

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF SEPTEMBER 10, 2025

The September 10, 2025, regular 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 DeDio read the Open Public Meeting Act.

Present: Chairman Fierro, Vice Chairman Krautheim, Commissioners Patten, Mancini, Nash, Carr, Alesandrelli, Engineer Cristaldi, Planner Czerniecli & Attorney DeDio. Absent: Alternate Henry, Denude.

A motion to accept the minutes of the June 11, 2025, meeting was made by Commissioner Patten and seconded by Commissioner Vice Chairman Krautheim. On a roll call vote all Commissioners present voted in the affirmative.

1ST CASE: SIMRAM LLC, 572 Union Blvd, Block 139, Lot 2

Attorney Raymond Reddin explains to the Board that this application was in front of the Board in 2023. This application is drastically different. Being proposed this evening is retail on the first floor and residential on the second floor. The F.A.R. has been reduced, the parking is in compliance, and the retail square footage has been cut in half.

Patrick McClellan, Engineer, was worn in by Attorney DeDio and is considered an expert in his field by the Board. Mr. McClellan's place of business is 11 Furler Street. The site plan, marked Exhibit A, shows the old Simorama site of 7,487 square feet in the B2 zone. The proposal is to remove the existing building and replace it with retail on the first floor and three residential apartments on the second floor. In 2022 the proposal was for 5 residential units and retail space on the first floor, which the Board recommended to scale down. There will be a sophisticated storm water management system. The previous application was for two, one-bedroom units at 711 square feet and one, two-bedroom unit at 948 feet and the retail space if 1,611 square feet. The current square footage of the retail space is now 750 square feet. The Variance for F.A.R. is 35% required where 49.9% is being proposed.

Mr. McClelland reviews Board Engineer Cristaldi's letter. Section H is a correct statement and a walkway on the right side of the building is being proposed. They will remover the Ac units and revise the plans. There is an ADA ramp that conflicts with the access to the building, they will amend the ramp to the north.

Commissioner Patten asked who will testify about the lighting on the walkway. Mr. Cristaldi states they will use Ballard style lighting, which is not on the plan because they just proposed the change this evening. Mr. McClelland also states there is one parking spot that has a tandem space, this would be designated for the two-bedroom tenant. Commissioner Patten asked about the storm water system. Mr. McClelland stated the pipes are underground. Commissioner Alesandrelli asked about the parking under the building and what the sizes are. Mr. McClelland states the Architect will address. Mr. Cristaldi states the County will need to approve the drainage plan. Mr. McClelland states the County will have impute on the access of the drainage.

Yogesh Mistry, Architect, was sworn in by Attorney DeDio, and considered an expert in his field by the Board. Mr. Mistry's place of business is 350 Karp Drive, Budd Lake. The Architectural plans submitted by Mr. Mistry are marked Exhibit B, along with the colored renderings of the building, marked Exhibit C. The previous two applications were for a 3-story building, this evening a 2-story building is being proposed. Behind the retail area, under the building will be 5 parking spaces. There are two one-bedroom units at 711 square feet each and one two-bedroom unit at 948 square feet being proposed. There is a total of 3,698 square feet for the building which includes the ground floor, crawl spaces, and second floor stairs. There will be brick on the façade face, with Hardie siding on the siding, arched windows and awning for the retail space. The walkway change will not be a problem to move the AC units to either the back or on the roof. This application is consistent with other buildings along the Boulevard and is more pleasing than the existing. Mr. Cristaldi asked if the awning will extend beyond the property line. Mr. Mistry states it will and the County will need to approve for encroachment. Commissioner Alesandrelli asked about the columns in the parking area. The columns will be 12 inches x 24 inches, this will affect space 8 with 8'6 feet to park and space 7 with 8 feet to park. If the handicap space is 8' x 8', that will help with the blind spot. Vice Chairman Krautheim asked about refuge removal. Mr. Mistry states there is a dumpster to the back corner of the building which will be sheltered with fencing. The parking spaces will be assigned for residential residents. Commissioner Patten asked about the cars parking under the building, when the lights are on at night, how that will affect the residential area to the left. Mr. McClelland states face forward parking will not be an issue, but a fence is needed.

Charles Heydt, Planner, was sworn in by Board Attorney DeDio, and considered an expert in his field by the Board. Mr. Heydt's place of business is 282 Taft Court, River Edge. Mr. Heydt re-designed the property to be more consistent to the building next to them. The variance relief needed is conditional use, where one is not needed, a maximum lot size 20 thousand square feet is required, the lot has not changed in size, 7,482 square feet is proposed. Maximum density, where 20 units per acre is allowed and 17.5 is being proposed. No residential on the first floor, only retail. They meet parking requirements of 11 required and 12 are being proposed. The F.A.R., where .35 is allowed and .53 is being proposed. One side yard on west is 5'1 being proposed. Rear yard required is 50' setback and 37.7 proposed. Minimum lot width, lot coverage, and maximum building height they comply. The property is 60' wide and 125' deep. All other requirements are being met. They are providing a 6-foot screen along the rear yard. The affordable housing will be worked out after this meeting. Mr. Heydt goes over the positive criteria. There is sufficient parking, and they comply with lot coverage and building height. The special reasons are purpose C, which is adequate air and open space, purpose E, property density, and purpose I, promoted desirable visual environment. The negative criteria-increasing fencing will help screen car lights. There is no intent to purpose of the towns master plan. Planner Czerniski explains the code states a solid 6 foot fence is

required and should be stipulated if approved. What is the existing fence? Mr. Mistry is not sure about the existing fence. Mr. Czerniski also explained the affordable housing calculation and if the Applicant understands his obligation. Attorney Reddin privately explains this to the Applicant as the meeting continues. Commissioner Patten would like an explanation of how the calculations were determined for the maximum unit acre, is the unit number staying the same size as the previous application. Mr. Mistry explains the previous application was for 5 units, which calculated to 29.1 units per acre. The next application was 17.5 which is the same being proposed this evening.

Dave Simonetti, managing member, was sworn in by Board Attorney DeDio. Mr. Simonetti resided at 8 Hazman Court in West Caldwell. Mr. Reddin reviews the affordable housing ordinance, and he would have to comply with one of the two options, to have one of the units be affordable living or make the calculated payment. Mr. Simonetti asked if the amount could be made in payments. Mr. Czerniski believes payments can be made under a developer's agreement. Commissioner Patten has a concern about the new construction being 15' off the right of way when the structure to the right is 20'8" off the right of way. Mr. McClellan states there is zero lot line in front, they need a line of site and pedestrian site. They are using the same strategy as before for other applications on the Boulevard with zero lot line and they have been accepted. Commissioner Alesandrelli asked about the parking and tandem parking with the column clearance-on the engineers' drawings it looks like it goes from inside the column for the 9' dimension but not clear on the architectural drawings, which starts at center of the column to the curb line. Mr. Yogesh states it will be 9' between the columns.

At this time the meeting is open to the public.

No public to be heard, a motion to close the public portion was made by Commissioner Nash and seconded by Commissioner Patten.

Attorney Reddin summarizes the application.

A motion was made by Commissioner Pattern to deny the applications and was seconded by Commissioner Nash. Application was denied 7-0

A motion to adjourn was made by Commissioner Carr and seconded by Commissioner Alesandrelli @ 8:17 P.M.

Respectfully submitted,
Pam Steinhilber-Daub