

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, October 3, 2016.

1. At 7:30 p.m., Vice chairman Rofofsky called the meeting to order.

2. **Salute to the Flag.**

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

4. **APPLICANT #1 – Tracey DeCarlo**

596 Ash Avenue, Block 1707, Lot 21

Tracey DeCarlo was sworn in.

Ms. DeCarlo – I'd like to get an above ground pool.

Mr. Gatto – I have a problem with the filter being located against the fence. I'd prefer it near the garage.

Mr. DeCarlo – I would agree to that.

Ms. Caride marked a Rigg Associates survey, dated September 1, 2016, Exhibit A-1 and a GB Engineering survey, dated 10/29/10, Exhibit A-2.

Ms. Murray made a motion to open 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

Mr. Gatto made a motion to approve the application with the condition that the filter is moved to the area near the garage. Mr. Esposito seconded the motion. VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Galbo, Mr. Gatto, Mr. Esposito and Mr. Browne – YES

APPLICATION APPROVED

5. **APPLICANT #2 - 22 Ottawa Avenue, LLC**

32-34 Platt Avenue, Block 604, Lot 19

Thomas DiBiasi, attorney for the applicant came forward.

Salvador Agua was sworn in.

Mr. DiBiasi – This client and his partner bought the house one year ago to fix and sell it. The addition is the size of a parking space. This is a duplex, not a boarding house as rumored.

Mr. Agua – I bought this as an investment. I've bought and sold properties in the past. I'm in the banking business. I work for Chase as a mortgage specialist. We intend to fix it inside, add to each kitchen, add a master bedroom in each attic and add a deck in the back. Once finished, it will be a gorgeous home that adds value to the street.

Mr. Gatto – Is the basement open?

Mr. Agua – It's going to be closed.

Mr. Gatto – I would suggest that you remove the bathroom in the basement so another apartment is not created.

Mr. Aguia – That's not a big deal for us.

Ms. Murray – Is a bedroom allowed in an attic?

Mr. Aguia – I don't know why it would be a problem.

Mr. Paparozzi – I spoke to Mr. Ambrogio about the height. He said it is supposed to be 2 ½ stories according to the plans. There was no permit on file for the third floor.

Mr. Schilp – I believe that if you put a third story on a home in New Jersey, you have to have a fire escape.

Mr. Mazzer – Will there be an attic?

Mr. Aguia – No.

Mr. Rofofsky – Is it a rental?

Mr. DiBiasi – It's for sale to be sold as a two family house.

Mr. Paparozzi – It's a D variance, as an expansion of a nonconforming use. A variance is also needed for a front setback, the number of stories and F.A.R.

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

Florence Mazzer, 128 Claremont Ave. (business address 17 Platt Ave.) was sworn in.

Councilwoman Mazzer – Numerous people have been seen coming and going from this house. Also there's a problem with parking.

Mr. Aguia – The front has three spaces on each side. I don't know what has happened in the past.

Councilwoman Mazzer – People park in my lot and walk there.

Mr. Aguia – I can't speak to that. It's been vacant since I've owned it.

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

Mr. DiBiasi – We want to improve the conditions on this property. We want to answer your concerns. We are not looking for a parking variance. I think you'll be pleased at how we're developing this property.

Mr. Browne – Will it be sold as a one family?

Mr. DiBiasi – It will be sold as a two family.

Mr. Browne – With four bedrooms, there may be four cars. Where will the cars go if there is snow?

Mr. DiBiasi – In this area, there is never enough room for parking.

Ms. Murray – The code calls for 2.5 parking spaces. The plans only show 2 spaces.

Mr. Paparozzi – The plans do not have the dimensions of the driveway marked. Also, the two rooms in the basement aren't marked. If they become bedrooms, more parking is required. The height of the third floor is a full height.

Mr. Brown – The driveway is 65 feet long and 9 feet wide, which is enough by RSIS standards.

Mr. Esposito – Will there be a fire escape?

Mr. DiBiasi – We will comply with township requirements.

Mr. Gatto – The basement shows closets. I recommend a condition that the basement never becomes an apartment.

Mr. DiBiasi – I agree,

Mr. Rofofsky – If the basement is finished, people can live down there.

Mr. Schilp – Stacking cars doesn't work.

Mr. DiBiasi – We've improving the property.

Sherban Dragonescu, architect for the applicant was sworn in.

Architectural plans were marked Exhibit A-1.

Mr. Dragonescu – This started as a renovation. When we got to the kitchen, we decided it would be more functional if it were larger. We will be adding another bedroom on the third floor.

Mr. Mazzer – If we don't approve the attic, would you still go forward?

Mr. Dragonescu – It's up to the owner.

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

The applicant's attorney requested a recess. (8:27- 8:37)

Paul Bauman, planner for the applicant, was sworn in.

Mr. Bauman – For the D2 special reason criteria is satisfied by promoting general welfare. Expansion results in two new driveways to accommodate three cars each, increasing the total onsite parking from 2.5 to 6 parking spaces. There is a drainage plan, where there is currently none. Roof leaders will be tied into a drywell. As for the negative criteria, there is no negative to this project. There is no F.A.R. regulation in the ordinance. The building does not comply with the minimum F.A.R. asis. The benefit outweighs detriment. We can't enforce the future. The addition is 112 square feet. The third floor is an existing condition of the house. It has an adequate ceiling height for living space. The dormers had to be approved by someone. If the bedroom can't be put up there, it would probably cancel the project. The applicant has to rely on government authority. Inspections were done and a Certificate of Occupancy was issued. The third floor couldn't be used as a dwelling unit. It's too small and wouldn't meet code.

Ms. Murray – Could the third story have been used for storage? There's no indication that it was a bedroom.

Mr. Bauman – It could have been.

Mr. Schilp – The third floor on the architectural plans is labeled attic. I believe this town doesn't have bedrooms on the third floor.

Mr. Paparozzi – I agree with Mr. Bauman on the D-2 variance. The F.A.R. only goes on a two story because you're not supposed to have a third floor. The basement has two unmarked rooms.

Mr. Aguia – There is no closet in the basement.

Mr. Paparozzi – If approved, the plans should be labeled storage and the bathroom removed.

Mr. DiBiasi – We will.

Mr. Bauman – The master bedroom qualifies under C-2 because it enhances the quality and utility of the property. It will increase the value of the property. It enhances the general welfare. Many towns do third floors in two family homes throughout the state. Some people need more space than three bedrooms can accommodate. Does the Board want to have the property remain asis or for it to improve. A C-2 variance can be approved without a negative impact.

Mr. DiBiasio – Is 600 square feet supersized for a master bedroom?

Mr. Bauman – When you subtract closet space, it's a comfortable size bedroom.

Mr. Rofofsky – What will be done with the outside?

Mr. DiBiasio – They haven't planned it out yet. He will do something to improve the exterior. We will accept a condition of a red brick with a neutral vinyl impression.

Mr. Gatto – Would you consider leaving the third floor an attic?

Mr. DiBiasio – The applicant feels it would be a waste of space.

Mr. DiBiasio took a break to speak to his client.

Mr. DiBiasio – My client is willing to leave the third floor as is.

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. Brown – I recommend the engineer revise the plans prior to the Board taking action on the resolution.

Ms. Murray – Also, the architect’s plan should be revised.

Mr. DiBiasio – Yes.

Mr. Gatto made a motion to approve the application with the following conditions: no bathroom in the basement, third floor to remain attic space, submit revised engineer and architectural plans prior to the Board adopting the resolution, exterior to have brick front with neutral color vinyl impressions and the basement cannot be converted to a bedroom or living space. Mr. Esposito seconded the motion.

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

APPLICATION APPROVED

6. RESOLUTIONS

Mr. Gatto made a motion to memorialize the following resolutions:

Approval for Andrianna Guzman, 141 Graham Terr., Block 1508, Lot 20

Approval for Joseph Lana, 90 Jamros Terrace, Block 1203, Lot 13

Approval for Clinton Williams, 597 Hickory Avenue, Block 1805, Lot 5

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

7. MINUTES

Ms. Murray made a motion to approve the minutes of the September 12, 2016 meeting. Mr. Gatto seconded the motion. All in Favor – YES

8. OPEN AND CLOSE TO THE PUBLIC

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

9. ADJOURN

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

Meeting Adjourned 9:27 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary