

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF  
ADJUSTMENT



MUNICIPAL BUILDING  
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## BOARD OF ADJUSTMENT MINUTES OF DECEMBER 12, 2018

The December 12, 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 7:05 p.m. followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the November 14, 2018 meeting was made by Commissioner Nash and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative

1<sup>ST</sup> CASE: GORDANA OLDJA & MILUN KONATOR  
127 HUDSON AVE, BLOCK 51, LOT 5.01

Attorney Raymond Redding stated that Gordana Oldja and Milun Konator are not the owners of the home but are the applicants. Attorney Redding is asking the case to be carried to the January meeting because of some last minute legal issues that came up. Attorney Brigliadoro did review the notice which was adequate-more time is needed and the case will be adjourned to the January 9, 2019 meeting with no further notice to the public. A motion was made to adjourn by Commissioner Bavazzano and seconded by Commissioner D'Ambrosio.

2<sup>ND</sup> CASE: ANITRA DAKAKE  
23 COOLIDGE AVE, BLOCK 102, LOT 21

Attorney Brigliadoro swore in Anitra Dakake and Thomas Dakake. The applicant is asking for an above ground pool with a deck, expansion of the garage, and a fence. The size of the pool is stated on the plans but the applicant will do whatever the Board request. Engineer Cristaldi's report has multiple issues with the application. The applicants Engineer gave a storm drain report. Engineer Cristaldi explains the numerous variances that are an issue, the F.A.R. allowed 40 percent and they are asking for 54.8. Accessory building coverage for the garage, pool, and deck allowed 15 percent where 49 is being proposed. Accessory building rear yard setback proposing 2' for an accessory structure but that would mean that you had the requirements for section 415.98, max. yard coverage-since there is too much yard coverage allowed-18 feet from the property line and is the same applies for the deck. The garage 4' minimum at the side yard where they are at 3.1 feet. There is also no calculation of the impervious coverage. Engineer

Cristaldi recommends the applicant gets a lawyer, planner, or engineer to help present their application.

Attorney Brigliadoro wants to make sure the applicants have Engineer Cristaldis report. Attorney addresses the applicant and the Board that on August 10, 2016 the applicant was in front of this board to enlarge the garage to a three car garage and at that time the applicant assured the board he would not pursue a 3 car garage. The garage being proposed this evening is for 884 square feet and the garage currently is approx. 17' x 23'. Chairman Fierro feels the applicant is covering too much of the ground with all the construction. Engineer Cristaldi explains to the applicant that in addition to proper drainage you still need a certain amount of impervious area. Vice Chairman Krautheim states a D-variance is very difficult to approve and that the applicant may need additional help to get this passed and answer the questions the board needs to consider approving. Attorney Brigliadoro states that a D-variance required 5 approved board members to pass and the C-variances need 4. Attorney Brigliadoro also states that we can proceed with the application tonight, but without the applicant knowing what our engineer is requesting they are at a disadvantage to get this approved. Commissioner Patten states the storm water management should be shown on the plans with calculations. Attorney Brigliadoro explains the garage is too large, a typical 3 car garage is 400 square feet where the applicant is asking for 884 square feet.

At this time the meeting is open to the public.

Amil Balega, resides at 43 Harding Ave, was sworn in by Attorney Brigliadoro. Mr. Balega would like to know where the 4 tanks will leach to, the fence on the property line is 11 feet off his house so if the town had to put sidewalks they could. The original plans presented, there was no roof over the deck, when did that change? The applicant put a wood roof over the deck and was up when they got the final inspection; it was not on the final plans.

Sharon Rickert, resides at 21 Coolidge Ave, was sworn in by Attorney Brigliadoro. The increase in the garage space is a concern for her. Ms. Rickert would like to be assured that there will be no buildable space above the garage; the applicant will not be adding buildable space above the garage.

At the point the public portion is closed, a motion was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini.

The applicant has asked for the case to be carried to the January 9, 2019 meeting. Attorney Brigliadoro grants the case to be carried with no further notice to the public.

At this time, 7:46 pm there will be a short recess.

The meeting has resumed at 7:51 pm and a roll call was taken.

3<sup>RD</sup> CASE: GORDANA OLDJA  
35 CARROLL PLACE, BLOCK 40, LOT 7 & 18

Attorney Raymond Redding states Gordana Oldja is not the owner of the property but the owner is at the meeting tonight. The applicant, Gordana Oldja is asking for a subdivision and to construct a new single family home on the new lot if approved by the board this evening. Fred Stewart, professional engineer and land surveyor is considered an expert in his field by the board. The plans presented were prepared by Engineer McClellen who could not be here this evening. Sheet 2 of 6 dated November 26, 2018 is the existing condition plan, the short area on Hudson and the long section is on Carroll Place. This is a one story dwelling, the existing building coverage is 1,535 square feet and the other impervious coverage is 1,236 square feet with a total of 2,771 square feet. Sheet 3 of 6 is the layout plan, there is a minor subdivision shift in the lot line, the single family home to be constructed on lot 18 and the existing lot 7 will remain the same. There is a garage with two stall parking area plus a patio and front porch, the applicant is proposing a wall to level the grade condition. The impervious coverage to lot 18 is 1,309 square feet with an additional impervious coverage of 932 square feet bringing the total to 2,041. Proposed lot 7 will stay the same at 2,587 square feet. Sheet 4 of 6 is the storm management plan where the proposed drywell will collect roof run off and will be placed to the left side of the home.

Setbacks on lot 7-2 existing nonconforming conditions, the first is front lot where 25' is required and the applicant is encroaching 3.1 feet and the second is rear yard where 20' is required the applicant is 1' at on corner and 101' towards the back of the house. Lot 18 variances needed are; lot area, lot depth, front yard, rear yard, and F.A.R. Commissioner D'Ambrosio asked what the size of lot 7 is; the proposed lot area is 7,560. Commissioner Patten asked if any sidewalks are being proposed, at this time no sidewalks are being added. Commissioner D'Ambrosio asked if there is room to add sidewalks, and there is room.

Yogesh Mistry, Architect for the applicant was sworn in by Attorney Brigliadoro and is considered an expert in his field by the board. A 3D Color rendering marked exhibit A-1 shows a 2 and a half story colonial home. The first floor will have a living room, dining room, kitchen, mud room, powder room, and a 1 car garage totaling 1,022 square feet plus 235 square feet for the garage-the second floor will have 4 bedrooms, a master bath and a main bathroom totaling 1,221 square feet. The home is modest size in today's standards. The home is 19 feet deep at the widest point, the F.A.R. is 52.14 where 40 feet is allowed; but that includes the garage. The applicant can add a sidewalk, but it would be a sidewalk to nowhere because the other homes and properties next to it do not have sidewalks. Commissioner Mancini asked if there was a basement, there is a basement that is unfinished and is situated in the middle portion of the house totaling 683 square feet.

Ken Ochab, Planner was sworn in by Attorney Brigliadoro and is considered an expert in his field by the board. Photos A-2 was taken on December 10<sup>th</sup>, 2018. On lot 19 & 20 there is 24' lot depth, on lot 4.01 the lot depth ranges from 37' to 60', and on lot 16 & 17

the lot depth ranges from 52' to 59'. The lot size of the application is 4,752 square feet and is consistent with the surrounding homes. The lot depth is what it is-there cannot be anything to correct it. Variances needed are F.A.R., front and rear yard setbacks. Lot 4.01 has an F.A.R. of 0.62 which is the single family home; lot 19 & 20 has an F.A.R. of 0.90 which is a commercial building on the first floor with apartments on the second floor. Engineer Cristaldi asked if you would be able to access the basement from the front door, you can only get to the basement from inside the home. The front yard setback is 17' to the building, 20' to the garage door from the property line plus 10' from the curb to property line. The rear yard is small but compact and will not affect anyone. The negative criteria are there are no detriment to the public good and no impairment to the public zone plan. Commissioner Patten asked if there is any parking for lot 7, that will be worked out; there are plenty of options.

At this time the meeting is open to the public.

Mrs. Morales, resides at 40 Hudson Ave was sworn in by Attorney Brigliadoro. The back yard will be behind her yard, how far is the retaining wall from her yard. The retaining wall is 3' from the property line in front of her existing retaining wall. What will she see looking out the back of her home, the applicants 2<sup>nd</sup> floor.

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

Attorney Redding gives his closing remarks, the experts did a great job laying out the application and he feels this will give a consistency of the other homes.

A motion was made by Commissioner D'Ambrosio to approve the application and seconded by Commissioner Nash. Application was passed 6-1 @ 8:50 pm.

#### RESOLUTION TO BE MEMORIALIZED:

1ST CASE: EMANUEL KHAN  
254 UNION BLVD, BLOCK 30, LOT 15

Applicant was denied to construct a second floor of an existing office/residential building.

A motion to adjourn the meeting was made by Commissioner Mancini and seconded by Commissioner Bavazzano. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,  
Pam Steinhilber, Secretary