

TOWNSHIP OF SADDLE BROOK
PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's regular meeting, held on Tuesday, July 21, 2015.

1. FLAG SALUTE

2. ROLL CALL: Councilman Camilleri, Mr. Compitello, Mr. Gierek, Mr. Lynch, Mr. Maniscalco, Mr. Punzo, Mr. Sergio, Mayor White, Mr. Mazzone, Mr. Brantner and Mr. Abel – PRESENT Mr. Ambrogio and Mr. LaGuardia – ABSENT Also present were Stephen Pellino, attorney and Rick Brown, engineer.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT: Adequate notice of this meeting has been sent to all members of the Planning Board and to all legal newspapers in Accordance with the Provisions of the OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975.

4. NEW BUSINESS

Minor Subdivision Application

Salvatore & Antonia Caramanna, 44 Catherine Ave., Block 610, Lot 6

Cliff Rotolo, attorney for the applicant came forward.

The following exhibits were marked: Application – Exhibit A-1; Site Plan - Exhibit A-2; Architect's Conceptual Drawing – Exhibit A-3; Ms. Phillip's Lot Size Analysis – Exhibit A-4; and Ms. Phillip's 4 page photo array – Exhibit A-5

Mr. Rotolo – This minor subdivision application to divide a 10,000 square foot (100' x 100') lot into two 5,000 square foot (50' x 100') lots requires two variances, lot size and lot width. We are seeking to relocate the single family house on the present lot, demolish the garage and construct a new single family house on the second lot, which is 100 square feet smaller than what we previously proposed. The owner will agree to a deed restriction saying that the old house will remain on the lot for a minimum of five years. These changes make this a different application.

Mr. Pellino – For res judicata to not apply, the current application cannot be substantially similar. (Cited Russell v Board of Adjustment, a 1959 Supreme Court case)

Mr. Lynch – Can the applicant go to the Zoning Board to get variances later?

Mr. Pellino – The Board can put restrictions.

Mr. Lynch – The 2007 application requested the same variances, correct?

Mr. Pellino – Yes, but the applicant is asking that you grant this subject to the deed restriction and the smaller size home.

Councilman Camilleri made a motion that Res Judicata does not apply. Mr. Sergio seconded the motion. VOTE: Councilman Camilleri, Mr. Compitello, Mr. Gierek, Mr. Lynch, Mr. Maniscalco, Mr. Punzo, Mr. Sergio, Mayor White and Mr. Mazzone – YES

William Stimmel, engineer for the applicant, was sworn in. Tom Stearns, the original engineer who drew the plans, was not available tonight.

Mr. Stimmel – The applicant can comply with all items in the board engineer's review letter. Most recent plans are titled Minor Subdivision prepared by GB Engineering, revision date April 23, 2015 (Exhibit A-2). The existing property is 100' x 100'. The principal building is a 1 ½ story framed dwelling. There is an existing detached framed garage at the rear of the site. The applicant is bisecting the property into two 50' x 100' lots. The existing residence (on lot 6.02) will be shifted 3' to the rear and 2 1/3' to the left to eliminate the existing nonconformity (22') for a front yard setback and to meet the required side yard setback. Lot 6.01 is where the proposed dwelling is scheduled to be constructed. That dwelling will comply with all of the ordinance requirements for building coverage and setbacks. The applicant has

proposed to collect all roof runoff from this proposed dwelling to underground pipe to a seepage pit at the rear of the property. One of the Board engineer's comments was to do a percolation test prior to construction and the applicant is willing to do that. The previous proposal for the new house was for 1,296 square feet. The current proposal is for 1,198 square feet; a reduction of about 7.5%. This brings the house more into conformity with the surrounding neighborhood. As it is, the applicant could build a rather large house on the existing lot, which would not fit into this neighborhood. The existing macadam driveway will be removed. Each house will have its own driveway. We will comply with RSIS standards for parking. Applicant proposes to replace or reconstruct curbs and sidewalks.

Mr. Compitello – Does the existing house have a basement?

Mr. Stimmel – I don't know.

Mr. Lynch – Do we know what the existing water table is?

Mr. Stimmel – When they do the percolation test, they will establish the water table to make sure the system will function as intended.

Mr. Lynch – Is that going to incorporate offsite runoff? Currently there are a couple of retaining walls on the backside and I don't see them on this plan.

Mr. Stimmel – The general idea when you do seepage pits is that you catch the roof runoff because that's clean water. I'd imagine that it will be constructed with an open grate and I believe it is noted on the plan. That would allow water to flow into that seepage pit. If we find out that the water table is such that the seepage pit is too deep, the system would be redesigned either with a shallow seepage pit or plastic arches.

Mr. Lynch – It's not proposed for the house that's going to be relocated?

Mr. Stimmel – There's no proposal for a storm water system there other than the roof leaders.

Mr. Lynch – The proposed home has a basement?

Mr. Stimmel (looking at 04/23/15 LLG architectural plans) – Yes, it's 'L' shaped. It doesn't go under the garage, but it goes under the rest of the house.

Mr. Maniscalco – I don't remember you addressing any seepage pits on the existing house.

Mr. Brown – Typically, it's not required, but it's a condition the Board could impose, if they so choose.

Mr. Maniscalco opened the meeting to the public for questions for Mr. Stimmel.

Kyung Ha, 50 Catherine Ave. – What will happen if, during the move, the house is destroyed?

Mr. Stimmel – I would imagine the company that is moving the house has a lot of insurance to cover these types of situations. It would be on them to make it right.

Mr. Ha – Suppose the owner wants to build two new houses. There's nothing to stop them.

Mr. Stimmel – That's not really an engineer issue.

Mr. Pellino – If the board granted the application with the condition that the house is moved, if something happened that made that impossible, the applicant would have to come back to the Board.

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

Lisa Phillips, planner for the applicant was sworn in.

Ms. Phillips – On the whole block, there are 5 two family houses. Exhibit A-4 shows that there are 2 lots in this area that are between 3,698 and 5,000 square feet and 23 lots between 5,001 and 6,499 square feet. Therefore, 86.2% of the properties in that area do not comply. There are 4 lots, including the subject property, that are between 6,500 and 10,000 square feet. Across the street there are three two family houses. As a right, a very large single family could meet the setback requirements. This application is much more in keeping with the neighborhood. We could argue C1, it's a unique aspect of the property

that we are a 10,000 square foot lot in an area where there are only four others out of all of these other properties. The C2 aspect is that a larger single family home can have more of a negative impact than these two smaller homes. I think we have met the positive criteria. The negative criteria is always about the detriment to the neighborhood and the Master Plan. The Master Plan has a concern about demolition of existing homes being replaced by McMansions. Also, one of the goals is to maintain the character of the neighborhood, protecting the established development pattern, enhancement and redevelopment of older residential neighborhoods. This subdivision definitely meets those goals. I don't see any impairment to the Master Plan or a detriment to the surrounding development pattern. Exhibit A-5, photo exhibit shows the varied architectural style of what is in the neighborhood.

Mr. Maniscalco – Does the look of the new house conform to that neighborhood?

Ms. Phillips – Exhibit A-3 shows the proposed house. The area is a mix of styles; bungalow, cape, farmhouse, etc. I think anything, as long as it is attractive, will be an aesthetic positive.

Mr. Maniscalco opened the meeting to the public for questions for Ms. Phillips.

No public participation.

Salvatore Caramanna was sworn in.

Mr. Caramanna – I am willing to agree to the deed restriction. I want to preserve the house because I spent about \$100,000 to fix the house. I was thinking about putting a three foot crawl space under the house when we move it. It currently has a basement. If the Board wants a basement, we could put one.

Mr. Maniscalco opened the meeting to the public for questions for Mr. Caramanna.

No public participation.

Mr. Brown itemized the comments on his May 15, 2015 review letter. Mr. Brown requested to be present for the perk test.

Mr. Rotolo – The applicant will abide by the comments.

Mr. Punzo – My concern is that they are shy thirty feet. The town changed it to 65' x 100' for a reason. I can't see making another small lot in town.

Mr. Maniscalco opened the meeting to the public.

Kyung Ha (50 Catherine Ave.) was sworn in.

Mr. Ha - Mr. Caramanna said he lives in that house and then he changed his answer to his sister lives there. The town started way back at 50' x 100', but decided it was too small and made it 65' x 100'. If we keep allowing 50' x 100', what's the point of making these laws?

Ms. Phillips – It's not like all the lots are 10,000 square feet and we're chopping up all of them. The impact here will be minimal.

Barbara Dodge-Ha, 50 Catherine Ave – There are two mature trees on that property that they will have to cut down, which will change the character of my neighborhood.

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

Mr. Pellino summarized the application. There are two kinds of variances involved. A C1 is usually called a hardship variance; C2 is called a soft C variance. For both of these variances, the applicant has to satisfy the negative criteria (will not be a substantial detriment to the neighborhood or to the zoning plan). My opinion is that this is a C2 variance. That can be granted if the Board finds that purposes of the Municipal Land Use Act (providing light, air, etc.) can be advanced, where benefits of granting the variance outweigh the detriments.

Mr. Lynch – Drainage is one of the biggest concerns there. I think we have an opportunity, even on the

house that's being relocated, to put some drainage in there and require them to at least keep their roof leaders and the rest of that onsite. The other concern I have is to limit the building. The house has been reduced. I'd like to see it stay that way. If they take two trees down, we could ask them to put two trees up.

Mr. Rotolo – Mr. Caramanna would agree to landscape and add whatever shrubbery and landscaping required.

Mr. Maniscalco – Can we put something in saying that if the house is destroyed, it would be rebuilt in the same character?

Mr. Rotolo – That's covered in the deed restriction.

Mr. Maniscalco – Is five years long enough for the deed restriction?

Mr. Pellino – I don't think we could ever bar an applicant from a future zoning application. I think what we can do is make sure that it is clear that the approval is based on these circumstances and these expectations.

Mr. Maniscalco – If he's approved and then decides to sell the property, will all of this still apply.

Mr. Pellino - Variances and approvals run with the land, no matter who the owner is.

Mr. Lynch – Will the existing house be relocated prior to any construction on the new home?

Mr. Rotolo – Yes.

Mr. Punzo – We have to take our residents into consideration first.

Mr. Pellino – If the Board were to entertain approvals, I think there are some conditions that have been mentioned that would be attached: the house on the new lot would be substantially like what is shown on A-3; the older home would be relocated to be completely conforming and would have a deed restriction that the house would remain in place for 5 years; existing house to be relocated before the new home is constructed; full compliance with the letter from the Board engineer; onsite drainage to be provided for the older home; and replacement of trees being removed.

Mr. Maniscalco – How should we handle the retaining walls?

Mr. Lynch – They're on the lot now, but they are not shown on the plans.

Mr. Stimmel – There will be no runoff on adjacent properties. The wall will be taken out when the garage is demolished. The wood tie retaining wall to the rear of the property is only about a foot to the right of the garage. That can be regraded within the site to avoid any washout or collapse in that location.

Mr. Brown – His property is actually the one that's getting the water.

Mr. Lynch – The detrimental impact could be to the neighbors when you start to wash their property away.

Mr. Brown - They could certainly grade from the property line down to stabilize that area without impacting neighboring properties.

Mr. Sergio – We keep building. The more ground we take away, the less the opportunity for absorption of water.

Mr. Punzo made a motion to deny the application. Mr. Gierek seconded the motion.

VOTE: Councilman Camilleri, Mr. Compitello, Mr. Gierek, Mr. Punzo and Mr. Sergio – YES

Mr. Lynch, Mr. Maniscalco, Mayor White and Mr. Mazzone - NO

APPLICATION DENIED

5. MINUTES

Mr. Compitello made a motion to approve the minutes of the June 16, 2015 meeting. Mr. Brantner seconded the motion. All in Favor – YES

6. CORRESPONDENCE

Mr. Compitello made a motion to receive and file the communications. Mr. Brantner seconded the motion. All in Favor - YES

7. VOUCHERS

Mr. Pellino – I would like payment to be made to me, rather than my firm for the vouchers I submit.

Mr. Lynch – Is that what the contract says?

Mr. Pellino – Yes, I am the one who was appointed. It's really just an accounting difference in my office.

Mr. Compitello made motion to approve the following vouchers provided funds are available:

Remington & Vernick Engineers, 06/12/15, Saddle Brook Holdings, LLC, \$420.75

Remington & Vernick Engineers, 06/12/15, Arrow Fastener, LLC, \$153

Carroll Engineering, 06/23/15, Saddle Brook 2013, \$368.50

Carroll Engineering, 06/23/15, Midland Commons of Saddle Brook, LLC, \$636.50

Carroll Engineering, 06/23/15, SPUS7 Park 80 West L.P., \$301.50

Basile Birchwale & Pellino, 07/01/15, SPUS7 Park 80 West, LP, \$375

Basile Birchwale & Pellino, 07/01/15, Stone Brook Garden & Landscape Supply, LLC, \$250

Basile Birchwale & Pellino, 07/01/15, Midland Commons of Saddle Brook, LLC, \$750

Basile Birchwale & Pellino, 07/01/15, Litigation World Wheat, \$6,592.50

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

8. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Punzo made a motion to open the meeting to the public. Mr. Compitello seconded the motion. All in Favor - YES

No public participation.

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

9. MISCELLANEOUS

We have a memo from the Township clerk that we all have to fill out Citizen's Leadership forms. Mr. Punzo needs to complete his form.

10. CLOSED SESSION

The Board went into closed session to discuss the World Wheat litigation.

11. ADJOURN

Mr. Punzo made a motion to adjourn the meeting. Mr. Compitello seconded the motion. All in Favor – YES

Meeting Adjourned 9:20 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary