

# 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 JULY 13, 2022

The July 13, 2022, regular meeting of the Borough of Totowa Board of Adjustment was held via zoom. Chairman Fierro called the meeting to order at 7:00 P.M.; followed by the Flag Salute. Attorney DeDio read the Open Public Meetings Act and the Remote Meeting Protocol.

A motion to accept the minutes of the June 8, 2022, meeting was made by Commissioner Nash and seconded by Commissioner Patten. On a roll call vote all Commissioners present voted in the affirmative.

Present: Chairman Fierro, Vice Chairman Krautheim, Commissioners Patten, Mancini, Nash, Carr, Alternate Masi & Henry, Engineer Cristaldi, Attorney DeDio, Planner Green.  
Absent: Commissioner Sagan.

1<sup>ST</sup> CASE: DAMON VESPI (CONTINUATION)  
471 TOTOWA ROAD, BLOCK 95, LOT 5

Mark Semeraro, Attorney for the Applicant brings his first witness, Britany Klimm. Ms. Klimm, Architect, was sworn in by Attorney DeDio and considered an expert in her field by the Board. Ms. Klimm has familiarized herself with the application and the changes from the first application to now. Ms. Klimm is here on behalf of Mr. Yogesh Mistry who was presented at the first application. The revised plans were dropped off at the building department for the Board to review.

Planes A2.01 revised July 1, 2022, is marked as exhibit A2-1. The changes made were reducing the length of the building and the square footage. Ms. Klimm added dimensions to the apartment, and they revised the exterior with a sloped roof, vinyl siding, shutters and the 2<sup>nd</sup> story setback. They also eliminated the window wells in the rear and opened up a larger opening to the den on the second floor. On sheet A2-2, which consists of 2 pages- the first page shows the front elevation with white vinyl siding, white brick base, an asphalt roof on the upper portion. The second page is the right-side elevation (Masklee Court side). This plan shows the revisions fall much more to the character of the neighborhood. Commissioner Patten asked about the right-side elevation and the detected car and trees

shown-are they that close to the building. Ms. Klimm states they are not, it is just for effect. Planner Green wanted to know where the HVAC equipment will be housed since they were proposed on the roof at the last meeting. Ms. Klimm states there will be nothing on the roof and the site engineer will answer. Planner Green confirms the only thing on the ground will be a condenser-Ms. Klimm responds yes. Planner Green states the architectural plans submitted show building mounted lighting only on Totowa Road façade, but the lighting sheet and site plan show building mounted lighting on Totowa Road, Masklee Court, and rear façade, which plans detect the actual lighting plan? Ms. Klimm states Engineer McClellan will address. Planner Green asked about the building height and the differences on the plans, Mr. McClellan will also answer that concern.

Patrick McClellan, Engineer was sworn in by Attorney DeDio and is considered an expert in his field by the Board. Mr. McClellan also presented at the last meeting. Changes from the previous plans were submitted to the building department last week. The plans marked As-3, revised plans dated 6/29/2022, were marked up by Engineer McClellan and the changed were highlighted that were from the plans dated 3/24/2022.

Change or set back of 4 feet to 5'5

Max FAR was 70.18% and now 67.44%

Building height was 30 feet and is now 29.2 feet

Impervious coverage was 44.7% and is now 45.1%

Reduced front yard was 4 feet and now 5.5 feet

FAR was 70.18% and now 67.44%

Max Impervious Cover was 44.75% to 45.1% and should be listed as a waiver

Waiver for quantity of signs, applicant reduced street number signage to one

The waiver for storm water management is eliminated-there is a comprehensive drainage report that is accepted by the Boards Engineer.

Added waiver for parkin location per Ms. Greens report

Added waiver for no garage per Ms. Greens report

Added waiver for parking space size per Ms. Greens report

Elimination of previous waivers for landscaping in parking area and lighting in driveway. Sheet 2 of the plan added the Passaic County Master right of way line. Sheet 3 of the plan changes are the condensers are 9 square feet, the total impervious cover excluding dwelling increased to 1,991 square feet with the 9 square feet gives a total of 2,000 square feet. The 10' x 8' parking space is designated for employee parking by signage and the parking spaces were shifted to have more ease to get out. The building height calculation with the average grade elevation is 201.3 and the finished first floor elevation is 202. The first floor to top of building is 28.8, the average grade to first floor is .7, the average grade to top of building is 29.2. The proposed lot coverage was 2,129 square feet and is now 2,087 square feet plus the 9 square feet for the condenser brings a total to 2,096. On sheet 4, they added the existing conditions to the drainage system from the connection point out to Union Blvd.

The landscaping plan shows 11 trees being removed and 4 are being replaced with a proposal the remaining to be put to an off-site location. They have provided a vinyl fence detail that goes on perimeter of the lot and matches the fence that is out there and fencing enclosure around the refuge area with 6 feet board on board fence on concrete slab. The lighting plan has not changed yet, they are proposing 4 site lights mounted on the building.

They are also adding on the plan the perimeter site lights shall be fitted with a dimmer to provide additional control of the light cast along the property lines, including adjustments that may be necessary post construction. On sheet 8, they added pavement striping details and signage details. Mr. McClellan has no disagreements to Planner Greens comments letter. On the letter the waiver for 415-100E-waiver for lighting at the property line, the ordinance limits lighting at any property line to 0.5-foot candles. Engineer McClellan states the plan will comply and the note was added to lighting plan. The waiver for 415-115A (1), waiver for tree removal, the ordinance does not permit trees with a DBH of six inches or more to be removed if located more than 25 feet from any proposed structure Mr. McClellan asked if the parking area is considered a structure. Planner Green states, because of the D variance it is best to request that waiver.

Commissioner Nash-by reducing the width from 10 feet to 9 feet, are you assuming they will be able to park perfectly-Mr. McClellan stated 9 foot is standard. Vice Chairman Krautheim-is there any signage being proposed-Mr. McClellan states there are 2 signs, one is just the number of the house and the other will be a free-standing sign on the corner of Masklee Court and Totowa Road. Commissioner Patten-will there be a mailbox on the building or free standing-Mr. McClellan does not know how that works, the post office usually works with them on that. Commissioner Patten-the refuge pick up, will the lights on that vehicle shine on the residents-Mc.Clellan states that area will be fenced. Planner Green-will the Applicant have objections to any items that are a condition of approval-McClellans states there will be no objections to conditions of approval.

Steve Lidden, Planner was sworn in by Attorney DeDio and considered an expert in his field by the Board. Mr. Lidden describes the application, this is a corner lot with more frontage on Masklee Court than Totowa Road. The lot is 6,069 square feet where 7,000 is required for a R-7 zone. The footage on Masklee Court is approx. 128 feet and the frontage on Totowa Road is approx. 50 feet. The lot width is 50 feet wide, corner to corner where 70 feet is required. The town ordinance is 90 feet lot depth where this is 128.5 in depth. Because of these existing conditions is why the variances are needed. Mr. Lidden explains the difficulties. The new proposed development has the building made smaller, the FAR has decreased, the setbacks are slightly wider, conforming set back to rear yard, conforming set back to the one residential property to the west of the site, modifications to both apartments to be used as designed and not inappropriately be used. The Applicant is seeking D1 use variance in stead of R-7. The property is well sited for the lot and fits with Totowa's master plan. This Application is a low impact development and adapts to the Municipal Land Use Law. If a house were to be built on this property it would be a 3-4-bedroom home and this application is for 2 bedrooms, one in each apartment. Proposed application fits withing the neighborhood and with the enhanced landscaping it makes for a more attractive setting. The traffic is only 4 peak hour trips during office hours which is a very low impact.

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

There is no public to be heard a motion was made by Commissioner Nash to close the public portion and was seconded by Alternate Henry.

Attorney Semeraro summarizes the Application and Attorney DeDio goes over what we would be voting on with stipulations stated.

A motion was made by Vice Chairman Krautheim to approve this application and was seconded by Commissioner Patten. Application passed 7 – 0 at 8:39 P.M.

2<sup>ND</sup> CASE: BAHAR BHUIYAN (CARRY OVER)  
665 TOTOWA ROAD, BLOCK 154, LOT 20.01

Applicants Attorney, Gary Matano explains the application is to construct a single-family dwelling on Totowa Road. This application requires a D-4 variance.

Matthew Evans, Architect, was sworn in by Attorney DeDio and considered an expert in his field by the Board. Mr. Evans has sheets S1, S1, A-1 – A-5 to submit. Sheet S-1 is the proposed site plan with a two-car garage and retaining walls. There are front and side yard setback needed for this application. The FAR is requiring a D-variance. Sheet S-2 is the site grading and utilities. The plans show an unfinished basement with a bathroom and mechanical room, with slider to the backyard. The first floor has the 2-car garage, living room, 2 story foyer, mud room, powder room, open kitchen, dining room, and great room. The second floor will have 3 bedrooms, a master bedroom with a master bathroom, bathroom and laundry room. The elevation plan shows a mix of materials. They will be using a gable roof, shingles, shakes, horizontal siding and stone veneer. The height of the home is 30'5" from the ridge to the finished floor. The rear elevation shows the walk out basement with slider and 2 windows. The left side elevation shows the grade, and the right-side elevation shows the grade and the garage entry. Mr. Evans goes over the variances and how the site was developed. The basement is unfinished with optional bathroom and is not proposing residential use at this time. The garage is 490 square feet, the basement is 1,467 square feet, the 1<sup>st</sup> floor is 1,467 square feet and the 2<sup>nd</sup> floor is 1,482 square feet.

Commissioner Nash-the basement bathroom, is that being installed and will the basement be sheet rocked-Mr. Evans-the only sheetrock will be the stairs and the optional bathroom are and mechanical storage area. Engineer Cristaldi-the retaining walls being so close to the property lines, how are they going to protect the neighboring properties while constructing their walls-Mr. Evans-they are adding fill to the walls first. Engineer Cristaldi states they need a licensed engineer to prepare plans to be submitted to Building department before permits. Planner Green-Is the Applicant seeking the FAR variance tonight-Mr. Evans-if the Applicant takes the bathroom in the basement out, that will not require the D-Variance. Planner Green-is this house being built on spec or being built for the Applicant-Mr. Evans-The Applicant can specify. Planner Green-Can you confirm that you comply with the impervious coverage cap of 25%-Mr. Evans-the lot coverage is 34%. Planner Green-that adds a waiver to the application. Planner Green asked the Board's Attorney if the notice was for a D4 and if the notice was sufficient for this to be heard tonight. Attorney DeDio states he does not see a D4 variance included on the notice and there is a notice issue to hear this case this evening. Vice Chairman Krautheim states the Applicant should

have a Planner and Engineer present since there are many questions in Ms. Green and Mr. Cristaldi's reports. Attorney Matano did not intend to have a Planner and Engineer.

Attorney DeDio states this application will need to be carried with Re-notice and Republish is the D4 variance is needed. Attorney DeDio states Planner Green also needs the following:

1. Lot coverage with calculations and it that triggers a deviation
2. Height of retaining walls and if they comply with ordinance or if that requires a deviation
3. Tree removal-this may trigger replacement requirements
4. Need more information on the deck-could be triggering a rear yard setback
5. General plans clean up-eliminating inconsistencies and in discrepancies

RESOLUTION TO MEMORIALIZATION:

GORDANA OLDJA

163 BOGERT STREET, BLOCK 147, LOTS 20 & 21

Applicant was approved an extension of 60 days to file minor subdivision and to commence construction by or before August 10, 2022.

A motion was made by Commissioner Nash and seconded by Alternate Henry.

A motion to adjourn the meeting was made by Alternate Masi & seconded by Commissioner Nash. The meeting was adjourned at 9:22 P.M.

Respectfully submitted,  
Pam Steinhilber, Secretary