

**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 5, 2017.

1. At 7:30 p.m., Chairperson Gatto 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. Sabani and Mr. Gatto - PRESENT      Mr. Zottarelli and Ms. Hascup – ABSENT

Also present were Marlene Caride, Board attorney, Richard Brown, Board engineer and Gary Paparozzi, Board planner.

4. **APPLICANT #1 – Papaiya Real Estate Investment, LLC/ Krina Real Estate, LLC**

66 Market Street, Block 619, Lots 1 & 2

Larry Ratajczak recused himself. Mr. Sabani sat in for Mr. Ratajczak.

Richard Kapner, attorney for the applicant came forward.

Mr. Kapner – We addressed the list of conditions for preliminary site plan approval as follows: eliminate 13 parking spaces on Rosemont in front of the VFW, add curbs and sidewalks on Market Street in front of 66 and 70, provide a truck turning template for a 30-36' box truck for 66 and 70 Market St., eliminate parking in the space labeled loading/parking at 70 Market St., widen dumpster enclosure at 70 Market to now have a 6 foot buffer in fence, add signs saying "No Customer Parking Before 10 a.m." to accommodate truck turns for deliveries to be done before 10 a.m., provide dumpster turning radius template, provide lighting proposal for LED wall packs, stating that lights will be dimmed at 10 p.m., chillers on 66 Market not to exceed permitted decibel level and must have appropriate facades, remove parking space #1 at 66 Market St. and striped for standpipe access, remove guard rail, conduit and pole sign, mark and label 5 foot sidewalk at 70 Market St., provide fence detail at rear of 70 Market St., note second floor of 70 Market St. is for paper storage only, agreements between Papaiya and Krina for shared dumpster and shared parking between 66 Market St. and 70 Market St. with the understanding that if either property is sold, applicant will have to come back to the Board, show green space at property line between 66 Market St. and 70 Market St., list floor area ratio for 70 Market St., provide meets and bounds to Board engineer and remove reference to topographic survey from the plans. Parking agreement with 50 Market St. is for additional parking. It is not needed for the parking count for either 66 or 70 Market St. No restriction for the former cart way of Rosemont Ave. So, no fence can be built and no restriction can be placed on the roadway.

Mr. Brown – There are two items remaining. For the trench drains at the southwest corner area of 66 Market, we need to know what's there, what drains to it and where it drains to.

Mr. Kapner – We understand that we need to trace the trench drains. We agree to provide that information before the final approval.

Mr. Brown – I don't see a call out on the site plan for the guardrail to be removed. Also, the lighting needs to be tweaked so you don't exceed .5 foot candles. We discussed a dumpster will be used instead of a compactor.

Mr. Kapner – Yes, the gate has been moved to allow the trucks to go straight in. There will be minimal turns.

Mr. Gatto – What happens if the police are parked in your lot during deliveries?

Mr. Kapner – Whatever requirements the Board places on the parking will be passed on to the police.

Mr. Brown – I suggest they list the available spaces in the offering to the Police Department.

Mr. Brown- They could attach a copy of the plans to the police department and note which spaces are available to them.

Mr. Kapner – Yes.

Mr. Gatto – I think that the resolution is not accurate where it says there is no problems created by this application. You cleared the problem at 66 Market and put it at 70 Market St.

Mr. Kapner – We made the building at 66 conforming. The prior use of 70 Market by Klein’s was not a permitted use. The additional restrictions this Board has put into the use of 70 Market (clear yard, fence, limited use of first floor only and more parking) has made it a lot less imposing on the neighbors.

Mr. Gatto – But you still have a warehouse, which belongs in an industrial zone.

Mr. Kapner – We have reduced the effect, we’ve limited the nonconformity, which is something that the land use law authorizes. I think it was sufficient proof for this Board to grant this.

Mr. Gatto –You’re looking for approval.

Mr. Kapner – It was already approved at the last meeting.

Mr. Gatto – That was preliminary, it can be called back.

Mr. Kapner – It cannot. It is subject to the items listed by the Board.

Mr. Gatto – I didn’t want to give it to you. Now you’re telling me that I can’t go back.

Ms. Caride – It was subject to conditions discussed being met.

Mr. Schilp – The parking arrangement is short at 70 Market St. Only 3 spaces can be used if the truck is running late. A regular dumpster will need more pick ups than a compactor. Also, 2 of the 6 employee parking spaces at 66 Market can’t be used during delivery time. The parking arrangements are terrible. Have you gotten permission from the VFW and the homeowner to take their part of the street?

Mr. Kapner – The VFW attorney said they are amenable to providing their half of the road to 66 Market. We’ve gotten no answer from the resident.

Mr. Schilp – If the homeowner doesn’t give it, the truck can’t make a turn.

Ms. Murray – If they don’t give the property, the street will stay open.

Mr. Schilp – What if they put grass there.

Mr. Tokosh – You could eliminate the 4 employee parking spaces behind the building so that a truck could turn into the alley, without going on private property. Then there would be no way someone could get hurt on the private property.

Mr. Kapner – If you think that would be best, we have plenty of spaces, without those, at 50 Market and the VFW.

Mr. Tokosh – Will there be shopping carts?

Mr. Papaiya – Yes.

Mr. Tokosh – You’ll need to use one parking space at 66 Market Street and one at 70 Market Street for the carts. So you’re losing two more spaces.

Mr. Schilp to Mr. Paparozzi – How many parking spaces are needed for 50 Market Street?

Mr. Paparozzi – I don’t know. I don’t have the floor area ratio. I believe the original testimony said that the parking spaces at 50 Market Street would be available after hours.

Mr. Schilp – That lot is almost full every day.

Mr. Paparozzi – The testimony was that those spaces would be available after hours, when 50 closes.

Mr. Kapner – It is unlikely that all of these spots will fill at the same time. The liquor store traffic is in and out. They don’t linger.

Mr. Tokosh – Trucks are sometime late. How would this situation be handled?

Mr. Kapner – If someone is parked there, the truck will have to pull up next to the loading dock and someone would have to go out and direct the driver.

Mr. Tokosh - Will you supply other liquor stores from this location? Will people pick up items from 70 Market St.? Will trucks be going in here after 10 a.m. to supply other businesses?

Mr. Papaiya – No, we make deliveries. Once in a blue moon, people pick up.

Ms. Murray – The resolution should be updated to reflect dumpster pickups will be performed, as needed.

Mr. Gatto – The gates will be changed because it's a dumpster instead of a compactor?

Mr. Tuvel – Yes.

Mr. Mazzer – I'd like to hear Mr. Paparozzi's opinion.

Mr. Paparozzi – With the revised plan, 70 Market St. has 22 spaces, 12 are required, leaving 10 extra. 66 Market St. has 27 + 10 extra, 70 are required. They are 33 parking spaces short. There are 12 leased parking spaces at the VFW, but I do not like the day to day VFW lease, which could end tomorrow. With the 12 spaces, they're short 21 spaces. With the 5 spaces at 50 Market St., they're short 16 spaces. The only issue I have is parking. Retail is permitted; a warehouse is not.

Mr. Kapner – The agreement with the VFW is not day to day. It's annual and perpetual. It takes one year written notice to terminate. This Board granted a variance for 57 spaces for the retail liquor store based on the latest statistics of the Institute for Transportation Engineers. We have 61 spaces, 22 on 70, 27 on 66 and 12 of the VFW. We also have excess, if needed, next door. The liquor store is busiest on weekends and evenings when next door is closed.

Mr. Tuvel – These are buildings that have been there for a long time. We're not building anything. I think we've made a valid case for sufficient parking.

Mr. Gatto – I want a live demonstration showing truck maneuvers before this is approved.

Mr. Kapner – The turning template acknowledges that they will turn through the parking spaces.

Mr. Gatto – I want to see it live. We'll place cones in the spaces where cars may be parked overnight or broken down. I want to see it done at 70 and 66.

Mr. Kapner – This can be a condition of the final approval, not the preliminary approval. What we're looking for this evening, is the memorialization of the Board's actions last month.

MR. Schilp – Access to the VFW spots is extremely difficult.

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

No public participation.

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

Mr. Esposito made a motion to memorialize amended Preliminary Site Plan Approval, granted on 05/01/17. The following conditions must be met prior to Final Site Plan approval: determine what is there for the trench drains and where they drain to; lighting not to exceed .5 light candles; a live demonstration of truck turns; and provide agreements with VFW and Homeowner pertaining to ownership of the property formerly known as Rosemont Ave. Ms. Murray seconded the motion. VOTE: Ms. Murray, Mr. Mazzer, Mr. Esposito, Mr. Tokosh and Mr. Sabani – YES Mr. Gatto – NO

**AMENDED PRELIMINARY SITE PLAN APPROVED AND MEMORIALIZED**

**5. APPLICANT #2 – Jason Mazzer, Andy Spano, Jason Mazzer Plumbing & Heating, LLC  
238 Market Street, Block 513, Lot 2**

Mr. Mazzer recused himself. Mr. Sabani sat in for Mr. Mazzer.

Mr. Gatto – The variances requested are parking, required 8.5 spaces, existing 7 spaces, signage and POD.

Elsbeth Crusius, sitting in for Giuseppe Randazzo, attorney for the applicant came forward.

Ms. Crusius – This is a 2 family residence, used as a mixed use building, in a commercial zone. There are pre-existing nonconformities, none of which will be changed because of this application. The sign and POD have been removed, so we no longer require a variance for these.

Mr. Ratajczak – Who is the owner? It shows different things in different places on the application. In 2015. They applied for something and agreed to vacate the residence upstairs. I want to know how they got approved for a use without coming to the Board. It's on a county road. There is no parking allowed in the front yard. It's a mixed use. When it was reassessed, they noted it is a commercial and residential use. It's listed on the tax records as a residential building. It's not paying taxes as a commercial use. What is the proper use? Is there a CO? Is there a residential use upstairs? The applicant agreed to vacate that use. That hasn't happened. I have the paperwork. It's classified as a 2 family house.

Jason Mazzer sworn in.

Mr. Ratajczak – There is a 2015 application from Andy Spano with an address of 172 Graham Terrace?

Mr. Mazzer – That's my home address.

Mr. Ratajczak – Is that the address for Mazzer Plumbing also?

Mr. Mazzer – No, 238 Market Street is the business address.

Mr. Ratajczak – This application has it listed as 172 Graham Terrace.

Mr. Mazzer – That's the mailing address.

Mr. Ratajczak – You can't use your home address for your business address. Check with Community Affairs. The tax records show mixed use. How can he change the use without coming to the Board?

Ms. Caride – Was the application you have a Zoning Board application?

Mr. Ratajczak – It says approved provided entire structure will be used as office space and no longer a residential use. The Building Department says they approved it. How did he change the use? In other words, we don't have a Zoning Board. They just go to the Building Inspector, we tell him what we want to do and he changes the use from mixed to residential. On the tax assessment, it says in 2016 commercial/residential property. It is classified as a two family house.

Ms. Caride – Marked the application to the Building Dept. (provided by Mr. Ratajczak) to the Building Dept. Exhibit 1.

Mr. Ratajczak – On order to open a business in Saddle Brook, you need 100' x 100' property. You can't convert 50' x 100' to a mixed use.

Mr. Mazzer – We were granted permission from the Building Department to operate a business.

Mr. Ratajczak – It might be in a business zone, but you have to come before the Board. He should know better. We need to classify what it is first.

Ms. Crusius – We were granted permission to have the business there in 2015. Now we're looking for approvals to have the business on the first floor and residential on the second floor.

Mr. Ratajczak – He's not paying taxes on a mixed use right now.

Ms. Caride – The Building Dept. will have to notify the Tax Dept.

Mr. Ratajczak - What gave the Building Inspector the right to change the building?

Ms. Crusius – The Building Inspector is not here today to answer that.

Ms. Caride – Their application is for a use variance, which will address the issue concerning the use of that building. By allowing the counsellor to present her case and witnesses, they'll be able to answer the questions you may have.

Mr. Ratajczak – The town has it classified as a residential use. It's not a business.

Mr. Gatto – According to this, its zoned business.

Ms. Caride – If you wish to have the Zoning Officer testify, you can ask him to be here.

Mr. Ratajczak - I asked the mayor to have him here, but he's not here.

Mr. Schilp – It takes a long time for this town to update their records.

Mr. Ratajczak – There's no record of it.

Mr. Gatto – I'd like to hear the application.

Mr. Mazzer – Andrew Spano and I purchased the property about six years ago, At the time, it was residential, we rented it out to two families as an income property. About 13 months ago, I decided to put my business (Mazzer Plumbing) on the first floor when the tenant moved out. Tony (Zoning Officer) said we could convert it from two family residential to business without going to the Board. At that time, we intended to have the second floor tenant move out and make the entire building the business. But we decided to keep her up there to help pay the mortgage. My family ran this plumbing business since 1946. There are 10 employees: three secretaries and I am in the office, the guys are out in the field. We are open Monday – Friday 8:00 a.m. – 5:00 p.m. The workmen report to the office by parking in front, getting their work orders and then go out. We store a couple of our vans at this location and the others are offsite at our Garfield location. We just want to clean up the property. We have a small sign on the side and a banner. We took permits for those. The other sign has been removed. We have also removed the POD that was previously used to store fixtures.

Mr. Brown – We have prepared a report dated April 18, 2017.

Mr. Paparozzi – The property is in the B-1 Primary Business district. The service business is allowed; residential use is not. All but one variance (parking) is pre-existing. Nine parking spaces are required, 6 are proposed. One of those spaces must be ADA compliant.

Mr. Ratajczak – You have a dump truck parked on the side of the building, a pickup behind that and 3-4 vans parked in front of the building at night. Where do employees park when they come to get the trucks, in the lot or on the street?

Mr. Mazzer – Half park in front and half park in Garfield.

Mr. Ratajczak – Your trucks say 24/7. Where do those workers park?

Mr. Mazzer – In Garfield.

Mr. Ratajczak – They wouldn't use the trucks in Saddle Brook?

Mr. Mazzer – No.

Mr. Ratajczak – You have a dumpster? If so, where?

Mr. Mazzer – Yes.

Mr. Ratajczak – So that will eliminate one parking space.

Mr. Mazzer – No, there's a spot just for that.

Mr. Ratajczak – I believe the parking is very deficient. You need a handicap parking space. You can't park in the front yard on Market Street. You can't back out on a county road. There's a school across the street. It's too tight of an area. How many bedrooms are upstairs in the apartment?

Mr. Mazzer – Two.

Mr. Ratajczak to Mr. Paparozzi – How many spaces are required?

Mr. Paparozzi – 1.5 for the apartment, for a total of 9. He's proposing 6, but may lose one for ADA.

Ms. Crusius – What kind of work do you do in the building.

Mr. Mazzer – Answer phones, filing and dispatch. No materials are delivered here.

Mr. Gatto – Would you be able to use the back yard for parking?

Mr. Mazzer – I could. Or I could leave more of the trucks in Garfield.

Mr. Ratajczak – Where do customers park when they want to come in to pay?

Mr. Mazzer – Customers rarely come in, about once a week. They usually mail their payment.

Mr. Gatto – How many trucks can you reduce it to onsite?

Mr. Mazzer – Five.

Ms. Murray – Is there a showroom?

Mr. Mazzer – No.

Mr. Ratajczak – How big is the backyard? Because you're way over the lot coverage.

Ms. Murray – It looks like 31' x 50'.

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

William Stimmel, engineer for the applicant was sworn in.

Mr. Stimmel – The applicant had an approval for a legal nonconforming two-family residence. The property is in the B1 zone, which doesn't allow residential. Mr. Mazzer has documents that show this property has been used for residential use since 1983 or possibly earlier. The business office is a permitted use. We are requesting a D1 variance for the mixed use. There are a number of existing nonconformities: minimum lot size, required 10,000 sq. ft., 4,999 sq. ft. existing/proposed, minimum lot frontage, 100' required, 50' existing/proposed, side yard setback, 15' required, 9' proposed, corner yard setback, 15' required, 2.4 existing/proposed, and maximum lot coverage, 50% required, 66% existing/proposed. None of these will be mitigated or made larger. The two additional variances noted are for the signage and the POD. Only one sign per street frontage is permitted. The applicant has moved the second sign so that there is one sign on the north façade of the building and one sign on the east façade of the building. There is no longer a variance needed for signage. Also, the applicant has removed the storage POD, so that he no longer needs that variance either. The positive criteria or suitability of the site are: 1.) by converting a portion of the building from residential to business, it becomes more compliant with the standards of the zoning ordinance; and 2.) since it is an undersized lot, having a mixed use will be more in keeping with a low intensity business use. The business will peak during the day and the residence peaks at night. This allows for the shared parking argument because the uses peak at different times, it reduces the overall demand. The noncompliant use is being made more compliant. As far as the purposes of the Municipal Land Use Laws are concerned, I've found five purposes that are advanced by this application.

1. Purpose a – To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.

2. Purpose d - To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole.

3. Purpose e - To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.

4. Purpose g - To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

5. Purpose j - To promote or prevent urban sprawl and degradation of the environment through improper use of land. Then they also have to satisfy the negative criteria as well.

1. I can see no detriment to the public good.

2. The use is consistent with the intent and purpose of the zone plan and zoning ordinances.

3. They are promoting the permitted use and decreasing nonconforming residential use.

Mixed use in a setting like this is typically considered to be good planning. It's good to have housing close to work and shopping areas. The C variances are considered with the overall application for the D variance. I believe, for all of these reasons, that the positive and negative criteria have been satisfied.

Mr. Paparozzi – I agree with Mr. Stimmel, however he left out one of the variances, which is parking in the front yard. I agree with Mr. Stimmel's testimony. Because it is commercial, the lot has to be stripped and one space has to be ADA. We will need a letter from the county either saying no further action or making recommendations.

Mr. Ratajczak – Do we have a parking diagram?

Mr. Paparozzi – It's on Mr. Chudzinski's plan. He doesn't show ADA.

Mr. Ratajczak - Do we allow stacked parking, like space 6?

Mr. Paparozzi - You can designate spaces 5 and 6 for residential.

Mr. Ratajczak – I don't think stacked parking should be allowed. Where will the dumpster be? Where will the sidewalks and curbs be? Or are we going to have just one big, open driveway?

Mr. Gatto – If this is approved, they'll have to do sidewalks and curbs.

Mr. Paparozzi – The county will make that call.

Mr. Ratajczak – What is the parking spot size?

Mr. Paparozzi – 9' x 18'

Mr. Stimmel – Spaces 1-4 are 9' x 18'. Spaces 5 and 6 aren't dimensioned, but look to be the same size.

Mr. Ratajczak – I'm not in favor of the stacked parking. I'm not in favor of the backing out. I'm not in favor of this big wide open thing and where is the dumpster?

Mr. Paparozzi – It's not shown.

Mr. Mazzer – It's where it says concrete.

Mr. Ratajczak - Give me a demonstration of a garbage truck backing in there with a school across the street. It's very dangerous.

Mr. Schilp – Can they put a curb cut on Harrop so they can pull out there?

Mr. Brown – If you have vehicles in spaces 1-5, there's adequate space to put a depressed curb on Harrop and pull out there.

Mr. Paparozzi – This is a D Variance. The Board can recommend sidewalks and curbs.

Mr. Schilp – How much garbage does the office produce? Can you put garbage cans out?

Mr. Mazzer – We have toilets.

Mr. Gatto – Can you take those items to Garfield?

Mr. Mazzer – Yes.

Mr. Stimmel – ADA parking can be in space #1. Then the garbage truck would have a direct shot to the dumpster.

Mr. Ratajczak – We've done this before with another application, where we've tried to limit the trucks and I don't see how it's going to work. The guys have to leave their cars somewhere when they come in to get their work truck.

Mr. Mazzer – They can leave them in Garfield.

Mr. Stimmel – I'm not sure there's enough space to back up and go out Harrop. They would be using the sidewalk to maneuver. I think the site is low intensity in terms of traffic generation and has worked the way it is. As Mr. Paparozzi noted, it will ultimately be up to the county.

Mr. Ratajczak – The property next door doesn't store any trucks there at night.

Ms. Murray – The neighboring property (beauty parlor) generates more activity and more cars backing out onto Market Street. I'm using that as a comparison. The gas station across the street has constant activity. He'll need to show the striping and see what the county has to say.

Mr. Tokosh – I think the most prudent thing to do right now and table until we see what the county says.

Mr. Gatto to Mr. Paparozzi – How long does the county take?

Mr. Paparozzi – It depends on their schedule. If the Board approves this application tonight, they could have a temporary certificate of occupancy until the county gives their report/recommendation. My opinion is that they'll leave it up to the Township.

Mr. Ratajczak – What happens if they want to widen Market St.?

Mr. Paparozzi – They usually do it by easement until they get all of the pieces. They don't just come and take it.

Mr. Esposito to Mr. Paparozzi – Does it need a sprinkler system?

Mr. Paparozzi – It would be up to the Fire Marshall and the Building Department.

Mr. Tokosh – I suggest you have an alternate plan with parking in the back yard. Hear what the county has to say and then move from there.

Mr. Ratajczak – And then what would the lot coverage be?

Mr. Brown – They could construct parking with porous pavers.

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

Michael Accomando, 33 Welcome Road – If you go down the block by Bruno's, the smoke shop, Mario's, etc. they have to back out. You also talk about parking. I have people parking by my house for the carpet place. I don't care. They're bringing in more revenue. Why is it unsafe for this property and not for other properties? I don't know what the job entails for a Board member, but I'm sure it doesn't include micromanaging.

Mr. Gatto – This Board tries to keep things up the best they can. We have a problem here with parking.

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

Mr. Ratajczak – As far as Mario's and all, they're already in business. They're grandfathered. This is a new application, so we try to do the right thing by the new zoning laws.

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

Mr. Chudzinski – This is a two-story residential building with parking in front and a rear yard. The plans I did show exactly what is there now. No changes are proposed.



Mr. Brown – We ask in our review for the gross floor area for the 1<sup>st</sup> and 2<sup>nd</sup> floors and for RSIS.  
Mr. Paparozzi – If the floor area ratio is over, it's an existing condition.

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

Mr. Schilp made a motion to approve the application with the following conditions: install sidewalks on Harrop and Market, subject to county approval and if they change the number of parking spaces the applicant would have to come back to the Board, no more than 4 business vehicles parked onsite overnight and any parking changes require Board approval.

Mr. Tokosh – I feel it should be tabled for one month until we see new parking arrangements and if that's acceptable then I would vote for it.

Mr. Gatto – We have a motion to approve it right now. Nancy do you have any conditions?

Ms. Murray – Sidewalks, curbs and county approval.

Mr. Gatto – Larry?

Mr. Ratajczak – I don't think stacked parking should be allowed. It's deficient for parking. I don't think it's a good application. I'd rather see it used as a two-family house.

Mr. Gatto – Mr. Esposito?

Mr. Esposito – No comment.

Mr. Gatto – Mr. Sabani?

Mr. Sabani – No comment.

Ms. Murray seconded the motion.

VOTE: Ms. Murray, Mr. Schilp, Mr. Sabani and Mr. Gatto – YES    Mr. Ratajczak – NO    Mr. Esposito and Mr. Tokosh - ABSTAIN

## **APPLICATION DENIED**

Mr. Mazzer not present for the remainder of the meeting. Mr. Sabani sat in for Mr. Mazzer.

### **6. APPLICATION #3 - Marilyn Khoury 97 Westminster Avenue, Block 519, Lot 61**

Marilyn Khoury was sworn in.

Ms. Khoury – We would like to install a 12' x 18' above ground pool off of the deck.

Mr. Paparozzi – Any filter or heater would have to be six feet off of the property line.

Mr. Ratajczak – Will there be a heater?

Ms. Khoury – No.

Mr. Gatto - The variances requested are maximum accessory coverage proposed 23%, existing 19.3% and maximum lot coverage proposed 54.4%, existing 50.7%.

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

No public participation.

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

Mr. Schilp made a motion to approve the application. Mr. Sabani seconded the motion. VOTE: Ms. Murray, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh, Mr. Sabani and Mr. Gatto – YES

## **APPLICATION APPROVED**

### **7. APPLICATION #4 - Jonathan Hodosh 40 Ackerman Avenue, Block 608, Lot 7**

Jonathan Hodosh was sworn in.

Mr. Gatto - The variances requested are for minimum front yard, existing 8.05', proposed 13.19', maximum building coverage existing 20.97', proposed 36.27' and maximum lot coverage existing 42.87%, proposed 53.14%.

Mr. Hodosh – The existing house, located in the R-A zone, is very small, not even 770 square feet. It has one bedroom. Mr. Visconti bought the house a few years ago. It was fine for him as a bachelor; however, he just got married and would like to expand the house. The property is not conforming on lot size and lot width. We will decrease the front setback nonconformity by removing the front porch. If this were a conforming lot, the lot coverage would comply at 40% and building coverage would be about 27.5%. The house will fit in with the surrounding neighborhood. Pictures were marked Exhibit A-1. We're trying to conform as much as possible. We're creating a four bedroom house. Aesthetically, it will be an asset.

The Board took a 5 minute break.

Mr. Gatto – What you want to do looks good. You need ten feet between the house and the garage.

Ms. Murray – The drawing shows 14 feet. On page A-4, the elevation shows it will be 33 feet tall. Why do you have an 11 foot high attic?

Mr. Hodosh – It's for aesthetics. The basement is just a crawl space. This attic area will be used for storage and it will house mechanicals.

Ms. Caride – Will you put your past experience, qualification and education on the record?

Mr. Hodosh gave that information.

Ms. Caride marked the plans Exhibit A-2.

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

No public participation.

Ms. Murray made a motion to close the meeting to the public.

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

VOTE: Ms. Murray, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh, Mr. Sabani and Mr. Gatto – YES

## **APPLICATION APPROVED**

**8. RESOLUTION**

Mr. Schilp made a motion to adopt the resolution of approval for Sebastian & Maria Leone, 518 Saddle River Road, Block 1309, Lot 5. Ms. Murray seconded the motion.

VOTE: Ms. Murray, Mr. Schilp, Mr. Ratajczak, Mr. Esposito and Mr. Tokosh - YES

Ms. Murray made a motion to adopt the resolution of approval for amended Preliminary Site Plan approval Papaiya Real Estate Investment, LLC/Krina Real Estate, LLC, 70 Market Street, Block 619, Lot 1 & 2. Mr. Esposito seconded the motion. VOTE: Ms. Murray, Mr. Esposito and Mr. Tokosh – YES Mr. Gatto – NO

**9. MINUTES**

Mr. Schilp made a motion to approve the minutes of the May 1, 2017 meeting. Mr. Esposito seconded the motion. All in Favor - YES

**10. VOUCHERS**

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

Carroll Engineering, 03/31/17, LaRondine Corp., \$423

Carroll Engineering, 03/31/17, Papaiya Real Estate, \$423

Carroll Engineering, 03/31/17, Sebastian Leone, \$387.75

Gary Paporozzi, 05/19/17, Papaiya Real Estate/ Krina Real Estate LLC, \$202.50

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

**11. OPEN AND CLOSE TO THE PUBLIC**

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

**12. ADJOURN**

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

Meeting Adjourned at 10:31 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary