoro asks Engineer McClellan if he felt with the amendments being made to the application if this is a better plan. Engineer McClellan, in his opinion feels this is a better application. Exhibit A-1 is a revised traffic impact study dated February 3, 2016. Exhibit A-2 is an advanced parking concepts letter dated February 3, 2016. Engineer McClellan will obtain a copy of the

pressure and flow test that was done on hydrants on October 1, 2015 and will also send a copy to Engineer Murphy.

Joseph Sterba, Architect was sworn in by Attorney Briigliodoro and considered an expert in his field by the Board. Exhibit A-3 is the same site plan but had color added and is dated 2/10/16. There have been no changes to the building from the prior approved application, just the relocation of the fountain. Exhibit A-4 is floor plan dated 12/3/15. This plan shows the 3rd floor is the entry level of the building and the 4th floor is currently office space and will now have bathrooms, secondary prep room, meeting room, and storage for liquor. The 5th floor addition will have additional seating. Exhibit A-5 shows the height of the building was 50' and is now reduced to 46'9 1/2".

Joseph Barbieri Jr., Planner was sworn in by Attorney Briigliodoro is considered an expert in his field by the Board. The existing fountain at the front of the building will be slid forward towards Preakness Ave. A design waiver is needed instead of a variance even though non permitted use adds an esthetic positive for the building use. The changes in the application will promote good access for emergency services. Engineer Murphy states moving the fountain was a result of aiding to emergency services and if not approved the fountain will have to be removed.

Motion was made by Vice Chairman to open to the public and seconded by Commissioner D'Ambrosio.

Motion was made by Commissioner D'Ambrosio to close this portion to the public

A motion was made by Commissioner D'Ambrosio to grant this application and seconded by Commissioner Patten. Vote 7 – 0 to approve @ 8:29 pm.

2ND CASE: LILLIAN DOBRE
49 FRANCIS STREET, BLOCK 140, LOT 2

Attorney Raymond Redding presents Cindy Maselko, Architect who was sworn in by Attorney Briigliodoro. Cindy works for Mistry Designs and is considered an expert in her field by the Board. Architect Maselko presents a photo (A2.0) of what the home looked like before the fire. She is proposing to reduce the footprint of the home. There will be two changes to the site plan, instead of a side door it will be placed in the back of the home. The corner will be closed in and the applicant will rebuild curb and side walk. In floor plan A2.01 there will be an unfinished basement and each floor will have 2 bedroom with 1 1/2 baths. The elevation plan shows stone veneer and vinyl siding. Some of the variances needed are continuation of front set back, continuation of rebuilding, adding to F.A.R., and to add 100% impervious coverage for deck to back for entry. Commissioner Mancini asked if there was an attic, Applicant states there is just a hatch. Commissioner D'Ambrosio would like to know if the foundation is staying the same, Applicant states the foundation will stay the same except posts for the deck will be added. Commissioner Patten asked if the area under the deck full or just a crawl space, Applicant responded just a crawl space.

Alex Oldja, witness, was sworn in by Attorney Brigliadoro. Mr. Oldja is asking for minimal increase in F.A.R. Previously the attic and basement were usable spaces, but now they will be a decrease in living space because they will only be used as storage. Chairman D'Ambrosio asked if the basement will be unfinished, Mr. Oldja states it will only have insulation, sheetrock, and concrete floors. Engineer Murphy asked Mr. Oldja how long the building existed as a 2 family home. Mr. Oldja does not know exactly how long it existed as a 2 family home but when purchased it was contingent of occupancy for a 2 family home. Commissioner Mancini would like to know if the basement will be used as storage for both apartments, Mr. Oldja responds yes.

Motion to open to the public was made by Commissioner Bavazzano and seconded by Commissioner Mancini.

Adrian Krygsman, resides at 53 Francis Ave. Mr. Krygsman would like to commend the Applicant for the plans but is concerned about drainage. He would like to know if the slight grade could be diverted to the street. Mr. Oldja states he would work with the building department to address any issues.

Motion to close the public portion of this case was made by Commissioner Nash and seconded by Commissioner Bavazzano.

Motion to grant this application was made by Commissioner Patten and seconded by Commissioner Nash. Vote was 7 – 0 to approve @ 9:06 pm.

3RD CASE: SUNSET RIDGE
617 PREAKNESS AVE, BLOCK 2, LOTS 1, 2, 3, & 4, BLOCK 3, LOTS
1, 1.01, 3, 6, 7, & 8

Attorney Jerome Vogel submits Exhibit B-1 which is a letter from the Municipal Clerk about the Resolution 143-2015 of the Mayor & Council and Borough of Totowa in regards to the street which will be vacated if application is approved. Attorney Vogel states the applicant will provide housing that is 270' of frontage in an I-3 zone. The property is suited for this type of housing.

Marc Walker, Engineer was sworn in by Attorney Brigliadoro and considered an expert in his field by the Board. Engineer Walker states the property is 5.77 acres. Exhibit A-1 is the surrounding area exhibit. Maple Street is approx. 106' long and the property is on a vacant lot. Applicant is proposing to build a luxury condominium unit that would fit in a suitable manor. Exhibit A-2 is a colored rendering of the site plan. The soil logs storm water management area is noted and has to meet all standards. The applicant is proposing 96 parking spaces, 46 of which will be garage spaces. The building will consist of 48 units. The variances needed are the building height of 48', use variance, and side yard setback. The F.A.R. living space is .375 and impervious coverage is 23.8. There will be lighting on the access road, lighting on the housing unit, and lighting on the

parking lot area. Attorney Brigliadoro states if variances granted the applicant would have to come back with site plans.

James P. Cutillo, Architect, was sworn in by Attorney Brigliadoro and considered an expert in his field by the Board. Exhibit A-3 is a color rendering and shows the front elevation facing the parking lot, which will be finished in stone veneer and siding and a mansard roof. The parking area will consist of 46 spaces with an elevator in the middle with access to all floors. The floor plan shows 48 units, 40-2 bedroom units with 2 baths and 8-1 bedroom units with 1 bath.

Joseph Barbieri Jr., Planner was sworn in again by Attorney Brigliadoro and considered an expert in his field by the Board. Exhibit A-1 shows the property located on Preakness Ave which is located in an I-3 zone. The property is fitting for the Borough's Master Plan of an increase in population from current population of 10,804 to a proposed 13,310 in 2040. Some of the positive criteria is the property is suitable for proposed use, the building will fit in line with the residential use, it fills the housing need, the area can handle the proposed traffic, and the rezoned I-3 zone is recommending to residential zone. Some of the negative criteria is the variance can be granted without substantial detriment to the public good, it will not impair the purpose or the intent.

Mr. Barbieri feels the building height would be 44' and the proposed side yard variance would be 53.9' to the north of the property. The application will provide units for the Borough to fulfill their obligation to affordable housing units. As of right now the state mandates 20% to be affordable housing units which would come to 8.3 units. Totowa Planner, Darlene Green is concerned about the applicant complying with this obligation. Attorney Vogel states the applicant will comply regardless if it has to be 9 units. There was a lot of discussion regarding the number of units and what types of units are required because of the Judge's decision is still not concluded.

Commissioner Patten would like to know if 3 bedroom units are required to the affordable housing, would the applicant have to make modifications to the proposed plan of the building to accommodate. Attorney Vogel states there would be no modifications to the size of the building that is being presented tonight, just that the applicant would have to modify the size of the rooms to maintain 48 units. Vice Chairman Krautheim would like to know if this application has to fulfill the whole requirement for the town. Planner Green states they only have to fulfill a portion of it. Planner Green offered to the applicant approval of the application if he commits to 9 units for the affordable housing and out of the 9 none would have to be 3 bedroom units. Attorney Vogel would like to change that to up to 9 units, he does not want to commit to the 9 if by chance the law changes and the 20% goes down to either 10% or 15%. Attorney Vogel suggest to the planner that the town can refuse to give him a building permit if the applicant fails to fulfill his requirements of up to 9, but not to exceed 9 units for affordable living.

Commissioner Patten makes a motion to open the floor to the public and is seconded by Commissioner D'Ambrosio.

Anthony Ciampa, resides at 76 Bullens Ave in Totowa, was sworn in by Attorney Briigliodoro. Mr. Ciampa would like to know if there will be any access from building to Totowa. Attorney Briigliodoro states Preakness Ave in front of building is part of Totowa, but also feels there should be an access through Totowa for emergency vehicles to get to these homes faster. Mr. Ciampa is also concerned about the height of this building in proportion to the height of his home. The Engineer points out on the exhibit that he will not be able to see the building from his property. Mr. Ciampa would like to know if a traffic report was done. Attorney Briigliodoro states the traffic study is subject to the count and has to be done before building is constructed.

Jackie Nasso, resides at 12 Bullens Ave in Wayne, was sworn in by Attorney Briigliodoro. Mrs. Nasso's concerns are the water drainage and if any blasting will be done. The applicant answers that there will be a lower rate of run off and also states there will be no blasting.

Commissioner Bavazzano makes a motion to close the public portion and is seconded by Commissioner Mancini.

Attorney Briigliodoro recaps the application. The applicant will cap the height of the building at 48'. The applicant complies with the side yard setback variance. The applicant will comply with the affordable housing at a maximum of 9 units with the stipulation that no building permit will be allowed unless the applicant complies.

A motion to grant this application was made by Commissioner D'Ambrosio and seconded by Commissioner Nash. Vote 7 – 0 to approve at 11:10 pm.

THE FOLLOWING RESOLUTION(S) WAS MEMORIALIZED:

1ST CASE: AHMED RESIDENCE
29 ELIZABETH PLACE, BLOCK 32, LOT 14

Applicant was denied for addition to single family residence

2ND CASE: MADE IN ITALY
590 UNION BLVD, BLOCK 19, LOT 1

Applicant was approved use variance and design waiver relief to permit a delicatessen and coffee bar with no waiter/waitress service and no outdoor seating.

A motion to adjourn the meeting was made by Commissioner Nash and seconded by Commissioner Bavazzano. The meeting was adjourned at 11:16 p.m.

Respectfully submitted,
Pam Steinhilber, Secretary