

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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TOTOWA BOARD OF ADJUSTMENT MINUTES OF MAY 12, 2021

The May 12, 2021, regular meeting of the Borough of Totowa Board of Adjustment was held via zoom. Chairman Fierro called the meeting to order at 7:04 p.m.; followed by the Flag Salute. Attorney Corrado read the Open Public Meetings Act and the Remote Meeting Protocol.

A motion to accept the minutes of the April 14, 2021, meeting was made by Commissioner Patten and seconded by Commissioner Bavazanno. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Present-Chairman Fierro, Commissioners Patten, Mancini, Bavazanno, & Carr, Alternate Masi, & Henry, Attorney Corrado, Engineer Cristaldi, and Planner Green. Absent-VC Krautheim and Commissioner Nash. rther away from the ball field and will be properly screened.

1ST CASE: TOTOWA INVESTMENT GROUP LLC, a continuation of last month meeting. Attorney Aloia has spoken to his client in regard to the Boards request of decreasing the number of units for this application and he is willing to amend the application from 32 units to 28 units. There will be 20 two-bedroom units and 8 one-bedroom units. Another concern of the Board was the location of the dumpster and that will also be moved closer to the building and properly screened. Exhibit A-6 shows site plan amendment of original exhibit A-2 with change of refuge location only. Planner, Charles Heydt, 282 Taft Court in River Edge, New Jersey, is a 10-year licensed planner with 12 years in the field and is considered an expert in the field by the board. There are three elements in this application which has been reviewed by Mr. Heydt. He has also reviewed all the plans and review letters and he has also made several field visits. Mr Heydt has also done extensive review on the municipal planning documents, the master plan, and the zoning ordinance. The property is located in a B4 commercial district along union Blvd which is mostly a B2 district. Ordinance relief needed on 3-D variances for use, the D4 variance for FAR where .73 is required and .74 is being proposed and a D6 variance where 35 feet is permitted and 36.2 is proposed to the roof. There is a C variance for 2 lots dimension requirements-minimum lot area 250' required in B4 and a pre-existing condition of 203.6' and minimum lot area of 4 acres. The

applicant seeks relief for the number of principal building on the property, one is permitted, and they are proposing an additional principal building structure. They are requiring transition at boundary where 50' is required as a buffer width and the applicant is proposing 38.1'. The applicant needs relief on setback where 30' is permitted and they are proposing 89.5'. The side yard setback requires 50' and they are proposing 31.8' for mixed use structure. The rear yard requires 50' and applicant is proposing 41.2'. The zoning ordinance prohibits parking to be visual within the front yard and the applicant is proposing front yard parking with landscaping to address that issue. The lot width is 300' with 160' existing and they are maintaining that. The maximum front yard setback to existing bank building permits 30' as a maximum and 62.9' is existing. The minimum side yard on lot 3, 50' is required and 37.5' is being proposed. The existing conditions have relatively improved; this is a very extensive surface parking area on a substantial amount of property with existing vacant structure. The positive criteria are, there will be affordable housing and they have met the particular suitability test and there is no hardship to the public. The aerial image from google search shows the property and surroundings. There were also photos of the existing office structure, Wells Fargo bank, the parking lot, residential homes, post office and school, gas station on Union Blvd, and the mixed-use structures on Union Blvd, and the commercial structure on Bogert Street.

The land use law, purpose C provides for light and air and open space-they will maintain an adequate buffer and 30' from residential side yard and proposing a consistent fence to screen any visual impacts of the structures. With the change in the number of units, this reduces the intensity of the proposed residential component and brings the parking ratio into closer compliance and increases the parking ratio for this site. With respect to purpose G, to provide for sufficient space in appropriate location for a variety of agricultural, residential, recreational, commercial, and industrial uses, it is Mr. Heydt's professional opinion that this parking lot whether office is in operation, is severely underutilized. With this being said, our proposal plans to provide for additional land uses increases the overall efficiency of the site and productiveness of the site in an appropriate manner and future purpose G. Lastly, purpose I, to promote a desirable visual environment-mixture of materials being proposed on the mix use building, the existing office building is undergoing some early renovation with facade enhancements. There is a minor increase of what is permitted for the F.A.R and what is being proposed. The D6 and C bulk variance for building height is minor also with a flat roof structure. The bulk variance lot dimensions-minor subdivision. The number of principal buildings-proposing 2 structures on one lot. The yards-will provide the privacy fence and work with the neighbors. The parking-will need relief. The negative criteria are there is no impairment to the purpose of the zoning ordinance and no substantial detriment to the general welfare. On the zone plan or the future land use map, which was prepared by Maser Consulting on March of 2016, this is labeled office use and they are not in an impairment of this plan. The zoning map, prepared by Maser Consulting, prepared with amendments on July 14, 2014, show what is being proposed is consistent to the area. This application benefits the master plan and provides affordable housing and is consistent with the mixed uses in the area.

Chairman Fierro asked about the fencing and the trees-if they will be along the residents' homes on Bogert, Mr. Heydt states that is correct. Chairman Fierro also asked about how many units will be put aside for the affordable housing. Attorney Aloia states that will be negotiated with the township council, Mr. Corrado agrees. Planner Green questions about the relief being sought tonight. The applicant has decreased the units from 32 to 28 but we haven't received any information on how that will impact the parking deviation they are requesting and how many square feet does that take off the building? And within the building? The resolution can not be submitted without these numbers to correlate. Anwar Alkha, Architect, states the footprint will stay the same, so the F.A.R. will not change, they will keep to the same square footage of the structure and re-arrange the apartments to have the 10-two-bedroom units and 4-one-bedroom units on each floor. Ms. Green also states the prior testimony was these units will be rentals, Attorney Aloia confirms. Commissioner Patten asked about the dumpster being moved, can that still be accessed head on for removal, Engineer McClellan states yes. Ms. Green also questions if the change in the configuration of the units, will a den be added to fill space, Architect Alkha states on records that there will be no dens.

At this time the meeting is being opened to the public,

Bernadette Hilway, 114 Bogert Street, states her concerns. Her first concern is this application needs a lot of variances and reliefs to pass, she feels this is too excessive for the area, 2 lots is over developing, the more bedrooms will encourage more people to live within a unit and will add to the school, and where are the renters company parking. Mr. Heydt states this is an urban area and common for single family homes to abut this type of application. Engineer McClellan also states the parking spaces requirements changed with the reductions, previous required was 255 spaces and now 250 are required and the applicant is proposing 224.

At this time a motion was made by Alternate Masi to close the public portion of the meeting and was seconded by Commissioner Bavazanno.

Commissioner Bavazanno asked if the building was going to change with the change in the units, Attorney Aloia states there will be no change at all, jus the interior will be reconfigures for unit count. Commissioner Patten asked if there are 2 buildings currently on the property and one is being knocked down and rebuilt, Attorney Aloia replies that is correct, the second building that is being knocked down and replaced was the drive thru building.

A motion was made by Commissioner Patten to approve this application and seconded by Commissioner Mancini. Application was approved 7 – 0 @ 8:12 P.M.

2ND CASE: GORDON PROPERTY REALTY LLC

Planner Green was not asked to review the next two cases so she is signing off.

Raymond Redding is the Attorney for this application. This is a minor subdivision and variance site plan approval for 240 Gordon Avenue and is requesting a subdivision of the property to create a new lot with a new single-family home on it.

Engineer McClellan, 11 Furler Street, Totowa was sworn in by Attorney Corrado and considered an expert in his field by the Board. Mr. McClellan has prepared sheet A-1, minor subdivision variance site plan dated 3/12/2021 an consist of 5 sheets. The property is 9,995 square feet and located in the R7 zone. On sheet 2, this shows the single-family home with a shed, patio in the rear, driveway in front, and a car port on the right side of the property. The property slopes from left to right going down towards Gordon Avenue. Applicant is proposing tonight to subdivide the property and remove part of the driveway, carport, and existing wall on the property and build a new 4,012 square foot lot with a two-story dwelling. The variances needed are lot area for both properties, relief of lot width, existing non-conformity for the existing house for front yard, F.A.R., and relief for building height. Mr. McClellan reviews Totowa Board Engineer Cristaldi's letter dated May 12, 2021. Under B, technical Comments, number five they will comply, number 6 a drywell is being proposed, number 7 a design waiver is needed, number 8 they have done, and number 9 the applicant has no objection to, and they will update the plan.

Tom Mesuk, Architect, 197 Valley Boulevard in Woodridge, NJ, was sworn in by Attorney Corrado and considered an expert in his field by the Board. Mr. Mesuk prepared the architectural plans marked A2. The plan shows three floor plans, the ground floor which will have 2 car garage, storage, and a family room in the rear. The first floor, which will be 1,260 square feet will consist of a kitchen, living room, dining room, closet, foyer, half bath, and a pantry. The second floor which will also be 1,260 square feet will consist of two bedrooms, a master suite with a walk in closet and bathroom, laundry closet, and additional bathroom. Exhibit A-3 is the front elevation with stone façade on the bottom and entrance and siding on the rest with a 5 on 12 roof pitch. Exhibit A-4 is the actual photo of the existing home and the property line. Commissioner Patten asked about eh sidewalk being extended up the property. Joe Murphy, owner of Gordon Realty, 21 Mountaintop Terrace in Little Falls, NJ was sworn in by Attorney Corrado. Mr. Murphy states the sidewalk can continue but there is a guardrail and not sure if that would be an issue. Mr. McClellan states it would not be an issue, the sidewalk would actually go behind it and an ADA approved ramp can be added at the corner to finish it off. Board Engineer Cristaldi states the extension of the sidewalk is a good idea especially because of a slight terrain elevation and a second drywall would also be a good thing to add.

Frank Mileto, Planner, 14 Beaverbrook Drive, Long Valley, NJ was sworn in by Attorney Corrado and considered an expert in his field by the Board. Mr. Mileto has reviewed the application and the plans. Mr. Mileto feels this application will improve the condition of water run off to neighbors to the right and will improve the residence without any negative impact to the neighbors. This is a modest house with no glare or shade.

At this time the meeting is being open to the public.

Chris Taliercio, 236 Gordon Avenue, was sworn in by Attorney Corrado. Mr. Taliercio strongly objects this application and wrote a letter to the Board. This letter was distributed to all Board members. Mr. Taliercio feels that one conforming lot being made into two non-conforming lots and the F.A.R. is extreme. When you look at the street view, there is a significant grading from the property to his property. All the shrubs were pulled out, which had helped with the water. Mr.

Taliercio feels that hardscaping will not help with the water. There is no hardship to the applicant except building the home, the hardship is to the neighbors.

Welsida Grambone, 157 Hudson Ave, was sworn in by Attorney Corrado. Ms. Grambone's issues are water-they have sub pumps and still get water, the height of the home is an issue because it will decrease their privacy, and if this is a three-story home. She would like the Board to consider how the neighbors feel losing their privacy and usability of their yards. Mr. Mesuk states this is a two and a half story unit because of the grading, not three story.

Diane Weil, 234 Gordon Avenue, was sworn in by Attorney Corrado. Ms. Weil's concerns are the water, the height, this will look out of place because of the height difference, and the congestion. Mr. McClellan explains the improvement of run off and the benefit of this application. Mr. Taliercio feels there will still be water run off and in his opinion hardscaping will not help.

At this time a motion was made by Alternate Masi to close the public portion of the meeting and was seconded by Commissioner Mancini.

Attorney Redding thanked the Board and testimony of the experts.

A motion was made by Commissioner Pattern to approve this application and was seconded by Commissioner Mancini, the application passed 7 – 0 @ 9:33 P.M.

3RD CASE: CHRIS & SANDY CHARALAMPOUS, 46 Hudson Avenue will be carried to the June 9, 2021, meeting with no re-notification needed.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Bavazanno @ 9:40 P.M.

Respectfully submitted,
Pam Steinhilber, Secretary