

# 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 JANUARY 13, 2016

The January 13, 2016 regular and reorganization meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:37 p.m.; followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

The 2016 Oaths of Office were received from Municipal Clerk Wassel for Commissioner Patten, Commissioner Mancini for a 4-year term and Alternate Korsakoff for a 2-year term. All Commissioners were sworn.

Nomination for Board Chairman was requested. A motion to appoint Fierro as Chairman was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. There being no other nominations from the floor, the nomination for Chairman was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Chairman Fierro.

Nomination for Board Vice Chairman was requested. A motion to appoint John Krautheim as Vice Chairman was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini. There being no other nominations from the floor, the nomination for Vice Chairman was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Vice Chairman Krautheim.

Nomination for Secretary was requested. A motion to appoint Pam Steinhilber as Secretary was made by Commissioner Mancini and seconded by Commissioner Bavazzano. There being no other nominations from the floor, the nomination for Secretary was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Secretary Steinhilber.

Nomination for Board Attorney was requested. A motion to appoint Rich Brigliadoro as temporary Attorney was made by Commissioner Patten and seconded by Commissioner Nash. There being no other nominations from the floor, the nomination for Attorney was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Attorney Brigliadoro.

Nomination for Board Engineer was requested. A motion to appoint Alaimo Engineering, Nordan Murphy as Board Engineer was made by Alternative Korsakoff and

seconded by Commissioner Bavazzano. There being no other nominations from the floor, the nomination for Board Engineer was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Board Engineer Murphy.

A motion was made by Commissioner Patten and seconded by Commissioner D'Ambrosio that the Board of Adjustment will meet the second Wednesday of every month at 7:30 p.m. in the Council Chambers for the year 2016 through January 2017. On a roll call vote, all members present voted in the affirmative.

The reorganization meeting was over and the regular meeting of the Board of Adjustment was called to order by Chairman Fierro.

A motion to accept the minutes of the January 13, 2016 meeting was made by Commissioner Bavazzano and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative

THE FOLLOWING RESOLUTION(S) WAS MEMORIALIZED:

1<sup>ST</sup> CASE: LACKAWANNA VILLAS  
75 LACKAWANNA AVE, BLOCK 177.01, BLOCK 8  
Applicant is recommending an amended site plan.

2<sup>ND</sup> CASE: PSE&G  
7 JACKSON ROAD & 1 TAFT ROAD, BLOCK 169.02, LOT 1 & 2  
Applicant is requesting minor subdivisions preliminary/final site plan/conditional use.

1<sup>ST</sup> CASE: AHMED RESIDENCE  
29 ELIZABETH PLACE, BLOCK 32, LOT 14

Applicant is requesting variance(s) for a second floor addition to a single family home on an undersized lot. Bulk variance, F.A.R., and any others that may be required.

Giash Ahmed was sworn in by Attorney Brigliadoro. Mr. Ahmed resides at 29 Elizabeth Place. Architect Joseph Sterba, sworn in by Attorney Brigliadoro is a licensed architect and is considered an expert in his field by the Board. Mr. Ahmed has lived in Totowa for 8 years and would like to improve the home he lives in. Mr. Ahmed is very happy living in Totowa, but needs to add an additional bedroom on his 2<sup>nd</sup> floor. Attorney Brigliadoro asked who lives in the home now; Mr. Ahmed states, he, his wife, son, and his daughter live with him. Commissioner D'Ambrosio would like to know how many bedrooms there are now; Architect Sterba states there are two bedrooms at this time.

Architect Sterba shows Exhibit A-1, which is SP-11 Site Plan. This plan shows 2 bedrooms on a 2 story home. Exhibit A-2 is the floor plan sheet. This exhibit shows the modified plans showing the extending of the back over an existing porch to add additional bedroom. The addition would add 290 square feet. Architect Sterba feels there will be minimal impact to surrounding residence and because of the restricted size

of the property this is generating the need for these variances. Exhibit A-3 is the Elevation plans. Chairman Fierro would like to know if there is a driveway and Mr. Sterba explains there is a driveway and a garage with parking in front. Commissioner Patten would like to know what is existing on the second floor. Mr. Sterba states the plans do not show the existing but he explains where the end is. Mr. Sterba says the proposal is for 3 bedrooms plus an office on the second floor. Engineer Murphy suggest eliminating the office for less of a degree of non-conforming, but Mr. Sterba explains the need to invade the existing space and says it would still be too small.

There were questions from the Board in regards to a basement. Mr. Sterba tells the Board there is a basement that is partially finished and has access from the outside of the house and from inside. The basement was figured into the F.A.R. and Engineer Murphy says that depending on how the basement is being used it does not have to be added to the F.A.R. There is a drop ceiling, drywall, and throw carpet. There is no stove or kitchen in the basement. Mr. Sterba reminds the Board that the property is too small and the variance(s) being requested are needed.

The Board opens the floor to the public. There is no public to be heard. The Board closes this portion to the public.

A motion was made by Commissioner Patten to deny the application. It was seconded by Commissioner D'Ambrosio. Application was denied 5-2 @ 8:15 pm.

2<sup>ND</sup> CASE: MADE IN ITALY, LLC  
590 UNION BLVD, BLOCK 139, LOT 1

Applicant is requesting variance(s) for specialty food service, tables and chairs providing of consumption of food on premises and signage in excess of allowed square footage, pylon sign and awning. Applicant is also requesting variance(s) for outdoor dining and any others that may be required.

Attorney Jeffery Lester has owner, Josepee Tramontana speak about the application. Mr. Tramontana was sworn in by Attorney Briigliodoro. Mr. Tramontana resides in Paterson and has a business in Totowa called Spiga. Mr. Tramontana would like to open a café and specialty Italian store. The business would not have waitress service and have seating outdoors for seasonal dining. The deli hours would be 8:00 am to 6:00-7:00 pm, the café could be open later depending on the success of business. Commissioner D'Ambrosio would like to know what the hours would be for the café. Mr. Tramontana would like to be open 7 days a week from 8:00am to 10:30/11:00 pm. Attorney Briigliodoro would like to know if staff would be there before 8:00 am and Mr. Tramontana states they would not be there before 8:00 am.

Architect Yogesh Mistry was sworn in by Attorney Briigliodoro and is considered an expert in his field by the Board. Architect Mistry displays Exhibit A-1, dated 10/22/15. Currently the business is vacant and there are no changes to the plan. Mr. Tramontana is acquiring 2845 square feet for the business and the remaining 1014 square feet will

remain vacant space for owner to rent. There will be no inside seating for the deli but applicant is requesting 8 seats for outside. The café area would have 32 seats inside and 12 outdoor seating. Exhibit A-2 is the revised plan dated 1/13/16. There is a handicap space needed and 39 spaces are required. The surface of floor for outdoor seating will be concrete pavers; the applicant would be adding an additional sconce to the two existing. The awnings would be added with signage. The applicant is requesting two awnings on the front and one on Wilson Ave. Applicant would also like to add a pylon sign 30' x 8' and would be free standing. Chairman Fierro would like to know about the seating. Applicant states there would be 32 indoor seating, 16 outside seating plus 8 seats for the deli.

Yogesh goes over some of Architect Murphy's letter. The parking spaces that were previously stated were 45 required and with the new changes 39 are needed, applicant is providing 20. Awnings are only permitted to have address on them. There is no loading space. Chairman Fierro asked about the loading space and Engineer Murphy said if there is food service use there will need to be a loading area. Architect Mistry states there would only be small box trucks for deliveries so there is no need for a loading dock or bay. The owner plans to use his van for deliveries since he plans to do 100% of the supplying himself. Commissioner D'Ambrosio would like to know what the total number of seating would be. Mr. Tramontana states there would be a total of 56 seats, 32 indoor and 24 outside. Commissioner D'Ambrosio feels that is too much seating but applicant states the outdoor seating is seasonal. Engineer Murphy states if the seating was cut back to 30 then the parking would also go down to 20 which were what was previously approved by the Board.

Applicant attorney spoke with the applicant and they are willing to eliminate the outdoor seating. Commissioner D'Ambrosio also inquired about garbage storage and removal. Architect Mistry states there will be a dumpster. Attorney Brigliadoro asked about the signage, there will be two retail type business signs. Commissioner D'Ambrosio would like to see the signage cut down, applicant will eliminate the pylon sign. Engineer Murphy reminds the applicant that there is an ordinance about the colors of the signs. Commissioner Mancini is concerned about the hours and the noise levels for the tenants. Applicant states since there is no outdoor seating the noise will be very controlled.

Planner, Kenneth Ochab was sworn in by Attorney Brigliadoro and has a valid license in New Jersey. Mr. Ochab states the B-2 zone for the café and deli are permitted. The D-1 zone show the site is suited for the proposed plan. Commissioner Patten asked about the awnings coming off the buildings at 4'. Architect Mistry explains the awnings will be 16' each, and there will be 2 at that size, and the third would be smaller.

The Board opens the floor to the public.

Adrian Krygsman, sworn in by Attorney Brigliadoro, resides at 53 Francis Street. Mr. Krygsman has his father in law with him, George Mosch. Mr. Krugman's concerns are parking; this is the third time he has been in front of the Board with the same concern. More parking would be impinging on the side streets; his car has been hit twice. When

there was a fire on Francis, the fire trucks had a very difficult time getting to the home because of excessive parking. Mr. Krygsman would like to know if resident permit parking from the town could be considered. Attorney Briigliodoro would have to be heard at a Mayor and Council meeting and if decided an ordinance would have to be made.

At this time the Board closes the floor to the public.

Attorney Lester gives a summary of the application, which he feels is a good project for the community especially with the modifications made this evening. Attorney Briigliodoro asked Engineer Murphy with the modifications how many parking spaces are needed. Engineer Murphy states 31 are required and 20 spaces are being proposed. Applicant is requested relief from the on-site parking spaces.

A motion to accept this application with the modifications made this evening was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. Approved 7-0 @ 9:21 pm

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner D'Ambrosio. The meeting was adjourned at 9:23 p.m.

Respectfully submitted,  
Pam Steinhilber, Secretary