

# 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 JUNE 12, 2019

The June 12, 2019 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 7:06 p.m.; followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the May 8, 2019 meeting was made by Commissioner Bavazzano and seconded by Commissioner D'Ambrosio. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Chairman Fierro, Vice Chairman Krautheim, Commissioners D'Ambrosio, Patten, Mancini, Bavazzano, Nash, Attorney Brigliadoro, Engineer Cristaldi, Secretary Steinhilber, and Planner Debbie Lowlor. Absent-Alternate Korsakoff and Alternate Masi.

1<sup>ST</sup> CASE: CHARLES PENTA & TINA PENTA VOLTE  
2 DENORA DRIVE, BLOCK 173.01, LOT 13

Applicant, Tina Penta Volte and Engineer Louis LoBosco were sworn in by Attorney Brigliadoro. Mr. LoBosco has a civil engineer degree and has been licensed for over 25 years in the State of NJ and is considered an expert in his field by the Board. Applicant is asking for a pool permit which was initially denied because of variances. The variances were front yard setback, the fence surrounding the pool, and part of the patio is in the easement. When looking at the lot, the pool has to be put forward because there is no back yard; the backyard is a storm drain easement. The lot is odd sized, so this is the only area to put the pool. The pool will be 16' x 32', it will be an in ground pool surrounded by a patio towards the back. The property currently has a storm drain easement on either side. There is a current drainage issue on the property, the drainage inlet on one side of the property and on the other side over the drain pipe on the easement and the Applicant is proposing to put a third.

Commissioner D'Ambrosio would like to know if there will be pavers over the easement. The Applicant states there would be and if they had to be removed they will do it at the Applicants expense. Attorney Brigliadoro would like to know the height of the fence. The Applicant states the ordinance is 4', they are proposing a 54" black ornamental pool

security fence with shrubbery for privacy. Vice Chairman Krautheim would think the Applicant would want a higher fence for privacy, like a 6' fence and solid. Attorney Briigliodoro states, the fence can exceed 3' in height if it is within 25' of any street site, but the ordinance requires at least 4' high around a pool. The Applicant can have the option to change to a 6' high fence. The Applicant would stay with the black open fence if they did go higher and still use shrubbery for privacy. Commissioner Patten would like to know why the pool is 20' away from the house instead of closer to the home. The Applicant would like to have the patio closer to the home. Engineer Cristaldi suggest the Applicant may want to move the pool out slightly to compensate for footings needed for the pool.

Attorney Briigliodoro goes over the letter of denial from Totowa's code official Mr. Burghardt's office.

1. Construction of an in ground pool within the front yards set backs-this was addressed this evening.
2. Construction within an easement area-this was addressed this evening.
3. Construction of a pool compliant fence which violates the height restrictions in the front yard-this was addressed this evening.
4. Construction of paver patio exceeding the allowed impervious area-this still needs to be addressed.

The Application cannot exceed 25% of the lot area, the Board can approve not to exceed 30% of impervious area.

At this time the Board opens the meeting up to the public. There is no public to be heard, Commissioner D'Ambrosio makes a motion to close the public portion and is seconded by Commissioner Patten.

Attorney Briigliodoro reviews the Application.

A motion was made by Commissioner D'Ambrosio to approve the application and was seconded by Commissioner Mancini, the application passed 7-0 @ 7:29 P.M.

A break was taken at 7:30 P.M. and resumed at 7:46 P.M., a roll call was taken.

2<sup>ND</sup> CASE: RICHARD POUNDERS  
61 CRESCENT AVENUE, BLOCK 128, LOT 16

Applicants Attorney, Raymond Redding will be late, Mr. Redding spoke with Attorney Briigliodoro that the case can commence if his Applicant was ok with the starting before he arrived. The Applicant, Mr. Pounders is ok with starting the case without his Attorney present. This is a continuation of last month's hearing and everyone that was present at the May 8<sup>th</sup>, 2019 meeting are still under oath. The town Planners review report, posted June 6, 2019 was created by Darlene Green who is unable to attend, but her associate, Deborah Lowlor is here to address the question.

Engineer, James Mastronardy goes over some of the changes from the last meeting. They have raised the ground floor 2 feet, this no longer can be considered a basement but now is part of the ground floor and part of the living area attributed to the F.A.R. The ground floor is still slightly below grade, not the F.A.R. has to include this space and will now need a variance. Attorney Briigliodoro explains the D4 variance for F.A.R., 40% is allowed in the R7 zone and the Applicant is proposing 52.7%. Engineer Cristaldi states the basement is in the flood zone, which excluded the calculation in the F.A.R. Attorney Briigliodoro states, if the Application was granted the site still continues to function the way it is supposed, and will not withstanding the fact that the Applicant does not comply with the F.A.R. requirement in the zone. Commissioner D'Ambrosio would like to know what the downstairs height is. Mr. Mastronardy explains the front portion will be 8' and the back is 2' deeper. Mr. Mastronardy refers to the last case that was hear this evening; the impervious area does not include buildings and if that is the case then there is no variances required for impervious area. As of right now the impervious area is 33.2% with the building calculated in, if you take the building out it will be less than half of that and no relief is required.

Mr. Mastronardy addresses the planners report:

1. Item 1- D-side waiver-does not believe there is a side yard setback unless the porch in the front encroached on the side yard and if that is the case, the Applicant will make it a foot and a half less.
2. Item 3-Waiver for street trees-Applicant can put one on the property but there is an existing mulberry tree and with 25' of front coverage and 12 feet of that taken by the driveway, there is not much room to add an additional tree.
3. Item 4 & 5-This is just a condition, this presents a hardship because of a pre-existing condition.
- 4.

Architect, Mark Redden reviews the limit in the retaining walls by raising the house up, besides that not much has changed on his end from the last meeting. Commissioner D'Ambrosio asked about the current water problem. Mr. Mastronardy states he was told there is a lot of water that drains from the new cul de sac, he does not believe that is true and the Applicant is not required to take care of street drainage, that is the towns obligation to correct. Attoreny Briigliodoro reviews item 6 on the planners report, the building height. The Applicant is close to the maximum but is still slightly below. Ms. Lowlor would like to know where the measurement was done, it was taken from the grade elevation 10' in front, the maximum is 35' and at the tallest point the Applicant is at 34 ½ feet. Attorney Briigliodoro also states item 13 in Planners report, Ms. Lowlor would like to know if this was corrected. Attorney Redding believes so, but will make sure it is addresses.

At this time the Board opens the meeting to the public.

Ramond Hartwig, 48 Crescent Ave, was sworn in at the last meeting. The mulberry tree in the corner will need to be cut down to get trucks in and out for construction. The Applicant will cut the tree down if needed and a condition suggested by Ms. Lowlor, would be if it needs to be cut down, the Applicant will have to replace with a new one.

Attorney Brigliadoro states there is no intention on the Applicants part of sub dividing the home, it will always remain a single family unit. Mr. Hartwig would like to know if the flood vents are still there, the answer is yes. Mr. Hartwig states the home is ugly and does not fit in the neighborhood.

Richard Fallon, 55 Crescent Ave, was also sworn in at the last meeting. Mr. Fallon would like to know the height of the ground floor, the ceiling ranges from 8' to 10'. Mr. Fallon would also like to know if there is still an elevator, there will still be an elevator at the site.

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

Attorney Brigliadoro reviews the Application, there are existing non-conformities and the impervious coverage was addressed. The Applicant still needs 1 waiver for street trees and D4 variance for relief of F.A.R.

A motion was made by Commissioner Patten to pass the applications and seconded by Commissioner D'Ambrosio. Application passed 7-0 @ 8:31 P.M.

#### RESOLUTIONS TO MEMORIALIZE:

1<sup>ST</sup> CASE: GORDANO OLDJA  
32 HARDING AVE, BLOCK 111, LOT 12

Applicant was granted construction of a single family home requiring variances for F.A.R. and side yard setbacks.

2<sup>ND</sup> CASE: MARK DEPASQUALE  
247 WINIFRED DRIVE, BLOCK 160, LOT 21

Applicant was approved for a garage addition requiring side yard and front yard setbacks.

3<sup>RD</sup> CASE: VOLUNTEER FIRE COMPANY #1  
11 MITCHELL AVE, BLOCK 94, LOT 8

Application was approved for construction of a parking lot in an R7 zone and additional variances for impervious coverage and landscaping buffers.

A motion to adjourn the meeting was made by Commissioner Bavazzano and seconded by Vice Chairman Krautheim. The meeting was adjourned at 8:36 P.M.

Respectfully submitted,  
Pam Steinhilber, Secretary