

# 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 JANUARY 14, 2014

The January 14, 2014 regular and reorganization meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 8:06 p.m. followed by the Flag Salute. Attorney Tomasello read the Open Public Meetings Act.

The 2015 Oaths of Office were received from Municipal Clerk Wassel for Chairman Fierro for a 4-year term and Alternate Masi for a 2-year term. All Commissioners were sworn.

Nomination for Board Chairman was requested. A motion to appoint Fierro as Chairman was made by Commissioner D'Ambrosio and seconded by Commissioner Mancini. There being no other nominations from the floor, the nomination for Chairman was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Chairman Fierro.

Nomination for Board Vice Chairman was requested. A motion to appoint John Krautheim as Vice Chairman was made by Commissioner Nash and seconded by Commissioner Patten. There being no other nominations from the floor, the nomination for Vice Chairman was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Vice Chairman Krautheim.

Nomination for Secretary was requested. A motion to appoint Pam Steinhilber as Secretary was made by Alternate Korsakoff and seconded by Commissioner Bavazzano. There being no other nominations from the floor, the nomination for Secretary was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Secretary Steinhilber.

Nomination for Board Engineer was requested. A motion to appoint Nordan Murphy as Board Engineer was made by Alternate Masi and seconded by Commissioner Nash. There being no other nominations from the floor, the nomination for Board Engineer was closed. On a roll call vote all members present voted in the affirmative and congratulations were extended to Board Engineer Murphy.

Nomination for Board Attorney was requested. A motion to appoint Gary Tomasello as Board Attorney was made by Commissioner Bavazzano and seconded by Commissioner

Patten. There being no other nominations from the floor, the nomination for Board Attorney was closed. On a roll call vote all members present voted in the affirmative.

A motion to start our monthly meeting at 7:30pm instead of 8:00pm was made by Commissioner Patten and seconded by Commissioner D'Ambrosio.

A motion for the Board of Adjustments monthly meeting dates presented at our December 2014 meeting was made by Alternate Masi and seconded by Commissioner Mancini.

The reorganization meeting was over and the regular meeting of the Board of Adjustment was called to order by Chairman Fierro.

A motion to accept the minutes of the December 10, 2014 meeting was made by Commissioner Patten and seconded by Commissioner Bavazzano. On a roll call vote all Commissioners present voted in the affirmative.

1<sup>ST</sup> CASE: UNITED METHODIST CHURCH  
105 CHURCH STREET, BLOCK 106, LOT 2

Applicant requesting Variance(s) of minor subdivisions.

Attorney Steven Veltri is representing the applicant. The applicant is requesting minor subdivisions and is looking for approval to reconfigure lot lines. There are 4 parking spaces on residential side and the applicant would like to establish that they are on the church side. There are variance(s) that need to be complied with and the applicant is willing to comply.

1<sup>st</sup> witness is Joseph Barbieri, his business address is 11 Furler Street in Totowa and he was sworn in by Attorney Tomasello. Mr. Barbieri is testifying as a professional planner and is considered an expert in his field by the board. Mr. Barbieri is proposing no physical change to the property, just a reconfiguration to the lot lines around the 4 existing parking spaces as they exist on lot 16 of Washington Place.

Exhibit A-Lot line adjustment plan. Variance(s) needed are lot 16-single family zone R-7, lot depth variance, rear set back, and off street parking spaces. Church variances are maximum coverage of the property, minimum front yard coverage, and minimum side yard butting the street. Exhibit A2, 3, 4, and 5 are photos. Photos were shown to Mr. Barbieri and the Board. Exhibit A-2 is the 4 parking spaces, A-3 is another view of the back of the home and parking spaces, A-4 is the view of exit road along Washington Place, and A-5 is the entrance of the church parking area.

Mr. Barbieri states 2 of the 4 spaces are handicap spaces which are critical to the church because they are closet to the entrance of the church. The 4 spaces have existed for 40 years in their current condition. Mr. Barbieri feels if passed the configuration and

function which has been utilized for church parking should stay the same. The house at 33 Washington Place has been rented out for over 15 years. Engineer Murphy's report states the applicant has made changes and resubmitting to the Borough for review, there are 2 waiver forms that will be submitted to the town and engineer for review, there is a note that has been placed on the revised plan for review.

Exhibit A-6 is a letter from the town of Totowa dated today, January 14, 2015. Chairman Fierro asked if the residents at 33 Washington Place, if passed will not be able to park there anymore, Attorney Veltri replies yes. Chairman Fierro also asked about snow removal. Mr. Barbieri replies that there is street parking where available or possible parking in the church. Commissioner Mancini asked how long has the home been there and Mr. Barbieri responds at least 15 years. Alternate Korsakoff asked what is the driving force to ask for this variance, and Mr. Barberi replies that the home is being sold. Commissioner Patten questions abolishing parking, Attorney Veltri would like to lease with property owner so they can control the terms.

Witness James Atkinson, resides at 131 Gordon Ave in Totowa was sworn in by Attorney Tomasello and is the trustee of the church. The church is trying to sell the property to a resident; the previous tenants leased 2 of the 4 parking spaces. The prospective buyers have been notified about the lease of the 2 spots, there have been no issues in the past with the parking spaces. Chairman Fierro asked about a long term lease. Mr. Atkinson says the perspective buyers are now renting the house. Chairman Fierro asked if there are other properties on Washington Place that have no off street parking. Mr. Atkinson states that address 51, 55, and 91 have no driveways back to garage. Mr. Atkinson also states that lot 17 have driveway which means there should be plenty of space for 33 Washington Place. Alternate Korsakoff asked if the perspective buyers sell the house will the church have to come back to request this variance, Attorney Veltri replies yes. Commissioner Patten asked if there was consideration (since it is so important to the church) to abolish the house and make more parking, Attorney Veltri states that is not an option, there is no access from the house to parking spots. Commissioner Mancini asked if the lease would state that there would be no parking on Saturdays and Sunday while church is in session, Attorney Veltri said, that the 2 spots would be there's to use at any time.

A motion to grant the necessary variance(s) was made by Commissioner Patten and seconded by Commissioner Mancini. Vote 6-1 @ 8:53pm.

2<sup>ND</sup> CASE: LACKAWANNA VILLAS  
75 LACKAWANNA AVE, BLOCK 177.01, LOT 8

Applicant requesting construction of residential buildings in I-2 industrial zone. Variance(s) lot are: lot depth of front yard setback, side yard, rear yard, F. A. R. ratio, number of parking spaces, size of spaces, stacked parking, landscaping, buffers, sidewalks, construction on adjoining properties, handicap parking and any others that may be required.

Attorney Darren Del Sardo is asking for a use variance(s) in I-2 zone-multi story 2 building unit. Building 1 will have 15-1 bedroom units and Building 2 will have 9-2 bedroom units. 1<sup>st</sup> witness, Patrick McClellan, business address is 11 Furler Street. Mr. McClellan is a licensed civil engineer and was sworn in by Attorney Tomasello and is considered an expert in his field by the board. Exhibit A-1 is the site plan for Lackawanna Villas and is dated 11/17/2014. Exhibit A-2 is a plan with the existing property and what will be removed. Exhibit A-3 is the site dimension plan; this shows the two 3 story buildings on top of the parking spaces. The property is located in the I-2 industrial zone, which does not permit residential uses. The applicant is requesting a use variance for the proposed multifamily building. The following bulk variance(s) are needed; minimum lot areas, minimum lot width, minimum lot depth, minimum front yard, minimum side yard, minimum rear yard setbacks, maximum floor area ratio, maximum coverage, and maximum height. Exhibit A-3 shows the stack parking which are under the building and there are 6 spaces under building 1 and 4 spaces under building 2. The spaces will be assigned, and there are 9 parking spaces outside that are for guest to use. A stacked parking will be issued to a 2 bedroom unit. Of the 43 parking spaces, two are handicap. The applicant will add sidewalks if the county requires them to do so.

Exhibit A-4 is grading and utility plan, this shows the drainage and driveway access. Storm drainage locked within paved area of parking lot, an agreement of neighbor on existing manhole. The applicant is working on getting that memorialized in writing. If the agreements are not made with the neighbor, than the county drainage system in front of the property would be used and the county would need to approve. Mr. McClellan is not a traffic engineer but with his knowledge he can say that 132 vehicle trips could be made each day. Mr. McClellan feels that the shortage of parking spaces is not as much of a concern because they will be assigned and there is control over it by the signed leases. In regards to landscaping, there is landscaping on the plan and 6 trees are proposed on plan, if more are needed the applicant will comply. Engineer Murphy asked if the applicant could submit the number of sewer and water as stated, Mr. McClellan states they will submit. Mr. McClellan also states that the environmental open channel on the eastern side is 20% of the property will not be disturbed.

Patrick Spina is representing Terry Ryan and Sean Ryan. Mr. Spina's business address is 97 Lackawanna Ave, Totowa. Mr. Spina asked Mr. McClellan asked if the applicant decided to build business offices they would not need to ask for as many variance(s). Mr. McClellan states he cannot answer that, some things may have to be approved; he can say that they would not need to get a use variance with that application. Attorney Spina asked if the residential butting the commercial needs a buffer. Mr. McClellan states not that he is aware of; they would need a % of the parking area for landscaping which they will comply with if need be. Lackawanna is a county road. The proposed applicant will supply 43 parking spaces, which includes 2 handicap spots. Attorney Spina states that is the applicant reduces that number of unit, then there would be less parking and that would comply with C variance. Mr. McClellan agrees with that statement.

Exhibit 0-1 is a letter dated 11/19/14 from the Code Official Alan Burckhardt. The letter denies the application for the following reasons; construction of residential in I-2 industrial zone not permitted, additional lot area coverage, lot depth, front set back, side yard, rear yard, F.A.R. ratio, number of parking spaces, size of spaces, **stack parking prohibited, landscaping, buffers, sidewalks, construction on adjoining properties,** and any others that may be required. **Bold** items were not addressed in applicant's variance(s). Attorney Spina asked if Mr. McClellan could design a building with fewer units and that would eliminate most of the variance(s). Mr. McClellan said the owner wanted to maximize the space without using the environmental area.

Mr. McClellan states that building 1 which has 15-1 bedroom units. There will be 6 stacked parking spaces and 1 single space at this unit. The remaining 7 units will have parking outside. Building 2 which have 9-2 bedroom units. There will be 4 stacked parking spaces and 3 single spaces. The remaining 2 units will have parking outside. Attorney Spina asked is there are any other districts in Totowa that have this type of plan. Mr. McClellan said he cannot answer that and refers to the planner for that question. Attorney Spina would like to know why there are no sidewalks proposed in the plans. Mr. McClellan states that they do not feel the need for sidewalks that go nowhere, but if the county requires it, then they will comply. Attorney Spina questions snow removal. Mr. McClellan says there would be an outside company that would remove the snow from the property if need be. Attorney Spina wants to know about traffic. Mr. McClellan states that according to the county requirements this proposal complies.

2<sup>nd</sup> witness is Steven M Coppa, licensed Architect. Mr. Coppa's business is at 97 Lackawanna Ave and he was sworn in by Attorney Tomasello. He is considered an expert in his field as stated by the board. Mr. Coppa states there is strong demand for 1 and 2 bedroom housing in Totowa. Exhibit A-9 is a color rendition of the building and it shows there is an elevator and stairway in each unit. Because of the size of the lot, adjustments are needed to make. Mr. Ryans building next door is a squared lot, which makes design easier. There was careful consideration when drawing these plans. A one unit building was not a consideration because of the size of this property. Exhibit A-10 is the building elevation and floor plan. Exhibit A-11 is the 2<sup>nd</sup> building elevation and floor plan. Commissioner Patten asked what is entailed in each unit level. Mr. Coppa says it has street level parking, stairway and elevator, and varies from 1 to 2 bedroom units on each floor. Engineer Murphy asked about the mechanical equipment and where will it be. Mr. Coppa there will be nothing on the roof, it will be contained. Engineer Murphy wanted to know if the parking area is screened or closed. Mr. Coppa states they are screened in. Alternate Korsakoff wanted to know about the garbage disposal. Mr. Coppa states there will be a screened in dump site on the outside of the building.

Attorney Spina would like to know if there are any other applications like this that have been approves. Mr. Coppa cannot answer that concern. Mr. Spina would like to know if an office building could be built. Mr. Coppa replies yes. Attorney Spina asked if reducing the footprint from 2 to 1 could give buffers from residential to commercial. Mr. Coppa said that with the loss of environmental area, that caused the construction to be a challenge.

3<sup>rd</sup> witness, Joseph Barbieri, professional planner, was sworn in by Attorney Tomasello. Mr. Barbieri is considered an expert in his field by the board. Mr. Barbieri explains that the applicant is seeking a use variance(s) in a D-2 zone. He feels that the constraints of the property are on the narrow side and the stream in the back and ditch take up 30% of the property, which makes the design difficult. Mr. Barbieri states that the applicant could build businesses, but would still need C variance(s). He feels that a residential dwelling would give a nice flow from residential to commercial and act as a buffer. Mr. Barbieri also feels that there would be no hardship to the borough, town or surrounding property owners.

The parking variance(s) that this application falls into is an R-AH zone, which is a multi-family housing. This zone requires two parking spot per unit. Other variance(s) for parking are RS-IS which requires 2 parking spaces for each 2 bedroom units and 1.8 parking spaces for every 1 bedroom units-this would total to 45 parking spaces need for this application. Another parking variance(s) is Affordable family townhouses, which requires 1.5 parking spaces per unit and 0.25 visitor spaces-this would total 42 parking spaces. The last parking variance(s) is RS-C, which are senior citizens housing, which requires 1 parking space per unit.

Exhibit A-12 which is the property survey for the buyers. Mr. Barbieri explains that an I-2 bulk schedule would be 110' wide x 200' deep for a business building. That size is similar to the Hanson and Ryan building that neighbors the applicant's lot. Mr. Barbieri states that this property is 298' wide x 99' at the northerly side and 154' at the southerly side. Mr. Barbieri feels that the unique physical characteristics of this property that an office building would not work with the I-2 requirements. In his professional opinion, he could put a commercial building there as Mr. Spina is suggesting, but it would not look aesthetically correct like the Hanson and Ryans building. Mr. Spina asked if you can build a commercial building on this lot, Mr. Barbieri answers yes. Mr. Spina wanted to know if there are any districts in Totowa that permit this type of residential development. Mr. Barbieri answers no, this is the first and since there are no guide lines he is hoping the Borough would trust the experts' choices for this unique application. Mr. Spina would like to know if Mr. Barbieri acknowledged there are 14 C variance(s) with 1 D variance that is required for this application. Mr. Barbieri is aware of that variance(s) required. Mr. Spina states that if the applicant reduces that number of units that would also reduce the number of parking spaces. Mr. Barbieri believes that is a true fact. Mr. Spina would like to know why they are not proposing fewer units. Mr. Barbieri states that is not what the applicant is requesting.

Engineer Murphy would like to add information about Mr. Burkhardt's letter. There are some un-necessary variances-they could be waivers. The applicant complies with the landscaping required. There is no wavering for buffers. Stacked parking is non-conforming and is considered a design waiver not a variance. The county will require sidewalks, which the applicant stated they will comply. The construction on adjoining properties is not a variance condition. The ADA parking will need to make sure it is noted on plan and complies with regulations.

Public: Terry Ryan, resides at 2 Dogwood Way in Little Falls NJ, is opposed to the project primarily because of parking. Mr. Ryan states that he has 49 spots at his location and that is just adequate. In regards to the drainage, with a heavy rain they lose 8 parking spaces because of flooding. Some of Mr. Ryans other concerns are the construction on Route 46 and 3 will cause Lackawanna to be congested and they will use this as a cut thru. Mr. Ryan feels there is not enough guests parking and there is no other area for them to park, since there is no on street parking in that area. He thinks that snow removal will be an issue since there is nowhere to store it. His property suffered a sink hole because of poor drainage and feels with more added to the existing drainage it will be worse.

Attorney Del Sardo closes with his statement that he feels that no matter what goes there, there will still be an issue-the experts that were brought forth this evening state there are no issues with the proposed plan. They also agree to any contingencies that are requested.

A motion to grant the necessary variance(s) was made by Commissioner D'Ambrosio and seconded by Commissioner Patten. Vote 7-0 @ 11:26pm.

THE FOLLOWING RESOLUTION(S) WAS MEMORIALIZED:

1<sup>ST</sup> CASE: CBS OUTDOOR, LLC

701 UNION BLVD, BLOCK 173, LOT 17

Variance(s) granted for upgrade to convert existing billboard from static to LED technology and to be double faced. A motion was made by Commissioner D'Ambrosio and seconded by Commissioner Bavazzano

2<sup>ND</sup> CASE: PASSAIC VALLEY WATER COMMISSION

800 UNION BLVD, BLOCK 181, LOT 3

Variance(s) granted for construction of emergency powers facilities for water treatments plant. Variance(s) also granted for front yard setback, max height and any others that may be required. A motion was made by Commissioner Patten and seconded by Commissioner Nash.

A motion to adjourn the meeting was made by Commissioner Mancini and seconded by Commissioner D'Ambrosio. The meeting was adjourned at 11:30 p.m.

Respectfully submitted,  
Pam Steinhilber, Secretary