BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT

MUNICIPAL BUILDING
537 TOTOWA ROAD
TOTOWA, NJ 07512

Phone (973) 956-7929

BOARD OF ADJUSTMENT
MINUTES OF JANUARY 8, 2025

The January 18, 2025, regular and reorganization 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 DeDio read the Open Public Meeting Act.

The 2025 Oaths of Office were received from Municipal Clerk Wassel for Vice Chairman Krautheim and Commissioner Nash & for a 4-year term and Alternate Denude for a 2-year term.

Nomination for Board Chairman was requested. A motion to appoint Fierro as Chairman was made by Commissioner Mancini and seconded by Commissioner Nash. There being no other nominations from the floor, the nomination for Chairman was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Chairman Fierro.

Nomination for Board Vice Chairman was requested. A motion to appoint John Krautheim as Vice Chairman was made by Alternate Henry and seconded by Commissioner Nash. There being no other nominations from the floor, the nomination for Vice Chairman was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Vice Chairman Krautheim.

Nomination for Secretary was requested. A motion to appoint Pam Steinhilber as Secretary was made by Commissioner Patten and seconded by Alternate Henry. There being no other nominations from the floor, the nomination for Secretary was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Secretary Steinhilber.

Nomination for Board Attorney was requested. A motion to appoint DeDio, as Board Attorney was made by Commissioner Nash and seconded by Commissioner Nash. There being no other nominations from the floor, the nomination for Board Attorney was closed. On a roll call all members present voted in the affirmative and congratulations were extended to Attorney DeDio.

Nomination for Board Engineer was requested. A motion to appoint Alaimo Engineering, as Board Engineer was made by Vice Chairman Krautheim and seconded by Commissioner Nash. There being no other nominations from the floor, the nomination for Board Engineer was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Board Engineer Cristaldi.

Nomination for Board Planner was requested. A motion to appoint Jersey Professional Management, as Board Planner was made by Commissioner Alesandrelli and seconded by Commissioner Mancini. There being no other nominations from the floor, the nomination for Board Planner was closed. On a roll call vote all members present voted in the affirmation and congratulations were extended to the Board Planner Czernicki.

A motion was made by Commissioner Mancini and seconded by Commissioner Patten that the Board of Adjustment will meet the second Wednesday of every month at 7:00 p.m. in the Council Chambers for the year 2025 through January 2026. On a roll call vote, all members present voted in the affirmative.

Present: Chairman Fierro, Vice Chairman Krautheim, Commissioners Patten, Mancini, Nash, Alesandrelli, Alternate Henry and Denude, Engineer Cristaldi, Planner Czerniecki, Attorney DeDio. Absent: Commissioner Carr.

A motion to accept the minutes of the December 11, 2024, meeting was made by Commissioner Patten and seconded by Commissioner Nash. On a roll call vote all Commissioners present voted in the affirmative.

1st Case: Interstate Outdoor Advertising, 33 West End Road, Block 170.01, Lot 3

Attorney DeDio states this application will be carried to the March 12, 2025, meeting with no re-notice or republish needed.

2nd Case: 72 Furler Place LLC, 56 Crescent Ave, Block 128, Lot 14 & 15

Joseph O'Neil, Attorney for the Applicant, reviews the application. This is an application for 56 Crescent Ave, a lot that was merged years ago and would like to subdivide back.

Engineer Adam Kandil was sworn in by Attorney DeDio. Mr. Kandil's place of business is 115 Route 46, Suite D29 in Mountain Lakes. Mr. Kandil is considered an expert in his field by the Board. The tax maps show lots 14 and 15 and they are looking to reestablish those tax lines. Current property has a lot width of 52.61 feet and a lot depth of 106.13. Existing conditions plan and proposed subdivision, marked exhibit A, sheet C02 dated 3/11/2024 last revised 11/13/2024, shows existing conditions for both lots. Subdivision of both lots, lot coverage is 52.61 on each lot. The lot width is 52.61 on lot 14 and 52.48 on lot 15. The proposal is for 2 single family homes, lot 14 will have a 970 square foot footprint, and a total square footage of the home at 1,940 square feet. Lot 15 will have 910 square feet footprint, and a total of the home at 1,820 square feet. Both will have a detached garage totaling 240 square feet. They meet all the setbacks and the impervious coverage except existing lots, lot area and lot width on both lots. Commissioner Patten states the drawing shows a stone pathway, is that an easement that runs through that one lot. Mr. Kandil responds that that is the neighboring property that is slightly on this property, and they plan to remove it. Grading, draining, and utility plan, marked Exhibit B, sheet C03 shows the storm water management system. If during construction, they need to change where it is or if the water table is too high, they will revise. Landscaping Plan, marked Exhibit C, sheet C05 shows the proposed landscaping and tree replacement plan. There are 49 trees on site where 48 are required. Some trees are slightly over the property line in back and will be relocated. The F.A.R. for lot 14 and 15 with the covered porch are 40.3

where 40 is required. If the Board does not find that acceptable the Applicant will remove the covered porch then they will comply at 39.97 but they feel the covered porch is needed. Commissioner Patten asked what the dimension of the accessory structure is. The Architect will answer that question. Soil Erosion Plan, marked Exhibit D, sheet C04. Mr. Kandil reviews the Board Engineers letter. Engineer Cristaldi wanted to know where the utilities are coming in from. Mr. Kandil states they will come in from Crescent Ave. Both lots are not in the flood area. The lot frontage on both lots is 52.61 and the lot width on lot 14 is 52.61 and lot 15 is 52.48, both are at front yard setback. They will revise the plans to reflect the dimensions. Because this was not an existing lot there are no dimensions. A survey will be provided to the Building department.

Architect, Aavart Patel, place of business is 2 Brandywine Court in Randolph. Mr. Patel was sworn in by Attorney DeDio and considered an expert in his field by the Board. The first floor of each will consist of a living room, dining room, family room, kitchen, powder room, and bedroom. The basement of each will have a mechanical room and unexcavated area, approximately 28 x 30 of unusable area. The second floor of each will have 3 bedrooms, 2 bathrooms, and a walk-in closet for the master suite. Elevations plan, marked Exhibit F, Sheet A022, dated 1/15/2023, shows front elevation and side elevation. Vice Chairman Krautheim asked if this is a vacant lot right now. Mr. Patel states it is a vacant lot. Engineer Cristaldi wants the Applicant to summarize the variances they are requesting, because they do not match what is on the plans. They are requesting F.A.R., lot width, and lot area, the Planner will go over in more detail. Commissioner Patten questions the plans the Board were given, they have A022, and the Board has A002, are they different? The only difference is the garage is set back farther on the Exhibits.

Planner, Jeffrey Stiles, place of business is 46 Macculoch Ave in Morristown. Mr. Stiles was sworn in by Attorney DeDio and considered an expert in his field by the Board. Planning Exhibit, marked Exhibit G, dated 12/11/2024 shows the area photo of the property, master plan approved by community, and tax maps. This is a vacant partial land that has been wooded. One year ago, is was subdivided into 2 identical lots approximately five thousand square feet each. The tax map still shows the 2 lots regardless of the merger. The Applicant could put a larger home on the merged lot, but it would be out of character to the other homes in the neighborhood. The variance being sought is lot area for both lots where 7000 is required, lot 14 has 5460 square feet and lot 15 has 5153 square feet. The second variance is lot width, where 70 feet is required and lot 14 has 52.61' and lot 15 has 52.04'. And the last variance is F.A.R., where 40% are required and they are prosing 40.3 on each. They would prefer to leave the covered porch unless the Board is against it. They are below the lot coverage. The positive criteria is this is a better planning development to propose the two new structures than one larger one. The lot size stays with the scale of other neighboring homes at 1800 square foot with detached garages. This provided adequate light air and open space and promotes desirable and visual requirements. The negative criteria are putting up uses that are allowed and consistent with the neighborhood and there is no impact on adjourning properties. This application meets both the positive and negative criteria. Commissioner Patten asked in planning of the project, is there any considerations to be within the F.A.R. besides removal of the covered porch. They considered making the garage smaller, but that may be an issue. They also thought they may trim off a little of the building, but it was such a small amount they are over they presented as is. Planner Czerniecki asked what the dimension of the porch are. The porch dimensions are 7' x 3'. Engineer Cristaldi asked about shaving off a foot from the garage to meet the F.A.R. Planner Stiles confirms they will take 9" off each dwelling and they will comply with the F.A.R and they will leave the garage as is. Engineer Cristaldi states they will need to revise the plans with calculations.

At this time the meeting is open to the public.

Lynn Hartwig, who resides at 48 Crescent Ave, was sworn in by Attorney DeDio. Ms. Hartwig wants to know how close the house is on lot 15 to 50 Crescent Ave. The house will be 15.82' away on each side. Ms. Hartwig states right now this is considered one lot when it used to be two. The is correct, there is a concept in the law that two lots under common ownership and under certain circumstances, the town can combine those lots and that's what happened here. Ms. Hartwig asked if any trees were going to stay. Mr. Stiles states they are trying to maintain as many as they can but are required to have 48. Ms. Hartwig wanted to know how many cars can go in the driveway. Mr. Stiles responds 4 to 5 in the driveway and one in the garage.

James Marshall, who resides at 50 Crescent Ave, was sworn in by Attorney DeDio. Mr. Marshall asked about the drain on the driveway to the road, there are no drains on the roads. Mr. Kandil states there will be an underground detention system and will take care of the runoff. Mr. Marshall states when it rains heavily with the new trees, they will not suck op the rain like the large existing trees that are there now.

A motion was made by Commissioner Nash to close the public portion of the meeting and was seconded by Commissioner Mancini.

Attorney O'Neil summarizes the application.

Engineer Cristaldi suggested that the Applicant do a test pit to establish the elevation of the ground water before they assume they can go down as many feet with he seepage pit. Commissioner Patten asked about the impervious coverage, if it is 43.79%. Mr. Kandil calculates, when you take off the building lot 14 is 22.1% and lot 15 is 21.3%. There will be a condition of approval that new plans showing the 9" reduction on each building and any others the Board requires.

A motion to approve the application was made by Commissioner Mancini and seconded by Commissioner Nash. Application was approved 6-1 at 8:36 P.M.

Application to Memorialize: Robert Adams, 38 Barnert Ave, Block 77, Lot 7

A motion was made by Commissioner Patten and seconded by Alternate Henry

A motion to adjourn was made by Alternate Denude and seconded by Commissioner Alesandrelli @ 8:38 P.M.

Respectfully submitted,

Pam Steinhilber-Daub