

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
537 TOTOWA ROAD
TOTOWA, NJ 07512

Phone (973) 956-7929

The March 8, 2023, regular meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:06 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 February 8, 2023, meeting was made by Commissioner Nash and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

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

1st Case Tumble Nasium, 18 Furler Street, Block 175, Lot 10. Attorney DeDio has reviewed the application and the Board has jurisdiction to hear the case. David Luis Merino, the owner, was sworn in by Attorney DeDio. The Applicant owns a tumbling business and wants to put one in Furler Street to expand. The business will offer tumbling and cheer to children 4 years of age to High School age. They will learn to tumble, exercise, and cheer. They have an all-star cheer program. The proposed location is adjacent to Gold Gym. Commissioner Patten would like to know the size of the space they are requesting, the space is approximately 8,000 square feet. Commissioner Carr would like to know the hours of operation. They will be open 4 p.m. to 9 p.m. 7 days a week and possibly daytime for playtime for young children. Commissioner Nash would like to know how many children will be in the facility at a time. There will be 20 to 30 at one time and for about an hour, which is the session time. Vice Chairman Krautheim would like to know if there is access through Gold Gym to this facility. There is only outside access, no pass-through from Golds Gym. Commissioner Carr asked if the existing parking lot can accommodate this application. There are ample parking spaces for this use. The current business the Applicant has is located at 950 Preakness Ave in Wayne that they rent from a Temple. The new location does not need any construction, it is an open space which is perfect for tumbling and cheer and has two existing bathrooms. They will be putting a sign on either the building or the entrance door.

At this time the meeting is open to the public.

There is no public to be heard, a motion to close the public portion was made by Commissioner Patten and seconded by Commissioner Carr. The Applicant summarizes the application.

A motion was made by Commissioner Nash to approve the application and was seconded by Alternate Henry. Application passed 7-0

2nd Case, The Grand, 38 Lackawanna Ave, Block 131, lots 1 & 2. Attorney DeDio has reviewed the application and the Board has jurisdiction to hear the case. Henry Walentowicz, Attorney for the Applicant brings on J Michael Petry, Engineer. Mr. Petry is considered an expert in his field by the Board. Exhibit A1, Areal Map with a series of Drawings. The property is located in the B2 zone and has been operating as a catering facility since 1965. The frontage is on three streets, Duffus Ave, Bomont Place, and Lackawanna Ave. There are existing conditions that are non-conforming.

1. Front yard loading on Duffus Ave
2. Existing parking stalls are 9' x 18' and 10' x 20' are required
3. Free standing sign at entrance
4. Existing height of light poles and lights

The proposed addition will be on the easterly side of the building. There will be an addition over the loading area that will add 1,600 square feet to the second floor and raising the roof level over the existing ballroom and adding 1,900 square feet to the mezzanine which would service as bridal rooms and bridal party areas. The site will remain the same and the construction will be in the same style as the existing building. The building currently extends out to a point about 28 feet off Duffus Ave and the Applicant is suggesting stepping the addition back to that it is not at the closest point to the addition so it will somewhat disappear behind the façade. The closest point is 28 feet and not 50 feet of the right of way.

The variances required are:

1. D2 variance for expansions of pre-existing, non-conforming use
2. D6 variance for proposed building height where 35' is permitted and they need 45.75'
3. Rear-yard set back variance where 15' is required and they are proposing 14.85'
4. Variance for wall heights-recently constructed in the courtyard area where some exceed 6' limitations.
5. Variance for portions of the fence that connect to the columns
6. Variance for parking-20 spaces required for every 1,000 square feet of building area-they have 491 and 335 spaces are needed with the proposed addition
7. Variance for stucco-limited in the B2 zone

The waivers required are:

1. Relief for loading area to be finished in concrete
2. Submittal of a detailed landscaping plan
3. Submittal of detailed lighting plan-no lighting changes are proposed
4. Submittal of detailed contours 200; outside of the property line
5. Submittal of public and private utilities

Existing Bulk Standards:

1. Loading in front-yard
2. Parking spaces 9' x 18'
3. Two free standing signs
4. Existing light pole lights and lighting levels

In Mr. Petry's opinion this application advances several purposes of zoning all of which are supportive of both the C & D variances. First it promotes the general welfare by creating appropriate spaces with appropriate ceiling height to accommodate large groups, purpose C, to provide for adequate light air and open space. The site is particularly suited for close access to major highways, it is more than adequate for parking space, and historically this has functioned as a catering/banquet facility for many years. Mr. Petry would also like to note that the building across the street is a 5-story structure and was constructed in 2018-2019 and was the most recent construction in the area. The detriment would be minimal and are outweighed by the benefits. The negative criteria as it related to the zone plan and zoning ordinance-the 2018 master plan encourages redevelopment which pertains to this application. In Mr. Petry's opinion this application promotes the public good by good design practice, single infill, and ample screening to the neighborhood.

Commissioner Patten has a few concerns:

1. Since Mr. Petry is wearing three hats this evening-on drawing SP-2, showing existing ceremony area and on SP-3 does not. Mr. Petry-there is an open permit for that area, but SP-3 it was cut off because the area was blown up.
2. Lot 4, Block 131 shows the driveway going through a portion of that property. Mr. Petry-that is correct
3. Dimensions are to the property line or where the asphalt ends-Mr. Petry-the property line
4. Drawing TM1-traffic for a truck, how will a 40' truck make it through all the construction being proposed. Mr. Petry-TM1 shows truck turning movements that are done in a program called Auto turn and it works and exits through Duffus Ave
5. SP-4 the track pad-how will water be addressed. Mr. Petry-they have not increased the impervious coverage-they can come up with a design for our Board engineer to review that may connect roof liters to a system

At this time the meeting is open to the public

Kimberly Shea, resides at 25 Duffus Ave, was sworn in by Attorney DeDio. Ms. Shea's concerns are water run off from the parking lot down to the residents, parking, and noise. In the past the DJ's park on Duffus Ave and there is no room for emergency vehicles to get through and that is a huge problem. There is a lot of noise from the auto close on the back door that bangs every time someone enters or leaves. Mr. Petry states they can definitely address the water runoff, the parking is operational and can be addresses, and the noise from the ballroom has always been there-the additional will have no windows so lights and excessive noise will not be an issue. Mr. Petry suggests using acoustical treatments in that area to help with existing noise. Mr. Walentowicz has spoken with the owners of The Grand and there should not be any employees parking on residential

streets, and this can be a stipulation of approval and if they are in violation they will be subject to be sanctioned.

Jason Baldanza is the operation manager at The Grand. The banquet hall is only open on Mondays for tours if requested. Ms. Shea asked if the Applicant could change the garbage dumpster pick up time to later in the day instead of 6 to 8 a.m. in the morning. Mr. Baldanza states that can be addressed.

Frank Gaita Jr., resides at 30 Duffus Ave, was sworn in by Attorney Dedio. Mr. Gaita agrees with Ms. Shea's concerns and stresses the parking on the residential street is bad and residents can not get through and he gets water in his cellar now and is concerned once more construction is being done how bad will it get.

Demos Thenes, resides at 26 Duffus Ave, was sworn in by Attorney DeDio. Mr. Thenes's house is right next door to The Grand and he owns 12 feet of the easement that is there for the driveway and not the building. He also gets water in his basement and has had to add an additional pump to help with the water issue. Parking on the residential street is also an issue and the dumpster pick-up is way to early and very noisy.

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

Board Engineer Cristaldi goes over the five conditions if approved:

1. Drainage Plan needed
2. Acoustical wall treatment needed
3. Pull pavement on Duffus Ave back onto their property
4. No parking on Duffus Ave
5. Dumpster pick up change of time to after 9 a.m.

Attorney DeDio summarizes the application.

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

3rd Case, Bariso Properties LLC, 281 Dewey Ave, Block 116, lot 27. Raymond Redding, Attorney for the Applicant explains the Architect on the project that submitted plans for review and intended him to be here tonight at last minute could not make it. This application is for an addition to a home on Dewey Avenue which is not an elaborate addition. Board Engineer Cristaldi states he asked for specific information which he has not received. He is requested by the Architect to recalculate the F.A.R and show all the overall heights on the garage and the zoning table should be revised. Attorney DeDio states since the application is not complete that no testimony will be heard this evening and the application will be carried with no reserve or republish needed.

4th Case, Fazzlul Razzak, 13 Haven Ave, Block 11, Lot 38. Attorney DeDio has reviewed the application and the Board has jurisdiction to hear the case. Raymond Redding, Attorney for the

Applicant reviews the application. Mr. Razzak currently resides in Totowa and is proposing to build a one family, two story home for him and his family to move into. The lot is the only vacant lot on the street. Engineer McClellan submitted plans to Board Engineer Cristaldi and they were in contact with each other over changes that needed to be made and Mr. McClellan has made the suggested changes but is not able to be here this evening.

Shawn Marshan, Architect, was sworn in by Attorney DeDio. Mr. Marshan did not prepare the plans but did review them with Mr. McClellan. Exhibit A is the Architectural Plans which show a single-family home with a one car garage and a 20' wide driveway. The basement plan shows the mechanical room, unfinished basement with access from the 1st floor and backyard. The first floor shows a two-story foyer with a dining room, living room, kitchen, family room, bedroom with walk in closet, bathroom, deck with access to family room, and door to the garage. The second floor has a master bedroom, master bathroom, study/office, three bedrooms, 2 bathrooms, and deck in back covering the deck below. The building elevations show the brick façade for the front of the house and siding for the sides and back. The variances seeking are F.A.R. where 49.9% is proposed and 40% is required and a design waiver for street trees. Commissioner Patten asked if the rear stairs going to basement is covered. Mr. Marshan replies it is not.

Charles Heydt, Planner, was sworn in by Attorney DeDio. Mr. Heydt explains a D4 variance is needed for F.A.R. and he reviews the application. Mr. Heydt clarifies the side yard setback, the minimum lot area is 7,000 square feet, the minimum lot width is 70', the minimum lot depth is 100 square feet. The minimum side yard in excess of 8' on one side and 4' on the other side comply with the ordinance. The rear yard setback, where 20' is required and the proposed dwelling is 33.4' and is 23' to the deck or 13' in excess to the principal structure. The proposed dwelling complies with the building height of 30' where 29.6' is being proposed. There will be three off-street parking spots. As far as the site accommodation-can the property accommodate the added square feet without having an impact to adjacent properties-the answer is yes. The proposed property meets bulk requirements, is consistent with the neighborhood, has sufficient off-street parking, the storm water management will be addressed with a drywall system. The design waiver for shade trees, the Applicant is proposing a maple tree centered in the yard and feels this is better then sticking two trees in a small area. The negative criteria is there is no impact to the general welfare and is esthetically consistent. Commissioner Mancini would like to know the total square footage of the home. The square footage will be 3,493. Commissioner Patten asked about the 15-foot easement on the rear of the property and what it is for. Engineer Cristaldi replies it is a drainage easement.

At this time the meeting is open to the public.

George Gerro, resides at 5 Haven Avenue, was sworn in by Attorney DeDio. Mr. Gerro speaks about the easement, and he has had to put a sub pump in over the last 5 years and wanted to make sure there is proper drainage so he and his neighbors will not get water. Engineer Cristaldi states there are two drywells in the front and one in the rear ad they will connect to the drainage system.

Sherif Abouzied, resides at 17 Haven Avenue, was sworn in by Attorney DeDio. Mr. Abouzied has spoke with the Applicant prior, he is very friendly and not opposed to the application, just wants to make sure the water issue is addressed.

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

Attorney DeDio reviews that application.

A motion was made by Commissioner Nash to approve the applications and was seconded by Commissioner Mancini. Application was approved 7-0.

Resolutions to Memorialize

1st Case-Tilcon-839 Riverview Drive-motion made by Commissioner Carr and seconded by Vice Chairman Krautheim

2nd Case-Complete Performance-100-D Commerce Way-motion made by Commissioner Mancini and seconded by Alternate Henry

A motion was made by Commissioner Carr to adjourn and seconded by Commissioner Patten @ 8:57 P.M.

Respectfully submitted,

Pam Steinhilber-Daub