

# 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 MARCH 12, 2014

The March 12, 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 8:02 p.m. followed by the Flag Salute. Attorney Tomasello read the Open Public Meetings Act.

### Roll Call:

Present: Chairman Nick Fierro, Commissioner D'Ambrosio, Commissioner Mancini, Commissioner Patten, Commissioner Bavazzano, Alternate Korsakoff, Alternate Masi, Attorney Tomasello, Engineer Murphy, & Secretary Steinhilber.

1<sup>ST</sup> CASE: MRS. GORDANA OLDJA  
388 UNION BLVD, BLOCK 103, LOT 14

Applicant requesting Variance(s) conversion of office space to residential in B-2 zone which is not permitted & any others that may be required.

1<sup>st</sup> witness Alex Oldja to speak on behalf of applicant Gordana Oldja. Acknowledge proper notice given. Applicants address is 4 Lookout Point, Totowa NJ 07512 and was sworn in by Attorney Tomasello.

Witness is proposing to downsize the usage of the building to 2200 square feet of commercial convert to 2 apartments. Witness states that tenants remove garbage, but he can put containers if needed. There is no dumpster there at this time. Witness Oldja states that there is plenty of light, 4 lights on the building plus light on the utility post.

Witness Oldja is asking for this conversion because of hardship and that it would be easier to rent residential space instead of commercial. Chairman Fierro asked about garbage removal and if there was space for a dumpster, Oldja's response is that it would be tight. Commissioner D'Ambrosio asked if there was any handicap parking, and Oldja responded that there is one handicap spot. Commissioner Patten asked if this Variance was presented at any other time, and Oldja responded it was, but for other reasons. Commissioner Patten also inquired about snow removal, Patten noticed removal was not taken care of in the past, Oldja responded that he did take care of it, but lost parking spots because the snow was so stacked that he lost 2 parking spots because of it. No further questions were asked of witness Oldja.

2<sup>nd</sup> witness, Architect Yogesh Mistry. Mr. Mistry's business address is 17 Main Street, Netcong NJ and was sworn in by Attorney Tomasello. Attorney Tomasello verified that Architect Mistry's qualifications were confirmed.

Architect Mistry states that the 1<sup>st</sup> floor of the building will be Office/Retail space and the 2<sup>nd</sup> floor will be Tenant and Office space. He refers to plans marked A1 that the building is L-shaped and has two stairways, one on Union Blvd and one in the rear parking lot. Engineer Murphy states that in the plans there is no handicap parking; Mistry says that the spot marked handicap meets standards. Engineer Murphy would like to see the space van sized and the Architect says that the parking spaces can be adjusted. Engineer Murphy also states that lighting is sufficient and the pole lighting is bright enough even without the 4 other lights on the building. Mistry says that a dumpster would have to take up a parking space of the existing parking spaced would have to be adjusted to 8'. Engineer Murphy asked about garbage disposal with the additional tenants and where would the tenants store the garbage until pick up. Mistry says there is a space to put small garbage containers and that maybe it can be covered by a fence. Witness Oldja states there is a storage room on Redman Ave side under the stairway and the current tenants store their garbage there until it is picked up. Commissioner Mancini states that storing garbage inside could smell and that outside storage is a better solution. Attorney Chacon states that if the board wants the garbage to be contained the right way that witness Oldja would be more than happy to take care of that.

3<sup>rd</sup> witness, Planner Mia Petrou. Planners address is 12-15 Fairlawn Ave, Fairlawn NJ and sworn in by Attorney Tomasello. Attorney Tomasello verified that Planner Petrou has been confirmed as an expert from past by the board.

Planner Petrou has 2 exhibits labeled A2, one is photo of the building and one is the arial view of the building. Planner Petrou states that property is a corner lot of 11 thousand square feet and the applicants want to convert 2400 square feet to 2-2 bedroom apartments. Planner Petrou states that tenants will bring more revenue to the town. Planner also says that commercial use is different to rent on 2<sup>nd</sup> floor. Parking variance-30 spots are required and 17 are available, there is no room to add any more spaces, but if the change of space to residential use then there would be a change in the spaces. Commissioner Patten asked if it is a detriment to set parking for tenants only. Planner Petrou says no, because residents are at work during business hours. Commissioner Mancini asked what type of businesses are at property now, Planner Petrou states there is a cabinet display showroom right now, and witness Oldja states that 400 square feet of space is dedicated to a limo service office. No more questions are for Planner Petrou.

Open to the Public:

Kenon Tuncel resides at 52 Redman Place, states that the trash is always clean, but parking is an issue and that employees of the commercial tenants are parking on the Redman Ave which is causing traffic. Mr. Tuncel has had to call the police twice because of people parking poorly. Parking is Mr. Tuncel's only concern.

Chairman Fierro asked witness Oldja about the limo service and that if variance passes Then the 2<sup>nd</sup> floor will be residential only, besides the showroom, which brings no more parking issues to the plate.

Joseph Sterba, resides at 44 Redman Place, states that he has a number of concerns. The first is the intensive development of space. The second is that Redman Place is a very narrow street and that there needs to be enough parking in the lot for commercial shoppers and employees and residential tenants. Mr. Sterba also talks about non-conformance use chapter, and that the space in question was residential and it was changed to commercial-but according to Mr. Sterba, you cannot go back to residential. Mr. Sterba also states that there will be no benefit to residents supporting the town.

Witness Oldja speaks and states that commercial tenants change all the time, and with different commercial tenants the parking issue can be worse than if residential tenants where there. Mr. Sterba says it is still an issue and what stops the conversion of the first floor; he still feels that this is not a benefit to the town. Witness Oldja states he has no plans to change it back. Engineer Murphy inquires if the storage in basement is only used as storage, Attorney Chacon replies yes.

A motion to grant the necessary variance(s) was made by Commissioner D'Ambrosio and seconded by Commissioner Bavazzano. Vote to grant: 7-0(9:09pm).

2<sup>nd</sup> CASE: M. ALI & R. DARWICHE  
54 COLUMBUS AVE, BLOCK 74, LOT 5

Applicant requesting Variance(s) construction of new home. Pre-existing non-conforming lot. Variances front yard setback, building height & any others that may be required.

Architect Vassilios Cocoros, business address 467 Sytan Ave, Englewood Cliffs, NJ. Graduate of NJIT in 1992, received Architecture License in 1997. He also has a Bachelor of Architecture and is licensed in the State of New Jersey. Attorney states he is qualified as an expert.

Mr. Cocoros presented plans marked as A1, elevation and zoning, and A2, floor and site plan. The site is a R20 zone, at this time the basement is unfinished. Commissioner Patten asked Engineer Murphy about the shade tree commission, Engineer Murphy states in his paperwork that tree removal plan must be submitted in accordance with Chapter 383 of the Borough ordinance.

A motion to grant the necessary variance(s) was made by Commissioner Patten and seconded by Commissioner Bavazzano. Vote to grant: 7-0(9:32)

Chairman Fierro asked Engineer Murphy about Case 3, Hussain, 77 Garfield Place. Attorney Tomasello had spoken with their attorney and the case cannot be heard because of unpaid escrow of taxes. The case will be carried over to next month's meeting.

A motion to adjourn the meeting was made by Alternate Masi and seconded by Commissioner Bavazzano. The meeting was adjourned at 9:34 p.m.

Respectfully submitted,  
Pam Steinhilber, Secretary