

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF SEPTEMBER 9, 2015

The September 9, 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 7:36 p.m. followed by the Flag Salute. Attorney Tomasella read the Open Public Meetings Act.

A motion to accept the minutes of the July 8, 2015 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

1ST CASE: PETER D'ANGELO
86 RAPHAEL ROAD, BLOCK 81, LOT 19

Applicant is requesting a variance(s) for conversion of a single family home in an R-7 zone to a 2 family and any others that may be required.

Peter D'Angelo, applicant was sworn in by Attorney Tomasella. Mr. D'Angelo resides at 86 Raphael Road. Applicant would like to convert the 2 dwelling unit in a single family home to a 2 family. There is one electrical box on the exterior of the home and two inside, I for the first floor and one for the second floor. Chairman Fierro asked if there was an attic, Mr. D'Angelo states there is no attic. Commissioner Mancini would like to know how many entrances there are to the home, applicant states there is one entrance to the home from the outside; once you come inside there is a separate entrance to the 1st floor and when you proceed up the hallway stairs there is a 2nd entrance to the 2nd floor. Applicant assures Commissioner Bavazzano that he will have PSE&G add a second meter to the outside if the application gets approved.

Chairman Fierro asked if the applicant knows how many 2 family homes are in the neighborhood, Mr. D'Angelo states he knows of 2. Commissioner D'Ambrosio asked about parking, applicant states he has a garage, which is used as storage at this time, but he also has a two car driveway. Mr. D'Angelo addresses Commissioner Nash that there is adequate parking when snow is an issue. Chairman Fierro asked who is living at the residence now, applicant states he is occupying the 2nd floor at this time and a family friend is living on the 1st floor.

No public to be heard.

Commissioner Patten makes a motion to accept the application and Commissioner D'Ambrosio seconds. Application approved 7-0 @ 7:45 pm.

2ND CASE: CHARLES MORSEL (CARRY OVER)
56 BOGART STREET, BLOCK 111, LOT 7 & 8

Applicant is requesting minor subdivision, creating 2 non-conforming lot renovation of existing residential structure and the construction of a new single family home requiring variance(s) for floor area ratio, side yard setback, rear yard setback, and any others that may be required.

Charles Morsel, sworn in by Attorney Tomasella submits photos to the board. Photos are submitted as Exhibit A1 – 4. The minor subdivision the applicant is requesting is for lot 8, which at this time is not usable. Applicant would like to move the lot line over to create 2 usable lots of 5 thousand square feet for the house (existing nursing home) and 1,500 square feet for the house in the back. Exhibit A-5, which show the floor plan was submitted to the board to review. Applicant point out the house will be renovated from the right side, if facing the house; the right side would be removed leaving the left side to be used and renovated. The house in the rear would stay and be renovated.

The applicant addresses Engineer Murphy's letter. Exhibit A-6 shows revised numbers from applicants' application with new lot line which will create a variance. Engineer Murphy explains that Exhibit A-6 is not correct, lot 7 should be 4,350 square feet, not 5,150 square feet. Engineer Murphy states variance(s) is needed for lot area, lot width, front setback, minor side yard abutting a street, side yard, rear yard setbacks, and F.A.R., which includes usable basement and garage. Engineer Murphy reminds the board and public that the address of the applications is assessed as on lot, which is lot 7 with 10,500 square feet.

Engineer Murphy points out the retaining wall is in poor condition and suggest applicant to reconstruct or repair. Commissioner Patten asked Engineer Murphy if the minor subdivision shows existing lot line-Engineer Murphy replies the lot line was not revised. Vice Chairman Krauthem feels the back lot needs to be knocked down and a new home to be built which could be closer in line with the existing homes. Mr. Morsel will be gutting the back lot and adding new landscaping. Mr. Morsel feels when the nursing home is scaled back; the back lot will not seem so out of place. Mr. Morsel states it is not worth the amount to knock down and rebuild the back lot for a few feet. Commissioner Patten would like to know the amount of the nursing home that will be removed; he does not see any numbers on the plans. The applicant points out Exhibit A-2 photo and shows the cut off, but Commissioner Patten wants an exact footage. Engineer Murphy informs the board that 35' and approx. 1000 square feet of footage is what is being removed.

Public: Amel Balega Jr, resides at 43 Harding Ave, he has concerns about animals that are coming out of the house. The chimney on the back lot house needs to be knocked down because it is leaning and ready to fall on the neighbor's yard. Mr. Balega would like to know who authorized workers to be on the property, applicant replies that he does

not feel the homes need to be knocked down, and assures the residents that he will make them look brand new. Mr. Balega would like to know how many people will be living at the houses. The applicant intends to make 2 colonial homes, he has not authorized anyone to enter the homes and tells Mr. Balega if he sees anyone going in or coming out of the homes, he should call the cops. Mr. Balega would also like to know when the animals will be controlled and removed. The applicant will make more of an effort to have animals removed. Chairman Fierro suggests calling the DPW. Mr. Balega called the DPW and they will set up traps, but someone has to pay to have them removed. Chairman Fierro addresses to the applicant that if application is approved he will have to take care of it, Mr. Morsel understands. Engineer Murphy would like to make a condition to the application that the applicant has rodent abatement prior to any work being done and the applicant agreed.

Public: Joseph Barrise, resides at 44 Harding Avenue feels that the homes need to be knocked down and also would like to know who has been working in the homes. The applicant repeats that he is willing to take care of all the concerns of the neighbors and does not understand the arguments.

Public: Herb Papendick, resides at Bogart Street feels if the applicant renovates the nursing home and eliminated the back house, he would agree with the application. A Mr. Papendick state there has been a dumpster in the driveway for approx. 6 weeks and has seen furniture being thrown in. He has also noticed the property has been landscaped and he has pictures that he was going to show the board at the last meeting of the grass and weeds at 3' high.

Public: Donald Francis, resides at 69 Bogart Street would like to know if the board knows if the back house is on the tax rolls. The Board does not have an answer to that. Mr. Francis would also like to know when the back lot became live able space. Chairman Fierro does not know the answer to that. Mr. Francis would agree with a one family house, he is all for improving and would like to see some of the other buildings the applicant has done. Mr. Francis is asking the board to table this application so the public can get more information from the town.

Public: Robert Paton, resides at 73 Bogart Street and has lived in Totowa for 50 years. Mr. Paton says the existing building was a garage and was converted to a home for the nurse and her son to live in. Mr. Paton never received a letter from anyone about approval for that change.

Public: Karam Karam, resides at 48 Harding Avenue would like to see everything brand new and clean, which it has not been for some time.

The applicant assures the public that the animals will be taken care of and has all intentions to make the area beautiful. The property right now is not legal and he would like to make it legal. Mr. Morsel would like to fix it and sell it. Mr. Balega is upset that the applicant is not moving in with his family.

Public: Brian Dorset, resides at 14 Dunkerley Street feels that if the board allows a garage to be converted to a dwelling then there is no foundation and everyone in town will want to do the same.

Mr. Papendick feels two dwellings on that stretch of property is too much, and that there is a lot of construction going on around town at this time. Chairman Fierro would like to know from the applicant about parking. Mr. Morsel states there will be separate parking for each property, the one property will have one spot in driveway and one in the garage; the other property will have multiple spaces.

Commissioner D'Ambrosio makes a motion to the board, applicant, and public that this case be carried to our next meeting, October 14th; to address questions the public and board would like answered. Commissioner Patten seconds the motion. Motion was passed 7-0 @ 8:43 pm. Commissioner D'Ambrosio suggest to the applicant to bring photos of other renovations for the public to view at the October 14th meeting @ 7:30pm, no notice needs to be filed to the public.

3RD CASE: PSE&G
7 JACKSON ROAD, BLOCK 169.02, LOT 2

Applicant is requesting a variance(s) for expansion of conditional use of public utility substation in an I-3 zone requiring variance(s) for height, side yard setbacks and any others that may be required.

James Radican explains the enhancements are needed for better service and are required by the regulatory system. The 1st witness is Joe Barlock, he was sworn in by Attorney Tomasella and explains he is a fact witness here to describe the operation. Mr. Barlock currently works for PSE&G as a product manager. PJM (Pennsylvania, New Jersey, and Maryland) is in 13 states and monitors the electrical grid for now and the future. It is recommended to change to a stronger charge; currently the charge is 26KB and will be increased to 69KB. Exhibit A-1 is an Arial view of property and surrounding properties. Exhibit A-2 is the site plan. Exhibit A-3 is detail plans of the foundation plan. Anticipation for completion of the improvements is 1 year for the construction faze and an additional 1 month for testing.

Commissioner D'Ambrosio would like to know if there is anything in the GIS Building that is flammable, Mr. Barlock states there is nothing flammable. Commissioner Bavazzano asked about a flood plan, Mr. Barlock states the building is above the last flood plan with an additional 1'. Chairman Fierro asked if the improvements were not passed what would that mean. Mr. Barlock states that if the improvements were not approved, there would be poor service and there could be an issue in the future with failures. Commissioner Nash asked if the work being done around town is part of this improvement. Mr. Barlock states that the work being done around town is part of the big picture.

Witness Gene Rotonda was sworn in by Attorney Tomasella. Mr. Rotonda is an expert civil engineer and a professional planner. He has been in front of the Board in the past. The Board considers Mr. Rotonda an expert in his field. Mr. Rotonda describes the variances needed. Sideyard and height variance(s) are needed because the building is 6” higher because of lightning rods. The lightening rods are not a visual impact.

A motion to accept this application was made by Commissioner Bavazzano and seconded by Commissioner Nash. Application was approved 7-0 at 9:26pm.

Motion to adjourn the meeting was made by Commissioner Patten and seconded by Vice Chairman Krautheim at 9:28pm.

Respectfully submitted,
Pam Steinhilber, Secretary