

# BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF  
ADJUSTMENT



MUNICIPAL BUILDING  
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## BOARD OF ADJUSTMENT MINUTES OF MARCH 11, 2015

The March 11, 2015 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 7:35 p.m. followed by the Flag Salute. Attorney Tomasello read the Open Public Meetings Act.

A motion to accept the minutes of the February 11, 2015 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: FORTRESS HOLDINGS, LLC  
555 PREAKNESS AVENUE, BLOCK 6, LOT 2

Attorney Tomasella stated that the Boro Engineer said the plans were incomplete. This case will be carried over to the April 8, 2015 meeting. No notices need to be resent to the residents.

2<sup>ND</sup> CASE: GORDANA OLDJA & MILUN KONATAR  
10 WENTICK STREET, BLOCK 137, LOT 10

Applicant is requesting variance(s) for minor subdivisions creating 2 undersized lots in R-7 zone-construction of new single family home on undersized lot/variance(s) F.A.R., front yard setbacks. Accessory structure requiring variance(s) for coverage and setbacks and any others that may be required.

Raymond B. Redding, the attorney for this case would like to have Engineer, Pat McClellen speak about the plans. Mr. McClellen is considered an expert in his profession per the Board.

Me. McClellen points to Exhibit P-1, which is the plan for 10-14 Wentick. This is sheet 1 of 2. The lot is 100' x 100', and is two lots with one single family home on it. The applicant would like to put it back to two homes. The subdivision of property to make 2 homes with 5000 square feet each. Engineer Murphy's report has the following issues for applicant to comply with. 1. The applicant is proposing to subdivide an existing lot and to renovate the existing dwelling to remain on Lot 10 as noted. 2. R-7 zone

variance(s) relief needed for lot area, lot width, front setback, and F.A.R. 3. Applicant will take care of the revision of the plans. 4. Side yard setbacks and Maximum permitted coverage. 5. Existing driveway encroaches into adjacent home-stairs are being removed and this will not be a concern. 6. Proposed lot numbers must be assigned by the Boro Tax Assessor-this will be taken care of per Mr. McClellen. 7. The Subdivisions deeds must be prepared by a NJ Licensed Surveyor-this will also be taken care of. 8. The applicant understands that the subdivision deeds and any proposed easements must be reviewed and approved in writing by the Board Attorney and Engineer prior to filling time.

Engineer Murphy, asked how does the application compare to the neighborhood; Mr. McCleelan responds that it is consistent with the neighborhood. Front yard setback of 2' overhang. Chairman Fierro asked if the size of the lot is 100' x 50' seems appropriate for the area, Mr. McClellan states that there are some lots that are the same size as this lot.

Architect, Yogish, Mistry-17 Main Street, Netcong New Jersey is sworn in by Attorney Tommasello. Mr. Mistry is considered an expert by the Board. Mr. Mistry point out Exhibit P-2, which is the color rendition of proposed project of completion. Mr. Mistry states the F.A.R. refers to addition of the second floor, which will be 1,203 square feet of usable space. The first floor, which consist of 1,132 usable square spaces. There was a discrepancy in Nordan's letter-front setback listed was 22.5 and applicant is requesting 20.5 also side yard listed was 61.5 and the applicant had a typo on the plan, it should be 61.5. The existing sunroom will be enclosed and be part of the home.

Commissioner Patten noted that the rendition was lacking sidewalks. Engineer Murphy agreed with Commissioner Patten and stated it should be included as part of the application. Vice Chairman Krauthem asked about the drainage, which Engineer Murphy said it would be addressed in the next application. Chairman Fierro asked about gas and water lines, Architect Mistry stated the applicant is using the existing lines. Engineer Murphy asked about a 2<sup>nd</sup> entrance to the basement, Architect Mistry stated there is no entrance to the basement from the outside, it is within the home. Engineer Murphy stated the garage needs to be revised.

Alex Oldja, was sworn in by Attorney Tomasella, is testifying as a family member to the owner. Mr. Oldja states that sidewalks will be added and they will go through the building engineer.

There was no public to be heard.

Motion was made to accept e application was made by Commissioner D'Ambrosio and seconded by Commissioner Nash. Vote was 7-0 and approved at 8:05pm.

3<sup>RD</sup> CASE: GORDANO OLDJA & MILUN KONATAR  
14 WENTICK STREET, BLOCK 137, LOT 11

Applicant is requesting variance(s) for construction of new single family home on undersized lot-variance(s) F.A.R., side and rear yard setbacks and any others that may be required.

Raymond B. Redding, Attorney states the applicant would like to construct a single family home. He brings up Pat McClellan, the engineer for the project. Engineer McClellan shows Exhibit P-1 which shows the development on Lot 11, it shows a driveway on the left side of the home with a garage. There will be 2-100 gallon tanks buried underground with stone over it, there will also be a trench drain.

Engineer McClellan addresses Engineer Murphy's letter. Line 1 is commentary, 2. The following bulk requirements are needed-lot area, lot width, side yard, rear yard setbacks, & F.A.R. 3. Consider reconfiguring-to narrow the building, Engineer McClellan recommends to accept as is. 4. As stated no additional non-conformities were identified during review of the application. 5. Testimony was provided on prior application, and the trench details will be shown to the contractor. 6 & 7. The applicant will comply with providing an individual plot plan for approval and if the minor subdivision is approved, must be perfected prior to the issuance of a building permit for single family dwelling.

Architect Yogesh Mistry, who's oath continues, shows us Exhibit P-3 which is a color rendering on 14 Wentick. The Exhibit shows a 2,800 square foot home with an attached garage. It will have 4 bedrooms, 2 ½ bathrooms, and a 12 x 27 deck. Chairman Fierro asked if 4 cars could park in the driveway including the garage, Architect Mistry states yes. Commissioner Patten asked about encroaching by 2' and the answer was yes. Chairman Fierro asked about the F.A.R., Architect Mistry said the garage and porch are included, the basement is not. The basement will be sheet rocked but not used as usable space.

Public heard-Susan Marqus, speaking for her mother Dolores Tullo who resides at 18 Wentick. Mrs. Marqus is asking about privacy for her mother's deck line to the property line. Architect Mistry states that there is 4' side of the house to her mother's fence and 6' from the other side. Commissioner Patten states the we do not know how close Dolores's home is from the property line.

Alex Oldja, who is also still under oath, states that sidewalks will also be included on this application and appreciated the concerns, but would like to stay with the plans the way they are. Engineer Murphy states that it is only 2' that Mrs. Marqus is asking to be changed. Attorney Reddin states it is difficult to find nice homes and this will make 2 purchasers very happy and will add to the neighborhood. Attorney Reddin would like the board to approve the plans as submitted. Chairman Fierro asked Mr. Oldja if his decision not to make the changes is a hardship. Mr. Oldja replies that it is more of a function issue. Attorney Reddin asked for a moment to discuss with the applicant. Mr. Oldja would like to compromise and can give up a foot on neighboring side so it would be 5' on one side and 5' on the other. Chairman Fierro asked is there would be any negative on drainage and Engineer McClellan states there will not be.

Mrs. Marqus has drainage concerns. Mr. McClellan states that liter drains and trenches will prevent any issues.

Public to be heard: Donald Francese, resides at 59 Bogart has concerns that the homes are too big and would like to know the average square feet of homes in that area. Architect Mistry says he has not data at this time..Mr. Francese says you could check Zuillo, but Attorney Reddin says the accuracy of Zuillo is questionable. Mr. Oldja states that the new ordinance for properties are 40 x 100. Mr. Francese asked about square footage of the home on square footage of the land. Engineer Murphy states the F.A.R. the applicant is asking for is 69.7% and the town ordinance is 40%.

Motion to accept the application was made by Vice Chairman Krautheim and seconded by Commissioner Bavazzano. Vote is 7-0 and approved at 8:44pm.

Motion to adjourn the meeting was made by Commissioner Bavazzano and seconded by Vice Chairman Krautheim at 8:45pm.

Respectfully submitted,  
Pam Steinhilber, Secretary