

# 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 FEBRUARY 13, 2019

The February 13, 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 7:08 p.m.; followed by the Flag Salute. Attorney Briigliodoro read the Open Public Meetings Act.

A motion to accept the minutes of the January 9, 2019 meeting was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. On a roll call vote all Commissioners present voted in the affirmative.

Attendance: Present-Vice Chairman Krauthiem, Commissioners D'Ambrosio, Patten, Mancini, Bavazzano, Nash, Alternates Korsakoff, and Masi, Attorney Briigliodoro, Engineer Cristaldi, and Secretary Steinhilber. Absent-Chairman Fierro.

1<sup>ST</sup> CASE: SUNBELT RENTALS  
800 RIVERVIEW DRIVE, BLOCK 172, LOT 2

Sunbelt Rentals will be carried to the March 13, 2019 meeting with no further notice required.

2<sup>ND</sup> CASE: ENGLEWOOD LABS  
20 CAMPUS ROAD, BLOCK 10.01, LOT 6

Englewood Labs will be carried to the March 13, 2019 meeting with no further notice required.

3<sup>RD</sup> CASE: ANITRA DAKAKE  
23 COOLIDGE AVENUE, BLOCK 102, LOT 21

Attorney Briigliodoro explains that the initial public hearing for this case was on December 10, 2018 and carried to the January 9, 2019 meeting-no testimony taken at that time, the Board received a report from the Applicants Engineer but was not presented in enough time for the Board to review at our last meeting. Mrs. Dakake explains to the Board what she is requesting. She is requesting a garage, fence, and above ground swimming pool with a deck. The original application you agreed to not increase the size

of the garage and agreed to eliminate the oversized garage and stay to a single. The original size of 816 square feet was not approved at that time. The size of the garage the applicant is proposing currently is 724 square feet. Attorney Brigliadoro would like to know why the Applicant needs such a large garage. The Applicant explains he has lawn equipment, four-four wheelers, a car he would like to restore and his regular car to park in there. Attorney Brigliadoro would like to know the size of the pool, Engineer Cristaldi says the plan says the pool and deck are 921 square feet. Commissioner D'Ambrosio states the pool looks very large on the plans. Attorney Brigliadoro goes over Engineer's Cristaldi's report. This lot is in the R-7 single family zone, the Applicant is proposing an F.A.R. of 52.42% where 40% is required-this is 12% higher than acceptable. The basement will not be used for residential use which is not specified and if it is that would effect the F.A.R. Also with the F.A.R. the Board needs to keep in mind the building presently with the pool, garage and deck coverage of 53.95% that is 15% of rear yard coverage. The landscaping does not allow impervious area in excess of 25%, the Applicant has 50.1%. The deck requires 20% where the Applicant has 13.1%. The side yard requires 4' on one side and they only have 3.1'. The pool and deck required 25' of side yard because of the lot being on a corner and the Applicant has 20.7'. If the home is being used as a business then there would need to be an office, Mrs. Dakake states there is no business. The Applicant states is they were just to put in a pool that was smaller would they just need a permit and not have to go through all of this to get it put in. Commissioner D'Ambrosio states the pool and deck are still over 40% and would require more than just a permit. Commissioner D'Ambrosio also states that a smaller pool is not what they are proposing at this application.

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

Sharon Rickert was sworn in by Attorney Brigliadoro and resides at 21 Coolidge Ave. Ms. Rickert says the size of the garage will have no loft space on top for living. The drainage is a concern for her. Ms. Rickert questions the double fence on Garfield. The Applicant responds that they have a row boat within the double fence area.

At this point the Board closes the public portion of the meeting.

A motion to deny the application was made by Commissioner Patten who states he is denying because the F.A.R. is too much-the pool, deck, garage and deck are too large. Commissioner D'Ambrosio also denied the application also because of Commissioner Patten's concerns and he agrees with our Engineer that there is too much going on with this Application. The Application was denied 8 – 0.

4<sup>TH</sup> CASE: S & S AT LACKAWANNA, LLC  
75 LACKAWANNA AVE, BLOCK 177.01, LOT 8

Paul Jemas will be speaking on behalf of the Applicant. During construction they hit a lot of rock, to adjust for the rock there is more room and they would like to make some modifications to the original Application.

Steven Corso, Architect, was sworn in by Attorney Brigliadoro and is licensed in the State of NJ. The project excavation allowed a lot more space so the Applicant would like to build 4 additional apartments, two 2 bedroom and two 1 bedroom and also change the first floor from three 2 bedrooms to three 1 bedroom apartments. The parking will remain the same. Exhibit A-1, sheet A-1 is the lower level and first floor plan. The lower level elevation shows the mechanical room and 4 apartments, the exterior will stay the same and the height of the building will also remain the same. The report from Ms. Green of Mazar Consulting dated February 4, 2019 says the Engineering Plan is different from the first floor layout on the Architectural Plan because it did not reflect the changes. Attorney Brigliadoro states the Deb Lawler is here in place of Ms. Green. Ms. Lawler states the Architect answered the concerns of the report. Commissioner Patten would like to know if the one bedroom apartments from the last application are staying the same, and they will be. The new application is for 26 one bedroom apartments and 8 two bedroom apartments-the prior approved application was for 21 one bedroom apartments and 9 two bedroom apartments.

Jeffery Stiles, Planner, was sworn in by Attorney Brigliadoro and is considered an expert in his field by the Board. The plan before is not very different from the prior. Most items remain the same-height and look the same. They need a D-1 variance which is still required for use of property. The positive criteria are the industrial use is not fitting for the lot, residential is better. Another positive criteria is the application meets the master plan of the Borough for more housing. The negative criteria is there would be impact to the zone plan or public good. The traffic report is good, as of the zoning standpoint if there was significant deviation from the ordinance that would create other needs to the community. Attorney Brigliadoro reminds the Board and public that even though the applicant is adding 4 units it has only increased the bedrooms by 3.

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

Richard Shea, resides at 25 Duffus Ave, was sworn in by Attorney Brigliadoro. Mr. Shea states the improvements are great for the neighborhood and he welcomes them to Totowa.

At this point the Board closes the public portion of the meeting.

Ms. Lawler states the real reason this is coming back in front of the Board is because of a specific number passed on the previous application, which is the reason it had to come back in front of the Board.

A motion was made by Commissioner D'Ambrosio to approve the application and he welcomes Mr. Mecca and the addition is minor. There was a seconded motion to accept the Application by Commissioner Bavazzano. Application was approved 8-0 at 7:47 pm.

5<sup>TH</sup> CASE: FORTRESS HOLDINGS, LLC  
555 PREAKNESS AVE, BLOCK 6, LOT 2

Attorney Darren DeSardo reminds the Board that this is the third time in front of them for this Application. The application is for an amended site plan approval for C-variance with additional height needed. The applicant is seeking a height variance for 53.2' where 52' is needed.

Engineer Patrick McClellan, Engineer, was sworn in by Attorney Brigliadoro and considered an expert in his field by the Board. Exhibit A-1, sheet 3 of the site plan dated January 31, 2019. There is a modification to the building height and the applicant had the opportunity to purchase a piece of property since the last hearing. The additional property occurred while the wall was being built the modifications in the wall allowed for a ramp to implement for the potential future development of this property. The change would allow for four parallel parking spots on the ramp and 4 spaced at the bottom of the wall. The applicant will still have 99 spaces they are just relocating a few of them. The new variances needed are the variance for height of roof top equipment, building height ordinance permits 52' and the applicant is proposing 53.5'. Mr. McClellan goes over Ms. Green's report dated February 11, 2019. The design waiver #1 is more of a house keeping item, a multiple retaining walls that range in height up to 27' which has always been there and will not be changed so they would request a waiver so it is on record. The second waiver is parking on gravel area, the ordinance says parking needs to be paved. The third waiver is for the driveway aisle width 20' was previously approved there are some narrow areas which will be for employee use only. The comments on Ms. Green's report on number two, if application is approved they will comply. On number five they would have no objection to revising to her letter, number eight on the report is just a clarification, and number nine is a typo on the plan and will be corrected. Number ten they will update the plan to 16.5', number eleven the applicant will preserve the steel remnants, clean them up and landscape, number twelve the applicant will provide, number eighteen, exhibit A-2, addition and alterations dated November 4, 2015 shows one building mounted sign on the front of the building at 59.6 square feet. Exhibit A-3 site plan shows free standing sign at a size of 15' height and 39.9 square feet.

Exhibit A-4, is a marked up plan of the Site grading plan and utility plan. Sheet 3 of 11 dated February 13, 2019 revision noted proposed signage location grading plan shown in red with two signs. The two signs from Preakness Ave are set back 2' from right of way and are two sided and back lit. Engineer McClellan goes over Engineer Cristaldi's letter which is dated February 13, 2019. Number one on the letter is commentary, two is just a statement, and three they will take into consideration, 4 is condition of approval. Commissioner D'Ambrosio asked about the drainage-the Board will be getting a letter. Part is the drainage has been installed and will supplement the previously approved and installed drainage with some more calculations so they can make sure there will be no issues. Attorney Brigliadoro says the resolution from 2015 shows one free standing size of 15.5' in height sees nothing about the wall mounted sign. Engineer McClellan questions if there was a variance required for that because a building mounted sign is permitted in the I-3 zone. Commissioner D'Ambrosio asked if the signs will be lit up, they will be back lit. Attorney Brigliadoro has a correction that he does see wall mounted sign on the resolution from 2015.

Anthony Adesso, Architect, was sworn in by Attorney Brigliadoro. Exhibit A-5 is a color rendering new mounted sign. The multi-story building with a multi-use has a lower level where cooking will be done, the second level will be offices and the 3<sup>rd</sup> level will be dining. There were issues with the structure on the renovations which is why the height is changing. Because of existing issues which could not be determined until construction, they have to modify the structure causing the height to change. There would only be a six foot ceiling height on the upper floors which is not to code, the new application is for 9' ceilings height. The applicant is removing the balcony and adding a curtain wall which will help mask the height difference even more. Exhibit A-6 is typical floor sections. Exhibit A-7 is the proposed street view of the building. Exhibit A-8 is the existing street view of building. The applicant has decided to change the look of the front of the building to a more romantic look, the rear will be more contemporary. Exhibit A-9 is the roof plan. The seating will not change, the roof top area is for floating guest, they added an elevator, stairway, service area, prep area, and 2 mechanical areas. The front is metal railings and the back will be a glass wall. LED lighting will be on the railings, very romantic and not strong at all. There will be no retractable awning and no covers. The height of visual screens will be no more than 8'. 53.5 is just roof top not equipment. Commissioner Patten asked about outdoor music, speakers and audio, the owner will address. The previous approval for height was 46.8', there was a new ordinance which changed the height to a maximum of 52', with the new application the applicant is asking for 53.5'. The signage on Exhibit A-5 page one show it will be going by the driveway ad will be a masonry composition with raised metal letters, there will be a view on each side and the size will be 5' x 9'. Exhibit A-10 is the elevated front view of building. The sign mounted on the center upper level is 20' x 5.5' with raised letters and back lit.

Paul Qassis, principal of Fortress Holdings, was sworn in by Attorney Brigliadoro. Mr. Qassis states that his intent for outside dining is no bands, for the view, background music and smoking area. Mr. Qassis understands he cannot exceed 350 patrons; the building will be used as a restaurant and banquet hall. There may be a portable bar on the roof top. Commissioner Patten would like to know if there are requirements for outdoor dining as far as decimals, Engineer Cristaldi states they should not go behind a certain decimal.

Lisa Phillips, was sworn in by Attorney Brigliadoro. Ms. Phillips visited the site and viewed the master plan in Totowa and the zoning ordinance. The site was re-zoned from the original approval. The building height has two aspects, the first is to the top of the roof which is under the new REH zone and permits a total of 52' in height and the applicant is proposing 53.7' in height, there is no impact in difference. Mechanical structures are the second height issue, the ordinance for roof coverage is 25%, and the elevators are 16' in height. The signage is going from one free standing sign because of the ordinance in the RAH zone which allows one monument sign. The applicant did have approval for one on the previous application. The positive criteria are with the building height they are impacted by topography of site, town ordinance takes it from the front of the building. The application will not impose on light air and open space and will have no impact on parking. The only impairments to the master plan is consistant with two of

the goals, the first is encourage selective redevelopment if older industrial and commercial properties that have become run down or victims of disuse. Redevelopment of any property or area that is been blighted or properties or areas that are underutilized.

A motion was made by Commissioner D'Ambrosio to approve the application with the condition that 350 is the maximum seating, they will comply with the hours of operation for roof top and for the banquet. There was a second motion to approve the application by Commissioner Nash.

Attorney DelSardo states that on the previous application the hours were inconsistent and would like to get the Boards approval to be open 7 days a week for the hours of 11 am to 2 am. Attorney Briigliodoro states the applicant would have to come back because the change would require a change in the use variance. Commissioner D'Ambrosio states we can vote on the height and signage but the applicant would have to come back to change the previously approved hours of operation. Attorney DelSardo withdraws the request.

The application was approved 7-0 at 9:10 pm.

#### RESOLUTIONS:

1<sup>st</sup> CASE: GORDANA OLDJA & MILUN KONATAR (CARRY OVER)  
127 HUSON AVE, BLOCK 51, LOT 5.01

Applicant was approved for a minor subdivision approval along with variance relief for lot area, lot width, and floor area ratio.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Bavazzano. The meeting was adjourned at 9:16 p.m.

Respectfully submitted,  
Pam Steinhilber, Secretary