

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, June 6, 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 and Mr. Browne - PRESENT Mr. Schilp and Mr. Zottarelli – ABSENT
Also present was Marlene Caride, Board attorney, Rick Brown, Board engineer and Gary Paparozzi, Board planner.

4. RESOLUTIONS

A.) Robert Littlejohn, 160 South Leswing Avenue, Block 1007, Lot 8, came forward and was reminded by Ms. Caride that he is still under oath.

The Board received plans, revised to include the building height.

Mr. Ratajczak – I am concerned about the joist size under the bath tub, but that's for the Building Department.

Mr. Esposito made a motion to memorialize the resolution of approval for this application. Ms. Murray seconded the motion. VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Esposito – YES

B.) Ms. Murray made a motion to memorialize the following resolutions: Approval for Howie & Lauren Flecker, 261 Nedellec Drive, Block 1407, Lot 19 and Approval for Gene Palko, 102 Jamros Terrace, Block 1203, Lot 16. Mr. Gatto seconded the motion. VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Ratajczak and Mr. Esposito - YES

5. APPLICANT #1 – 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 revisited the previous application.

Mr. Alampi – The size was compromised. The difference is we eliminated the floor area Ratio variance requirement. The footprint of the ground floor was reduced by 900 square feet, recessing the building and additional five feet on each side. The setback on each side is now twenty feet. The upper floor has been reduced by almost 1,300 square feet. The apartments were reduced from eight 2 bedroom apartments to six 2 bedroom apartments and 2 one bedroom apartments. We now have surplus parking. We have submitted revised architectural and engineering plans to the Board. There is no new traffic study. I would like to mark the following exhibits: A-1 - new engineering plans; A-2 new architectural plans; A-3 existing traffic plan; and A-4 existing stormwater drainage calculations, dated 02/11/16.

Mr. Ratajczak – What about the five foot easement on South Central?

Mr. Alampi – We remain committed to it.

Raymond Virgona, architect for the applicant was sworn in.

Mr. Virgona – Exhibit A-2 consists of two pages. The front elevation show the east and west walls. Each moved five feet, reducing the width by ten feet. The retail space was reduced from 9,100 square feet to 8,668 square feet. The residential area on the second floor was also narrowed

by ten feet and reduced by almost 600 square feet. The apartments were reconfigured. There will be six 2 bedroom apartments and two 1 bedroom apartments.

Mr. Alampi – I misspoke when I gave the square footage earlier.

Mr. Virgona – The parking requirements were reduced to 59, we provided 66 spaces. The parking layout, curb cuts and signage remain the same as the previous application. The monument sign triggers a variance.

Ms. Murray – Are these significant changes?

Mr. Virgona – Yes. The floor area ratio variance is no longer needed.

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

John Caravallo, 57 Harrison Avenue – How big is this compared to the applicant's building in Rochelle Park?

Mr. Alampi – This architect didn't do those plans.

Alex Mykula, 25 Bella Vista Avenue – While this application is significantly different than the original plan, it is not significantly different from the revised plans previously submitted. What is the overall percentage of the area reduction?

Mr. Alampi – The retail was reduced by 437 square feet and the residential by 600 square feet.

Mr. Mykula – That's about a 5% reduction.

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

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

Mr. Bertin – The new plans consist of 9 sheets and Boundary and Topographic, dated 05/20/16.

Mr. Bertin reviewed the same changes discussed by Mr. Virgona.

Mr. Paparozzi – The site plan should be 8,754 square feet, which doesn't change the parking requirements.

Mr. Bertin - The lobby is for the residential area.

Mr. Alampi – We will reconcile it.

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

Michael Kauker, planner for the applicant was sworn in.

Mr. Kauker – The building is slightly smaller and a better fit to the neighborhood. The building to the east is 27.2% lot coverage, ours is 20.2% and the building to the west is 17.4%. Ours fits in. The existing use includes an apartment above the bar, so it is currently a mixed use. The floor area ratio variance has been removed, which is a significant key control in land use. It's a meaningful, substantial change.

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

Mr. Mykula – If the building was reduced further, would your opinion be better?

Mr. Kauker – There is a cost factor. This building fits into the surrounding area. Five percent is a number the Board can consider a significant change.

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

Mark Malas, a principle of Malas Builders, the applicant, was sworn in.

Mr. Malas – Malas Plaza, on Essex Street, Rochelle Park is 10,500 square feet of retail space excluding the lobby. The 3,500 square foot second floor consists of offices, including medical offices. There are 41 parking spaces and it is on one acre of property. The building is 247 feet across plus two drive through lanes; this building is proposed at 182.7 feet.

Mr. Alampi – We continue to request a use variance, side yard variances and sign variances.

Ms. Murray – I would like the opinion of our attorney and our planner on Res Judicata.

Mr. Paparozzi – A few variances were eliminated. Floor area ration was reduced, parking changed. I think it satisfies the substantial change.

Ms. Caride – I agree based on some case law I've read. It is substantial change: eight 2 bedroom apartments to six 2 bedrooms and two 1 bedrooms, as well as parking and the building being reduced.

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

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

Mr. Ratajczak – ABSTAIN

Ms. Caride – The resolution will include that if they have a restaurant use, they have to come back.

APPLICATION APPROVED

6. RESOLUTION

Ms. Murray made a motion to memorialize the resolution of denial for Malas Builders, 110 Market Street & 15 Bella Vista Avenue, Block 617, Lot 1, 2, 3, 4 & 19. Mr. Mazzer seconded the motion. VOTE: Mr. Mazzer, Ms. Murray and Mr. Gatto – YES

7. MINUTES

Mr. Gatto made a motion to approve the minutes of the May 2, 2016 meeting. All in Favor – YES

8. COMMUNICATIONS

Mr. Ratajczak reviewed a memo from Anthony Ambrogio to the Board.

Mr. Ratajczak – On number 3, the response is not acceptable. He is in definite violation of the resolution. Mr. Brown has pictures. He left vehicles off of his list. What can be done?

Ms. Caride – The code enforcement officer will have to be sent out to issue a violation. People who saw the vehicles will have to testify.

Mr. Ratajczak – The Midland Brew House is a mess. He gave us a seat count of 103 and he has 309 going in on any given day. The Board gave a variance for one spot. Occupancy has more than doubled.

Mr. Mazzer – What about parking at the church?

Ms. Murray – We have a copy of the lease.

M. Mazzer – That would be the Fire Official who counts occupants?

Ms. Caride – Yes.

9. VOUCHERS

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

Carroll Engineering Corp., 05/17/16, LaRondine Corp., \$705

Carroll Engineering Corp., 05/17/16, Malas Builders Corp., \$1,707

Carroll Engineering Corp., 05/17/16, Papaiya Real Estate Investment, LLC, \$387.75

Ms. Murray seconded the motion. All in Favor – YES

10. OPEN AND CLOSE TO THE PUBLIC

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. Ms. Murray seconded the motion.

All in Favor – YES

11. ADJOURN

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

Meeting Adjourned 8:55 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary