

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF  
ADJUSTMENT



MUNICIPAL BUILDING  
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## BOARD OF ADJUSTMENT MINUTES OF OCTOBER 9, 2019

The October 9, 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 7:01 p.m.; followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the September 11, 2019 meeting was made by Commissioner Bavazzano and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Chairman Fierro, Vice Chairman Krautheim, Commissioners Patten, Mancini, Bavazanno, Nash. Alternate Masi, Attorney Brigliadoro, Engineer Lemanowicz, Secretary Steinhilber.

1<sup>ST</sup> CASE: PATRICK & JENNIFER FIORITO (CARRY OVER)  
37 CRESCENT AVE, BLOCK 128, LOT 24

Applicant is requesting construction of an addition requiring variance for side yard setbacks. Mr. Fiorito would like to gain an additional bedroom, garage, bathroom, closet and family room with the addition. Chairman Fierro would like to know if the additional will be towards the left if you are facing the home, Mr. Fiorito states yes. Commissioner Patten asked if the existing home has 2 bedrooms, will he be adding a master bedroom, and if the home will remain a single family home. Mr. Fiorito states there is 2 bedrooms existing, he would be adding a master bedroom and the home will stay a single family home. The shed shown on the plans will be removed. Chairman Fierro asked if the only variance needs is the side yard variance, Mr. Fiorito states that is the only variance requested. Attorney Brigliadoro would like the Applicant to describe the area he lives in. Mr. Fiorito states there are single family homes, a few cape cod style homes which range from 15 to 16 hundred square feet with a few that may be slightly larger. Attorney Brigliadoro would like an estimate as to how far away from the existing home with the addition, Mr. Fiorito states he will still be approx. 20 feet away. Engineer Lemanowicz asked if the patio will be eliminated. Mr. Fiorito states the patio will be eliminated and the family room will replace it. Engineer Lemanowicz states the plan does not reference the survey and that the Applicant needs to make sure there is a copy on file.

Commissioner Patten asked about the deck for the pool is not on tonight's application, Mr. Fiorito states it is not.

At this time the meeting is open to the public, there is no public to be heard Commissioner Patten makes a motion to close the public portion of the meeting.

Attorney Brigliadoro reviews the application to grant variance for side yard setback where a minimum of 8 feet on one side and 4 feet on the other side is required and Applicant is requesting 5.08 feet on one side and less than 8 feet on the other.

A motion to approve the application was made by Vice Chairman Krautheim and seconded by Commissioner Nash. Application passed 7-0 at 7:71 P.M.

2<sup>ND</sup> CASE: MICHAEL HAMMER (CARRY OVER)  
105 JEFFERSON PLACE, BLOCK 39, LOT 10

Attorney Fiorella reviews the application, the Applicant is requesting a sub-division of conforming lot into 2 non-conforming with construction of a single family home with variances for F.A.R., maximum height, pre-existing non-conforming 2 family, for parking and any other variances that may be required. Lot 9 and 10 were created in 1929, the lots were subdivided to two 50 x 100 lots-when same owner owns both lots it is essentially considered one lot each being 50 x 100. The existing lot is on lot 10 but lot 9 contains a curb cut for a house that was never built and water lines for a house that was never built. All variances are D-3 that are needed for this application.

1. Ordinance is for 7,000 square feet where lot 10 is 5,000 square feet and lot 9 is 5,000 square feet.
2. Lot width is 70 feet required and each lots are 50 feet because that is the way the lots are set up
3. Depth required to be 90 feet and both lots exceed that
4. Front yard set backs are exceeded
5. Side yard is exceeded by 60%
6. Rear yard should be 20 feet and the applicant has 28 feet and 39 feet
7. Height variance requested is approx. 38 feet where 30 feet is allowed
8. Impervious coverage-only 40% of impervious coverage
9. F.A.R. the ordinance is 40% where the total is 2,580 square feet which is 52% on lot 9-lot 10 house is existing

Charles Stewart, Planner and Engineer, graduated in 1987 from New Jersey Technology Institute for Civil Engineering. Attorney Brigliadoro states he reviewed the notice and the Board does have jurisdiction to proceed with the application. Mr. Stewart explains the Applicant is proposing for lot 9 a two story brick and frame dwelling. The property rises up then levels-the proposed home will somewhat mimic the home on lot 10. Exhibit A1 is the plot plan for block 39 lot 9 and 10 which is dated May 8<sup>th</sup>, 2019. The homes surrounding this application are 50 x 100 foot lots. Lot 9 is 44% impervious coverage. The R-7 residential zone required 7,000 square feet, this application will be 5,000 square feet for per lot. There is an existing curb cut and existing water service on lot 9 and most

likely an existing sewer but they have not located that yet. Commissioner Mancini asked if the height in front is 38 feet, what is the height in the back, (approx. 30 feet). Engineer Lemanowicz asked what the slope of the driveway is (approx. 3 ½ %). Engineer Lemanowicz suggest knocking that down to 1%. Commissioner Patten asked about the storm water management (the applicant will comply with whatever the town requires). Commissioner Patten suggest the roof drain can go into seepage pits if need be. Attorney Briigliodoro asked is the homes on the same side of the street if they grade up (to the west they do then they level out as you fo away from Union Blvd). Vice Chairman Krautheim asked, if the F.A.R. is 52% where 40% is required, would you consider minimizing it (the architect should address that).

Michael Hammer, was sworn in by Attorney Briigliodoro, has been a builder for 30 years and a licensed builder in New Jersey since 1999. Mr. Hammer is also a licensed master plumber and contractor. Mr. Hammer will be using Belgium block for the retaining wall. Attorney Fiorella asked Mr. Hammer some questions.

1. Did you do the inspection on lot 9 (yes).
2. Is there a curb cut (yes).
3. Is there a water connection (yes).
4. Did you provide a copy of your deed to the property (yes).

Exhibit A2 is the deed dated July 12, 1929 showing lots 9 and 10.

Jose Carballo, Architect, was sworn in by Attorney Briigliodoro. Mr. Carballo graduated from NJIT in 1980 and has been licensed since 1986. The new construction will consist of a 30 x 43 home, the first floor will consist of a foyer, living room, dining room, kitchen, half bath, pantry, and guest closet totaling 1,290 square feet. The second floor will consist of three bedrooms, walk in closet, and two bathrooms totaling 1,290 square feet. Total of both floors are 2,580 square feet with gives an F.A.R. of 52%. The elevation plan shows the grading of the property. Commissioner Nash asked if all the bedrooms are on the second floor (yes), and if there is any laundry shoot to the basement (no, but that is a good idea). Engineer Lemanowicz asked if the distance form the first floor to the second floor ceilings are 9 feet (yes). Engineer Lemanowicz suggest lowering the driveway 1 foot and taking 2 feet of the roof pitch. Exhibit A3 is 4 photos.

Photo 1-is the front of the new lot, lot 9

Photo 2-frontage of the lot-home to the left is lot 10 and curb cut

Photo 3-existing home on lot 10

Photo 4-Garage on lot 10

Commissioner Patten asked the about photo 2, it shows lot 8 is lower than the house on lot 10, he is concerned about taking 25 feet of dirt off the property and the walls. Commissioner Mancini asked if the house on lot 10 is 38 feet high (yes). Attorney Briigliodoro summarizes the application. Chairman Fierro asked if there is a need for the application to come back with new plans.

Commissioner Patten makes a motion to carry this application to next month's meeting- he would like to see a storm water management report and for the Applicant to get closer to the towns ordinance for F.A.R. and height. This motion was seconded by Commissioner Bavazzano.

At this time the meeting was open to the public, there was no public to be heard and a motion was made by Alternate Masi to close the public portion of the meeting. The Application will be carried to the November 13, 2019 meeting with no further notice needed.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Mancini. The meeting was adjourned at 8:41 P.M.

Respectfully submitted,  
Pam Steinhilber, Secretary