

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF  
ADJUSTMENT



MUNICIPAL BUILDING  
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TOTOWA, NJ 07512

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## BOARD OF ADJUSTMENT MINUTES OF JULY 10, 2019

The July 10, 2019 regular and meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:04 p.m.; followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the June 12, 2019 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Chairman Fierro, Vice Chairman Krautheim, Commissioners D'Ambrosio, Patten, Mancini, Nash, Alternate Masi, Attorney Brigliadoro, Engineer Cristaldi, Secretary Steinhilber. Absent-Commissioner Bavazzano and Alternate Korsakoff.

1<sup>ST</sup> CASE: JOAO & LAURINA LOPES  
1 GARRETSON AVENUE, BLOCK 138, LOTS 3 & 4

Attorney Vogel explains the application. The property is located at 1 Garretson Ave, it is a single family home. The Applicant purchased the home in 1998 and has done multiple improvements. In July of 2018 the Applicant had a contractor install a patio, the contractor was supposed to get permits but never did-so the Applicant went to the Totowa building department to obtain the proper permits. The construction continued and Allan Burghardt, Totowa's zoning official, measured and the impervious coverage had been exceeded and the Applicant was given a summons. The Applicant paid the fine and the amount of impervious surface was cut back and more planting was put in, but the Applicant was still over the impervious coverage allowed. Attorney Vogel states the Board has the power to either allow the Applicant to keep the impervious coverage, which is 41% where 25% is allowed or the Board can have the Applicant ripe out what's there to get down to the 25% or once the pictures are submitted the Board may approve the excess. The Applicant would like to leave it as is. The master plans goals and objectives are to maintain the stability of the established residential neighbors and the quality of the existing and old housing to be maintained throughout the municipality.

The letter Mr. Burghardt sent to the Board is dated July 10, 2019 and marked Exhibit B-1. Attorney Brigliadoro read the letter to the Board and Applicant. Attorney Brigliadoro

swears in Applicant Joao Bosco Lopes. Mr. Lopes has lived at the residency for 21 years, he has raised his family and added and addition. Mr. Lopes maintains the home and any improvements he has done, he has obtained a permit, and this was his first issue. Mr. Lopes presents photos to the Board and Attorney Briigliadoro labels the exhibits.

1. Exhibit A1-front of the house picture on Garretson
2. Exhibit A-2-side of the house on Francis
3. Exhibit A-3-driveway
4. Exhibit A-4-Francis side of the house
5. Exhibit A-5-Francis side with shrubbery
6. Exhibit A-6-pavers showing grass area that was the start of the reduction
7. Exhibit A-7-shows reduction of paver area to grass
8. Exhibit A-8-shows reduction of paver area to grass and trees
9. Exhibit A-9 & A-10-shows reduction pf paver area to grass and trees
10. Exhibit A-11-side of house on Francis
11. Exhibit A-12-took pavers out and out trees and stone in
12. Exhibit A-13-stone replaces pavers and shrubbery with more reduction
13. Exhibit A-15-front of house on Garritson

Attorney Vogel asked Mr. Lopes a few questions.

1. Have there been complaints from the neighbors-No
2. Has Mr. Lopes maintained the property from the photos-Yes
3. How would you compare how you maintain your yard and home in comparison to the neighbors-besides maybe two others, most do not maintain their properties.

Chairman Fierro asked if there are any plans on how to treat the water runoff. Mr. Lopes explains that he is willing to put in a drywell if the Board approves the Application as is. Commissioner D'Ambrosio states if the town allows 25%, why would you proceed and go over the 25%. Mr. Lopes states because the job was 95% done when Mr. Burghardt said it was too much square footage, at that time Mr. Lopes started to reduce the impervious coverage. Attorney Vogel states this is a unique lot which is a corner lot so it actually has coverage on two streets, in attempt to enhance the lot by the additional planting and in order to stabilize the soil, Mr. Lopes put in a bigger patio. Attorney Briigliadoro presents a survey that was prepared by Kent Rigg Engineering, the revisions through November 2, 2018 and the impervious coverage listed at 41.5% on the survey. Commissioner Patten questions the drawing shows the grass area depicted in the photos where, where has the reductions taken place. Mr. Lopes shows areas on the photos, Exhibit A-10 was taken out inside the fence area and Exhibit A-13 there was area taken out in front of the house. Commissioner D'Ambrosio refers to Exhibit A-6, and points out a drain, Mr. Lopes explains the water drains on his property but he will have it go to a drywell. Vice Chairman Krautheim suggests looking at the plans and maybe knocking off back patio. The Board suggests possible areas to decrease to make the impervious coverage less. Commissioner D'Ambrosio suggests the Applicant comes back with new plans and figures.

At this time the Board opens the meeting to the public. There is no public to be heard. Commissioner D'Ambrosio makes a motion to close the public portion and is seconded by Commissioner Patten.

A motion was made by Commissioner D'Ambrosio to carry the Application to our next meeting with revisions and was seconded by Commissioner Patten. Commissioner Patten also states he would like more plans and revisions for drainage because that is more of the issue for him. Motion was passed 6-1. Attorney Brigliadoro states the Application will be carried to our August 14, 2019 meeting with no further notice to the public needed.

At this time the Board takes a break at 8:06 pm

The Board resumes at 8:09 pm and a roll call was taken.

2<sup>ND</sup> CASE: GORDANA OLDJA  
163 BOGERT STREET, BLOCK 174, LOT 20

Attorney Raymond Redding, Attorney for the Applicant. The application is for a minor subdivision of a property lot located at 163 Bogert Street, if approved the construction of 2 single family lots are requested to be constructed. This is a large piece of property with a large single family home existing on it.

Engineer Patrick McClellan, was sworn in by Attorney Brigliadoro and considered an expert in his field by the Board. Engineer McClellan presents plans with the subdivision. The minor subdivision revised on June 17, 2018 shows the variance site plans. Sheet 2 of drawings shows the property with existing home removed. The Applicant is requesting the construction of two single family homes at 5,248 square feet each. There is a variance for lot size in an R-7 zone where 7,000 square feet is required and the Applicant is presenting 5,248 square feet. There is a variance for lot width where 70 feet is required and the Applicant is presenting 52.5 feet. There is also a variance for F.A.R. Engineer states there will be a drywell system on each property. Commissioner D'Ambrosio asked where the drywells will be located and how large will they be, Engineer McClellan states in the back and each will be 500 gallon seepage pits with stone around them.

Architect Yogush Mistery, was sworn in by Attorney Brigliadoro and is considered an expert in his field by the Board. Architect Mistery presents Exhibit A-1, a color rendering of both homes. The homes will be identical with 4 bedrooms and 2 and a half baths on the second floor totaling 1,104 square feet. The first floor will have a living room, dining room, kitchen, eating area, and powder room totaling 1,065 square feet. This is a modest home requiring F.A.R. variance for 47.7% where 40% is permitted. The lot is 52 feet by 100 feet. There will be a full basement that will be unfinished and be used as utility. Commissioner D'Ambrosio asked if there will be a stove in the basement, Architect Mistery states there will not be a stove in the basement. Commissioner Patten asked what the impervious coverage is; Architect Mistery states there is 18.8% where 25% is permitted. Vice Chairman Krautheim asked if the lot size is similar to the neighborhood; Architect Mistery states it is. Commissioner D'Ambrosio would like to know how many cars can get in the driveway; Architect Mistery states 3 to 4 cars can park in the driveway and one in the garage. Commissioner Patten would like to know if

this Application would be considered redevelopment; Attorney Briigliodoro states it is not a redevelopment.

At this time the Board opens the meeting to the public.

Lloyd DePope, resides at 167 Bogert Ave, was sworn in by Attorney Briigliodoro. Mr. DePope's concerns are the Applicant built a house next to him before and there are water issues which he addressed at the time but the water is worse now than before and parking is an issue already along with traffic. Engineer McClellan states this project the proposed development is slightly less of the impact because it is slightly smaller.

Attorney Briigliodoro asked if it is satisfactory for the size of the lot with the two 500 gallon wells for each property; the Applicant can increase to two 1000 gallon drywells on each lot for roof run off and garage run off. Commissioner D'Ambrosio would like to know what the size of the tanks that were used on the other property the Applicant had done; Engineer McClellan states it was either 500 or 1000 gallon but he is not sure which.

At this time the Alternate Masi makes a motion to close the public portion of the meeting and was seconded by Commissioner D'Ambrosio.

Commissioner Patten states since the Applicant has agreed to increase to 1000 gallon tanks on each property, does it make sense that since the neighbor has said the water has gone over the curb area and back of the property is where the lower end is, does it make sense to have any type of drain at the end of the driveway before the garage to help some of the run off; Engineer McClellan states the focus is more on the surface water. Attorney Redding summarizes the Application. Attorney Briigliodoro goes over the variances:

1. Minor subdivision approval
2. Lot area for both lots where 7000 square feet is required and 5248 is requested
3. Lot width for both lots where 70 feet is required and 52.5 feet is requested
4. F.A.R., D-variance where 40% is required and 47.73% is requested for each lot
5. Max accessory structure coverage where 15% is allowed and 16.4% is requested

A motion to approve the Application was made by Commissioner D'Ambrosio and seconded by Commissioner Nash with the stipulation of 1000 gallon tanks on each lot. Application was passed 7-0 at 8:45 pm.

#### RESOLUTIONS TO MEMORIALIZE:

1<sup>ST</sup> CASE: CHARLES PENTA & TINA PENTA VOLTE  
2 DENORA DRIVE, BLOCK 173.01, LOT 13

Applicant was granted for a "C" or bulk variance relief regarding the installation of an in-ground pool.

2<sup>ND</sup> CASE: RICHARD POUNDERS  
61 CRESCENT AVENUE, BLOCK 128, LOT 16

Applicant was approved for floor area ratio and design waiver for construction of one new single-family dwelling.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Mancini. The meeting was adjourned at 8:58 P.M.

Respectfully submitted,  
Pam Steinhilber, Secretary