

TOWNSHIP OF SADDLE BROOK ZONING BOARD OF ADJUSTMENT

Following are the minutes of the Saddle Brook Zoning Board of Adjustment's regular session, held on Monday, March 7, 2016.

1. At 7:30 p.m., Chairman Ratajczak called the meeting to order.

2. **Salute to the Flag.**

3. **Roll Call:** Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak, Mr. Esposito, Mr. Browne, and Mr. Schilp - PRESENT Mr. Mazzer and Mr. Zottarelli – ABSENT
Also present was Marlene Caride, Board attorney, Rick Brown, Board engineer and Gary Paparozzi, Board planner.

4. **APPLICANT #1 – Papaiya Real Estate**

66 Market Street, Block 619, Lot 2

Mr. Ratajczak recused himself.

Mr. Schilp sat in.

Richard Kapner, attorney for the applicant, came forward.

Mr. Kapner – This is an application to convert the existing convenience store to a liquor store and to increase the conforming retail space, while decreasing the nonconforming warehouse space. A parking variance is required. Last week, I appeared at a Council meeting. The Township Council is considering vacating Rosemont Avenue to the adjacent property owners. If they do vacate Rosemont Avenue, it will change this application. We'd like to carry the application to the April 4, 2016 meeting.

Mr. Schilp made a motion to carry the application to the April 4, 2016 meeting. Mr. Esposito seconded the motion.

VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Esposito, Mr. Browne and Mr. Schilp – YES

APPLICATION CARRIED

5. **APPLICANT #2 – Brian Sheppard**

34 Welcome Road, Block 503, Lot 4

Mr. Gatto recused himself. Mr. Schilp sat in.

Brian Sheppard was sworn in.

Mr. Sheppard – The existing garage has extensive termite damage. I would like to add a new attached garage with an office over it.

Mr. Ratajczak – Two of the three variances requested are pre-existing.

Mr. Sheppard – It's an odd shaped lot.

Ms. Murray – Are you going to the property line with the fence? Will it block your neighbors windows?

Mr. Sheppard – I'll try not to block the windows.

Mr. Schilp – Will the office be used for a business?

Mr. Sheppard – No, it's for my personal use.

Mr. Ratajczak – What is the height of the fence?

Mr. Sheppard – I would like six feet, but I would agree to a four foot fence.

Mr. Galbo made a motion to open the meeting to the public. Ms. Murray seconded the motion.

All in Favor – Yes

No public participation.

Mr. Schilp made a motion to close the meeting to the public. Mr. Galbo seconded the motion.

All in Favor – YES

Mr. Rofofsky made a motion to approve the application with the condition that the fence is no higher than four feet. Mr. Esposito seconded the motion.

VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Ratajczak, Mr. Esposito, Mr. Browne and Mr. Schilp – YES

APPLICATION APPROVED

6. APPLICANT #3 – Aneta Kowalski

582 Larch Avenue, Block 1704, Lot 13

Ms. Murray recused herself.

Mr. and Mrs. Kowalski were sworn in.

Mr. Kowalski – We would like to construct a 14' x 15' patio and a 3' x 10' walkway.

Mr. Gatto made a motion to open the meeting to the public. Mr. Schilp seconded the motion. All in Favor – YES

No public participation.

Mr. Schilp made a motion to close the meeting to the public. Mr. Gatto seconded the motion. All in Favor – YES

Mr. Gatto made a motion to approve the application. Mr. Galbo seconded the motion.

VOTE: Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak, Mr. Esposito, Mr. Browne and Mr. Schilp – YES

APPLICATION APPROVED

7. APPLICANT #4 – William & Lacey Trongone

186 Colonial Avenue, Block 1202, Lot 19

Lacey Trongone was sworn in.

Ms. Trongone – We are looking to add a second level to our ranch style house.

Mr. Gatto – Will the deck remain?

Ms. Trongone – Yes, we're just going above the existing house.

Mr. Ratajczak – The variances requested are pre-existing nonconformities.

Mr. Gatto made a motion to open the meeting to the public. Ms. Murray seconded the motion.

All in Favor – YES

No public participation.

Ms. Murray made a motion to close the meeting to the public. Mr. Gatto seconded the motion.

All in Favor – YES

Mr. Gatto made a motion to approve the application. Mr. Esposito seconded the motion.

VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak, Mr. Esposito and Mr. Browne – YES

8. APPLICANT #5 – Malas Builders Corp.

110 Market Street & 15 Bella Vista Avenue, Block 617, Lots 1, 2, 3, 4 & 19

Carmine Alampi, attorney for the applicant came forward.

Mr. Alampi – My clients have been builders for many years. They are under contract to purchase Ed's Tavern and the first house on Bella Vista Avenue (to square off the property). The primary request is for a use variance because we are in a B-1 zone in the front and an R-A zone in back. We are proposing a mixed use, business and residential, in a split lot zone. This is a three story building with commercial parking in front (business zone) and residential parking in the rear (residential zone), with the exception of a couple spots for the business owners/managers. We will create some limited buffer, landscape and drainage, where there is none now. A traffic analysis has been done, but will not be presented until the Board can review it. Other requested variances include density and parking in the front yard. We have received the Board experts' reports.

Calisto Bertin, engineer for the applicant, came forward and was sworn in.

Mr. Bertin marked his 9 page set of plans, dated 02/11/16 (survey dated 09/24/15) Exhibit A-1. The Existing Conditions Survey was marked Exhibit A-2.

Mr. Bertin – The residential line runs through the middle of Ed's lot. Lots 1, 2, 3 & 19 are 34,188.2 square feet.

The Bella Vista lot is 7,500 square feet and makes this a rectangular lot. The South Central lot abutting this lot has a driveway overlapping the subject property. Ed's gave them a 600 square foot easement. The total 41,675 square foot property has a 9 foot grade change, dropping from west to east. We have to level off the property a little and put a wall at the corner of Market Street and Bella Vista Ave. The back driveway grade changes only 2 feet. We have frontage on three streets. Currently, there is 89% impervious coverage. The runoff from this property runs into the street.

Mr. Bertin marked and a landscape rendering, dated 02/11/16, Exhibit A-3.

Mr. Bertin – Proposed is 10,500 square feet of retail space with a slightly larger second floor with 11 apartments. The second floor has a 6 foot cantilever, creating a covered walkway. There will be three-one bedroom units and eight-two bedroom units. There will be a small partial basement for utilities. There are 41 parking spaces; one driveway on South Central Ave and one driveway on Market Street, which are geared for business; and 27 parking spaces in the rear for the residents, business owners and residents' guests, which are accessed by the driveway on South Central and Bella Vista.

Mr. Gatto – The 4 parking spaces on the street should not be counted toward onsite parking.

Mr. Bertin – Correct.

Mr. Bertin- The business entrances are on the front of the building; apartment entrances are on the front and back of the building. Trash enclosures will be at the back of the lot. We will put a 6 foot solid fence on Bella Vista, a 4 foot rail along the wall and some shrubs. Along Market Street, there will be a lawn and possibly shrubbery. New curbs and sidewalks are proposed along all three sides. The driveways will be 24 feet wide; parking spaces 9' x 18'. There is a dead area in the front parking lot for people to turn around. Page C2.3 'Grading Utility and Erosion Control' shows that the site slopes. We had to step the building. The retail area on the west side is at 72 elevation; the hallway is at 70.75 elevation; and the retail area on the east side is at 70 elevation. The grade at South Central is 72 and the top of the wall is 69. Normally we would collect drainage to inlets, but there are none in the area for us to tie into. Roof drains will be brought to an underground detention basin under the parking lot. The Board engineer has recommended a pipe through the curb so water doesn't run over the sidewalk. The Stormwater

Drainage sheet was marked Exhibit A-4. Generally, we'd have to decrease the rate of runoff. We will file an application with the county also. We have met the standards in our proposal. Water will collect onsite (rear parking area) and will be channeled onto Buena Vista and out to Market Street. The basin is an open bottom basin. The 'Landscape & Lighting Plan shows two types of light poles; a decorative lantern and soffit lights, like high hats, three lanterns along Market Street. The light will be thrown to the site, not the street. There will be 4 lanterns in the back also. The lanterns are 12 feet tall. There will be no lighting on either side of the building. Five wall lanterns will be on the back of the building. The evergreens at the rear will be 6-8 feet initially; plants along Bella Vista 3-4 feet. Sheet C2.5 shows how intense the lighting is on the paving level. The lighting is at 1.5-4 at peak. The back lot is about one half the intensity of the front lot and the lights have shields. There will be LED lights, which can be controlled by motion sensors.

Mr. Ratajczak – Will the rear spaces be assigned?

Mr. Bertin – Yes.

Mr. Ratajczak – How would you prevent residents from parking in the front?

Mr. Alampi – Mr. Bertin, not being a building manager, cannot testify about that.

Mr. Ratajczak – Where will deliveries happen?

Mr. Bertin – Trucks can pull into the parking lot.

Mr. Alampi – There will not be a restaurant, just retail. We don't expect large deliveries.

Anything bigger than a pickup truck would have to go through the back lot.

Mr. Gatto – Most deliveries come by trailer trucks. There should be a loading zone. How can we calculate the parking if we don't know what types of businesses will be there?

Mr. Alampi – We're not contemplating an eating establishment. If someone wanted to come in with that, they'd have to come back to the Board.

Mr. Gatto – You're still under in parking.

Mr. Alampi – 6 spaces.

Mr. Gatto – Will people pulling out of Bella Vista have a line of site?

Mr. Bertin – Yes.

Mr. Alampi – We will give a site distance report.

Ms. Murray – Can a garbage truck get in to empty the trash receptacles?

Mr. Bertin – Yes, they are on wheels so they can roll out.

Ms. Murray – Is the last parking space too close to the driveway?

Mr. Bertin – It is close, but doable, as it's located in a low turnover area.

Mr. Ratajczak – How does the garbage area work?

Mr. Bertin – There will be one container for all of the businesses and one container for all of the residences. Each will have 2 compartments (recyclables/trash).

Mr. Gatto – What about employee parking?

Mr. Bertin – The ordinance requires 1 space per 200 square feet. Some will park in the front, other in the rear.

Mr. Alampi – Mr. Bertin will go into parking sufficiency when he reviews his traffic report.

Mr. Paparozzi – The county may want to widen the street, which would affect parking. If that happens, the Board may want them to come back. Also, the B-1 zone allows for restaurants or cafes, like Dunkin Donuts. This would increase the deficiency. Also, the last parking space is a dangerous spot. Lastly, there are no signs that say tenant parking only.

Mr. Bertin – We'll address that.

Mr. Paparozzi – There is no standard for the depressed curb. The 27' on Bella Vista creates another variance.

Mr. Schilp – The 4' solid fence and shrubs near the driveway would create a site issue.

Mr. Bertin – We were trying to create a buffer. We can get rid of it.

Mr. Schilp – It could be an open fence. Also, there should be access to the dumpster because they're hard to roll.

Mr. Ratajczak – Where would you put snow?

Mr. Bertin – If it's a large storm, we'd cart it away. If not, it would go behind the cars in the landscaped area.

Mr. Brown – This application would be subject to county approval. The green space on Market Street is not included in the reduction in impervious coverage. You'll need to schedule a test pit with the high rain season coming. The engineering plans show the signs at 80 square feet; the architectural plans show 120 square feet.

Mr. Bertin – The architect will address the signs.

Mr. Gatto made a motion to open the meeting to the public for questions for Mr. Bertin. Mr. Galbo seconded the motion. All in Favor – YES

James Edwards, 16 Bella Vista Ave. – I wasn't given notice.

Ms. Caride – The applicant can rely on the list given by the town.

Mr. Alampi – We sent notice to everyone on the list.

Mr. Edwards – An 18 wheeler can come into the lot at 2:00 to make a delivery?

Mr. Alampi – We're going to take another look at it. We will be as respectful as we can.

Mr. Edwards – There was no discussion about septic/sewage and where it goes.

Mr. Bertin – It goes to the municipal sewage line located on Bella Vista.

Basil Pizzuto, 70 Harrison Ave. – What are the business signs going to be like?

Mr. Bertin – The architect will get into that.

Mr. Pizzuto – Any parking variance given will have to take into account the fact that other businesses and people going to Town Hall use that lot.

Mr. Ratajczak – The town plans to knock down the old police station.

Mr. Pizzuto – Is it zoned for a restaurant or Dunkin Donuts?

Mr. Ratajczak – Yes.

Mark Fagan, 22 South Central Ave. - I am wondering what we can do about the garbage? I'm worried about spillage.

Mr. Bertin – We will work on that.

Kevin Seitz, 20 Bella Vista Ave. – It's noisy when the dumpsters are emptied at the office building across the street, very early in the morning. Also, are there any handicapped spaces?

Mr. Bertin – Yes, 3.

Mr. Seitz – What is the size of the sewage line?

Mr. Bertin – 6 inches.

Mr. Seitz – Will the building be sprinklered?

Mr. Bertin – Yes.

John Caravello, 57 Harrison Ave. – I'm concerned about light. Will the lights be on 24/7?

Mr. Bertin – The architect will answer that.

Karen Francaviglia, 12 Bella Vista Ave. – I think we're going to have a lot of traffic in the back lot.

Martha Gabouri, 23 Bella Vista Ave. – Will the apartments be owned or rented?

Mr. Alampi – We believe it will be rental, but we can't say for sure.

Ms. Gabouri – Section 8?

Mr. Alampi – We can't discriminate.

Ms. Gabouri – Many kids live on the street and play outside. I'm worried about traffic.

Sylvane Gabouri, 23 Bella Vista Ave. – We are worried about increased traffic.

Alex Mykula, 25 Bella Vista Ave. – Are there plans to possibly reduce the number of stores and apartments?

Mr. Alampi – We will look at that.

Kevin Seitz – It says there is a 4 foot front yard setback?

Mr. Alampi – That's for the sign.

Sarah Mielicki, 22 Claremont Ave. – Has the impact on the schools been addressed?

Mr. Alampi – Our planner will address that.

Mr. Gatto made a motion to close the meeting to the public. Mr. Browne seconded the motion.

All in Favor - YES

Ray Virgona, architect for the applicant was sworn in.

Mr. Virgona marked his plans, dated 12/22/15, Exhibit A-5.

Mr. Virgona – The signage occurs in more locations than there are doors, making it look like more than five bays, but there are only five. The elevation on page SK-1 shows the Market Street side. The lower portion of the building is brick and the upper level is stucco. There is an eight foot hallway in the center for the residential units. The apartments overhang the retail spaces by 6 feet to provide shelter. The signs will be at the part of the building that is furthest out. The signs are 2 feet high x 12 feet wide. They will not be internally lit. They will have gooseneck or down lights. The sidewalk is sloped because of grading. The two doors at the east side are level. The center lobby is at a different elevation. The 2 stores on the west are at another elevation. The highest point of the building will be 33'11" (35' is permitted). The rear of the building is mostly brick. The stores will have no windows in the rear. There will be a double door for the residential area on the back of the building. There are also 4 doors on the rear of the building and one on the side for a means of second egress for the retail stores. On the side of the building, some of the windows are recessed panels (not windows) to create visual interest. The signs on the sides will also have gooseneck lighting. Mechanicals will be 'through the wall' units. The only equipment on the roof is for the hallway for the residential units and for the 5 condensing units for the retail space. They will be in the middle of the roof and will not be seen. The freestanding sign is meant to match the building. This 10'W x 2'thick x 20'H sign is located near the corner of South Central Ave. and Market Street. Its setback from Market Street is 4 feet. The basement will be 8' x 55' and located below the residential lobby. Each business has a bathroom and storage/office space. The residential lobby goes through the building. It has fire stairs and a 3,500 lb. elevator, which can hold a stretcher. Building will be handicap adaptable. The second floor ceiling height is 9 feet. There will be no void space or storage space above that ceiling. There will be draft stopping. There will be 8 - two bedroom units ranging in size 923-1,174 square feet; 3 – one bedroom units will be 714-876 square feet. The units are not large. There are two sets of stairs. One goes directly out, for emergency only. The elevator bulk head would be 3-4 feet above the roof, still within the allowable amount. The first floor, including the lobby is 10,527 square feet, with retail area of 9,814 square feet. The second floor is 11,841 square feet.

Mr. Paparozzi – The plans don't have any of the building dimensions to check the parking requirement.

Mr. Virgona gave Mr. Paparozzi a copy with the dimensions.

Mr. Ratajczak – I think the sign lights should be limited to what's shown, with no window signs.

Mr. Alampi – I don't know what the town allows.

Mr. Gatto – Will there be firewalls between the units as well as to the roof?

Mr. Virgona – There will be firewalls between the units and firestopping between the ceiling and roof.

Mr. Gatto – Due to the elevation difference, will it be a step or a ramp?

Mr. Virgona – The sidewalk will have a subtle slope. Internally, the building will step (have different floor elevations).

Ms. Murray – The ground sign is closer to the intersection than the 50' requirement. Also, you have more than one wall sign and more square footage than what is allowed.

Ms. Murray – What is the noise level of condensing units and elevator?

Mr. Virgona – The condensing units aren't usually that large. They will be located in the farthest location from the edge of the walls. The elevator is in the basement.

Mr. Schilp – Is there roof access? Where is the basement access?

Mr. Virgona – There is a hatch to the roof and the basement is accessed through the lobby.

Mr. Schilp – Will the center hall be locked? If so, will you have a box for the Fire Department?

Mr. Virgona – Yes and yes.

Mr. Browne – Will there be canopy lighting in front?

Mr. Virgona – Yes, the overhang will be lit.

Mr. Gatto made a motion to open the meeting to the public for questions for Mr. Virgona. Ms. Murray seconded the motion. All in Favor – YES

Amy Higgins, 228 Saddle River Rd. – Is there a fire zone in the parking lot?

Mr. Bertin – No

Mr. Alampi – Is there a requirement for a fire lane?

Mr. Bertin – No.

Kevin Seitz – If a florist or deli were to be a tenant, where would the refrigeration go?

Mr. Bertin – We don't have any tenants yet.

Basil Pizzuto – I think a sign that large is unnecessary. This is a residential area.

John Caravello – Would you want this in your neighborhood?

Mr. Alampi – Yes.

Mr. Gatto made a motion to close the meeting to the public. Mr. Galbo seconded the motion. All in Favor – YES

Mr. Alampi waived the toll of time.

Mr. Esposito made a motion to carry the application to the April 4th meeting with no further notice. Mr. Gatto seconded the motion. All in Favor - YES

APPLICATION CARRIED

9. RESOLUTION

Ms. Murray made a motion to memorialize the resolution of approval for Sylvia Zambrano, 25 Nedellec Dr., Block 1407, Lot 18. Mr. Galbo seconded the motion. VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Esposito and Mr. Browne – YES

10. MINUTES

Mr. Browne made a motion to approve the minutes of the February 1, 2016 meeting. Ms. Murray seconded the motion. All in Favor - YES

11. COMMUNICATIONS

Mr. Esposito made a motion to accept and file the communications. Mr. Rofofsky seconded the motion. All in Favor – YES

12. VOUCHERS

Mr. Gatto made a motion to pay the following vouchers, provided funds are available:

Carroll Engineering, 02/04/16, 370-448 Corp., \$134

Mr. Browne seconded the motion. All in Favor – YES

13. OPEN AND CLOSE TO THE PUBLIC

Mr. Gatto made a motion to open the meeting to the public. Ms. Murray seconded the motion.

All in Favor – YES

No public participation.

Ms. Murray made a motion to close the meeting to the public. Mr. Galbo seconded the motion.

All in Favor – YES

14. ADJOURN

Mr. Gatto made a motion to adjourn the meeting. Mr. Browne seconded the motion. All in Favor – YES

Meeting Adjourned 11:00 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary