

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF  
ADJUSTMENT



MUNICIPAL BUILDING  
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TOTOWA, NJ 07512

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## BOARD OF ADJUSTMENT MINUTES OF DECEMBER 14, 2016

The December 14, 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 7:36 p.m. followed by the Flag Salute. Attorney Briigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the November 9, 2016 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

1<sup>ST</sup> CASE: MIKE ABASSI  
17 HAVEN AVENUE, BLOCK 38, LOT 11.01

Application is carries to the January 11, 2017 meeting. No further notice is required.

2<sup>ND</sup> CASE: DR. YOGESH ZAKY  
56 INDEPENDENCE TRAIL, BLOCK 908, LOT 77

Application was withdrawn

3<sup>RD</sup> CASE: ALEXANDER OLDJA  
504 & 506 UNION BLVD, BLOCK 101, LOTS 13, 14, & 14.01

Attorney Raymond Redding reviews the application of a minor subdivision of 3 lots into 2 with 2 separate commercial/residential units on each lot.

Pat McClellan, Professional Engineer has a valid license in NJ and is considered an expert in his field by the board. Mr. McClellan refers to plans sheet 2 of 8 dated October 14, 2016, existing conditions map. The proposal is first to subdivide the property from three existing to 2 proposed lots. There will be 2 buildings (refer to sheet 3) that will be approx., 32 hundred square feet and three stories in height. The first story will be retail use, the second and third floors will have 6 residential apartments. Parking will be in the rear and consist of 29 spaces. Comprehensive storm water management is in plan.

Engineer McClellan reviews Engineers Murphys letter. For lot 13.01 variance needed are minimum side yard abutting a lot, maximum floor area ratio, and maximum coverage. For lot 14.01 variance needed are minimum side yard abutting a street, minimum rear yard setback, maximum floor area ratio, maximum coverage. The applicant is asking for a waiver for the 10% of area being landscaped because it would take away parking. There will be a private company that removes the garbage. When there is no space on property to store snow removal the snow will be taken off property. There will be a 6' board on board fence that would comply with the buffer requirement. The applicant will comply with all the lighting requirements. A survey will be supplied to Engineer Murphy that the site line distance from building on Lot 14.01 will not interfere with clear site line distances from the intersection of Union Blvd. and Harding Ave. Drainage calculations will be submitted to Engineer Murphy. The dumpster is not completely enclosed; Commissioner D'Ambrosio suggests it be fully enclosed. Engineer Murphy, states the dumpster needs to be less visual from the street.

Yogesh Mistry, Architect, license is valid in the state of NJ and is considered an expert in his field by the Board. Mr. Mistry refers to Exhibit A-1, Building Renditions showing the left building at 504 Union and the Corner of Harding Ave. This will be a three story building with approx. 7,885 square feet, the second floor will have 3 one bedroom units and the third floor will have the same. Each floor will have 2 end units with 830 square feet each and a middle unit with 906 square feet. The first floor will be either one or two retail units. There will be an elevator in each building that will be ADA compliant. Engineer Murphy's report states there will be four signs that total 56 square feet. The building façade samples will be supplied. Commissioner D'Ambrosio asked if they will be using real stone. Mr. Mistry replies they will be using real stone.

Mia Petrou. Professional Planner, license is valid in the state of NJ and is considered an expert in her field by the Board. Mrs. Petrou states the need for a use variance in a B-5 Zone, the demand for 1 bedroom apartments and mixed use.

Alex Oldja addresses the double fence and that he will talk with the neighbors. The dumpster company he uses is Gaita and they would come 1 to 2 times a week. Mr. Oldja could put 2 dumpsters side by side and enclose them and that would actually increase 2 parking spaces. Commissioner D'Ambrosio with the retail area what will the hours is? Mr. Oldja does not have an answer since the space is not rented yet but he would have to follow the ordinance. Engineer Murphy says that would be addressed in front of the planning board. Attorney Brigliadoro cannot say because we do not know who is going in there yet. Engineer Murphy suggests the application to remain as present and not combine the dumpsters. Mr. Oldja confirms the snow will be removed off site on big snow storms. Commissioner Patten asked if commercial space on first floor exclude restaurants. Engineer Murphy states at this time it is just retail, no kitchens are being proposed. Commissioner Patten would like to know if the fence stops at the rear of the building, Engineer Murphy responds that it does. Mr. Oldja asks the Board if real stone or brick can be an option for the building, Commissioner D'Ambrosio states he wants real stone. Engineer Murphy states real stone is what is required by the town's ordinance.

Attorney Briigliodoro would like to label the photos Ms. Petrou was using as Exhibit A-2.

At this time the meeting is open to the public.

Bernadette Hilway, 114 Bogert, was sworn in by Attorney Briigliodoro. Mrs. Hilway stresses concern about the fence; she does not want to eliminate her fence (cyclone with slats). The Board suggests a 4' space between fences for maintenance which would be maintained by Mr. Oldja. Mrs. Hilway was also concerned about the dumpster and would like the dumpster to be completely enclosed. Parking is always a big concern; most households have 2 cars which will cause an increase in parking on Union Blvd.

Fred Gutekunst, 84 Harding, was sworn in by Attorney Briigliodoro. Mr. Gutekunst does not have any concerns about the existing fence being removed but the fence height is a concern to him. The traffic on Harding is bad now and he feels this is going to make it worse. Mr. Oldja indicated that the windows in the rear of the building are hallway windows, not apartment windows. Mr. Oldja is also very willing to include taller shrubbery along residential neighbors. Mr. Gutekunst asked what would happen to the parking if the building were ever sold separately and drainage is also another concern. Engineer McClellan indicated that there are 2 underground chambers for drainage, but the county will also review the drainage plan.

Mrs. Keygsman, 78 Harding, was sworn in by Attorney Briigliodoro. Mrs. Keygsman is very concerned about parking on Harding Avenue in front of her own home and parking when the buildings are being constructed. Also has a concern about snow removal. Mr. Oldja will make sure the snow is removed from property on large snow storms and will give the neighbors his number to contact him with any issues.

At this time a motion was made by Commissioner D'Ambrosio to close the public portion of the meeting and seconded by Commissioner Patten.

Attorney Briigliodoro summarizes the application and the stipulations the Board should consider when voting.

1. No roof top equipment
2. Fully enclosed dumpster
3. No spill over on adjoining property
4. 4' space between Mrs. Hilways existing fence and new fence-area to be maintained by Mr. Oldja
5. In addition to the 6' board on board fence shrubbery will also be added
6. Construction material to the façade-must supply materials to comply with towns ordinance

A motion was made by Commissioner D'Ambrosio for Minor Subdivisions and seconded by Commissioner Patten. Application approved 6-1

A motion was made by Commissioner D'Ambrosio for D-Variances, C-Variances, and Design Waivers and seconded by Commissioner Patten. Application approved 6-1

A motion was made by Commissioner D'Ambrosio for Final Site Plan and seconded by Commissioner Patten. Application approved 6-1

RESOLUTION TO BE MEMORIALIZED:

1<sup>ST</sup> CASE: ALEXANDER OLDJA  
169 BOGERT STREET, BLOCK 147, LOT 18

Application was approved for an addition to a single family home.

A motion to adjourn the meeting was made by Commissioner Mancini and seconded by Commissioner D'Ambrosio. The meeting was adjourned at 9:49 PM.

Respectfully submitted,  
Pam Steinhilber, Secretary