

# 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 SEPTEMBER 10, 2014

The September 10, 2014 regular meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 8:09 p.m. followed by the Flag Salute. Attorney Tomasella read the Open Public Meetings Act.

### Roll Call:

Present: Chariman Fierro, Vice Chairman Krautheim, Commissioner D'Ambrosio, Commissioner Mancini, Commissioner Patten, Commissioner Bavazzano, Commissioner Nash, Alternate Masi, Attorney Tomasella, Engineer Murphy, & Secretary Steinhilber.

Meeting of the zoning board was read by Attorney Tomasella.

A motion to accept the minutes of the August 13, 2014 meeting was made by Commissioner Bavazzano and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

First order of business I to swear in new Commissioner Nash. Attorney Tomasella swore him in and Commissioner Nash signed the letter from the Boro.

Second order of business, there will be no new cases heard after 11:00pm.

1<sup>ST</sup> CASE: REBECCA EHRICH  
107 GORDON AVE, BLOCK 42, LOT 18

Applicant requesting construction of 2<sup>nd</sup> floor addition to home. Variance(s) and front yard setback and any others that may be required.

Rebecca Ehrich is the applicant, but with her is her sister, Sara Ganneilli, who was sworn in by Attorney Tomasella, present was her brother-in-law Peter Anthony and the Architect, Todd Lent, who was also sworn in by Attorney Tomasella. Mr. Lent was submitted as an expert per the board.

Applicant is requesting a variance for an addition. Survey (Exhibit A) shows there will be no change in the footprint. The addition will be used for bedrooms; no kitchen will be on the second floor addition. Commissioner Patten asked if Rebecca owns the house, the

answer is yes and Sara and Peter will be renting. Architect Murphy asked about the set-back, non-conformity is detached garage, and deterioration of the side walk-the applicants are fine with the suggestions.

A motion to grant the necessary variance(s) was made by Vice Chairman Krautheim and seconded by Alternate Masi. Vote to grant 7-0 @ 8:20pm.

2<sup>nd</sup> CASE: ALEX OLDJA  
26 WASHINGTON PLACE, BLOCK 113, LOT 3

Applicant requesting construction of new home and garage. Variance(s) and front yard, side yard setbacks, F.A.R. impervious coverage, rear yard coverage for garage and any others that may be required.

Attorney Saracino changed from Alex Oldja as applicant to 26 Washington Ave. House has been torn down because of safety. Construction of new home with detached garage. Alexander Oldja sworn in by Attorney Tomasella, resides at 4 Lookout Point. Applicant states house was deteriorated and neighbors seemed happy it was knocked down.

Yogesh Mistry sworn in by Attorney Tomasella, resides at 17 Main Street, Netcong is recognized as a qualified architect by the board. Ministry states plans (Exhibit A-1, 3 pages) show photos of the previous house, which was approx. 1,000 square feet. The lot is 50 x 100 with 5,000 square feet. Basement will be added along with a 1<sup>st</sup> floor and 2<sup>nd</sup> floor. There will be 4 bedrooms on the second floor with construction of a deck in the rear.

Applicant is requesting a 2 car garage with stone work and siding in front and the remainder of the home will be sided. The proposed house will consist of 2,300 square feet of house and 429 square feet of garage. Mistry shows Arial Photos (Exhibit A2), which shows surrounding homes, they are all in line as far as where they start from the sidewalk. Impervious coverage which 25 is allowed, Ministry is proposing 29.2 which allows for a 4' set-back.

Engineer Murphy request copies of building height calculations and also needs a full set of plans. He also suggests consideration of replacement of sidewalks, curbs, and driveway. Applicant has not objection to that. Vice Chairman Krautheim asked about landscaping and applicant says he will defiantly make the grounds look nice. Commissioner Mancini asked about a basement and applicant Oldja plans on having a finished basement with sheetrock. There will be no exterior entrance to the basement.

A motion to grant the necessary variance(s) was made by Commissioner D'Ambrosio and seconded by Commissioner Bavazzano. Vote to grant 7-0 @ 8:40pm.

3<sup>rd</sup> & 4th CASE: 442-450 UNION BLVD LLC  
442-450 UNION BLVD, BLOCK 103, LOTS 10-01-10-02

Applicant requesting variance(s) for building that exceeds F.A.R. and building coverage-non permitted use/residential in B-5 district. Utilities located in reg. side yard insufficient number of parking spaces and size of parking spaces. Parking and any others that may be required.

The two cases are being heard as one, there is two separate lots, and 2 separate applications, with one set of plans. Attorney Saracino states that the properties are vacant lots at this time in a B-5 professional district. He is requesting 2 buildings each with commercial on the first floor and 3 apartments on the second floor.

Engineer Pat McClellam, Civil Engineer, and business address if 11 Furler Street Totowa, sworn in by Attorney Tomasella is qualified as an expert per the board. Requesting the construction of 2 buildings each with an 18,000 square foot footprint. The applicant is seeking 21 parking spaces. There will be sewer hookup, and applicant is asking for a floor ratio variances, building coverage variance, and use variance. The applicant is requesting 2 signs per lot instead on 1.

Engineer McClellam has tagged plans exhibit A1-8, which were last revised July 11, 2014. Page 2 of the plans is of existing lots surrounding the site. Page 3 of the plans show 2 buildings which are separated by 10' which is where the air conditioning units will be.

On Engineer Murphy's report :

- Section 1-3-Commentary, components of application
- Section 4-The applicant will comply-also commentary
- Section 5-Commentary, no conforming
- Section 6-Garbage removal, applicant will have a refuse company to remove the garbage, also there will be a dumpster
- Section 7-Applicant will address snow removal personally, but if it is a large amount he will have contractors remove off site
- Section 8-a certified survey, sign and sealed will go to the building department
- 8-b correction will be made by Ministry
- 8-c consolidated in one location
- 8-d no trees are planning to be removed, if there is, applicant will comply with the boro code
- 8-e defer to the architect
- 8-f refer to plans on page 3, once decided it will comply and be on plans
- 8-g under the jurisdiction of the county, if changes needed, applicant will comply-overflow needs to be removed-trench drain detail will add the details needed by Engineer Murphy-soil test and documentation-delete references to Hobart Place.
- 8-h plans on page 4, run off between buildings will be collected by trench drain and be noted on plans
- 8-i Applicant will add more green area to make the 10% -6' spacing of Japanese trees-county permission, will be put on plan. Plans on page 5 show rear of

property for light post will alter the angle to eliminate over flow to neighbor or might lower the height. Applicant will label and comply. The applicant will provide second tree-needs to know what type of tree the town requires.

8-j Applicant will indicate signage on plans

8-k see plans on page 3 Applicant will comply

Commissioner Patten asked about the relocation of the utility pole and if there would be any financial detriment to any surrounding businesses, Engineer state no. Chairman Fierro suggest to set back the building 2' for the line site of pedestrians and the applicant says that will not be an issue.

Question from the public:

James LaSala asked the reason why variances are being asked-expert will address floor area ratio. Mr. LaSala has concerns about snow removal and cars being on property. Also asked about dumpsters and would they be wheeled out and picked up. Applicants replies the there would be 3-2yard dumpsters would they be able to fit in designated area.

Architect Mistry was sworn in by Attorney Tomasella. Mr. Mistry has a single photo (exhibit A-9) Main entrance will be in the front of the building and employees enter from rear of building. Windows will be curved like the 3<sup>rd</sup> floor. Code 1803A commercial-not all usable commercial space. Plans A10 and A11 show elevation and floor plans on each. There will be 3-1 bedroom apartments with the main entrance is on the second floor. Plan A10 is for 442 Union Blvd and Plan A11 is for 450 Union Blvd. Apartments will be on the 2<sup>nd</sup> floor and will be approx.. 870 square feet each. There will be a walkway between the two buildings that will be the handicap entrance.

Plan A-12 shows pictures of one building description of materials used for exterior of the building. Commissioner Patten asked why the AC units aren't put on the roof of the building. Architect Mistry responds that there are three AC units and there will be an upper deck for residential apartments. The 2 in walkway are for commercial and possibly 2 units on one side so there would be a clearer walkway. Engineer Murphy asked about required finishes need to be in ordinance with town Architect would comply.

Alex Oldja, sworn in by Attorney Tomasella states that if the building is set back 2' then the awning will be in the right of way.

James LaSala asked about handicap access for apartments. Architect Mistry says there are no elevators, it is not required for this size building.

Mr. Ochad, Professional Planner, sworn in by Attorney Tomasella, business address id 1216 Fairlawn Ave, Fairlawn is a qualified Planner as per the Board. Mixed use of the property is commercial on lower lever and residential on the upper. D1 variance and D4 variance (floor ratio). Plans A-13 shows photos of lots (4 pictures), and Pland A-14 shows photos of surrounding areas (4 pictures). Positive approach for planning on Union Blvd. Rent to single tenants, business couples, or seniors. Parking spaces are shared, so there is no need for separate spaced for tenants. Commissioner Paten asked about reducing the building and if that would lessen the maintenance, Planner Ochad states that

is not an issue. Engineer Murphy asked about parking spacing requirements and Planner O Chad says 8. James LaSala asked about adequate parking and asked about reduction of size of building. Also asked about if the building have a basement, Planner O Chad says he does not believe that there will be a basement. Mr. LaSala asked about the overflow of parking and where they would go, Planner O Chad says there would be sufficient parking. Attorney Saracino asked planner if he was present for Dr. D' Ambrose or Dr. Amatos application, Planner O Chad says no.

Engineer Murphy says that 14' for one way driveways is what is needed and the plans show 12'. Engineer McClellam says 12' wide is a travel way for highways, so it is sufficient for 12' one way traffic. Engineer Murphy is satisfied with the answer. Applicant Oldja states the project fits a market for the interest, it is not too big and not too small. The what if questions that Mr. LaSala is asking are just that, what if's. Dr. Ambrose was parking at 388 Union Blvd for his business and was told not to by Mrs. Oldja, he was parking there because of overflow of his business. Applicant Oldja is willing to make changes if need be.

Commissioner Mancini asked about access to businesses for handicap, je asked if back entrance is available, and Mr. Oldja says yes. Commissioner Bavazzano states the it was noted that the back entrance was for employees only. Mr. Oldja states that depends on businesses that move in. Applicant Oldja is willing to move building back of the board feels it is esthetically pleasing. Board should approve of deny with how the application was presented.

Mr. LaSala asked Mr. Oldja if the other buildings constructed the same way, Mr. Oldja could not respond. Attorney Saracino states the overall construction improves the area, especially how much of an eye sore they are now.

Public: Dr, Ambrose, sworn in by Attorney Tomasella, business address if 426 Union Blvd. Dr. Ambrose is concerned about parking spaces, he parks off premises but vandiliziam has been a problem. Snow removal can be an issue if tenants have to move around for parking. Commissioner Mancini asked when the building that Dr. Ambrose is in was built, answer is 1986. Mr. Oldja says trespassing parking is being addressed by Dr. Ambrose but Dr. Ambrose has parked in lots other than his.

A motion to grant the necessary variance(s) was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. Vote to grant 7-0 @ 11:24pm.

**THE FOLLOWING RESOLUTION(S) WAS MEMORIALIZED:**

1<sup>st</sup> CASE:        ALLYANT LLC/JOE LONGO  
                      82 UNION BLVD, BLOCK 11, LOT 2

Variance(s) granted for expansion on non-conforming bldg., construction of residential apartments in B-2 zone.

A motion to adjourn the meeting was made by Commissioner Nash and seconded by Commissioner Bavazzano. The meeting was adjourned at 11:29p.m.

Respectfully submitted,  
Pam Steinhilber, Secretary