

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
537 TOTOWA ROAD
TOTOWA, NJ 07512

Phone (973) 956-7929

TOTOWA BOARD OF ADJUSTMENT MINUTES OF DECEMBER 8, 2021

The December 8, 2021, regular meeting of the Borough of Totowa Board of Adjustment was held via zoom. Chairman Fierro called the meeting to order at 7:01 p.m.; followed by the Flag Salute. Attorney Corrado read the Open Public Meetings Act and the Remote Meeting Protocol.

A motion to accept the minutes of the November 10, 2021, meeting was made by Commissioner Bavazanno and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Present-Chairman Fierro, Vice Chairman Krautheim, Commissioners Bavazanno, Patten, Mancini, Carr & Nash, Attorney Corrado, Engineer Cristaldi, Planner Green & Alternate Masi. Absent-Alternate Henry.

1ST CASE: DIMO & MARJA GOLCEV
7 ROSELAND AVE, BLOCK 154, LOT 25

Attorney Corrado reviewed the application and notification to property owner and newspaper publication, and all were in accordance, so the Board has jurisdiction to hear this matter. Mr. Parisi is representing the Applicant and Mr. Fiorello is representing some of the opposed parties.

Benjamin Parisi explained the application for an inground pool 12' x 24' plus a patio. There were issues raised back and forth between Planner Green and Attorney Fiorello and each time the plans were revised. No variance needed or required just need waivers regarding the coverage of the lot in the back and a .1% impervious coverage expert, so the only issue is the rear coverage of 8.3% over the required.

Attorney Fiorello, Attorney for the objectors explains in 2007 there existed a large flag lot, the Applicant proposed 3-one family homes using the flagpole as the entrance roadway to the 3 lots. There was created a roadway easement for the subdivision and in the roadway, easement was placed the water line, sewer line, hydrants, storm water management devices, and utilities. The private roadway that the 3 property owners could utilize by way of easement, so the Applicant was given right of way for that easement. The applicant has a lot in the R7 zone which required 7 thousand square feet, his lot is only 6,400 square feet. In 2012 the Applicant came in front of this Board for relief and to add a story to the existing one story house and relocate the house as it were, the house faces Roseland Avenue and walked out front door to Roseland

Avenue, the Applicant wanted to re-orient the house so he closed off the front of the house and removed the front door, took away the steps and the pathway and asked the Board permission to make the side of house fronting on the private roadway on the front of his house and it was granted by the Board. Because of this the pool would be in the front yard not the side yard and will increase impervious surface requirements.

Dimo Golcev, Applicant, was sworn in by Attorney Corrado. He resided at 7 Roseland Avenue and purchased the home in 2012 with his wife and 2 children 11 and 13 years old. He renovated the home in 2012 and left the foundation and built a 2-story home over the existing foundation. In the renovation the Board approved a 3.6-foot side yard deck and used this as a stairway landing. The construction was completed in June 2013. There was other work approved, a planter, a bench and a 6' high fence was not granted but lower was and they added that shed and pergola that was also approved. The 8' x 10' shed will be taken down if the application is approved. Mr. Golcev would like to build a 12' x 24' pool with pavers around to be able to easily clean the pool, they will be minimum. He would like the pool for his children. Mr. Green's report dated November 2, 2012, states the fence on the survey shows on the northwest and southwest property lines being on the private driveway easement, if this is approved and neighbor does not give consent, will Mr. Golcev remove it. Mr. Golcev will remove it. Commissioner Patten asked about the pond shown on the plans, Mr. Golcev will remove it. Vice Chairman Krautheim asked if there is a seepage pit on the property, Mr. Golcev states there is. Chairman Fierro asked the deepest depth of the pool, Mr. Golcev states it will be 6' and no diving boards. Closest distance from the pool to the sidewalk is approx. 10'. Commissioner Patten asked if the pool to side yard looks like 14' but not clear if the steps are included or not. Commissioner Bavazanno would like clarity about the issue with the fence and the neighbor side. Mr. Parisi states the fence is a quarter of a foot over on the property line.

Attorney Fiorello asked questions of Applicant Golcev. Was the property was bought in 2012. Mr. Golcev answers yes. Was the front door and walkway on Roseland Avenue at that time. Answer- yes. The private road has sewer and water going through it. Answer- does not know. Does it have drainage? Answer- does not know. Is there a fire hydrant? Answer – yes. The front door is now on the right of roadway. Answer -yes. The garage is on the private roadway? Answer – yes. The patio and firepit on the side yard now? Answer- yes. Is the pergola in the side yard. Answer – yes. The shed and the pond on the side yard? Answer – yes. The private roadway courses along the front of your property and then turns to the right so that it is now on the side of your property. Answer- yes. So, the proposed pool will not only be in your side yard but also be in your front yard. You acknowledged that the past improvements increased the FAR to 61% and the Board accommodated that and approved the variance. In front of your home there is a retaining wall? Answer – yes. This is built with block? Answer – yes. Are there holes in the wall? Answer – yes. Where does the drainage go from the holes? Answer – does not believe anything comes out of them. Commissioner Mancini would like to know how pit the seepage pit is. Expert Mr. Costa will answer that in his testimony. Engineer Cristaldi would like to know what the frontage on the flag lot is. Mr. Parisi states 23'. The frontage is measured on the public road, the lot front on Roseland Avenue where the doorway is not the front of the lot. The lot is created with the frontage on Roseland Avenue. Mr. Golcev states when he applied for the renovations in 2012, he was told he had to keep walkway from the front door to Roseland and he complied and there is also the mailbox still on Roseland Avenue. Ms. Green states it does not matter where the front door is or where any door on your house is-the towns code defines the front yard for the particular lot the front yard is Roseland Avenue.

Robert Costa, Applicants Engineer, business resides at 325 South River Street, Hackensack, NJ and was sworn in by Attorney Corrado. Mr. Costa is considered an expert in his field by the Board. The Application

is for a 12' x 24' swimming pool, the stairs are 14' from sideline on right side of the pool to the fence. The coverage of 21.1% or 6.4 square feet. He can remove part of the pavers and they will be under the 25% then it becomes a non-issue. Removal of the shed, firepit and pond will subtract all of that and they are adding back 600 square feet. The basement is not finished so it does not count against the FAR. After all that there is one waiver for maximum amount of coverage that is allowed in the rear and side yard. There is a 500-gallon seepage pit that will be installed prior to the installation they will go over with the towns Engineer if he wants it increased based on the soil conditions that may be found during construction, they will enlarge it. The fence will be put in with self-locking gate and be high enough. Commissioner Patten asked if the calculations with impervious coverage in the rear of this property, the drawing do not include the pergola? Mr. Costa sees this as an existing structure in the rear yard but never in impervious coverage and questions if it should be figured in that. There was clarification that it is included in the coverage calculations. Engineer Cristaldi suggest marking as a condition that the Applicant will eliminate any drainage coming out now into the private roadway and revise the storm water calculation accordingly.

Attorney Fiorello refers to the revised plans that were originally dated April 20, 2021 and revised on October 14, 2021. Mr. Costa states this is not relevant, there has been revised plans. Mr. Costa continues to say 25% of this application is the same from the old plans. Attorney Fiorello goes over totals of impervious items square footage. Mr. Costa clarifies the existing structure coverage in the rear yard is roughly 2700 square feet, 15% of that is allowed to be covered or 405 square feet. The existing pergola is 338 square feet and the existing shed is 46 square feet and the existing wall is 4.5 square feet which gives a total of 388.5 square feet or 14.4%. The proposal is the proposed structure coverage in the rear yard is roughly 2700 square feet, the existing pergola is 338 square feet, the wall 4.5 square feet and the pool 288 square feet with a total of 630.5 square feet. The existing impervious coverage excluding structures is 25% allowed or 1600 square feet which the existing patio is 556 square feet, existing driveway 376 square feet, the walls 471 square feet, existing concrete pad around the ac units is 11 square feet which is a total of 1441 square feet or 22 ½ %. proposed total impervious excluding the structures is remaining patio 284 square feet, existing driveway 376 square feet, existing walks 471 square feet, proposed pool deck 454 square feet, and pool equipment pad and ac units is a total of 1607 square feet or 25.1%. The waiver is being requested because it comes to 23.3%. This requires a waiver, they will reduce the patio to make it small enough to not trigger a waiver request.

Matthew Gillett, witness, resides at 13 Roseland Avenue. His home is located facing where the pool would be installed. Mr. Gillett has lived there since 2017 and objects to this application. His major issue is water runoff, which is already an issue, and the pool is not even there yet. Water had come out of the weep holes from the wall at 7 Roseland Avenue. Exhibit A8 shows the crack in the roadway, and he feels the property cannot accommodate all the modifications that have been approved.

Nasri Nacheff, resides at 21 Roseland Avenue. Mr. Nacheff's issue with the pool and the noise. He wants to come home from work and relax and get some sleep without noise from kids playing in a pool. Mr. Nacheff feels the family can join the pool if they want to swim.

Magdi Nacheff, resides at 21 Roseland Avenue, he has lived there for over 30 years and parking will be an issue and the property is already over built.

At this time the meeting is open to the public.

There is no public to be heard a motion was made by Commissioner Patten to close the public portion of the meeting and was seconded by Commissioner Nash.

Attorney Parisi sums up the application and adds the Applicant has complied with all the past approvals and will agree to any further drainage issues that will need to be addressed. Attorney Fiorello sums up his objections and states the property is already over developed.

A motion to approve the application was made by Commissioner Patten and seconded by Commissioner Mancini. The application was passed 6-1 At 9:07 P.M.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Patten @ 9:09 P.M.

Respectfully submitted,
Pam Steinhilber, Secretary