

## **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, April 4, 2016.

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

2. **Salute to the Flag.**

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

4. **APPLICANT #1 – Antoni Golab**  
257 Oxford Avenue, Block 1408, Lot 18

Mr. Esposito recused himself.

Antonio Golab was sworn in.

Mr. Golab – I would like to add an attached garage on the left side of my house for the car and for gardening equipment.

Ms. Murray – It says you're doing a two story side addition. Is that an error?

Mr. Golab – Yes. I changed my mind. I just want to add the garage.

Mr. Gatto – Will it be adjacent to the easement?

Mr. Golab – It will not be on it.

Mr. Paparozzi – The easement should be staked out so he doesn't go over.

Mr. Golab – Okay.

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

All in Favor – YES

No public participation.

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

All in Favor – YES

Mr. Gatto made a motion to approve the application with the condition that the applicant have the property staked. Ms. Murray seconded the motion. VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Browne – YES

### **APPLICATION APPROVED**

5. **APPLICANT #2 – Maciej & Alina Lapczynski**

518 Steinway Road, Block 702, Lot 4

Maciej Lapczynski was sworn in.

Mr. Lapczynski – We would like to extend our driveway and patio. We need more space for our vehicles.

Mr. Gatto – Has this work been completed already?

Mr. Lapczynski – Yes.

Mr. Gatto – We see this a couple of times per year. It's not right.

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

All in Favor – YES

No public participation.

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

Mr. Ratajczak made a motion to approve the application. Mr. Mazzer seconded the motion.  
VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Esposito – YES

### **APPLICATION APPROVED**

#### **6. APPLICANT #3 - Darren Pellegrino**

580 Avon Lane, Block 1808, Lot 39

Darren Pellegrino was sworn in.

Mr. Pellegrino – I'm here as the installer/contractor for the homeowner, Ms. Day. She wants to put an in ground pool where there used to be an above ground pool.

Ms. Murray – Will the shed be removed?

Mr. Pellegrino – It will be moved.

Ms. Murray – It is not on the plans. We would need to see it on the plans and to include it in the coverage calculations.

Mr. Pellegrino – We'll take it down.

Mr. Rofofsky – Where will the filter be located?

Mr. Pellegrino – On the side of the house.

Mr. Paparozzi – The equipment has to be enclosed if it is not six feet from the property line.

Mr. Pellegrino – It will be over six feet from the property line.

Mr. Schilp – Is the heater propane or natural gas?

Mr. Pellegrino – It is natural gas. That existing tank will be removed.

Mr. Rofofsky made a motion to open the meeting to the public. Ms. Murray seconded the motion. All in Favor – YES

No public participation.

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

Mr. Gatto made a motion to approve the application with the conditions that the shed is removed and the pool equipment is minimally six feet from the property line. Mr. Rofofsky seconded the motion. VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Esposito – YES

### **APPLICATION APPROVED**

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

66 Market Street, Block 619, Lot 2

Mr. Ratajczak recused himself.

Richard Kapner, attorney for the applicant came forward.

Mr. Kapner – We are here for a parking variance. We would like to change from a convenience store retail use to a liquor store retail use.

Mukesh Papaiya, owner of the subject property, was sworn in.

Mr. Papaiya – We would like to push back the rear wall of the convenience store to enlarge the retail area and reduce the warehouse space.

Mr. Gatto – When you were before the Board last month, you mentioned that Council may vacate the Rosemont Ave.?

Mr. Kapner – Mr. Papaiya will come back to the Board with a Site Plan application if he receives any part of the roadway.

Mr. Gatto – The sketch shows cars parked on the roadway.

Mr. Kapner – That sketch is only if the roadway is vacated.

Mr. Gatto – The parking, as it is now, is no good.

Mr. Kapner – The parking for that location has been like that for 50 years.

Mr. Gatto – Will the garage doors be closed?

Mr. Kapner – All but one.

Mr. Gatto – Where is the sprinkler connection?

Mr. Papaiya – There is one in the front and one on the right side of the building. The whole building is sprinklered.

Mr. Gatto – How will you access the dumpster?

Mr. Papaiya – We will break the existing wall and install gates so the dumpster can roll out.

Mr. Gatto – I don't think the employee tandem parking is good. What if the first car has to get out?

Mr. Kapner – It will probably be the owner, who is there until everyone else leaves. But the employees can use the parking spaces leased at the VFW parking lot.

Mr. Gatto – Will you still have the wholesale, delivery trucks?

Mr. Papaiya – We will wholesale candy and cigarettes, which will be delivered by vans. At night, they will be parked in the employee parking spots.

Mr. Gatto – I have a problem with the parking.

Mr. Kapner – Even if the town does not vacate the street, the parking will still be better than it is now. If the town does decide to vacate the street, Mr. Papaiya has agreed to pay the Township attorney and engineer costs associated with that.

Mr. Schilp – The sprinkler connection in the front should be left open. Then you're losing a parking space or two.

Mr. Schilp – On the east side, will you remove the loading dock?

Mr. Papyaiya – Yes.

Mr. Gatto – If Rosemont Ave. is vacated, will the residents on the corner of Rosemont and Claremont continue to have access to their driveway?

Mr. Kapner – If the homeowner does not accept that portion of the street, Mr. Papaiya will provide an access easement to them.

Edward Chudzinski, architect for the applicant was sworn in.

Mr. Chudzinski's three page architectural plans were marked Exhibit A-2.

Mr. Chudzinski - Page 1 shows the proposed parking layout, general dimensions of the property and building, and a zoning chart (showing the one variance is required, which is for parking).

Pages 2 & 3 show the interior of the building.

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

No public participation.

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

No public participation.

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

All in Favor – YES

Harry Tuvel, engineer for the applicant was sworn in.

Mr. Tuvel marked a Google Earth map with two inset photos; one of the front of the building; one of the side of the building, Exhibit A-3

Mr. Tuvel – This 19,770 square foot property is in the B-1 zone. This is an existing retail and warehouse use, where the warehouse is an existing nonconformity. There will be no change to the 11,165 square foot building except for the front door location. The liquor store will have a corner entrance. We will increase the retail area and reduce the warehouse area. There is currently perpendicular parking in front and parking along side. By increasing the retail space, we increase the parking requirement, however liquor stores are a high turnover business.

Rosemont Ave. looks and has functioned for some time as a driveway. The office, warehouse and store will require thirty eight parking spaces: 22 for the store, 6 for the warehouse and 10 for the office. The requirements of the Institution of Transportation Engineers, which are based on studies and actual counts has lower parking requirements. By their calculation, we'd need only need 29 spaces. We have 28 plus an additional 12 spaces for overflow available at the VFW.

Mr. Kapner – There are twelve parking spaces delineated on a lease agreement with the VFW.

Mr. Tuvel – Under normal circumstances, that would be enough.

Mr. Kapner – If we lost two spaces for sprinkler connections, would there still be enough?

Mr. Tuvel – Yes.

Mr. Tuvel – This is a C2 variance under the Municipal Land Use Law. The purposes of the MLUL would be advanced; the benefits outweigh any detriment. This site is suitable for this. We are reducing a nonconformity. Because of the removal of side doors, we can expand parking. The variance can be granted without detriment to public good or to the zone plan.

Ms. Murray – If the street is not vacated, the liquor store traffic will go through a residential neighborhood.

Mr. Tuvel - I don't think the peak for the liquor store will be as much as the convenience store.

Ms. Murray – I'm talking about the type of traffic it would draw.

Mr. Tuvel – They sell liquor now.

Mr. Schilp – Cars for the businesses at 50 Market Street will park in your area, if the proposal moves forward. Then you're short by more spaces.

Mr. Kapner – They will have access as they have now.

Mr. Brown – There is no handicapped parking shown on Exhibit A-1.

Mr. Kapner – One of the spaces should have been marked.

Mr. Brown – What is the back of the building used for now?

Mr. Papaiya – Trucks.

Mr. Gatto – Will you remove the garbage back there?

Mr. Papaiya – Yes.

Mr. Brown – I don't see how parking in the Right-of-Way advances the public good.

Ms. Caride asked to see a copy of and reviewed the VFW parking agreement. This agreement was marked Exhibit A-4.

Mr. Paparozzi – A lot depends on Rosemont Ave. The parking spaces along Rosemont Ave. are illegal. You've lost another space because the handicapped space turns two spaces into one. It would be better if you wait to see if Rosemont Ave. is vacated.

Mr. Kapner – The applicant is not obliged to wait for Council to vacate. They are entitled to proceed. The timing is important because of the liquor license. Also, they would like to be ready for their busy season, which is the later part of the year.

Mr. Gatto – I agree with Mr. Paparozzi. I'm not for the parking.

Mr. Schilp – Will a straight truck be able to pull up that street, if vacated.

Mr. Kapner – We'll have to work that out.

Ms. Murray – What if the VFW sells the property? You'll lose those spaces.

Mr. Kapner – If the Board stipulates in the resolution, we'd have to find parking or shut down part of the business.

Mr. Gatto made a motion to open to the public. Ms. Murray seconded the motion. All in Favor – Yes

Amy Higgins, 228 Saddle River Road – What hours will the business be open? Will people have to carry things and step over the guard rail?

Mr. Kapner – There will be a gap to walk through.

Ms. Higgins – If they have a function at the VFW, who has priority?

Mr. Kapner – We have delineated spaces.

Mr. Ratajczak, 25 Claremont Ave. – Rosemont Ave. is a neglected street. I've asked the town to pave and curb it. The town has done nothing. This is before the Council now to vacate. NJ Transit currently parks buses there. This plan will make it a thousand times better than it is now. The parking will be solved. Mr. Papaiya paved Rosemont when he bought the property.

Sara Mielnicki, 102 Claremont Ave. – I feel like young people will be in and out to buy liquor and driving fast in our neighborhood.

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

Mr. Kapner – We want to move this plan forward now.

Mr. Esposito made a motion to approve the application with the following conditions: the dumpster must be policed, no skids stored outside and the standpipe must be fully accessible. Mr. Galbo seconded the motion. VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Esposito and Mr. Browne – YES Mr. Mazzer – NO

Mr. Brown – The Board should make a condition of the submittal of a revised site plan that addresses all of the issues that were testified to here for Mr. Paparozzi and I to review, prior to the movement of any resolution.

## **APPLICATION APPROVED**

Recess 9:10-9:25

### **8. APPLICANT #5 – Malas Builders Corp.**

110 Market Street & 15 Bella Vista Ave., Block 617, Lot 1, 2, 3, 4 & 19

Carmine Alampi, attorney for the applicant came forward.

Mr. Alampi – The plans have been updated to address items that were discussed at last month's meeting, regarding the area along South Central, the dumpster, a loading dock, etc. (Mr. Alampi handed out small and large sized copies of the revised architectural and engineer plans.) At the rear, South Central side of the building, we have chopped off 700 square feet of retail space,

creating a wider birth, additional parking and we've pulled the garbage away from the house and provided a larger buffer. By reducing the amount of retail space, parking requirement were also reduced. The application is now parking compliant. We also had a traffic engineer do site triangles.

Calisto Bertin, engineer for the applicant, was sworn in.

Mr. Bertin marked sheet the Site Plan page C2.2, revised March 31, 2016, Exhibit A-7.

Mr. Bertin – We have 69 parking spaces onsite, 66 are required. We've created a loading space parallel to South Central. A truck can also back into this loading Zone to access dumpsters. The trash enclosures are 8 feet off of the easement line. We also created two parallel parking spaces where the dumpsters were previously located. The fence along Bella Vista was removed. The fence along the rear was reduced to four feet in height within 25 feet of the street, therefore removing the need for that variance. There is a Siamese connection by the handicapped parking space. We lowered the grade of the parking, put an inlet in the lawn area and a pipe in the curb. There is also an inlet on the corner of Bella Vista and Market. In the set of plans, there are truck turning templates (page C2.4). Mr. Bertin marked the Vehicle Circulation Plan Exhibit A-8. The templates, done with software, show a garbage truck, a straight truck and a WB40 truck. None of these vehicles compromise the parking spaces. Each vehicle can safely ingress and egress. I addressed all comments/concerns of the Board engineer. With regard to Comment 3, we didn't have enough room to do a sidewalk and an apron, so it's a depressed sidewalk. We moved the driveway little further away from Market Street. We're widening the opening at South Central. We corrected the light spillover on Market Street. The LED lights will be at 50% power at night.

Mr. Gatto – Will a 70 foot tractor trailer fit?

Mr. Bertin – No. When we've had other applications, the tenants stipulate to shorter delivery trucks. But if it happened, it would be on the pavement but it would jump the curb.

Mr. Brown – Given the types of businesses in there, I don't think it's likely they'll use 70 foot trucks.

Mr. Paparozzi – Did you put dimensions of the retail spaces on the plans?

Mr. Bertin – They're on the architect's plan.

Mr. Gatto – What kind of trees will be by the dumpster?

Mr. Bertin – 6-8 foot arborvitae.

Mr. Gatto made a motion to open the meeting to the public for questions for Mr. Bertin. Ms.

Murray seconded the motion. All in Favor - YES

Kevin Seitz, 20 Bella Vista Ave. – Can you put up signs for the truck traffic so they don't go up the side streets?

Mr. Bertin – Yes. That's a good idea.

Basil Pizzuto, 71 Harrison Ave. – What about the signage?

Mr. Alampi – The sign is arched now.

Mr. Pizzuto – The lot coverage proposed is over the amount allowed.

Mr. Bertin – 50% is permitted, 88% is existing and proposed.

Mr. Pizzuto – Could you make it smaller/better?

Mr. Bertin – 50% is a bit strict.

Mr. Paparozzi – I'm still not convinced they don't need a parking variance. If they put a restaurant there, it would be a problem.

Mr. Alampi – If that happens and a variance is required, they'd have to come back.

Sara Mielnicki, 102 Claremont Ave. – How many parking spaces are there for the apartments?  
I'm concerned with traffic.

Mr. Bertin – There are 19, which meets the requirements.

Carol Francaviglia, 12 Bella Vista Ave. – How will trucks go into the lot?

Mr. Bertin – They would come in the driveway on Bella Vista Ave. and out onto So. Central Ave.

Ms. Francaviglia – Cars park on that street. I don't think it will be safe.

Amy Higgins, 228 Saddle River Road – Customers of Keller's Canines park at Ed's. Now they'll have to park on South Central Ave. There will be cars there all day.

Alex Mikula, 25 Bella Vista Ave. – If cars are parked there, trucks won't have the ability to jump the curb.

Mr. Bertin – We could widen the driveway.

Mr. Mazzer – Can you reduce the number of apartments, reduce the parking and then move the building closer to Market Street?

Mr. Alampi – We can't get any closer to Market Street.

Alex Mykula – These apartments will impact the value of my home.

Mr. Alampi – The property is in the business zone in the front and residential zone in the rear. These residents live along the main business corridor. We will put some work into what can be done on Bella Vista.

Mark Fagan, 22 South Central Ave. – Is it a fence or a wall by the dumpster? How high is it?

Mr. Bertin – It's a fence that is six feet high until it gets to 25 feet from the street where it drops to four feet high.

Mr. Gatto made a motion to close the meeting to the public. Ms. Murray seconded the motion.  
All in Favor - YES

Ray Virgona, architect for the applicant was sworn in.

Mr. Virgona marked his plans, revised 03/30/16, Exhibit A-9.

Mr. Virgona – I reduced the number of signs to five, one in each main bay. The signs will be externally illuminated. We added lettering with the address. The freestanding sign has a semicircle instead of a flat cap to include the address. We lowered the sign by 2.5 feet. We removed 700 square feet from the back of the building. The second floor cantilevers the first.

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

Basil Pizzuto – Does the sign require a variance?

Mr. Virgona – Yes, for the setback.

Mr. Paparozzi – The town only allows three signs, one for each building frontage. Also, you're over the allowed square footage for signs.

Mr. Pizzuto – I think the free standing sign should be removed.

John Caravallo, 57 Harrison Ave. – Will the lights inside the windows be LED?

Mr. Alampi – If the town restricts it, it can't be done.

Alex Mykula – Why have signs on the side of the building?

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

Mr. Ratajczak – Would you consider office space on the second level?

Mr. Alampi – No.

Mr. Gatto – Would you consider less apartments?

Mr. Alampi – We'll study it.

## **APPLICATION CARRIED**

### **9. RESOLUTIONS**

Ms. Murray made a motion to memorialize the resolution of approval for Brian Sheppard, 34 Welcome Road, Block 503, Lot 4. Mr. Rofofsky seconded the motion. VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Ratajczak, Mr. Esposito, Mr. Browne and Mr. Schilp – YES

Mr. Rofofsky made a motion to memorialize the resolution of approval for Aneta Kowalski, 582 Larch Avenue, Block 1704, Lot 13. Mr. Gatto seconded the motion. VOTE: Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak, Mr. Esposito, Mr. Browne and Mr. Schilp – YES

Mr. Gatto made a motion to memorialize the resolution of approval for William and Lacey Trongone, 186 Colonial Ave. Block 1202, Lot 19. Ms. Murray seconded the motion. VOTE: Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak, Mr. Esposito and Mr. Browne – YES

### **10. MINUTES**

Ms. Murray made a motion to approve the minutes of the March 7, 2016 meeting with the following corrections: 1.) add Ms. Murray recused herself from the Aneta Kowalski application and 2.) Mr. Gatto did not make the motion during the Brian Sheppard application as he recused himself. Mr. Gatto seconded the motion. All in Favor - YES

### **11. COMMUNICATIONS**

Ms. Murray made a motion to accept and file the communications. Mr. Gatto 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, 09/04/15, Riverside Pediatric Group, P.C., \$402

Gary Paparozzi, 03/10/16, Malas Builders Corp., \$877.50

PTI Associates, 04/04/16, Return Unused Escrow, \$2,506.38

Mr. Rofofsky 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.

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

All in Favor – YES

### **14. ADJOURN**

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

Meeting Adjourned 11:00 p.m.

Respectfully Submitted,  
Jayne Kapner, Secretary