

**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 1, 2017.

1. At 7:30 p.m., Vice Chairperson Murray called the meeting to order.

2. **Salute to the Flag.**

3. **Roll Call:** Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh, Mr. Zottarelli, Mr. Sabani (arrived at 7:35) and Mr. Gatto (arrived at 7:35) - PRESENT Ms. Hascup – ABSENT
Also present were Marlene Caride, Board attorney, Richard Brown, Board engineer and Gary Paparozzi, Board planner.

4. **APPLICANT #1 – Sebastian & Maria Leone**

518 Saddle River Road, Block 1309, Lot 5

Paul Krisan, attorney for the applicant came forward.

Mr. Krisan – This is a continuation of the application we started at last month's meeting.

Ken Ochab, planner for the applicant was sworn in.

Mr. Ochab – Mr. Chudzinski, architect for the applicant made changes to his plans. A colorized version of the site plan was marked Exhibit A-2.

Mr. Ochab – Several changes were made, such as, the front driveway was eliminated, the garage is now a bedroom (making each apartment have 3 bedrooms) and some macadam in the rear was removed. The rear driveway will still have six parking spaces. The overall coverage is reduced. The basement shown on the plan houses the mechanical equipment and storage. It has no living space. There will be a crawl space under the addition. Building coverage proposed is 25% and impervious coverage changed from 80% proposed to 64.6% proposed. A variance is needed for the expansion of a nonconforming use. A front setback variance is still required. The existing side yard setbacks are 3.11 feet and 9.14 feet, total 12.25 feet. We are not infringing on any open space.

Mr. Ochab reviewed the current use of the surrounding properties. He stated that they are not impairing the zone plan or impacting the surrounding uses. It will maintain the character.

Mr. Schilp – Will the area at the rear, near the fence, be green?

Mr. Ochab – Yes.

Mr. Brown - We requested a standalone, signed and sealed survey. Also, the coverage amounts Mr.

Ochab reviewed disagree with Mr. Chudzinski's plans. They should be updated.

Mr. Paparozzi – The F.A.R. can't be calculated because there aren't enough numbers to do the calculation. Also, a building coverage variance may be required, as shown in the Zoning Officer's letter.

Mr. Ochab – The F.A.R. is 0.49%. The Board may want to grant a variance for building coverage to be prudent.

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

No public participation.

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

Mr. Schilp made a motion to approve the application with the following conditions: must provide F.A.R., include a variance for building coverage and the southeast corner is to be grass. Mr. Mazzer seconded the motion. VOTE: Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh and Mr. Zottarelli – YES

APPLICATION APPROVED

5. APPLICANT #2 – Papaiya Real Estate Investment, LLC/ Krina Real Estate, LLC

66 & 70 Market Street, Block 619, Lots 1 & 2

Richard Kapner, attorney for the applicant came forward.

Mr. Ratajczak recused himself.

Mr. Zottarelli sat in for Mr. Ratajczak.

Mr. Kapner – We have submitted a revised site plan, a new survey and architectural plans, which show two new entrances and a new roofline. We also have an updated survey and a floor plan layout for 70 Market Street. The building at 66 Market Street will be used entirely as a retail liquor store. At 70 Market Street, we are proposing a warehouse use, which is what Klein’s (previous owner) used most of the building for. For that, we are requesting a use variance.

Mukesh Papaiya, principal and managing member of Papaiya Real Estate Investment LLC and Krina Real Estate, LLC, was sworn in.

Mr. Papaiya – All of 66 Market Street will be used as a liquor store with no warehouse space. 70 Market Street will be used as a warehouse. Loading will be at the rear of 66 Market Street, using box trucks only, no tractor trailers. The dumpster enclosure will be in the parking lot at the elbow of the building. That dumpster will be used by both buildings. We don’t anticipate refuse from 70 Market Street. Our boxes are reused at the liquor store. At 66 Market, the proposed two entrances will be on a diagonal on each front corner of the building. There will be a path from all parking to these entrances. The office space will raise the front of the building to 20 feet. The middle of the building will remain 18 feet with a parapet for aesthetics. We have box trucks which deliver 3-4 times per week. They will not interfere with customer spaces. At other liquor stores I own, the customers spend less than five minutes in the store. The parking proposed is in front, on Rosemont, in VFW and in the lot shared with 70 Market Street. Very seldom will anyone from the public go to 70 Market Street because it is a wholesale business. Deliveries to 70 Market Street will be made by panel truck. Our store hours will be Monday through Saturday 10:00 a.m. – 10:00 p.m. and Sunday 11:00 a.m. - 8:00 p.m. Most of our business will happen after 4:00 p.m. There is a parking agreement between 50 Market Street and 66 Market Street for shared parking. There is also a shared parking agreement between 66 and 70 Market Street. Market Street Professionals and Papaiya Real Estate Investment, LLC will provide lighting, maintenance and snow plowing. A cul-de-sac was proposed to stop traffic from going onto Claremont Ave. If the resident at the end of Rosemont doesn’t agree, that may not happen. We still have enough parking without the extra spaces on Rosemont Ave.

Mr. Paparozzi – Will the properties remain separate?

Mr. Kapner – Yes.

Mr. Paparozzi – If 70 Market St. is sold, what happens to the parking and the dumpster? There should be a deed easement that runs with the property.

Mr. Kapner – While you can’t restrict the sale of the property, you can make an approval contingent on the replacement of the parking, which have to be approved by the Board.

Mr. Papaiya – We will use only the first floor of 70 Market St. for our office, not the second floor. The fences will go away. There will be parking with greenery at the property line. The police have been given permission to park there at night. This will be our largest retail operation.

Mr. Esposito – All deliveries will come on box trucks?

Mr. Papaiya – Yes. Warehouse deliveries will be between 7:00 and 9:00 a.m. on box trucks.

Mr. Gatto – Where will trucks deliver to?

Mr. Papaiya – The load zone (space 22).

Mr. Gatto – How will the truck turn (turning radius)?

Mr. Papaiya – Box trucks can park straight and we can unload with forklifts. There will no longer be a platform.

Mr. Gatto – How many deliveries will be made to 70 Market? What about the shed?

Mr. Papaiya – Cigarettes will be delivered three times per week in small box trucks on pallets. We're getting rid of the shed.

Mr. Gatto – You won't use the second floor?

Mr. Papaiya – We will use it only to store files.

Mr. Gatto – We will make it a stipulation.

Mr. Gatto to Mr. Brown & Mr. Paparozzi – Can you have one dumpster for two properties?

Mr. Brown – They can have an agreement between the two properties. You may want to make the enclosure a little wider.

Mr. Papaiya – It will look a lot better than it looks now. We will bring a lot of business to town.

Mr. Esposito – Will a forklift drive in front?

Mr. Papaiya – They will go through the inside of the building during early morning hours.

Mr. Schilp – How will the dumpster be serviced?

Mr. Papaiya – It's not that big.

Mr. Schilp – I would like to see a template.

Mr. Papaiya – The dumpster usually gets picked up once per month.

Mr. Schilp – I would like to get a catalog on the dumpster. They're going to have to stop on Market St. and back in to service it.

Mr. Schilp – Will the beer be cold?

Mr. Papaiya – Yes.

Mr. Schilp – Will you have walk in boxes or a refrigerator?

Mr. Papaiya – One big box.

Mr. Gatto – Will the unit on the roof create a noise problem?

Mr. Kapner – It will not violate the noise ordinance.

Mr. Schilp – How many units will there be?

Mr. Papaiya – Maximum three.

Mr. Schilp – How many vans will you have?

Mr. Papaiya – Four, but three go home at night with employees, one stays on site.

Mr. Schilp – I would like to know the parking requirements for 50 Market Street.

Mr. Paparozzi – 50 Market St. has 33 parking spaces. They probably need them during their open hours. When they're closed, 66 Market St. could use them. The parking agreement can be terminated in one year. If it is terminated, 50 Market Street Professionals could block off their part of Rosedale creating a problem getting in and out.

Mr. Schilp – Transport ambulances are usually parked there at night and the VFW uses those spaces when they have a function there.

Mr. Kapner – We’re asking for a variance for 6 parking spaces. Even if they terminate parking, the agreement states that the road cannot be blocked.

Mr. Paparozzi – I disagree. No law says 50 Market can’t fence the property in.

Mr. Kapner read the agreement. It is perpetual.

Mr. Schilp – You will need to put in sidewalks and curbs. Where is the green space?

Mr. Kapner – It will be on the west side of 66 Market Street.

Mr. Gatto – We’re going to ask for curbs and sidewalks.

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

Cathy Pitasi, 84 Claremont Ave. was sworn in.

Ms. Pitasi – What are the store hours?

Mr. Papaiya – Monday – Saturday 10:00-10:00. Sunday 11:00-8:00.

Ms. Pitasi – When will you get deliveries?

Mr. Papaiya – Monday – Friday 7:00 a.m. -10:00 a.m., no Saturday or Sunday deliveries.

Ms. Pitasi – Early morning deliveries will be noisy and disturb my family. Will you have overnight parking?

Mr. Papaiya – No.

Ms. Pitasi – Does the compactor make noise? How often will it be picked up?

Mr. Papaiya – Very little. One to two times per month.

Ms. Pitasi – I’m afraid of the truck traffic back and forth.

John Coletta, 12 Grunauer Ave., was sworn in and showed pictures of the warehouse next door.

Mr. Coletta – It was really six trailers, not a warehouse. I don’t want it to look anything like that. There was a 20 foot gate.

Mr. Papaiya – It will be neat and clean. The police will park there at night.

Mr. Coletta – It was noisy at Klein’s too.

Janet Coletta, 12 Grunauer Ave., was sworn in.

Ms. Coletta – I’ve complained about noise for over 50 years. I think the area is too small for their vision.

Larry Ratajczak, 92 Claremont Ave., was sworn in.

Mr. Ratajczak – Klein’s operated their business outside, renting equipment. This operation will be inside. I’ve been to two of Mr. Papaiya’s other stores and they are spotless. If the cul-de-sac goes in, the back and forth of trucks and buses will stop.

Debbie Tedino, 13 Grunauer Ave., was sworn in.

Ms. Tedino – 70 Market St. will get their deliveries in the parking lot?

Mr. Papaiya – Yes. There will be no deliveries on the street.

Ms. Tedino – How many employees will you have at each building? Will you have food?

Mr. Papaiya – There will be 8 employees at 70 Market and 15 employees at 66 Market. No food.

Ms. Murray made a motion to close the meeting to the public. Mr. Schilp seconded the motion. All in Favor – YES

Ms. Murray – What will you do with the back of the building, by Grunauer?

Mr. Papaiya – We will put up a 6 foot vinyl fence. The Klein’s outdoor storage area will now be parking.

Edward Chudzinski, architect for the applicant, was sworn in.

Mr. Chudzinski marked his plans for 66 Market Street, dated 11/08/16, revised 04/20/17, Exhibit A-2.

Mr. Chudzinski – The plans show the exterior dimensions, which will not change. The changes include two diagonal front entrances; one on the east side and one on the west side. The elevation at Market Street will go up to accommodate space above the cash register area to be used for computer and security equipment. There will also be a loading door as well as a rear door to the parking lot. The dumpster will be at 70 Market St. The top of the building will have one elevation. It will be 25 feet to the top of the parapet.

Mr. Chudzinski marked his plans for 70 Market Street, dated 05/01/17.

Mr. Chudzinski – This is the existing layout of the first and second floor.

Mr. Gatto – Will the second floor stay the same?

Mr. Chudzinski – Yes.

Mr. Schilp – Will the standpipe stay where it is?

Mr. Chudzinski – Yes.

Mr. Schilp – You will need to block it off for the Fire Department.

Mr. Kapner – Mr. Tuvel will address that.

Mr. Paparozzi – The plans for 70 Market Street do not give enough dimension to calculate the floor area ratio. The second floor offices increase the parking requirement. There is one office on the first floor and five on the second floor.

Mr. Kapner – The offices will be used for storage only. The floor area ratio is 0.40. The building area and lot area are listed.

Mr. Paparozzi – I would like the numbers to calculate floor area ratio.

Mr. Schilp 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. Esposito seconded the motion. All in Favor – YES

Harry Tuvel, engineer for the applicant was sworn in.

Mr. Tuvel marked his site plan, dated 03/23/17, revised 04/18/17, Exhibit A-4. He marked a mounted version of page 2 of this site plan, Exhibit A-5.

Mr. Tuvel – A liquor store is a permitted use. There is no issue other than parking at 66 Market Street. There will be no new nonconformities created for either 66 or 70 Market St. The parking requirement for 66 Market Street, calculated at 1 per 200 square feet, is 70 spaces. Based on The Institute of Traffic Engineers (ITE) data and the high turnover of spaces, 1 per 300 square feet would be reasonable, changing the requirement to 47 spaces. For 70 Market St., the ordinance requires 5 spaces for employees plus 1 space per 1,000 square feet for warehouse (6 spaces), totaling 11 spaces. At 66 Market St. we have 28 parking spaces (including 6 tandem), plus 12 at the VFW Hall on the previously approved application. At 70 Market St., there will 24 spaces, including 2 handicap spaces. The total parking on these two properties will be 64, which I believe is sufficient. Additional parking at 50 Market St. can be helpful at peak parking time; however I don't anticipate the parking at 50 Market St. being used or needed. Shared parking is a progressive planning concept. The parking aisle on Rosemont Ave. is 25 feet, which is sufficient. There may be another 13 spaces on Rosemont, if approved by the VFW. A

four foot area is provided to access the standpipe. If we have to shift and lose space #1, there will still be enough spaces. Box trucks deliver to this site now. It appears that there would be sufficient space.

Mr. Tokosh – I measured. There can't be any cars parked in the 13 spaces (on Rosemont).

Mr. Tuvel – I believe a box truck could maneuver in the 70 Market Street area. The parking lot should be lit. There is a street light there, but some wall packs would provide additional safety. They will not affect residential properties. The compactor needs to be accessed less frequently than a dumpster does. The liquor stores recycle boxes. A catalog can be provided for the compactor. If the information shows that we need more space, one parking space can be cut. I still believe we have a dozen spaces more than needed. We have also provided a 5 foot sidewalk at the west side of 66 Market Street. It seems that the use at 70 Market St. will be less intense than its previous use. The removal of the warehouse at 66 Market St. eliminates the nonconformity, which meets the positive criteria of the Municipal Land Use Law. The building at 70 Market St. has 6,014 square feet gross floor area based on the property record card I received from the township. This is a reduction of the nonconformity. There is no adverse effect or substantial detriment to the zoning plan. The upgrade in aesthetics will serve a purpose of the land use law in providing a good visual environment. In addition to the proposed island at the end of Rosemont, we propose an area of planting along the fence at the rear of the property. There is no adverse effect in shared parking with 50 Market Street.

Mr. Kapner marked the parking agreement between 66 Market St. and 70 Market St. Exhibit A-6. The shared parking agreement between 50 Market St. and 66 Market St. was marked Exhibit A-7.

Ordinance 1618-16 was marked Exhibit A-8.

Mr. Kapner – Mr. Papaiya has engaged a surveyor who has provided the meets and bounds for all of Rosemont Ave. and the meets and bounds for the four areas that are adjacent to the properties on that road. Those surveys will be provided to the Board engineer. We are waiting to hear from VFW and the homeowner of Block 619, Lot 2.01 to find out who will own those two other sections.

Mr. Gatto – I thought the employees would park in the rear of 66 Market St., not VFW.

Mr. Kapner – They will use the six in the rear first and then any overflow would go to the VFW spaces.

Mr. Brown – We need revised plans to include the detail and location of the proposed 6' high vinyl fence along property line of 70. Also we need a detail and a turning template of dumpster enclosure. In lieu of eliminating a space, expand the enclosure into the six foot striped space. This way the man door can access the dumpster enclosure directly. In my report, dated 03/24/17, based on original plans from Mr. Tuvel, 1-5 have been satisfied. Note 5 on original plan, now note 6 on revised plan refers to a topographic survey, which I haven't seen.

Mr. Kapner – Riggs only provided one for 70 Market St.

Mr. Brown – Eliminate that note. There are two trench drains at SW corner. You'll need to clarify what they are for and what they drain to. I'd like to see where they go. Also, submit a lighting plan.

Mr. Paparozzi – There was one variance not mentioned. The ordinance says that required parking shall be provided on the same lot as use. The five foot walk on the west side of 66 is not mentioned on the plan. Will new entrance on west side of 66 going to be handicap entrance? If so, you'll have to show that the guardrail will be removed on the plans. If the floor area ratio is not calculated properly, you will need another variance. Put the measurements on the plan.

Mr. Schilp – The guardrail has conduit to the sign.

Mr. Papaiya – That sign is not staying.

Mr. Schilp – The shrubs in the rear are existing.

Mr. Kapner – Yes.

Mr. Schilp – The lights should be dimmed after 10:00 p.m., when the business is closed.

Mr. Kapner – That’s fair.

Mr. Schilp – The loading space at 70 should be only a loading space, not parking and loading.

Mr. Tuvel – I can stripe it, which brings us to 61 spaces.

Mr. Schilp – Trucks won’t be able to get out (by 66) if someone is parked in the 13 spaces.

Mr. Kapner – We will eliminate them.

Mr. Tuvel – We only need to eliminate a few of them.

Mr. Brown – Put it on the plan with a turning template.

Mr. Gatto – You’ll need to show sidewalks and curbs on Market Street.

Mr. Kapner – Provided the county allows 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. Tokosh made a motion to close the meeting to the public. Mr. Esposito seconded the motion. All in Favor – YES

Mr. Kapner – The items requested will be provided. For time purposes, we request like a preliminary approval, subject to the submission of the revisions, at the next meeting.

Ms. Caride – The Board would have the right next month, if he doesn’t comply, to deny.

Ms. Murray made a motion to give preliminary approval, with the requirements mentioned during testimony. Mr. Esposito seconded the motion. VOTE: Ms. Murray, Mr. Mazzer, Mr. Esposito, Mr. Tokosh, Mr. Zottarelli and Mr. Gatto – YES Mr. Schilp - NO

APPLICATION PRELIMINARILY APPROVED

6. APPLICATION #3

Jason Mazzer, Andy Spano, Jason Mazzer Plumbing & Heating, LLC, 238 Market St., Block 513, Lot 2

Mr. Mazzer and Mr. Schilp recused themselves. Mr. Zottarelli and Mr. Sabani sat in for them.

Mr. Gatto announced that due to the time, the application will not be heard at this meeting.

Giuseppe Randazzo, attorney for the applicant came forward and established jurisdiction.

Mr. Gatto - The application will be carried to the June 5, 2017 meeting with no further notice.

7. RESOLUTION

Ms. Murray made a motion to adopt the resolution of approval for Alexander Mykula, 25 Bella Vista Avenue, Block 617, Lot 7. Mr. Schilp seconded the motion. VOTE: Ms. Murray, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh, Mr. Zottarelli and Mr. Gatto - YES

8. MINUTES

Ms. Murray made a motion to approve the minutes of the April 3, 2017 meeting. Mr. Schilp seconded the motion. VOTE: Ms. Murray, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh, Mr. Zottarelli and Mr. Gatto - YES

9. VOUCHERS

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

Gary Paparozzi, 04/12/17, Papaiya Real Estate/ Krina Real Estate LLC, \$562.25

Carroll Engineering, 04/26/17, Mazzer Plumbing & Heating, \$317.25

Carroll Engineering, 04/26/17, World Wheat Foundation, \$775.50

Carroll Engineering, 04/26/17, Sebastian Leone, \$317.25

Carroll Engineering., 04/26/17, Papaiya Real Estate Investment, LLC, \$951.75

Ms. Murray seconded the motion. VOTE: Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh and Mr. Gatto - YES

10. OPEN AND CLOSE TO THE PUBLIC

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

11. ADJOURN

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

Meeting Adjourned at 11:02 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary