

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF FEBRUARY 14, 2018

The February 14, 2018 regular meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:01 p.m.; followed by the Flag Salute. Attorney Briigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the January 10, 2018 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative

1ST CASE: OLDJA PROPERTIES
85-87 GRANT AVE, BLOCK 112, LOTS 37 & 37.01

Applicant is requesting a subdivision of a conforming lot into 2 undersized non-conforming lots and the construction of 2 homes declaring variances for lot area, lot width, rear yard setback, building height, and F.A.R.

Attorney Raymond Redding reviews applicants application of 85-87 Grant Ave that is essentially a conforming lot as it is now, the applicant wants to subdivide to 2 lots with construction of two undersized lots with a home on each.

Engineer Patrick McClellan, licensed Engineer in the State of NJ and is considered an expert in his field by the board, was sworn in by Attorney Briigliadorio. Engineer McClellan submitted plans to the Board and explains that once upon a time this was two lots-one lot has a home on it and one is vacant. Over time laws have changed and it was made as one lot. The Applicant is suggesting two separate undersized lots with a home on each. For the subdivision there is a variance per lot area for each of the properties. The R-7 zone requires 7000 square feet and each lot would be approximately 4,229 and 4,247 square feet. The Applicant is requesting variances for lot width-the zone requires a minimum of 70' and each lot proposed a lot width of 40'. The Applicant is also asking for rear yard variances for one of the properties for 37.01, the dwelling complies-but the depth slightly enters the rear yard by 3/10th of a foot and the building height allowed in an R-7 zone is 30' where on lot 37.01 the height is 32.57' and on lot 37 the height is 32.69'. The Applicant is also asking variance for F.A.R., which is on the proposed plans-in the R-7 zone the maximum is 40' and on lot 37.01 the F.A.R. is 55.95% and on lot 55.971%.

Engineer McClellan goes over Engineer Murphy's letter. He addresses each comment.

1. Is commentary
2. Reviews the variances
3. No other non-conformities were identified during the review of the application
4. List of items relevant to the site plan
 - a. Zone schedule needs to be revised
 - b. This is a typo and will be corrected.
 - c. Will comply and add note to plan
 - d. No objections
 - e. No objections to working with building department for solution
 - f. Signed and sealed survey to be submitted
 - g. Will add to the plan
5. Will follow through
6. Will Comply

Attorney Briigliadorio reviews in terms of minimum lot area, the minimum lot size is 7000 square feet and the Applicant is asking for the board to approve the subdivision with two lots, one at 4,229 square feet and one at 4,247 square feet-on the plans we see a lot of 40' x 100' is within the lots, do you feel this is within the area homes? Engineer McClellan feels it is consistent with the homes in the area. Attorney Briigliadorio explains the building height is a C variance because it is less than 10% over the maximum 30' height. Engineer McClellan explains the way the height calculations are written in Totowa it favors when you have a lot that is high at the street and low in the back, because the measurements are only taken at the front of the building and in this case we have a situation where because of the way the property is we have a garage under. Attorney Briigliadorio would like to know who will speak about the F.A.R.? Engineer McClellan would like to defer that to Architect Mistry. Engineer Murphy reviews the parking is a two car garage and the driveway can accommodate 2 cars. Commissioner Bavazzano states Grant Ave is one side of the street parking.

Architect Mistry, was sworn in by Attorney Briigliadorio and has a valid license in the State of New Jersey and is considered an expert in his field by the Board. Architect Mistry presents Exhibit 1, which is a color rendering of the proposed homes, the left home is 87 Grant and the right is 85 Grant. There is 2 parking spaces in the garage and 2 in the driveway, each house is 4 bedrooms, single family, 3 bedrooms on the second floor and 1 smaller in the first floor. The homes are on the smaller scale for the neighborhood but within character for the area. The height at the back of the house is much shorter. The height is at the peak, the garage of the property causes them to have an issue with the height. The old home there currently with a garage, this would be an improvement to the town and the neighborhood. Attorney Briigliadorio states even though the height is slightly higher, would people driving on the street be able to notice, Architect Mistry states it is a 2 ½' difference and will not be noticeable.

Commissioner D'Ambrosio would like to know how the square footage of the two homes add up to the homes in the area and will they stand out? Architect Mistry states some of the older homes might be smaller, but the newer homes would be larger and feels these

are actually on the smaller side of what is in the area. Commissioner Mancini asks if the back of the home is lower than the front? Architect Mistry states that house is not lower, just the grading is different. Chairman Fierro asks what is the distance between the two homes, Architect Mistry replies the total is 12 feet. Commissioner Patten would like to know what is the square footage of the existing home? Architect Mistry is not actually sure but believes it is larger. Commissioner Patten asks if this will be a stick built house or a modular, Architect Mistry states a stick built home. Attorney Briigliadorio asked about the F.A.R., Architect Mistry states a home in today's standards with what they have to work with a stay in the variances, the homes would have to be too small to be valuable in today's market.

At this point the meeting is open to the public.

Dave Sandford, 66 Washington Place, was sworn in by Attorney Briigliadorio. Mr. Sandford asks about the rear yard setback and what the distance from the building to the property line. Architect Mistry replies o lot 3701 the rear yard setback is 27.8 feet and on lot 37 it is 28.2 feet.

At this time the public portion of the meeting is closed, a motion was made by Commissioner Patten and seconded by Commissioner D'Ambrosio.

Attorney Briigliadoro reviews the application, the Applicant is requesting minor subdivision approval, variances for minimum let area, minimum lot width, minimum rear yard setbacs, building height, and F.A.R. All variances with the exception of the F.A.R. are C variances, the F.A.R. is a D variance and in order for the board to approve the D variances the Applicant needs 5 yes votes to approve.

A motion was made by Commissioner D'Ambrosio to approve the Application and was seconded by Commissioner Nash. Application was passed 7-0 at 7:41 pm.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Bavazzano. The meeting was adjourned at 7:46 p.m.

Respectfully submitted,
Pam Steinhilber, Secretary