

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF OCTOBER 14, 2015

The October 14, 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 7:32 p.m. followed by the Flag Salute. Attorney Tomasella read the Open Public Meetings Act.

A motion to accept the minutes of the September 9, 2015 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. On a roll call vote all Commissioners present voted in the affirmative.

1ST 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.

Mr. Morsel was sworn in by Attorney Tomasella. The applicant re-notifies the board and the public what his plans are, which is on Lot 8 to downsize the house from 73'6" to 38'6" or approx. 2 thousand square feet. Lot 7 to keep existing non-conforming. Exhibit A-7 is a copy of 1981 permit for lot 7.

Nicholas Orgo was sworn in by Attorney Tomasella, resides at 198 Lindsley Road, Cedar Grove and has a NJ State License and has been working in this profession for 40 years. Mr. Orgo is the builder and project manager for this application. Mr. Orgo understands the neighbors' concerns, but he states they are going to make the area better. Exhibit A-10 shows a home in very bad shape and what he has done to remodel it. Commissioner D'Ambrosio asked if he would be willing to knock down the back house completely and have 2 lots that would be centered. Engineer Murphy states the commercial building is on Lot 7 and once the home is vacated, the use is no longer in place.

Mr. Morsel states that it would be a hardship to knock down and re-build. Whether he keeps as a garage or changes to what he wants the building is still there, he will do what is needed but does not understand why this is an issue. Vice Chairman Krautheim would also like to see 2 new buildings that are inline. Commissioner Patten would like to know

exactly what the applicant's hardship is. Mr. Morsels stresses that the non-conforming issues are the hardships.

Open to the public: Donald Francis resides at 69 Bogart Street would like to know if the back building was built as a residence or a garage. Engineer Murphy has no records, it goes back too far. Mr. Francis would like to know if the garage was built to code to live in. Builder Orgo said there is enough square footage and plumbing; things were probably to code according to standards back then. Mr. Francis says the neighbors say it was used as a utility /storage building. Herb resides at 57 Bogart Street states the board needs to consider landscaping conducive of the neighborhood. Joe Barrise resides at 44 Harding Ave which is behind the nursing home states the structure is against the property line, he is ok with 2 smaller homes and would like to see the improvements that would be uniform to the neighborhood. Mr. Petus resides at 53 Bogart Street feels the proposed buildings would disrupt esthetics of the neighborhood and would prefer 2 homes side by side.

Applicant Morsel would like to change his application to 2 lots 52 ½' each. Lot 8 would stay the same and Lot 7 would be knocked down and rebuilt to conform to zoning. Engineer Murphy confirms to keep existing and knock Lot 7 down. The board cannot consider new dwelling because no plans have been submitted. Herb asked if the revised application was voted for would the applicant have to come back to the board. Mr. Morsels informs Herb that he would not have to come in front of the board if he conforms to code for the new dwelling. Chairman Fierro would like there to be a time restriction on the knock down.

A motion to grant the revised application was made by Chairman D'Ambrosio and seconded by Commissioner Nash. Vote was 8-0 to pass @ 8:10 pm.

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

2ND CASE: SUNSET RIDGE DEVELOPMENT LLC
617 PREAKNESS AVE, BLOCK 2, LOT 1, 2, 3, & 4

This case was not heard tonight because the application was not correctly filed. The applicant will have to re-notify the public.

3RD CASE: SUNSET RIDGE DEVELOPMENT LLC
617 PREAKNESS AVE, BLOCK 3, LOT 1, 1.01, 3, 6, 7, & 8

This case was not heard tonight because the application was not correctly filed. The applicant will have to re-notify the public.

4TH CASE: FRANK GAITA
38 DEWEY AVE, BLOCK 117, LOT 52.01

Applicant is requesting a conversion of a single family home to a two family in the R-7 zone district and any other variance(s) that may be required. Attorney Darren Del Sorto, sworn in by Attorney Tomasella, states the current condition of the home is a 2 family home in a 1 family district since 1952. The applicant is asking the board to allow a R-7

zone since the home has 2 meters and 2 electrical boxes-there is only one boiler and one hot water heater. Frank Gaita, sworn in by Attorney Tomasella, states his sister Miss Hendricks put Frank as the executor of the estate and has been in the family since 1950. As long as Frank can remember the house has always been a 2 family home. Chairman Fierro asks what the deed states, is the home taxed as a one family, and is there a kitchen on both floors. Frank responds that there is a kitchen on both floors and that has been that way for as long as he can remember. Vice Chairman Krautheim would like to know how many entrances there are, Frank says there is one in the front of the house. Chairman Fierro asked if there is a rear exit for the second floor and Franks informs the board and public that there is none. Vice Chairman Krautheim would like to know if the property is occupied at this time, Frank responds at this time it is not occupied. Chairman Korsakoff asks if there is just one way in and one way out, Frank responds that is correct, you walk into the front door and upstairs to a door to enter the 2nd floor area and from the front door you would turn left into the 1st floor area. Chairman Fierro would like to know how much parking there is, Frank states there is a 2 car garage, that plus the driveway 6 cars can be off the street parking.

Public: Victoria, resides at 35 Dewey Ave, has lived there for 20 years and states there has always been problems with that property, it is very hard to get out of her driveway because of the houses being on a bend in the street. In the winter snow plowing is a problem, there is nowhere to sore the shoveled snow. Victoria feels there is only room for 2 cars to park in the driveway. Victoria's fear is that renters do not care about the house and grounds because they do not own it. The board should do what is proper for all the residents and make it a one family. Lisa Petrullo, resides at 42 Dewey Ave, states there has been 2 families living there but they were mother and son, the mother was on one floor and the son was on the 2nd floor. Since the mother has passed away there has been nothing but problems at the house. Mr. Gaita addresses the public and board that the property has been a 2 family since the 1950's and understands the concerns of the past, but could not do anything about it at that time.

Stephanie Morbito, niece of the applicant, was sworn in by Attorney Tomasella verifies her aunt and cousin did live at the home, but they lived in the same apartment and the 2nd floor apartment was rented unless it was vacant. Attorney DelSorto would like to propose to postpone the application and bring back a planner to explain the benefits of the application. Chairman Fierro agrees that would be the best. Chairman Korsakoff states there are not facts, just opinions; there is a definite need for a professional planner to go over the benefits.

A motion to carry this case over to the November 11th meeting was made by Chairman D'Ambrosio and seconded by Vice Chairman Krautheim. Vote was passed at 8:36 pm. Applicant does not have to re-notify the public.

**CASE 5: MAREK & MAGDALENA SLODYCZKA
783 UNION BLVD, BLOCK 173, LOT 4**

Applicant is requesting construction of mixed use, commercial and multifamily in the R-20 zone, which is not conforming to the master plan, zoning, impervious coverage,

principle uses, and bulk required including F.A.R., height and any other variance(s) that may be required.

Attorney Rich Brigliadorio stepped in for Attorney Tomasella.

Brian Aloia, resides at 2 Broad Street in Clifton, reviews application of 6 town homes and 2 commercial offices. Dave Fantina, sworn in by Attorney Brigliadorio-has a bachelor and master degree in civil and environmental engineering. He has a valid license in New Jersey. The property is in an R-20 zone, which is a single family zone. The proposal is for 30 thousand square foot multi use building consisting of 6 town homes and 2 professional offices. There will be 34 parking spaces where 28 are required. The application complies with bulk variances of 10% of parking area must be landscaped, impervious coverage, no off street loading and 10 x 18 parking spaces. Engineer Murphy agrees with the above statement. Engineer Murphy would like to confirm the F.A.R. calculations are correct. Mr. Fantina states the numbers are gross area. Attorney Brigliadorio confirms the D-4 variance relief to exceed maximum floor ratio in the R-20 zone, Mr. Fantina agrees. Mr. Fantina stated the variances, but the planner will go into more detail on each. Engineer Murphy addresses some of his concerns included in his letter. The first is the height, the maximum building height is 35', and the applicant is proposing 39 1/2' because of a copula (clock tower). The second is density, in an R-20 it allows 2.1 per acre and the applicant is proposing 8.71 per acre. The last is there is no specific buffer between residents, Engineer Murphy states there is no solid fencing proposed. Mr. Fantina said there is none proposed, but if needed they could add it.

Commissioner D'Ambrosio would like to know if downsizing would be considered. Mr. Fantina would have to consult with his team to see if downsizing is a possibility. The applicant will comply with the minimum 10% of parking area to be landscaped; questions 12, 13, 15, and 16 will also be complied. Question 14 and 21 will be addressed by the Architect, question 17 is informational, and question 18 would need approval. Question 19 the applicant will submit, question 20 the applicant will supply copies of the plan. Question 22 the applicant will comply but Engineer Murphy would like the board to stipulate if application is approved, the dry well will have to be reviewed. Attorney Brigliadorio has concerns about the storm water management; Mr. Fantina says the water will be collected on site. Engineer Murphy feels a closed drain system is very hard to maintain, especially with drainage from the driveway that could have rocks and debris. Commissioner Patten states if the impervious conditions should be at 20% and will be 42%-what will happen to snow removal, where will it be stored? Mr. Fantina feels the company that will be removing the snow will have to figure out where they are going to put the plowed snow.

Vice Chairman Krautheim would like to know who is going to address lighting, Mr. Fantina advises to see page 3, which shows lighting. Attorney Brigliadorio asked Engineer Murphy what are the items needed for future review of this application. Engineer Murphy states he would need a revised lighting plan, a traffic impact study, garbage removal, size of garbage containers, and drainage plan.

Architect Marek Dolaski, sworn in by Attorney Brigliadorio, has a bachelor and master's degree in architecture. He has a valid license in New Jersey and is considered an expert by the Board. Mr. Dolaski reviews the materials in which the building will be constructed of. The materials to be used are masonry, wood, brick, stone, and cement board. The clock tower will add charm and the structure will look high quality. There will be 2 parking spaces dedicated to garbage units, one unit will be for garbage and one will be for recycling. Engineer Murphy would like to see actual samples of the building finished. Attorney Aloia states the clock tower could be eliminated if needed. Engineer Murphy would also need to see signage identified. Attorney Brigliadorio confirms the applicant's request which is 6 town homes, 2 offices. Each floor will consist of 500 square feet which brings it to approx. 1500 square feet and with the added offices will add slightly less than 1600 square feet per office.

Vice Chairman Krautheim would like to know if the offices will just be offices or will they be retail, Mr. Fantina confirms they will only be offices. Commissioner Patten asked if the removal of sanitation will be a private company, Mr. Dolaski could not answer that. Mr. Fantina will get sizes of the dumpsters. Mr. Fantina confirms there will not be any decks on the property.

Joseph Barbieri, sworn in by Attorney Brigliadorio, has a bachelor degree of science; he is a professional planner and surveyor since 1990. Exhibit A-1, dated October 7, 2015 is the 6 page planners report. Union Blvd is the only access to the property; the existing use is a single family home with a detached garage. It is an oversized R-20 zone with 30 thousand square feet. The proposed use is 2 professional office units with 6 town homes, one office on the east side and one office on the west with the 6 town homes in the center. Mr. Barbieri states the Borough of Totowa Review of the Master Plan revised in 2014 show a growth of 13,310 in the year 2040, it is currently 10,804. The proposed application fills a need for the increase. Commissioner D'Ambrosio strongly recommends the applicant to downsize the project. Engineer Murphy needs a planning testimony from the applicant.

Attorney Aloia is requesting a second day of hearing so he can bring back Engineer Murphys request and any other issues the public may have.

A motion to open to the public was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. Vote passes 8-0.

Public: Jason Grochala, resides at 691 Riverview Drive was sworn in by Attorney Brigliadorio. Mr. Grochala has lived at his home for 10 years and works in Manhattan and feels if this application is approved as is that he would feel he would be coming home to the same noise as Manhattan. He feels that senior housing would not work because of the multiple levels, and young couples may not be able to afford it. There are many safety concerns, with no left hand turns, traffic on Riverview Dr. to get to Route 46 is always backed up, how will ambulances and fire trucks be able to get in and out quickly, where will the snow and garbage go? There are too many concerns for this to be a good idea.

Debbie Cowen, resides at 665 Riverview Dr., sworn in by Attorney Brigliadorio. Garbage and recycling will be right at her fence. Lighting will be an issue at night. She has lived there for 46 years and drainage is an issue now, the ground is always moist after a rain. She would like to see the property stay as a single family home and feels the traffic will be very bad.

Ruth Lacera Thomas, resides at 787 Union Blvd, sworn in by Attorney Brigliadorio. She has a 6 and 7 year old ad is concerned about privacy and safety. The traffic is already an issue and this will just make things worse. So far this year there has been 6 accidents that were reported. She feels this building will not be esthetically pleasing to the neighborhood and may de-value surrounding homes.

Carmen Tarantino, resides at 5 Melissa Dr., sworn in by Attorney Brigliadorio. He moved in to town 57 years ago. Engineer Murphy goes over some measurements that are a concern to Mr. Tarantino.

Angelo DeFeo Jr, resides at 664 Riverview Dr., sworn in by Attorney Brigliadorio. There is only one way into the property and one way out. He would like to know if the public has the right to fight the board's decision. Attorney Brigliadorio explains that the public does have the right to get an attorney and fight the board's decisions.

Frank Zanfino, resides at 28 Morris Canal Way, sworn in by Attorney Brigliadorio. His main concern is drainage. He states there is a foot and a half of water when it rains.

Marissa Bruno, resides at 776 Union Blvd, sworn in by Attorney Brigliadorio. She states the house to the right of the proposed property is a business, but has kept the residential look. The snow removal is going to be an issue. There is no shoulder on Union Blvd. The property should either be one or the other, a business or town homes.

Mark Festa, resides at 785 Union Blvd, sworn in by Attorney Brigliadorio. If the water floods the applicant's parking lot, the extra water will run into his yard. He feels the property is too small for what is being proposed. If snow stays on property and melts, where is it going to go. Concerned about exterior lights being on all night. All of the people notified for this application are one family homes. The garbage containers will be on his property line and he will have to deal with the odor and noise of removal. The property is too close to the light forcing traffic to back up to enter or exit.

Ben Olivito, resides at 813 Union Blvd., sworn in by Attorney Brigliadorio. His concern is the property owner does not live there. The house is currently un-maintained and is not sure who is going to maintain the sewer system. He would like to know who many times the garbage truck will pick up garbage. He would prefer the applicant cut down the amount of units.

Gemma Marra, resides at 679 Riverview Dr., sworn in by Attorney Brigliadorio. Moved into her home 10 years ago because the area was one family homes. She is not happy about seeing this building from her back yard. Concerned about renters not caring about

where they live and the surrounding home owners. Where are the renters going to hang out in the summer, or where will they grill?

Mark Festa, the notice they received was for town home-normally town homes are sold not rented.

Violet Goldblum, resides at 672 Riverview Dr., sworn in by Attorney Briigliadorio. Her main concern is the water, traffic, noise, and speeding.

Elizabeth Badunos, resides at 685 Riverview Dr., sworn in by Attorney Briigliadorio. The height of the building forces less privacy for neighbors. Feels this will decrease her property value. Water is going to be an issue.

Vince Colavitti Jr, resides at 12 Melissa Dr., sworn in by Attorney Briigliadorio. Concerned about access of emergency vehicles getting into the driveway.

Edward Farley, resides at 657 Riverview Dr., sworn in by Attorney Briigliadorio. He agrees with all of the residents' concerns and flooding is going to get worse once this is built.

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

Attorney Aloia confirms continuance to the Board of Adjustments November 11th 2015 meeting. Commissioner D'Ambrosio reminds the applicant that downsizing is recommended. Attorney Briigliadorio summarizes what is needed from the applicant for our next meeting; traffic study report, submission plans to fire department, lighting shown on plans, and samples of construction materials, signage, and a rendering of what the building will look like. Vice Chairman Krautheim reminds Attorney Briigliadorio an alternate water system is recommended. Commissioner Patten asked if the property behind is wet lands, Engineer Murphy states it is not his responsibility to respond, the applicant needs to get that information and present it at our next meeting.

Attorney Briigliadorio notifies the public and the board that this will be carried over to the November 11th, 2015 meeting at 7:30 pm-no public notification needed. The public should get in touch with the building department to see if this application will defiantly be heard at that meeting.

THE FOLLOWING RESOLUTION(S) WAS MEMORIALIZED:

1st CASE: PSE&G
7 JACKSON ROAD, BLOCK 169.02, LOT 2

Applicant approved for 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.

2ND CASE: PETER D'ANGELO
86 RAPHAEL ROAD, BLOCK 81, LOT 19

Applicant approved for 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.

Motion to adjourn the meeting was made by Commissioner Bavazzano and seconded by Commissioner Nash at 11:04 pm.

Next meeting November 11, 2015 @ 7:30 pm

Respectfully submitted,
Pam Steinhilber, Secretary