

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
537 TOTOWA ROAD
TOTOWA, NJ 07512

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BOARD OF ADJUSTMENT MINUTES OF APRIL 10, 2019

The April 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 7:01 p.m.; followed by the Flag Salute. Attorney Brigliadoro read the Open Public Meetings Act.

A motion to accept the minutes of the March 13, 2019 meeting was made by Commissioner Patten and seconded by Commissioner D'Ambrosio. On a roll call vote all Commissioners present voted in the affirmative.

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

1ST CASE: RICHARD POUNDERS
61 CRESCANT AVENUE, BLOCK 128, LOT 16

Attorney Brigliadoro reads a letter from applicants Attorney Mr. Redding to carry the case to the May 8th meeting with no further notice to the public. After the professionals review the plans, if there are any new variance relief the Applicant will have to re-notify the public.

2ND CASE: THE MANOR @ TOTOWA LLC

Attorney Paul Jemas has 4 experts for tonight's application. The first expert is Patrick McClellan, Engineer, was sworn in by Attorney Brigliadoro. Mr. McClellan prepared the site plans that are being presented this evening. Exhibit A-1 consist of 6 sheets dated March 26, 2019, they are sheets 1 to 4 and 6 and 7. Sheet 1 dated March 26, 2019 is the newly subdivided lot 1.02, block 12, the 10.3128 acre portion of what was formally lot 1. A school exist on the property now and is unoccupied-frontage is on Shepard's land and Cumberland Ave. Redevelop the property to residential use and use the existing building with an addition of the east side of the building. Accessing from Shepard's Lane with parking on side and under the building with a loop driveway. There will be 120 units, 98 two bedroom units and 22 one bedroom units. Applicant is asking for relief of the following variance, use, building height, F.A.F., and pervious coverage. Sheet 2 is the

site dimension plan, Sheet 4 is the grading plan, and the topography is high on the northern end of the property. A storm water managements system will be done by the State of NJ rules. Sheet 7 is the landscaping plan; they will provide significant amounts of landscaping to be added along with a fence. The trees around the perimeter of development and screening wall of trees along the Cumberland Avenue right of way. Exhibit B-1 is an email from McClellan to Darlene Green dated April 10, 2019. Exhibit A-3 is the Corso letter. Exhibit B-2 is the report from our Board Engineer. The board planner report dated April 8, 2019 from Maser Consulting review items 1,2, and 3 are commentary for Board to understand the Application-on page 4, section 383-2A, there will be trees removed-they can provide a tree removal plan. Most of the trees are weathered and old, Applicant will save what can be saved, and this can be a stipulation of approval. Section 415-78F, there is no variance needed, this is a variance for parking screening. The Applicant has no objection to changing the species and location. The Planner will address page 5 and 6. Section 415-99B is proposing street trees rather than the waiver, the Applicant will comply with the ordinance. Items 1, 2, and 3 the Applicant is agreeing with them that a variance is needed. On sheet 4 of 9, the grading plan, varies from 5' to 20'. On page 8, section 415-100E, the Applicant will comply with the ordinance and no waiver will be needed. On section 415-107A, sheet 2 of 9, the monument sign is 3' high and 5' long. Section 415-108A, the solid waste and recycling will comply, there will be no waiver needed. Attorney Brigliadoro states in accordance with the RSTS standards, 236 parking spaces are required, in accordance with the Boroughs ordinance 240 parking spaces are required, and the Applicant is supplying 303 parking spaces. In continuing to review the sections, section 415-109D there is no waiver needed, the Applicant will comply. Section 415-114E, the Applicant is proposing a 10 foot fence so they comply. Section 415-114H, the Applicant will comply. Section 415-115A, the Applicant will provide and comply.

Review of section D

Item 1-The Planner will address

Item 2A-The Applicant has to designate the limits of the wooded areas which they will on the tree plan

Item 2B-The one existing building did not propose a use, but could add to the plan

Item 2C-The Applicant will provide

Item 2D-The Applicant will show

Item 2E-The Applicant would ask for a waiver

Item 2F-The Applicant will comply

Item 2G-The Applicant submitted architectural plans and does not feel they need a waiver

Item 2H-The Applicant explains the current building is vacant

Item 3-The Applicant will submit a survey of the demolition plan (removal plan)

Item 4-There was a drafting issue; the Applicant will make plans consistent

Item 5-The Applicant will supply the original letter of denial

Item 6-The Engineer refers to sheet 4, the Grading plan, the building height is calculated to the front of the building, which is on Shepard's Lane. Alternate Korsakoff asked if there was an established formula-Engineer McClellan states there is, but as the ordinance is read the front corners are part fill and pat cut, they calculated both methods.

- Item 7- Because this is a residential use they do not need the waiver
- Item 8-Street trees will be provided-no waiver needed
- Item 9-The Applicant will address this to the satisfaction of the Borough and Mayor and Council
- Item 10-There is an error and this will be corrected
- Item 11-R-40 does not have the number of stories, as part of its requirements; Applicant will update the zone tables and variance accordingly
- Item 12-51.8% is the correct calculation and will be updated
- Item 13-This will be deferred to the expert
- Item 14-This will be deferred to the expert
- Item 15-There will be 4 hydrants in the vicinity, 2 on Shepard's Land and 2 on Cumberland Ave. Commissioner D'Ambrosio asked about the pressure of the hydrants- There was no pressure flow test done at this time, the water main extension application which was done approx. 18 months ago-permits will be needed if there is an issue the Applicant will address.
- Item 16-The Applicant will comply
- Item 17-The Applicant will comply
- Item 18-This will be deferred to the expert
- Item 19-There is a 20 foot wide fire lane in the rear for emergency issues
- Item 20-On sheet 4 of the Grading Plan, parking spaces will be assigned-could dedicate one extra parking space to turn around
- Item 21-No waiver needed-there are no undersized parking spaces
- Item 22-The entrance gate will have a keypad
- Item 23-This will be removed and will be a dead end on the cemetery side, the dead end is at the property line.

Engineer Cristaldi states the retaining walls need structure and calculations.

- Item 37-The Applicant will make adjustments
- Item 38-The will be deferred to the time of building permits
- Item 39-The Applicant will provide
- Item 40-The Applicant will provide a tree 10-12 feet of height and infill the tree fill that is there
- Item 41-The Applicant will comply
- Item 42-The Applicant will put more planting on that side
- Item 43-The Applicant will comply
- Item 44-The Applicant will comply
- Item 45-The Applicant will provide and will add as a condition of approval
- Item 46-The Applicant will provide
- Item 47-This will be deferred to the expert

Engineer Cristaldi asked if there will be sidewalks on Shepard's Lane, there are not sidewalks there now all the way to Union Boulevard but if the municipality puts sidewalks in, the Applicant would comply. The tennis courts are for private use only. Commissioner Bavazzano stated for a job this large will power is underground or poles, it is Engineer McClellan's understanding is they will be told where it is going by the utility company but the trend has been underground. Commissioner Patten asked the rear of the

property, where the retaining wall comes out on Cumberland Ave, will that retaining wall graduate down from 10 feet or stay at 10 feet-it will graduate down. Commissioner Mancini asked about fire trucks, will they have a problem maneuvering-This will be addressed by the expert.

Steven Corso, Architect, 676 Bloomfield Ave, Bloomfield is considered an expert in his field and was sworn in by Attorney Briigliodoro. Mr. Corso presents Exhibit A-4, a handout of photo renderings, and Exhibit A-5, the existing photo of structure. The existing structure on the left side will match the existing building to the new. Exhibit A-6, sheet A-1 is the Architectural plans and Exhibit A-7, sheet A-3 is the elevations. The Applicant is proposing 22-1 bedroom units that range from 1150 square feet to 1320 square feet and 98-2 bedroom units that range from 1350 square feet to 2650 square feet. Exhibit A-8, sheet A-3 is the building design, all residential units will have hardwood floors, recessed lighting, granite countertops, and stainless steel appliances. Mr. Corso addresses Ms. Greens report.

Item 27-The Applicant will comply

Item 28-The Applicant will provide

Item 29-There will be 10-12 feet trees planted

Item 30-The Applicant will supply the schematic plan

Item 31-This follows the contour of plan as best as it can

Item 32-There will be a roof parapet so the HVAC units will be hidden

Item 33-This is just a vending area

Item 34-The Applicant will prohibit

Item 35-There is a 4 foot difference between the height the elevator needs and the ceiling height in the room, this won't be seen

Item 36-The Applicant will submit all materials and colors

Commissioner Patten asked if all the 2300 square foot apartments will be all on one level-the answer is yes. Commissioner D'Ambrosio asked if the units will be rented or for sale-the Applicant will respond. Planner Green asked if the 2600 square foot apartments are located on the 3rd floor-the answer is yes.

Joseph Staigar, traffic engineer, 245 Main Street, Chester NJ, was sworn in by Attorney Briigliodoro and considered an expert in his field by the Board. Exhibit A-9 is a traffic analysis statement dated April 4, 2019. The traffic counts on Shepard's Lane and Union Boulevard done in March 2017 for a previous application that was in front of this Board and another was done last month-they did not change. With the former use, the property was licensed for 40 children that were emotionally challenged that lived on the site and for educational services for those children; there was a total of 85 staff that came in and out plus specialist. There were 3 shifts, 8 am to 4 pm which had 68 staff members, 4 pm to 11 pm which had 11 staff members, and 11 pm to 8 am which had 6 staff members. The shift changes happened at the peak of traffic hours. Some people car pool and some were dropped off. With those considerations on the previous use there were 67 trips in the am peak hours, 72 trips in the pm peak hours for the previous use. For the 120 proposed units using the Institute of Transportation Engineers trip generation manual there would be 41 trips in the am peak hours and 53 trips in the pm peak hours. The

reason for the increase is this is a residential use and not a commercial use. If they calculate the other approved project of 54 units that have not been built yet but that were approved there would be 60 trips in the am peak hours and 76 trips in the pm peak hours. The 24 foot isles for emergency vehicles, delivery services, and garbage removal. The impact of the property line fence in the site distances-they will not impair. Engineer Cristaldi asked if the level of service on delay-there is 60 seconds of delay. Commissioner D'Ambrosio asked about the handicap spots-there needs to be 2% which comes to 7 spots and the Applicant will comply with ADA. Commissioner Patten asked about when the Applicant received the information about the previous use-The Applicant spoke with Father Gino and the numbers. Attorney Brigliadoro looked at the previous 54 unit project and this project is almost the same amount of traffic when school was opened.

A break from the meeting was taken at 9:10 pm and resumed at 9:18 am, a roll call was taken.

Gregory Orss, Planner, 470 Manolokin, Brick, NJ was sworn in by Attorney Brigliadoro and considered an expert in his field by his Board. Mr. Orss reviewed reports. Mr. Orss goes over the positive and negative criteria's. The Application does provide the proposed use inherently serves the good of the public. Will the property owner suffer undue hardship if the required develop the parcel in the R-40 zone standards, Mr. Orss replies yes. The proposed use will serve the general welfare of the public and the proposed site is particularly suited for the proposed use. In Mr. Orss's professional opinion the proposed application as stated will provide to the surrounding neighbors and the town by supporting the goals of the Boroughs Master Plan. Planner Green asked about a substantial visual buffer-Mr. Orss states the landscaping plan will be formulated and will have species, installation guidelines and be a condition of approval. The goals of the Master Plan are to maintain a historic structure. The building is not on any national or federal registers. A D-1 use variance is needed for the purpose of the land use law that this Application would advance. The detriments of the development would be that this would be a denser development, and would be higher.

Skadr Mecca, resides at 46 Grandview Place, North Caldwell, was sworn in by Attorney Brigliadoro. This Application will be a gated community and condos to be sold, the owner also owns other properties, approx. 600 units and are sold through a management company. Attorney Brigliadoro states that under the law the board cannot dictate the form of ownership.

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

Edgar Gomez, resides at 1 Murphy Court and was sworn in by Attorney Brigliadoro. Mr. Gomez asked about the traffic, where will it enter and exit. Engineer McClellan refers to sheet 2 of 9, the access is on Shepard's Land across from Murphy Court, there will be 2 lanes, one in and one out plus a circular loop. What will the impact on water when there is a fire. Mr. McClellan states it will impact residence but thankfully fires do not happen that often.

John Kuiken, resides at 77 Shepard's Lane, was sworn in by Attorney Briigliodoro. Mr. Kuiken feels this Application is too large; he has lived at this address for 41 years. His concerns are, increase in our schools and the buses, will there be multiple families living in one unit, the building is not appealing to look at, what about the water issues, the traffic is going to be very bad and a traffic light might need to be installed at Union Boulevard and Shepard's Lane, need for more police officers. Commissioner D'Ambrosio wanted to be sure that all residents were notified, Totowa and Paterson residents were notified.

Sharon Grosso, resides at 131 Shepard's Lane, was sworn in by Attorney Briigliodoro. Ms. Grosso wants to make sure the dark sky law was compiled-the answer is yes. Attorney Briigliodoro states the light cannot spill over to adjoining properties. The set back from the existing building to the right away line is between 80 to 100 feet. Ms. Gross wants to know what the time frame if approved how long-Engineer McClellan states typically 4 to 6 months. Ms. Gosso wants to know about the time limits for the tennis courts-it would be earlier than 8 pm. The tennis courts would be lit for safety.

Jiwung Yun, resides at 125 Shepard's Lane, was sworn in by Attorney Briigliodoro. Mr. Yun's concern is the light; he has many windows and gets a lot of light now. Engineer McClellan suggest using evergreens style trees that are fuller at the base.

At this time the portion of the meeting is closed.

Attorney Briigliodoro states the preliminary and final site plan approval for 20 unit multifamily residential project. There is a D-1 use variance relief, D4 F.A.R. with a maximum of 30% where 51.8% is being proposed, D5 density variance, D height variance where 30 feet is allowed and 51.45 is being proposed. All C variances were eliminated. The design waivers for the fence around the tennis court and the tiered walls no higher than 10 feet. Impervious service coverage where 20% is allowed and 20.5% is being proposed.

A motion was made by Commissioner D'Ambrosio to approve the application and seconded by Commissioner Patten. Application passed 7-0 @ 10:22 pm.

RESOLUTION TO MEMORIALIZE:

1ST CASE: ENGLEWOOD LABS
20 CAMPUS ROAD, BLOCK 10.01, LOT 6 & 7

Application was approved for an addition to an existing industrial building with site plan approval and variances for front yard setbacks, side yard setback, F.A.R., and height variance for property located in the I-3 zone and any others that may be required.

2ND CASE: SUN BELT RENTALS
800 RIVERVIEW DRIVE, BLOCK 172, LOT 2 & 3.01

Application was approved for a use variance, outside storage and site plan approval for construction equipment rental and office with outdoor storage of equipment for property located in the I-1 and B-3 zone districts and any other variances that may be required.

A motion to adjourn the meeting was made by Commissioner Bavazzano and seconded by Commissioner Mancini. The meeting was adjourned at 10:25 p.m.

Respectfully submitted,
Pam Steinhilber, Secretary