

# 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 AUGUST 10, 2016

The August 10, 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 7:34 p.m. followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the July 13, 2016 meeting was made by Commissioner Patten and seconded by Commissioner D'Ambrosio. On a roll call vote all Commissioners present voted in the affirmative.

1<sup>ST</sup> CASE: ANRITA MARTUCCI  
23 COOLIDGE AVENUE, BLOCK 102, LOT 21

Attorney Brigliadoro addresses the Board and members that this applicant is still under oath, and was here last month and has returned with revised plans. Engineer Murphy explains the additions to the dwelling and to leave the existing driveway and not to add an additional one. There will also be no modifications the existing garage. There are three variance(s) needed, front setback existing non-conformities, side yard abutting a street, and rear yard setback which is an existing non-conformity. Applicant provided a copy of the survey, which is labeled exhibit A-1 which is a photo copy enlargement of the property survey. The photo also shows existing fence where it is now. The applicant will comply with the fence ordinance. Thomas Dakake, the applicants boyfriend, is still under oath from last month, would like to put a 6' fence. Engineer Murphy states the applicant cannot put a 6' fence on residential; the applicant would need more than 25' for a 6' fence. Attorney Brigliadoro refers to item 5 on Engineer Murphy's letter dated July 12, 2016. Engineer Murphy says the questions there are only pertaining to the 3 car garage. Engineer Murphy also states there is no need for a new sidewalk along Garfield Place.

Chairman Fierro opens this portion of the meeting to the public.

Sharon Rickert states she still sees a dump truck at the property and it is still a concern about work tucks and equipment at the residence. Applicant Martucci explains there is still a dump truck at the property because they have 8 anderson windows that need to be removed and the town allows one vehicle in the driveway. Mrs. Rickert would like to know if after the construction is over and the trucks are still there, who she goes to, to

take care of the issue. Attorney Brigliadorio explains the Mrs. Rickert that she will need to go to the building department to address the issue.

Chairman Fierro asked for a motion to be made to close the public portion of the meeting. A motion was made by Commissioner Patten and seconded by Commissioner D'Ambrosio.

A motion to approve the application was made by Commissioner Patten and seconded by Vice Chariman Krauthiem. Application was approved 7 – 0 @ 7:51 pm.

2<sup>ND</sup> CASE: MILUN KONATAR  
174 BOGART STREET, BLOCK 149, LOT 7

Attorney Raymond Redding, explains the application to add an addition to existing home. Architect Andre Szalay, was sworn in by Attorney Brigliadorio, is registered in the state of N.J. as an architect for 38 years and considered an expert in his field by the. Architect Szalay explains this is a 2 floor structure, a single family home and the applicant would like to add a one car garage to the back of the house. Engineer Murphy would like to make everyone aware of bullet point 2 on line 4 of his report was made in error and will be deleted. There will be a modest garage which needs a variance for F.A.R. The applicant will comply with line 10 of Engineer Murphy's report. The applicant is also requesting an extension of the driveway to the garage.

Engineer Murphy goes through his report, line 4; bullet 1 states the basement will remain unfinished and does not need to be included in the F.A.R. Line 6 on the report says the continuation of driveway to extend to the garage, at this time the driveway stops at the end of the house. Line 9 states the applicant needs a sign and sealed survey to be given to the building department. Line 10 of the report the Applicant will comply.

At this time Chairman Fierro opens this portion of the meeting to the public.

John Wehner, sworn in by Attorney Brigliadorio, resides at 172 Bogart Street. Mr. Wehner states all the houses in the area are one height; will this house be higher than that? Attorney Brigliadorio states the house will be 2' higher. Mr. Wehner would also like to know about a fence. Applicant Alex Oldja, sworn in by Attorney Brigliadorio, resides at 4 Lookout Point, states there will be a privacy fence and will be installed in accordance with the building department. The basement will be unfinished as far as concrete floors but would like sheetrock on the walls to look clean. Mr. Wehner states animals get through the fence now. Mr Oldja will make sure everything looks nice when completed.

A motion was made by Commissioner Patten to close the public portion of the meeting and was seconded by Commissioner D'Ambrosio.

A motion to pass the application was made by Commissioner Nash and seconded by D'Ambrosio. Passed 7 – 0 @ 8:10 pm

3<sup>RD</sup> CASE: 534 UNION BOULEVARD LLC  
534 UNION BLVD, BLOCK 139, LOT 8

Attorney Raymond Reddin explains the application to convert existing 2<sup>nd</sup> floor office space to residential. Archiech Yogesh Mistry, sworn in by Attorney Briigliadorio, has been before this board and considered an expert in his field. Mr. Mistry goes through the requested variance(s). This is an existing 2 story mixed use building; the second floor is existing offices and a music studio. The applicant is looking to make 3 apartments, 2 will be 1 bedroom 900 square feet and 1 will be a two bedroom unit with 1800 square feet. There will be no change to the exterior of the building. There is 23 existing parking spaces and the variance requires 25. Item 6 on Engineer Murphy's report, the dumpster block a parking spot and existing driveway, the applicant would be willing to move it to a back spot and enclose. Item 7 on the report, there will be no changes to signage, site lighting there will be 3 fixtures on building plus 2 free standing. The light bulbs to be replaced at this time. The snow removal will be addressed by the owner. There is a mix of parking space sizes, all are the same depth but the widths vary. Line 8 bullet c on the report the applicant would need to eliminate one spot to comply leaving 21 spaces.

Engineer Murphy reminds the applicant they need an ADA spot, if the dumpster can remain where it is that would help save a spot and minimize the amount of contingencies. Mr. Oldja is the owner was sworn in by Attorney Briigliadorio, states the snow removal will be taken care of by himself, he maintains all his properties in Totowa. Mr. Oldja will leave the dumpster where it is to keep a parking spot and will comply with whatever the Engineer recommends.

Planner Ken Ochab, sworn in by Attorney Briigliadorio has been before this board and considered an expert in his field. There are two exhibits presented, exhibit A-1 page 1 is photos of the building and exhibit A-2 page 2 are different views of the building. The photos were taken by Mr. Ochad in July and no photos were modified. The property is ideal use for residential/commercial use and fits with Totowa's Master Plan. Changing the use reduces the amount of parking spaces and the intent of use. The parking spaces can be shared with residential and commercial.

At this time Chairman Fierro opens this portion of the meeting to the public.

Bill Hunt, sworn in by Attorney Briigliadorio, resided at 542 Union Blvd. Since the landlord took over; the property has been going downhill. A tree fell and the fence that was damaged from that has still not been repaired. The dumpster had a lot of animals going in and out of it. Applicant is on the side where the dumpster is. The garbage removal company that comes puts the dumpster and forces the lids into the fence so the lids cannot be closed. Mr. Hunt would like to know if the dumpster is the right size for what the applicant is proposing. Chairman Fierro says the garbage company needs to close the lids after they empty it. Mr. Oldja assures Mr. Hunt he will address all of his issues. Mr. Oldja has had problems with the garbage company not picking up when they are supposed to, Mr. Oldja gives Mr. Hunt his cell number so if there are any issues he can call him to let him know. Mr. Oldja also comments on the tree, he needed to wait

until the insurance company could say who was responsible because the tree was on the other property but fell on his.

A motion was made by Commissioner Mancini to close the public portion of the meeting and seconded by Commissioner D'Ambrosio.

Engineer Murphy would need a waiver for the dumpster to not be in an enclosure. Commissioner Patten questions, if the handicap space needed and there is an 8' section that has to be striped for accessibility van that doesn't that 8' space can't be obstructed if dumpster was in front of that space but not in that space would that make the flow easier? Engineer Murphy states the ADA has to be as close to the entrance of the building. Vice Chairman Krauthem suggests leaving the dumpster where it is, the tenants will make sure Mr. Oldja knows about any issues. Commissioner D'Ambrosio also agrees with leaving the dumpster where it is. Attorney Briigliadorio addresses item 8b on Engineer Murphy's report the parking spaces are 10x 18, Engineer Murphy says a design waiver would be needed for the parking stall widths and the number of parking spaces. Architect Mistry would like to leave the spaces 8'9 to 9'7 along the back.

A motion to approve this application was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. Passes 7 – 0 @ 8:52 pm

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Bavazzano. The meeting was adjourned at 8:54 PM.

Respectfully submitted,  
Pam Steinhilber, Secretary