

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY



BOARD OF
ADJUSTMENT

MUNICIPAL BUILDING
537 TOTOWA ROAD
TOTOWA, NJ 07512

Phone (973) 956-7929

BOARD OF ADJUSTMENT MINUTES OF NOVEMBER 11, 2015

The November 11, 2015 regular meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:33 p.m. followed by the Flag Salute. Attorney Brigliadorio read the Open Public Meetings Act.

A motion to accept the minutes of the October 14, 2015 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Nash. On a roll call vote all Commissioners present voted in the affirmative.

A request for continuance on case Marek & Magdalena Slodyczka, 783 Union Blvd to be heard at the December 9, 2015 meeting was announced by Attorney Brigliadorio and applicant does not need to re-notify the public.

1ST CASE: SUNSET RIDGE DEVELOPMENT LLC
617 PREAKNESS AVE, BLOCK 2, LOT 1, 2, 3, & 4

Applicant is requesting construction of residential housing in an I-3 zone where not permitted. Application is for principle use only, applicant must re-apply to board for all other variance(s), subdivisions and approvals.

Attorney Vogel found a resolution of the opening body in 2013 that a request was made by proposed buyer that if the use of the property was approved with both parcels put together then the mayor and council would consider vacation of the road (Maple Rd). The mayor and council will be meeting on November 24th and Attorney Vogel plans on attending.

Attorney Brigliadorio states all that Attorney Vogel says is accurate. The application made to mayor and council must also include a set of plans and application form. Currently the roadway is a paper street owned by the Borough of Totowa. Attorney Vogel would like to move this application to our next meeting. If the application is approved by Mayor and Council and the building department has what they need, then we can hear them at our next Board Meeting.

Attorney Tomasella steps in for Attorney Brigliadorio.

2ND CASE: FRANK GAITA (CARRY OVER)
38 DEWEY AVE, BLOCK 117, LOT 52.01

Applicant is requesting a conversion of a single family home to a two family in the R-7 zone district and any others that may be required.

Attorney Anthony Fiorello stepped in for Darren DelSordo shows board Exhibit A-1, a deed dated 1971 from Fay Hendrick to Mario Gaita as trustee. Exhibit A-2 is a surrogate's certificate dated 2003 from Mario Gaita to himself but when Mario passed away the estate went to Frank Gaita.

Frank Gaita was sworn in by Attorney Tomasello. Mr. Gaita was born in 1939 in Totowa and had lived there until 1969. The house on Dewey was built in the 1950's, the foundation was built by Mario and brothers and the rest was subbed out to contractors. When the home was built, it was built as a 2 family home and used so after Frank left Totowa in 1969. Frank's sister Fay lived on the first floor and a tenant lived on the second floor until Fay passed away. After Fay passed away Frank's nephew moved in with his girlfriend and her children. The house is currently vacant.

Exhibit A-3 is a photo of the house on 38 Dewey shows the house and a two car garage with ample off street parking. Exhibit A-4 is a photo of the left side face of the home. The grassy area which is approx.16' wide and the length of the house to add additional parking. Engineer Murphy states Frank should be hesitant to suggest that because of access to utilities. Exhibit A-5 is the photo of the right side face of the house showing the driveway and the shed. Exhibit A-6 is a photo of the full front view of the property. At the moment Frank is cleaning the property.

Exhibit A-7 is the survey of the property, the outline of the property is 98.72' on the eastern aspect and 70.64' on the western aspect and the frontage is 103.87'. The lot exceeds bulk requirements for an R-7 zone. The R-7 zone states 7 thousand square feet are required and the property has 8,468 square feet. Exhibit A-8 is the floor plan showing each of the floors. The first floor consists of a living room, kitchen, bedroom and bathroom. The second floor consists of a bathroom, kitchen, living room, and 2 bedrooms. There is also a basement that is used for storage for the first and second floor.

Exhibit A-9 is a diagram of the neighborhood from Totowa Road/Church Street/Dewey Ave. The orange show the 2 family homes within that area, there are 10 amongst 24 homes with Mr. Gaitas being the largest. Exhibit A-10 shows sizes of homes in the neighborhood, on an average the total square footage is 5,102 square feet and Mr. Gaitas is 8,468 square feet. Chairman Fierro has been in the home in the past and asked if there is a second exit from the second floor. Mr. Gaita states there is no exit from second floor from the exterior. The basement has 2 exits; there are 2 electrical boxes, 1 furnace, 1 hot water heater, and 1 water meter. Chairman Pattern would like to know how the 2 family homes were confirmed. Mr. Gaita received this information from the town.

Engineer Murphy wanted to know if the basement had a kitchen, Mr. Gaita stated there was a kitchen, but that is no longer there and is only used as storage. Vice Chairman Krauthem would like to know if the house is in contingency to a sale with the property being a 2 family home, Mr. Gaita replies yes. Chairman Patten asked about the car that is parked behind the house. Mr. Gaita states that is not a usable parking spot.

Witness, Michael Pessolano was sworn in by Attorney Tomasello; he is a professional planner for 30 years and has a valid license in NJ. The board accepts Mr. Pessolano as an expert. The neighborhood consists of a mixture of 1 to 2 family dwellings, the sizes vary. Mr. Pessolano refers to exhibit A-9 that 10 of the 24 homes are two families and the average lot footage for block 114 is 3,896 and for block 117 is 5,102. The garage of the property is 600 square feet which is approx...24' x 25'. The size of the garage is more than the ordinance required for a 2 cars. There is also stack parking spaces behind the garage. Mr. Pessolano states the ordinance is 2 parking spaces per dwelling unit, for a 2 bedroom unit 1 ½ parking spaces are required and a 3 bedroom unit is 2 parking spaces. The property provides 5 parking spaces, which is over the town's ordinance.

Exhibit A-11 is a graph of the lot area along Dewey Ave: between Totowa Road and Church Street. The dark bars show 2 family homes and the light bar shows 1 family homes and the striped bar is the subject property. The site is suited for the proposed use and there would be no impact to the neighborhood because the home has always been used as a 2 family dwelling. Engineer Murphy addresses the parking, the borough ordinance states parking must be on the outside of the front setback, and 2 parking spots of the 3 are within the ordinance. Because the property is on a bend one lot line flairs out.

Chairman Patten asked Engineer Murphy about curb cuts, Mr. Murphy states the Borough does not permit multiple curb cuts. Attorney Fiorello tells the board that the garage has a door in front and in back which also brings additional off street parking.

Exhibit A-12 is a letter from Mr. Cobor who resided in Pennsylvania, but lived in Totowa previously and is stating the home has always been a 2 family dwelling.

Michael Grecco, resides at 26 Dewey Ave-was at last month's meeting. He has lived at his home for the past 2 years in a one family home and has been taxed as a one family home. Mr. Grecco asked the Board if he had a 2 family home would he be taxed more, Mr. Murphy explains that we cannot answer that. Mr. Grecco questions Mr. Gaita that the house was built as a two family home but was listed as a 1 family and utilized as a two family home. Mr. Grecco is stating that Mr. Gaita has committed fraud by using the home as a 2 family and only paying taxes on a one family. Mr. Grecco feels that when the Borough changed the ordinance to only approve 1 family homes in that area, he should have changed it at that point and since he did not then he missed his opportunity.

Victoria Barelli, resides at 35 Dewey Ave, states the previous owners of her home had tried to change their home to a 2 family unit and was denied. The previous owners, Mr. Mrs. Burkhardt had separate electrical boxes, separate entrances.

A motion to deny the application was made by Commissioner Patten and seconded by Chairman Patten and seconded by Chairman D'Ambrosio. Application was denied 7-0 @ 9:14 pm.

THE FOLLOWING RESOLUTION(S) WAS MEMORIALIZED:

1st CASE: CHARLES MORSEL
56 BOGART STREET, BLOCK 111, LOT 7, 8

Applicant approved for variance(s) for renovations on Lot 8 to comply with all variance(s) and to knock down Lot 7.

Motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Patten at 9:16 pm.

Next meeting December 9, 2015 @ 7:30 pm

Respectfully submitted,
Pam Steinhilber, Secretary