

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, December 7, 2015.

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. Ratajczak, Mr. Schilp, Mr. Browne, Mr. Tokosh and Mr. Zottarelli - PRESENT Mr. Galbo, Mr. Gatto and Mr. Esposito – ABSENT

Also present was Joseph Rotolo, Board attorney, Rick Brown, Board engineer and Gary Paparozzi, Board planner.

4. **APPLICANT #1 – Michael Duke**

266 Schepis Avenue, Block 1711, Lot 13

Michael Duke was sworn in.

Mr. Duke – We would like to replace the deteriorating, raised 14' x 9' patio with a 9' x 16' composite deck. We plan to extend the roof of the house to cover the deck.

Mr. Ratajczak – What is the height?

Mr. Duke – It will be 2.5' off the ground.

Mr. Rotolo – Increasing the size may create new variances.

Mr. Brown calculated. The additional 2 feet will equal 18 square feet of coverage. It shouldn't effect the variances.

Mr. Rotolo – The Board can make an approval subject to new calculation of coverage.

Mr. Ratajczak made a motion to open the meeting to the public. Mr. Schilp 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. Browne seconded the motion.

VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Ratajczak, Mr. Schilp, Mr. Browne and Mr. Tokosh – YES

APPLICATION APPROVED

5. **APPLICANT #2 – 370-448 Corp.**

370-448 Market Street, Block 708, Lots 4 & 5

Paul Faugno, attorney for the applicant came forward.

Mr. Faugno – The shopping strip owners have had difficulty getting a tenant to take the entire space, so they want to divide it.

Paul Brener (president of the corporation) was sworn in.

Mr. Brener – I also own the car wash. The owners of four of the businesses located here own the corporation. (a one page architectural plan, dated 10/13/15, by Edward T. Chudzinski, Jr. was

marked Exhibit A-1) We want to make one tenant space in front and one in back. The previous tenant, Gamers, sold software in the front and had game tables in the back. That business created congestion in the parking lot, which was a problem for the other businesses. I don't think dividing this space will create a parking problem. Pictures, taken by Mr. Brener on 12/03/15 at 3:00 p.m. were marked Exhibit A-2.

Mr. Ratajczak – Which business closes the latest?

Mr. Brener – Dairy Queen probably.

Mr. Ratajczak – What will be the operating hours for the new tenant?

Mr. Rotolo – It will have to comply with the zoning codes for the type of business going in.

Mr. Faugno – The Board engineer asked about signage.

Mr. Brener – We have a space where the previous tenant had signs. No new signage will be put up. We are currently negotiating a lease with Papa John's. That business is all take out and delivery.

Mr. Schilp – There's no second means of egress for that back space.

Mr. Brener – We could put another door in.

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

All in Favor – YES

No public participation.

Mr. Schilp 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 with the following conditions: 1.) the rear tenant space must have a second egress and 2.) tenant must comply with codes for use. Mr. Mazzer seconded the motion.

VOTE: Mr. Mazzer, Ms. Murray, Mr. Rofofsky, Mr. Ratajczak, Mr. Schilp, Mr. Browne and Mr. Tokosh – YES

APPLICATION APPROVED

6. ANNUAL REPORT

Ms. Murray – I'd like to propose that we bump the accessory coverage maximum from 18% to 22%. We can do that without pushing the maximum total coverage to the 50% mark.

Mr. Ratajczak – I'd rather have the 50' x 100' lots come to the Board, where we could retain the control.

Mr. Schilp – Since rainwater goes into pools, why don't we count only 50% of the pool toward the coverage? In my opinion, a pool acts as a retention basin. Also, when someone applies for an add-a-level, going straight up, not changing the footprint, why do they have to come in for a pre-existing, nonconformity?

Mr. Rotolo – Some towns have an exemption for pre-existing nonconformities.

Mr. Pappozzi – The other towns I work in have the applicant come in and put it on the record that they aren't going to overhang or go any higher, where it would become an expansion of nonconformity.

Mr. Rofofsky, Mr. Mazzer, Mr. Browne and Mr. Tokosh agreed with Mr. Ratajczak that no changes should be recommended to Council regarding an increase to accessory coverage.

Browne – What about PODS?

Mr. Ratajczak – How about making 3 months the maximum?

Mr. Brown – If the Board would like, I could send some POD language.

Mr. Rotolo – On the report to Council, we could say we are working on language for temporary storage (POD) codes.

Mr. Ratajczak – We should also ask Council to work on having the police enforce street parking regulations for commercial vehicles.

7. MINUTES

Mr. Ratajczak made a motion to approve the minutes of the meeting of November 2, 2015. Ms. Murray seconded the motion. All in Favor – YES

8. ADJOURN

Mr. Schilp made a motion to adjourn the meeting. Mr. Browne seconded the motion. All in Favor – YES

Meeting Adjourned 8:46 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary