

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, May 2, 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. Chairman Ratajczak read a letter, dated April 20, 2016, from Jayne Kapner to the Zoning Board of Adjustment, stating that due to time constraints, she is no longer able to perform completeness reviews for residential applications. He then read a letter, dated May 2, 2016, from Peter Lo Dico to the Zoning Board of Adjustment. Mr. Ratajczak announced that the Board is going to take a vote to require all applications to have sealed architectural or sealed engineer drawings and surveys less than a year old in order to be heard by the Board from this point forward.

Mr. Gatto made a motion to require all applicants to have sealed architectural or sealed engineer drawing and surveys less than a year old in order to be heard by the Board make sealed architectural or engineer drawings, as well as surveys a requirement. Mr. Esposito seconded the motion.

VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Esposito - YES

5. APPLICANT #1 – Howie & Laureen Flecker

261 Nedellec Drive, Block 1407, Lot 19

Laureen Flecker was sworn in.

Ms. Flecker – We would like to install a 14' x 28' in ground pool with a walkway around it.

Mr. Ratajczak – The applicant is requesting four variances, two pre-existing, and one for maximum accessory coverage and one for maximum lot coverage.

Mr. Gatto – You're way over on lot coverage. Would you consider using pavers?

Howard Flecker was sworn in.

Mr. Flecker – We can't afford it.

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

All in Favor – YES

No public participation.

Mr. Rofofsky 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. Gatto seconded the motion.

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

APPLICATION APPROVED

6. APPLICANT #2 – Robert Littlejohn

160 South Leswing Avenue, Block 1007, Lot 8

Robert Littlejohn was sworn in.

Mr. Littlejohn – I'm looking to do an add-a-level addition, going straight up to add bedrooms and bathrooms for my family.

Ms. Murray – The sets of plans you bought us are incomplete. Without architectural drawings, we can't see if there's a problem with how high the building is.

Mr. Littlejohn – I was made aware of the 28 foot restriction. It won't be over 28 feet.

Ms. Murray - The drawings are not to scale. If the house was built higher, we wouldn't have anything to say about it if we approve these plans.

Mr. Littlejohn – The first page is scaled, as is the survey. I was told that a single family homeowner can draw their own plans.

Ms. Murray – You're not telling us what the height is on the drawing. A builder could come in and build it 4 feet taller.

Mr. Ratajczak – When we get a set that is sealed, we know that that's what it's going to be. The builder is liable. When they come in blank like this and we approve the application, they can do whatever they want and we have no recourse.

Mr. Littlejohn – When I started this process, I was told that I could do my own plans and they didn't have to be sealed by an architect.

Mr. Ratajczak – The master closet on the second floor, how do I know the closet upstairs isn't going to be another bedroom? If we approve things, sign a resolution, people go do whatever they want to do.

Mr. Littlejohn – I can give my word on record that it won't go over.

Mr. Ratajczak – We're asking you to get a set of architectural plans. Submit them to the Building Department. Then we know that's going to be the height of the building, the amount of bedrooms, the amount of the closet and whatever else you're going to do. You're only asking for one variance. It's a side yard variance. That's not a problem. The problem is the actual meat and potatoes. We need to see something.

Mr. Littlejohn – My only concern is that it was deemed okay.

Mr. Ratajczak – If you want, you can proceed contingent on getting a set of plans. I'm sure your builder is going to need a set of plans.

Mr. Littlejohn – No. I actually have all of my quotes and everything. I was going to work off of these.

Ms. Murray – My concern is that when the building inspector goes to inspect your building, he can't really say the height because it's not listed. Your drawing is lacking in some dimensions.

Mr. Ratajczak – And you could say, we approved the application.

Mr. Littlejohn – I'm pretty sure we're being recorded, so it wouldn't be in my best interest.

Mr. Ratajczak – I could tell you horror stories. People build houses too close to the curb. The house is up already. What do we do?

Mr. Littlejohn – I heard stories where people have to move it back. I wouldn't put myself in that financial situation.

Mr. Ratajczak – We don't do that here. We let everything slide. That's our town. We don't have any enforcement. I don't know why people come in to the Board. We don't have any enforcement. We're trying to set a precedent now where we're going to have some kind of enforcement. We can proceed with the application. I'm just asking if you're willing to submit a set architectural plans to the Board, to the secretary, and the building inspector can review them. If the plans are what you say they are, I don't think it has come back for a hearing. We'll vote on

the variance tonight, which I don't think is an issue. The issue is, with height and measurements. We don't have any numbers to go by.

Ms. Caride – If plans are submitted and the engineer gives it his approval, then we can have the resolution to sign at the next meeting?

Mr. Ratajczak – Right. Then there's no delay. The resolution is not going to be signed until next month anyway. Get a set of architectural plans to the Building Department, to the Building Inspector.

Mr. Mazzer – With a big addition like this, you definitely want a set of plans just in case there's a problem with the builder.

Mr. Schilp – It's going to help protect you as much as the Board.

Mr. Brown – Mr. Littlejohn is correct that a homeowner of a single family home can prepare their own plans, statutorily in NJ. Typically, those plans would have to reflect the same information that would be on an architect's plans albeit that they are not signed and sealed. Basically, the homeowner, when he signs the plans is indicating that, yes, it conforms and then the Building Inspector can do his review. So based upon the plans that Mr. Littlejohn submitted, he could actually add the framing information, number of outlets, building heights and so on and that would satisfy the statute. The building inspector will want to see all the details you would see in an architectural set of plans.

Mr. Littlejohn – Just for clarity, do I need to get a whole set of plans or just the elevations that you're requesting?

Mr. Gatto – I would say a whole set. If there is a problem after the house is built, we're here to protect you, not the builder.

Mr. Paparozzi – On the survey entered, if you look at the garage side, it says 28.5, yet on his existing hand drawing he has 27' and then he has 31' on the second floor, so obviously the first floor measurements differ, so there's an inconsistency there. Obviously there's going to be a 2 or 3' overhang somewhere.

Mr. Littlejohn – The 28.5' is the interior of the house (wall to wall). The 4' difference between 27' to 31' is the two foot overhang on the front and back of the house. I measured the interior, not the exterior.

Mr. Paparozzi – On the other side you have 26.4.

Mr. Littlejohn – The house is shorter there. Again, I measured wall to wall inside.

Mr. Paparozzi - The measurements should be made exterior because that's how the floor area ratio is determined.

Mr. Ratajczak – An architect wouldn't make that mistake.

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

All in Favor – YES

No public participation.

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

Mr. Ratajczak made a motion to approve the application, providing Mr. Littlejohn gets a set of architectural plans to the Building Department and the measurements are correct. Mr. Gatto seconded the motion. VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Esposito – YES

APPLICATION APPROVED

7. APPLICANT #3 – Gene Palko

102Jamros Terrace, Block 1203, Lot 16

Gene & Agatha Palko were sworn in.

Mr. Ratajczak – The applicant is requesting 1e variance for maximum accessory coverage (23%).

Mr. Palko – We want to extend our apron to 18 feet, extend our driveway and our patio. My job requires that I take home a van, so this will provide more parking.

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

All in Favor – YES

No public participation.

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

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

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

APPLICATION APPROVED

8. APPLICANT #4 – 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 – We’ve listened to comments and concerns and have revised our plans. We have reduced the number of apartments units to 8 units. They are 2 bedroom units. We have also adjusted the footprint.

Mr. Ratajczak – Is there any way you would consider 7 units?

Mr. Alampi – It’s not readily financeable. The answer is respectfully, no.

Mr. Rofofsky – Would you consider making 2 of the 8 2-bedroom units, one bedroom units?

Mr. Alampi – We did a pro forma on the rent. It would certainly effect our rental income. It could drop the rent by \$250/month per unit.

Mr. Ratajczak – On South Central Ave., the 40 foot street, I feel we need more room to get the trucks in there. Would you consider a five foot easement?

Mr. Alampi – We think we can accomplish it with an easement.

Mr. Brown – I spoke to Mr. Bertin last week regarding this issue. The county is going to employ the widening of Market St. by taking an easement. I would recommend that we do the same thing, between the two driveways

Calisto Bertin (still under oath) – The trash enclosure and loading zone would have to move a little bit. Are you looking to widen the street?

Mr. Brown – The intent is to make the cart way wider.

Mr. Alampi marked a 10 page set of engineering plans, revised 04/20/16, Exhibit A-10.

Mr. Bertin marked page C2.2 (Site Plan) Exhibit A-11.

Mr. Bertin – We have enough room to widen South Central Ave. to a 30’ cart way. The parallel parking will be removed.

Mr. Schilp – Will there be “No Parking” signs?

Mr. Alampi – You could make that a condition that we will provide a deed of easement.

Mr. Brown – The Council will have to revise the no parking ordinances.

Mr. Pappozzi – That will reduce the sidewalk from 5’ to 3’.

Mr. Bertin – There will be a 5' sidewalk and the loading area will be one foot away from the building. We'll put big bollards there. The trash enclosure will shift.

Mr. Bertin – We've added a no right turn sign at Bella Vista so trucks go out to Market Street. We extended the depressed curb to allow for a WB62. This is shown on Exhibit A-12, Vehicle Circulation Plan, C2.6, dated 04/20/16. A 53' box, WB67 would be able to make the turn with the street widened. We have 68 parking spaces where 62 are required.

Mr. Pappozzi – The cover sheet does not list the area for the signs as a variance when it is a variance. Both sides of the sign count. Also, the parking is calculated for retail, not for restaurant use.

Mr. Bertin – If one of these spaces was a restaurant with 27 seats, we'd still be okay.

Mr. Alampi – If we have a restaurant use that would make the requirement exceed what we have, we'd have to come back.

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

Basil Pizzuto, 71 Harrison Ave. – The lost spaces on South Central Ave. will be a problem for adjacent businesses.

Mr. Ratajczak – That's not their problem or the town's problem.

Mr. Alampi – There's no curb and no parking there now.

Mr. Pizzuto – The parking will spill over to Woodward and other streets.

Mr. Ratajczak – We can't consider other businesses because they don't have parking.

Mr. Pizzuto – If you have food, you'd need more parking and an additional dumpster. Do you have room for that?

Mr. Bertin – Yes.

Alex Mykula, 25 Bella Vista Ave. – Did you say that you have 7 extra parking spaces?

Mr. Alampi – Because we decreased the number of apartments, we have 6.5 extra spaces.

Kevin Seitz, 20 Bella Vista Ave. – Will the truck traffic make it?

Mr. Bertin – Yes.

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

Raymond Virgona (still under oath) marked 2 sheets of architectural plans, revised 04/15/16 Exhibit A-13. The colorized version of these plans was marked Exhibit A-14 and A-14a.

Mr. Virgona – Drawing SK-1 (Exhibit A-14) has not changed. We reduced the number of apartments from 11 to 8 and we made changes (recessed parts) to add interest. It looks like it has less bulk. We've got a combination of brick, stucco and masonry stone with light and dark contrast. Exhibit A-14a shows the floor plan. We've taken about 1,000 square feet out of the second floor, deleting the need for the Floor Area Ratio variance. The units vary from 900 square feet to 1,300 square feet. The upper floor is about 10,800 square feet. The lobbies remain the same. The building is fully sprinklered. The free standing sign has not changed.

Mr. Ratajczak – Can the sign be moved back to remove that variance?

Mr. Virgona – We have a little flexibility, but we can't get it back to 15 feet.

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

Basil Pizzuto – Will the sign block people's sight, coming out onto Market Street.

Mr. Virgona – It's 15 feet from the property line. It's not in the site triangle.

Mr. Alampi – Someone in a car can see under the sign.

Alex Mykula – Is anyone keeping track of the number of variances?

Mr. Paparozzi gave Mr. Mykula a copy of his report.

Mr. Mykula read the variances.

Mr. Alampi – Five of those items are about the sign.

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

Michael Kauker, planner for the applicant, was sworn in.

Mr. Kauker – The revitalization and reorganization of Market Street is shallow, only about 100 feet, which creates the likelihood of impact on neighboring residential properties. It makes good planning sense to buy the residential lot to get rid of the jog in the property. It provides a buffer to residential properties. The variances tend to be more reconcilable because it is between two businesses and residential areas. The key is to produce a building that is attractive, buffered and can be melded into the neighborhood. It's better to have the residential parking adjacent to the residential property. The site transitions better than most from business to residential. Mixed use is better than most commercial uses in this zone. The application would be conforming if there were offices above the retail use, but that would not be the best plan. The mixed use has become a popular design solution. This provides a diversity of housing stock. These factors support purposes of the MLUL. Relevant are purposes A, B, C, G & I, per section 2 of the MLUL. Six objectives of the Master Plan are met with this application. The existing conditions are not good planning. The property is underutilized; it's a small, aged building in a sea of macadam. This plan adds a revitalization. The site is particularly suited because the site is flat and without environmental constraints, it's a large irregularly shaped lot, located on a major arterial, well accessed by three streets. There is no negative impact on the zoning ordinances. 81% of the site is compliant. New curbs and sidewalks can have a positive affect (safety and appearance). Side yard variances are required for 15' and 15.1 feet, where 25' are required. It is a narrow dimension, minimizing the impact, justifying the variance. The message board sign can be granted without any harm. The sign is an identity sign to locate the property. Façade signs provide clarity. Parking in front yard puts less vehicles near the residential zone.

Mr. Mazzer – What kind of tenants will you have? Seniors? What impact will it have on schools?

Mr. Kauker – Mostly younger people, some commuters. Conservatively, you can estimate 1 school age child/ 10 units.

Ms. Murray – What is the square footage of the proposed wall signs?

Mr. Virgona – Each of the 7 signs is 37.5 square feet, totaling 262.5 square feet.

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

Basil Pizzuto – What is the lot coverage?

Mr. Kauker – 88.7% compared to 100%, which is consistent with commercial coverage. The building coverage is about 25%, much lower than the typical 30-35%.

Alex Mykula – Doesn't a use variance go against the part of the Master Plan that says protect residential zone?

Mr. Kauker – I don't think so.

Mr. Mykula – Was there a traffic study?

Mr. Alampi – There will be no independent traffic study.

Mr. Brown – At the conclusion of the first meeting a traffic report was submitted. In my report, dated 03/21/16, my finding is that there's no negative impact. The county has the final call.

Mr. Alampi marked Traffic Impact Study, dated 03/07/16, done by Bertin Engineering, Exhibit A-15.

Sara Mielnicki, 102 Claremont Ave. & Mr. Mykula – We want to present a petition against this application.

Mr. Alampi – I object. They would all have to be present.

Ms. Mielnicki – Will the apartments satisfy COAH requirements?

Mr. Kauker – They are not COAH units.

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

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

Mr. Mykula – My concerns are as follows: parking, building size and the possibility the building could be used for low income people.

Mr. Ratajczak – Our attorney said this has no impact on COAH.

Mr. Alampi – The rental is \$2,500 per month.

Sara Mielnicki – I am concerned with traffic and I'm opposed to the apartments.

Mr. Mazzer – I'd like to hear from Mr. Paparozzi.

Mr. Paparozze – I have no objection to the concept of mixed use. The only issue is if it was overdone. The B-1 zone allows 50% lot coverage. They want 90%. It would be ideal if there were more greenery and open space.

Mr. Mazzer – I'm concerned it's going to be a massive building.

Mr. Paparozzi – You may want to make it a condition that nothing other than retail use can operate here, unless they come back to the Board.

Mr. Alampi – If we stay within the 67 spaces, we can put other permitted uses in.

Mr. Ratajczak – No doubt, Market Street needs to be redeveloped. There's no curbs and no sidewalks. This will dress up Market Street.

Mr. Mazzer – I agree, but I think it's too big.

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

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

VOTE: Mr. Rofofsky, Mr. Galbo, Mr. Ratajczak and Mr. Esposito – YES Mr. Mazzer, Ms. Murray and Mr. Gatto – NO

APPLICATION DENIED

9. RESOLUTIONS

Ms. Murray made a motion to memorialize the resolution of approval for Maciej & Alina Lapczynski, 518 Steinway Rd., Block 702, Lot 4; Karen Day, 580 Avon Lane, Block 1808, Lot 39; and Papaiya Real Estate, 66 Market Street, Block 619, Lot 2 Mr. Gatto seconded the motion.

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

Ms. Murray made a motion to memorialize the resolution of approval for Antoni Golab, 257 Oxford Ave., Block 1408, Lot 18. Mr. Gatto seconded the motion.
VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Browne – YES

10. MINUTES

Mr. Gatto made a motion to approve the minutes of the April 4, 2016 meeting. Mr. Mazzer seconded the motion. All in Favor – YES

11. MISCELLANEOUS

Mr. Ratajczak reviewed the correspondence from Brian Sheppard, 34 Welcome Road, regarding the minutes of the last meeting. Mr. Sheppard will have to make a new application with the Board for his fence, if it does not comply with the ordinance.

12. VOUCHERS

Ms. Murray made a motion to pay the following vouchers, provided funds are available:
Carroll Engineering, 04/04/16, Papaiya Real Estate Investment LLC, \$881.25
Carroll Engineering Corp., 04/04/16, Malas Builders Corp., \$2,602.50
Mr. Mazzer 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.
Mr. Ratajczak – Before we adjourn, we have a list of things for Tony Ambrogio to check on:
On The Spot – parking
Midland Brew House – storage container and parking
CVS – trailer
Zuckerburg/Harley Davidson – trailer
Saddle Brook Hotel – storage container
Mr. Ratajczak made a motion to adjourn the meeting. Ms. Murray seconded the motion. All in Favor - YES

Meeting Adjourned 11:05 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary