

# 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 DECEMBER 9, 2020

The December 9, 2020 meeting of the Borough of Totowa Board of Adjustment was held via Zoom. Chairman Fierro called the meeting to order at 7:02 p.m.; followed by the Flag Salute. Attorney Corrado read the Open Public Meetings Act and the Remote Meeting Protocol.

Attendance: Chairman Fierro, Vice Chariman Krautheim, Commissioners Patten, Bavazanno, Nash, Mancini, Carr, Alternate Masi and Henry, Attorney Corrado., Engineer Lemonowicz, Planner Green, Secretary Steinhilber.

A motion to accept the minutes of the November 4, 2020 meeting was made by Commissioner Patten and seconded by Commissioner Bavazanno. On a roll call vote all Commissioners present voted in the affirmative.

1<sup>ST</sup> CASE: S & S @ GRANT AVE LLC  
329 TOTOWA ROAD, BLOCK 113, LOT 8

Applicant is requesting preliminary and final site plan approval with variance relief to construct a 30-unit multi-family apartment building compromising of two floors of parking and three floors of apartments. On-site improvements include grading, utilities, and lighting. The application requires a D1 use variance a D4 F.A.R. variance a D6 height variance C variances and waivers/exceptions which are detailed in section B&D.

Attorney Paul Jemas has four experts this evening.

Patrick McClellan the engineer was sworn in by Attorney Corrado and is considered an expert in his field by the board. Mr. McClellan goes over exhibits B1 which is the letter of denial from Mr. Burkhardt dated September 2020, exhibit B2 Ms. Green's planning report dated December 8<sup>th</sup>, 2020 and exhibit B3 Mr. Lemonowicz's engineer report dated December 8<sup>th</sup>, 2020. Mr. McClellan prepared the plans submitted this evening. Exhibit A1 is the site plan/variance plan which contains 7 sheets dated November 16<sup>th</sup>, 2020. The site is approximately 11,141 square feet slightly over 1/4 acre. The site was previously occupied by a church in the B6 zone and redeveloped with residential project. On sheet 2

the preexisting conditions plan, and existing condition plan on the left side is dated September 2018 and the right side is dated September 2020. The application is for three Story residential over two stories of parking, there is a slope in the road on Totowa Rd. The upper level of parking from is from the Grant Ave entrance and the lower-level parking is from Totowa Rd. The upper-level parking consists of 27 parking spaces 2 van size spaces at 8 feet wide with an 8-foot Isle width, 8 spots that are 9 feet by 18 feet, three spaces that are 9 1/2 feet by 18 feet, six compact spaces at 8 feet by 15 feet, and eight spaces that are 9 feet by 18 feet. The lower level is proposed 25 parking spaces one handicap spot at 8 foot by 18 feet, one space that is 21.8 feet by 9.3 feet, 8 spaces that are 9 feet by 18 feet, six compact spaces that are 8 feet by 15 feet, and nine spaces that are 9 feet by 18 feet. The application is for 30 units 12 one-bedroom units 18 two-bedroom units where 58 parking spaces are needed, and 52 parking spaces are being proposed. The water and sewer calculations are 4590 gallons per day of water use and the sanitary sewer projected flows is 5850 gallons of discharge per day. The trash will be collected by a private company.

Mr. McClellan goes over engineer Lemanowicz's letter. Page two of his letter section B the technical comments line one is based on a current boundary topo survey a sign and sealed copy will be supplied to the board. Line 2-58 parking spaces are required /60 if you use the ordinance so the application would need a waiver for that. The current architectural plans are dated September 22<sup>nd</sup>, 2020 and November 11th are for the exhibits, Line 4 the applicant will amend, line 5 there was an error on the plan and they will amend and engineer Lemanowicz will need surveys for both images. Line 6 the applicant understands the comment. Line 7 the title report and survey-there's no paperwork for an easement the applicant will have to access the current conditions and move forward. Line 8 the applicant will request and will serve letters line 9 there's no encroachments line 10 construction of foundation walls on property line is common line 11 the comment makes sense line 12 will replace all curbing and sidewalk. Line 13- 91.74% is correct and the change will be made line 14-58 spaces is required where 52 is being proposed line 15 the applicant can control when assigning the spots or shorten the drive aisle width by 1 foot line 16 the aisle widths are 24 feet it narrows at the entrance to 20 feet but quickly opens back up to 24 feet. Line 17 result in the property line that should be marked, line 18 positioned on the parking lines 12 inch in width line 19 nine feet wide x 15 feet long is a trash area will be enclosed line 20 the electric service are off of Totowa Rd the rest are underground to Grant Ave and are existing line 21 there is no objections line 22 that's required line 23 they do not need to be compliance with the state because the stormwater regulations will need a stormwater detention and they will supply that. Line 24 the applicant has to give a little thought to that line 25 a ceiling mounted light under the structure the applicant will confirm and no on plan line 28 be the wall mounted lights on the building they will have to rethink and lower the intensity along the face of the building to comply line 29 the applicant will comply line 30 that will be removed line 31 they will replace with RSIS detail line 32 will provide stop sign and detail. Line 33 the water will need info from the mechanical engineer line 34 there's no issue or objection by the applicant line 35 the applicant will coordinate with Mr. Corso to have the same notes. Mr. Lemanowicz refers to line 10 and a stipulation of approval should be the applicant is responsible for protecting adjoining structures from construction. Commissioner Bavazanno would like to know where the applicant is getting the extra 6 parking spaces from. Mr. McClellan states there is a space for each tenant and

key fobs are used the traffic engineer and planner will have more information on this. Commissioner Bavazanno asked about the storm water. Mr. McClellan states there is attention basins which will be used, and collection of water will be on the roof and slower flow and cleaner. Commissioner Patten in would like to know how close the building to adjacent properties is and can a reduction in width be an option. Mr. McClellan says there's no dimensions, but he can show the current plan of the law and explain. Chairman Fierro asked about the title page which are the lots the town purchased. Attorney Corrado states one of the properties is located on the corner of total road and Dewey Ave the second is located on the corner of total road and Elizabeth place, Totowa Rd/Dewey was supposed to be demolished in 2020 but because of Covid that date has changed to 2021. The garbage is to be picked up on grant Ave by a rolling two dumpsters out the lawn maintenance will change but not sure to what. Mr. Lemanowicz asked about parking with key fobs and what about the guest where do they park. Mr. McClellan states to tenants would have to let that person in. Mr. Lemanowicz asked if that was included in the lease. Attorney Jemas states that expert Staiger will answer that question. Chairman Fierro wants to know who the builder is, Mr. Jemas states Mr. Meka. Commissioner Mancini would like to know if each parking spot will be designated, Mr. McClellan states there will be a number for each unit.

Mr. McClellan goes over Ms. Green's report dated December 8, 2020. On page 2, section B-variances needed are a D-1 use variance, F.A.R., and height variances. On page 3 are the C-variances needed which are landscaping, number of dwelling units, side yard abutting a lot, side yard abutting a street, rear yard setbacks, and building coverage. On page 6 under waivers/exceptions which are the neighborhood consistency, proposed building to the environment, amending the lighting design, and parking spaces. On page 8 under comments, line 4 has been testified, line 5 the discrepancies were explained, and line 9 the applicant will enclose. On page 8 under site plan, line 11 the applicant will revise, line 12 the applicant will correct, and line 16 1.7 feet at its closest. Ms. Green asked about the encroachments on the restaurant, if the survey is accurate, the fence is where the property line is and they will co-exist with the patio. On line 17 the applicant will clarify the discrepancies, on line 18 the typo on water and sewer and has been addressed. Line 19 the applicant will clean up and make more legible, line 20 the building height matches on the architectural plans-the difference is where each was taken from, line 21 the applicant provided testimony and they will take responsibility, line 26 the floor ceiling height varies at 8'6 at the lowest to 10'6 at the highest. Line 27 the drive isle width is 24 feet, line 28 the tenants will have assigned spots, line 29 and 30 will defer to the architect. Ms. Green questions the columns adjacent to the compact station but on the plans they are. Mr. McClellan would not recommend that, they will look for another location for that. Line 37 the applicant will fix, line 39 the applicant will re-evaluate and lower, line 40 will defer to the engineer. The landscaping plan will fix to fit, the planter on Grant Ave will be for annual plant. Line 45 there will be no free standing signs for this building, line 46 the applicant will provide.

Steven Corso, Architect, was sworn in by Attorney Corrado. Mr. Corso's business is located at 676 Bloomfield Ave and is considered an expert in his field by the Board. Mr. Corso has prepared all the architectural plans. Exhibit A-2 sheet A1 and A2 are the architectural plans, A-3 is the color rendering of the front and A-4 is the color rendering of

the left side on Grant Avenue. The shape and slop are suited for this type of building. The lower parking entrance is off of Grant and the upper parking entrance is off of Totowa Road. The width is suited for double isle parking in each level, building is 4 stories to the front and 5 to the back. The first 2 levels are parking. The exterior will have a mix of shutters, balconies, and mansard roof with dormers. The air conditioning units will be in the parapets. The building will be fully equipped with sprinkler systems and the equipment will be in the mechanical room. There will be 6 feet of concrete block walls around the trash unit. Mr. Jemas asked how the trash will be disposed. Mr. Corso states it will be a pickup truck that will come as often as needed. A private company will come and pick up the trash and the mechanical room will be ventilated. The gutters and eaves will not extend over the property line. The building walls on the exterior, when they get close to the property line, will be fire protectable and sprinklers will be throughout the building. The second will have some balconies. The building height measurement was taken 10 feet away from the building. The first and second floor had 12' ceilings and the rest will have 10 heigh ceilings. The building will have light brick with stucco trim around the windows with shutters on some. Vice Chairman Krautheim asked if the parapet goes around the whole building. Mr. Corso replies yes. Vice Chairman Krautheim would like to know if the applicant would consider reducing the height at all. Mr. Corso states the height is needed for each floor; the 9-foot ceilings give a more upper end look. Commissioner Patten asked if the HVAC will be seen with the 3-foot parapet and if there is any access to the roof. Mr. Corso states the units would not bee seen and there will be a roof hatch for access to the roof. Commissioner Patten asked about the maximum depth and width of the columns are 12" x 12". Mr. Corso says the minimum is 12" x 12" but with possible molding at the base it may go to 14" x 14". Commissioner Patten asked if the applicant would consider reducing the width from east to west an extra foot. Mr. Corso replies it is more important for the isle width to be wider in the parking garage than more landscaping. Commissioner Carr asked if the height of the building is 46.7 feet from Totowa Road or Grant, Mr. Corso says it is 10 foot higher on Grant. Commissioner Bavazanno asked if the elevator foes through all the levels. Mr. Corso says the elevator goes through all 5 floors. Commissioner Bavazanno would like to know if the applicant would consider reducing the number of units. Mr. Jemas will speak with the owner and get back on that question. Ms. Green would like to know the height of the elevator override, 30-36 inches, this will not go higher than the parapet. Mr. Green would like to know here the mailboxes be located. Mr. Corso states they will be in the lobby. How will the police and fire department gain access to the garages, either a keybox or siren activated, Mr. Stiager will address that question.

Joseph Staiger, traffic planner, business located at 425 Main Street in Chester, was sworn in by Attorney Corrado and is considered an expert in his field by the Board. Mr Staiger submitted 2 reports, one dated November 23, 2020 and one dated December 8, 2020 and are labeled Exhibit A-5. The traffic impact study was done for the peak hours of 7 to 9 but was they extended the count because of the school down the street. The morning is lighter than the evenings and slightly heavier with Covid, so they doubled the totals. The level of service is A entering Grant and coming out of Grant is a level C, the range is from A to F. Mr. Jemas interrupts to discuss his outcome with the owner and the reduction of units. Mr. Jemas states the owner will reduce the units from 30 to 28 which would make the rear of

the building 5 feet less. The reduction will eliminate 3 parking spaces for the new total spaces available will be 49 where 54 are required. The analysis for similar applications shows at 325 Union Blvd, 1.25 parking spaces per unit, 339 Union Blvd 1.3 parking spaces per unit and 75 Lackawanna Ave 1.3 parking spaces per unit. At other properties that the owner has have compact parking spaces and he feels comfortable with the total. Chairman Fierro would like to know if a third of the units are empty, what will be done with those spaces, on the Lackawanna units, those extra spaces are rented. Mr. Corso states they could be guest parking. Commissioner Mancini asked if tenants are able to enter from Grant Ave and exit through Totowa Road. Mr. Corso states there is only one entrance in and out of each level. Ms. Green asked if the parking spaces included in rent or a surcharge. Mr. Corso states the lease will provide a parking space for the tenant.

Jeffrey Stiles, planner, business is at 46 MacCulloch Ave, Morristown, was sworn in by Attorney Corrado and considered an expert in his field by the Board. This application is approximately 11 thousand square feet in size, the lot dimension is approximately 76 feet x 169 feet. The original use was a church, since then has been demolished. The neighborhood has a few multi family homes, a commercial unit with residential units above and single-family homes. The property is located in the B-6 restricted business zone. The variances needed are a use D-1 variance, a D-4 F.A.R. variance, and a D-6 height variance. The C variances are for landscaping, number of dwelling units, setback variance are side yard setbacks, side yard abutting a lot and rear yard setbacks, and maximum building coverage. Examples of a B-6 zone are offices, banks, beauty salons, etc. The accessory uses allowed for parking are minimum lot size 65 hundred square feet and a minimum lot depth of 110 feet and a minimum lot width of 60 feet and a maximum building coverage of 20% with a maximum F.A.R. of .4. The building height allows for onsite parking, the roof line to mimic dormers. The 28 multi family unites in a B-6 zone in a residential neighborhood. This application conforms to the master plan because it infills development, this is a selective redevelopment of older properties, and the local business area is on Union Blvd. There is not major traffic or noise impact to the surrounding neighbors. Mr. Stiles suggest a possible change in the garage doors to metal gates ad entrance to the garage areas for better air flow and security. Ms. Green states the applicant needs a D-1, D-4, D-6 and several bulk variances, and questions if the D-1 use is suitable or fitted for the site, Mr. Stiles states the shape and configuration and location on Totowa Road and residential location-the neighborhood is more residential than commercial. Ms. Green asked about the multiple land use law. Mr. Stiles states the vast majority of residential properties are owner occupied-the residential character on the application. Ms. Green says the D-4 and F.A.R. are 3.6 reduced to 3.0 by shaving off the 5 feet. Mr. Stiles said he was incorrect before, he should of said it is reduced from 3.6 to 3.5. Ms. Green asked about the D-6 height variance and the light and air concern to the house on Grant Ave. Mr. Stiles responds there is no concern about the air and pulling it back the 5 feet will help with the light. Ms. Green asked about the shading analysis to the home in the rear on Grant Ave. Mr. Stiles says there was no analysis. Ms. Green asked for clarification on what C variance the applicant is seeking. Mr. Stiles responds that they are seeking a C-2 variance. Ms. Green asked about the number of units to parking and is the applicant creating a hardship with some of these request. Mt. Stiles states they are only off by 5 parking spaces if they go by the standard and still feels this is not an issue.

At this time the meeting is open to the public.

Jared Drill, asked if there is sufficient parking for all the tenants and there is no guest parking figured in, so people will look to park on Grant Avenue. Mr. Drill would also like to know how the owner can control the guest to use the municipal lots instead of on Grant. Mr. Drill would also like to know if there are any low-income housing on this property. Mr. Jemas stated if affordable housing is established, they will comply. Mr. Drill wants to know what the town is going to do about enforcing the parking. Mr. Jemas stated they can not enforce that, but the applicant will deter it. Mr. Stiles stated there is enough parking and, in the lease, they will include where additional parking is, the applicant will do whatever he can to comply.

Chariman Fierro reads a letter that was given from Nicholas Lombardi who could not be present this evening. Mr. Lombardi states the area in question is already congested and traffic has increased significantly in my time here. The decision in the matter of constructing a Multi dwelling facility should be made with neighborhood and community in mind not retables and corporate profit. The approval of this application would have a negative impact on the area and reduce property values. An alternate use for this property would be to develop a parking facility for local shoppers and parents who come to pick up their children from school, these parents now line up on Totowa Road in an unsafe fashion. The approach would put little of no strain on existing services and utilities.

At this time the public portion of the meeting is closed.

Mr. Corrado sums up the meeting and reviews the variances.

A motion was made by Commissioner Patten to approve this application and seconded by Commissioner Mancini. Application was passed 5-2 at 11:07 P.M.

#### RESOLUTION TO MEMORIALIZE:

Zoning Board of Adjustment of the Borough of Totowa-Establishing Standard Protocols for remote public meetings held during a Governor-Declared Emergency. This is adopted by them Borough of Totowa at our regular meeting os said zoning Board of Adjustment conducted on December 9, 2020.

A motion was made to adopt this by Commissioner Bavazanno and seconded by Commissioner Nash.

A motion to adjourn the meeting was made by Commissioner Patten and seconded by Commissioner Mancini. The meeting was adjourned at 11:10 P.M.

Respectfully submitted,  
Pam Steinhilber, Secretary