

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY



BOARD OF  
ADJUSTMENT

MUNICIPAL BUILDING  
537 TOTOWA ROAD  
TOTOWA, NJ 07512

Phone (973) 956-7929

## TOTOWA BOARD OF ADJUSTMENT MINUTES OF JUNE 9, 2021

The June 9, 2021, regular meeting of the Borough of Totowa Board of Adjustment was held via zoom. Chairman Fierro called the meeting to order at 7:02 p.m.; followed by the Flag Salute. Attorney Corrado read the Open Public Meetings Act and the Remote Meeting Protocol.

A motion to accept the minutes of the May 12, 2021, meeting was made by Commissioner Patten and seconded by Commissioner Bavazanno. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Present-Chairman Fierro, Vice Chairman Krautheim, Commissioners Patten, Mancini, Bavazanno, Nash & Carr, Alternate Henry, Attorney Corrado, Engineer Cristald. Absent-Alternate Masi.

1<sup>ST</sup> CASE: DIMO & MARJA GOLCEV, Attorney Corrado informs the Board that the Applicant filed all paperwork, and it was in order along with the proper notifications, we will need to adjourn this Application because the objectors attorney has thrown in a memorandum objecting to the Application since it was received at the beginning of this week the memorandum has been referred to our planner, Ms. Green to respond but with such short notice it was not enough time for her to review and plan a letter so the application will be adjourned to the July meeting with no further notification needed.

2<sup>ND</sup> CASE: CHRIS & SANDY CHARALAMPOUS, property is located at 46 Hudson Avenue. Attorney Raymond Redding is the Attorney for the Applicant, his business is at 485 Totowa Road. This property is located on block 40, lot 10 and is requesting a site plan and subdivision approval, their will be three professionals to be heard and this is a similar application to a previous one the Board has just heard.

Patrick McClellan, engineer, business is located at 11 Furler Street was sworn in by Attorney Corrado and is considered an expert in his field by the Board. Exhibit A-1, the minor subdivision/variance site plan dated July 21, 2020. This is a thru lot with frontage on Hudson and

Carroll, it is similar to a previous application he had before our Board at lot 18 & 7 which is adjacent to this property. The property has about 6,100 square feet of land in an R-7 zone. Sheet 2 on Exhibit A-1 is the existing conditions plan. There is an existing development closer to the frontage on Hudson, the Applicant is requesting to remove the one-story frame garage and limit parking to the driveway and small level area behind it. The applicant also will remove a portion of a concrete patio and some fencing along the southernly part of the property and some fencing around the back portion. The dwelling size is approximately 42' x 24' for the new construction. In order to do this they are requesting some variance relief-lot area, lot width, lot depth, front yard, side yard, rear yard, F.A.R., and maximum permitted coverage. Mr. McClellan reviews a letter from Board Engineer Mr. Cristaldi dated May 12, 2021. Under general statements they are all commentary, under technical comments, they will supply sign and sealed surveys, there is a small increase in impervious cover (net increase is 844 square feet), parking spaces do require a design waiver for front yard parking, and the zoning schedule for list of variances that are being sought today. Commissioner Patten asked about the seepage pit, if it will be on both lots. Mr. McClellan states there will be just one on Carroll Place. Commissioner Patten also asked doesn't the create a hardship on Hudson Ave property for water drainage. Mr. McClellan states that is currently goes toward the vacant lot, so the increase is mitigated towards the drywall on the vacant lot. Commissioner Bavazanno asked if the exiting garage being removed will that mean more parking on the streets. Mr. McClellan states they still have 4 spaces on the property to park and the new construction will also have 4 of street parking spaces. Commissioner Bavazanno also asked about a sidewalk being added on Carroll Place. Attorney Redding states that if the town approves a sidewalk the Applicant would not object. Mr. McClellan also is not opposed but the two properties on either side do not have a sidewalk, if they find that the previous application for lot 18 & 7 required sidewalks then this application will follow. Mr. Cristaldi asked if they can address the size of the lots in regard to the ordinance and how many houses on Carroll Place front on Carroll Place and if this will look out of place. Mr. McClellan states the remainder lot is 2,849 square feet and the new lot will be 3,324 square feet. The subdivision does not effectively change how Hudson Ave is perceived and on Carroll Place side there are a decent stretch of house, not one currently on lot 18, but one is proposed to go there.

Yogesh Mistry, Architect, business address 350 Clark Drive, Budd Lake, NJ, was sworn in by Attorney Corrado and considered an expert in his field by the Board. Exhibit A-2, a set of drawings containing two sheets and dated 7/21/2020. Sheet A2.01 is the proposed floor plans of the new construction, the existing structure will remain the same. The new construction will be a single family, two-story structure at 23 ½' deep and 41' wide. There will be a one car garage attached to an unfinished basement. The first floor will consist of a living room, dining room, kitchen, family room, and a half bath. The second floor will consist of a master bedroom with a master bath, 2 additional bedrooms, and a bathroom. Each floor will be 965 square feet. Sheet A4-01 is the elevation of the building, approximately 9' difference in the grade. The application meets height requirements of 30' (29'11"). The exterior will be earth tones with a stone base. Chairman Fierro asked if the footprint is 20' x 40', Mr. Mistry states it is 23 ½ x 40'11 ½. Chairman Fierro asked if there is parking in the front yard on other properties, Mr. Mistry states there is one house lower and one on the upper corner on that same side that have parking in the front and on the opposite side it is more common. Commissioner Bavazanno asked if it will be a full basement,

Mr. Mistry states a portion of the basement is the garage and the remainder will be unfinished. Commissioner Mancini would like to know the basement height, Mr. Mistry states it is slightly under 8 feet. Commissioner Carr asked on Carroll Street is there on street parking on that side of the road because he did not see any cars on the google view. Mr. Mistry was not sure, Commissioner Patten states there is parking on that side of the road. Commissioner Patten asked if the basement will be unfinished then why do they need such a large window in the front. Mr. Mistry stated they can make it smaller, the grade just allowed for it. Commissioner Patten asked if there will be no development in the rear yard for a patio or deck, or will it just be a walk out. Mr. Mistry informs there will be none, just a walk out. Chairman Fierro asked what the dimension of the window for the basement is, Mr. Mistry says it is possibly 5' wide x 3' high. Vice Chairman Krauthem asked about the first house on Carroll, closest to Union Blvd, it looks like it is on an undersized lot. Mr. Mistry states it does look tight to the adjacent properties. Engineer Cristaldi states the building height is less than 30'.

Charles Heydt, business address is 282 Taft Court, River Edge, NJ, was sworn in by Attorney Corrado and considered an expert in his field by the Board. Mr. Heydt shows a phot exhibit of the property and explains they are asking for a D4, F.A.R. variance-use is permitted and not talking about density. The pictures show the existing home frontage and the rear. The applicant is requesting to subdivide and causes an issue with the lot area where 7000 is required and 2845 is existing and 3324 is the new construction, lot width where 70 is required and 37.5 is existing and 50 will be the new construction, and lot depth, where 90 is required and 75.97 is existing and 98.45 is the new construction. The bulk variances are front and side yard setbacks and rear yard setbacks. There is little to no negative impact for the side yard setback, the front yard with one vehicle in the garage and sufficient depth for driveway for 2 more vehicles. The rear yard has a comfortable rear yard space for the home. The benefit of the proposed footprint of the building is tailored to the property and still has comfortable setbacks to provide for appropriate light, air and open space on the subject property without creating any substantial impacts on the adjacent lots. The F.A.R. is 40% permitted and 75.8 proposed for lot 10.01 and 58.06 proposed for lot 10.02. Storm water coverage the applicant is proposing a storm water system.

At this time the meeting is being opened to the public.

No public to be heard.

At this time a motion was made by Commissioner Nash to close the public portion of the meeting and was seconded by Commissioner Bavazanno.

A motion was made by Commissioner Bavazanno to approve this application and seconded by Commissioner Carr. Application was approved 6 – 1 Abstained.

2<sup>ND</sup> CASE: INTERIOR CONSTRUCTION GROUP, LLC, 75 Dewey Avenue. Attorney Raymond Redding explains the application. This is for a second-floor extension, one variance for front yard setback.

Matthew Evans, Architect, business is located at 470 Chamberlain Avenue, Paterson, NJ and was sworn in by Attorney Corrado and considered an expert in his field by the Board. Exhibit A-1, the

site plan shows the existing one family home, which will remain one family. The home has a detached garage in rear and is a 60' x 100' structure. The Applicant is requesting a second-floor addition to the 1 and a half story frame dwelling. There are a few pre-existing non-conforming conditions, lot area where 7 thousand is required and 6 thousand is existing, lot width where 70' is required and 60' exists, front yard setbacks where 25 is required and 10.25 exists, and lot depth because of the detached garage. The first floor will have a living room, dining room, kitchen, and half bath. The second floor will have a laundry room, master bedroom with master bath and walk in closet, 2 additional bedrooms, and a bathroom. The applicant is looking to square off the building on the second floor. Commissioner Bavazanno asked if the pillar was always existing, Mr. Evans responds the patio in back has bilco door and now squaring off the back would cover the patio. Commissioner Mancini asked what the increase in square footage will be, Mr. Evans responds 800 square feet. Commissioner Carr asked if the addition would raise the overall height, Mr. Evans responds it will but still remain within the ordinance. Vice Chairman Krautheim would like to know if they will change the existing footprint of the building, Mr. Evans responds it will remain the same. Engineer Cristaldi asked about getting rid of the bilco door in the back, Mr. Evans said it will be in the interior now.

At this time the meeting is being open to the public.

No public to be heard.

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

A motion was made by Commissioner Nash to approve this application and was seconded by Commissioner Patten, the application passed 7 – 0 @ 8:22 P.M.

3<sup>RD</sup> CASE: Alby & Brianna Vasquez, 258 Grant Avenue. Attorney Raymond Redding explains the Application is for a second-floor addition.

Scott Lurie, Architect, business located at 645 Lotus Avenue, Oradell NJ, was sworn in by Attorney Corrado and considered an expert in his field by the Board. Exhibit A-1 are the plans submitted by Mr. Lurie and are marked PA-1 dated 2/2/2021-Floor plans, Elevations, and Architectural site plan. There are three variances needed, minimum front yard setbacks, side yard setback, and F.A.R. The existing home is a one-story home, and they would like to add a second floor to consist of 3 bedrooms, 2 bathrooms, and a small study/play area and to the first floor increase the living area and kitchen. The addition covers the entire second floor with the exception of the eastern left side, the second floor is setback an extra 2' off the face of the existing house so they can maintain a side yard. The front yard exists at 6.9 and because they are building over expanding a non-conforming and that is where the variance is needed.

Alby Vasquez, Applicant was sworn in by Attorney Corrado. Mr. Vasquez and his wife, Brianna and their two children all live at the home. He would like to enlarge the home so the children can have their own rooms. Commissioner Mancini would like to know how long they have been living in the home, Mr. Vasquez responds they closed in December and moved in in January. Vice Chairman Krautheim asked if they are just going over the existing footprint, Mr. Lurie responds

yes. Commissioner Patten asked about the space in the driveway and the 1-foot space to remain in the Dining room, Mr. Lurie states that it is needed for the bedroom on the second floor. Commissioner Bavazanno has noticed a few trucks and if getting in and out will be ok, Mr. Vasquez feels it will be fine. Engineer Cristaldi would like clarification about the 2.4 side yard and is it now 3, Mr. Lurie says that is correct it is 2.4 on the back and the front was always 3. Engineer Cristaldi states the F.A.R. lot is small, Mr. Lurie state the lot is half the size of the zone.

At this time the meeting is being open to the public.

No public to be heard.

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

A motion was made to approve the Application by Vice Chairman Krautheim and was seconded by Commissioner Bavazanno, the application passed 7-0 @ 8:39 P.M.

Resolution to Memorialize:

1<sup>ST</sup> CASE: TOTOWA INVESTMENT GROUP, LLC decided on May 12, 2021.

2<sup>ND</sup> CASE: GORDON PROPERTY REALTY LLC, decided on May 12, 2021.

A motion to adjourn the meeting was made by Commissioner Patten and seconded by Alternate Henry @ 8:44 P.M.

Respectfully submitted,  
Pam Steinhilber, Secretary