

**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, August 7, 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. Zottarelli, Mr. Sibani, Mr. Manzo and Mr. Gatto - PRESENT Ms. Hascup – ABSENT  
Also present were Marlene Caride, Board attorney, Richard Brown, Board engineer and Gary Paparozzi, Board planner.

**4. APPLICANT #1 – World Wheat Foundation, Inc.**

30 Legregni Street, Block 511, Lot 19.20

Richard Kapner, attorney for the applicant came forward.

Mr. Kapner – The applicant proposes to use the former convalescent home as a group home. This would be a home for disabled persons, which is an inherently beneficial use.

John Park, an authorized representative of World Wheat Foundation, was sworn in.

Mr. Park – Our organization's primary goal is to enrich the lives of these adults. It will be used to house sixteen adults over 21 years old. We will start with fewer residents and grow to sixteen within two years. They will be moderate to high functioning, where they don't need daily medical care. Their disability will be more neurological: aspergers syndrome, etc. The residents will live on the first floor. There will be six employees: a director, an assistant director and four aids. Aids will be there around the clock. None of the residents will drive. Visitors will make a reservation ahead of time. It will be a lock down facility. Food will be delivered for lunch and dinner. Breakfast will be items that don't need to be cooked on a flame. Volunteers within the organization will bring food. The home will be open to anyone who applies no specific gender or group.

Mr. Paparozzi – The kitchen is 33' x 21' and you're saying there will be no cooking?

Mr. Park – The large kitchen is already there. There will be no cooking.

Mr. Paparozzi – reviewed the rooms listed on the plans. How does that add up to six employees?

Mr. Park – Each room isn't for an employee. There are different programs we run. We will use the rooms for those programs, such as music, arts and crafts.

Mr. Paparozzi – The plan is in conflict with the testimony. More than six employees are required (laundry, janitor, etc).

Mr. Park – Additional offices doesn't mean additional employees. The aids will perform services mentioned. We are privately funded.

Mr. Tokosh – Do you have any intention to sublease the offices?

Mr. Park – Absolutely not.

Mr. Schilp – How many people per shift?

Mr. Park – The director and assistant director will work 10-12 hour per day shifts. The 4 aids will be there 24 hours per day.

Mr. Schilp – The aids and residents will have their own rooms?

Mr. Park – Yes.

Mr. Schilp – Will doctors come in?

Mr. Park – The aids will take the residents to their doctor's office.

Mr. Ratajczak – Are you operating this type of home anywhere else?

Mr. Park – No.

Mr. Ratajczak – Are the aids there on a volunteer basis?

Me. Park – They are paid.

Mr. Tokosh – Food deliveries will be made in the back?

Mr. Park – Probably through the front door.

Mr. Gatto – Is the laundry done onsite?

Mr. Park – The sheets are sent out. Personal laundry will be done onsite by the residents.

Mr. Paparozzi – There are 16 bedrooms. If there are 16 residents, the aids will have to sleep in the offices. The plans should be updated. More bedrooms will increase the parking requirement.

Mr. Park – It is possible we will put more than one resident per room.

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

Walter Larose, 220 Legregni St. – If you put 2 per room, it could become 32 residents. They should have a security guard there. The residents could get out. The bushes are not cut. Cars can't get around the property. The property floods. The building has mold.

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

Mr. Kapner marked the application Exhibit A-1 and engineer plan Exhibit A-2.

Robert Lee, engineer for the applicant was sworn in.

Mr. Lee – This property is located in a mostly commercial area. It's at the beginning point of a residential area. The building is in good condition. To the north is a restaurant, to the east, Kessler Institute, to the west, a bank and the senior center and to the south residential. During a visit to the site, I observed there was not much traffic. The building is 13,000 square feet. Handicapped people can access the building. The building is sprinklered and there is a hydrant nearby. There is no deficiency for fire fighting. The parking calculation is based on the bedroom count. Sixteen beds require 8 spaces. We have 11. There is space for waste storage. The spaces are 19' x 9' and extra for a handicap space. There is sufficient parking space. Deliveries can be made through the front. The wooden deck in the corner will be removed, allowing a turning radius to accommodate a 30' truck. They will have private waste pick up. This is a B-2 zone. The proposed use requires less parking than any retail use.

Mr. Brown – In my June 28, 2017 review letter, I commented on the following items:

1. The building setbacks on the Gluckler & Den Bleyker survey do not agree with the setbacks on the Lumen site plan. The Lumen plan needs to be revised.
2. The title block of the Gluckler & Den Bleyker survey needs to be revised to say "Saddle Brook" instead of "Saddle River".
3. The scale and north arrow needs to be on Lumen Sheet G-100.
4. Provide a construction detail for the removal and infill of the existing ramp.
5. Provide a detail for the van accessible parking space and note the sign location on the plan.
6. Provide a lighting plan.

Also, if the employees sleep at the group home, there is no parking requirement for them.

Mr. Kapner – We agree to provide all requested items.

Mr. Paparozzi – The loading area is deficient. The minimum requirement is 35 feet.

Mr. Lee – The loading area is not for a warehouse or large vehicles. We are leveling it out so a vehicle can clear it. We can take out the designation of ‘loading area’.

Mr. Paparozzi – Don’t you need a loading area for the delivery of beds, etc.?

Mr. Lee – I don’t think so. We won’t get many deliveries. The proposed use doesn’t require that level of vehicle traffic.

Ms. Murray – Will a truck fit for garbage removal?

Mr. Lee – Yes. Private garbage service trucks are 6’8”-7’4” wide and 17’ long.

Ms. Murray – How do you stop Kessler from parking in your lot?

Mr. Kapner – The applicant wants to put up signs.

Mr. Schilp – The driveway on the south side is overgrown.

Mr. Lee – It will be cleaned up.

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

Mr. Larose – Can we limit south side traffic? Can the sidewalk on the south side be removed?

Mr. Lee – Certainly. We can put up a fence.

Mr. Schilp – That ramp and doorway has to stay because it is an egress.

Mr. Lee – We could relocate it or create a nice division with the driveway and fence.

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

Ken Ochab, planner for the applicant was sworn in.

Mr. Ochab marked photo boards Exhibit A-3 and A-4. Photos were taken on 04/07/17.

Mr. Ochab – Exhibit A-3 (4 photos) shows the subject building, the driveway by Que Pasta, Kessler and the driveway and a home to the south of the subject property. Exhibit A-4 (4 photos) shows properties across Legregni St., including a home and the senior center, the streetscape, the back of the building and the south side rear. The property is in a B-2 district, so we need a use variance. This use is classified by state courts as inherently beneficial. The number of beds would qualify as affordable housing for the town. The landscaping will be improved so there are no detriments. There would never be enough parking for any use that is permitted. The parking requirements are one space for every three beds, but patients won’t have cars. It is my opinion there are enough spaces. This use promotes public welfare. A 2012 Kauker & Kauker report to the Township (marked Exhibit A-5) states that it would be feasible to have a 40 bed facility here. This is the least intense use when compared to permitted uses in this zone.

Mr. Paparozzi – I agree it is inherently beneficial. It is less intense, but other uses would have to come before this Board. Although the people who use the beds do not drive, the parking requirement number is for anyone going to visit the facility. The resolution should say “maximum 20 beds”.

Mr. Ochab – If the applicant wants to add more, they would need to come back to the Board.

Mr. Mazzer – What are the requirements for a patient to be admitted?

Mr. Park – They must be 21+ years old, high functioning with a moderate diagnosis and not require a lot of medical attention.

Mr. Mazzer – If they have a driver’s license, would they be admitted?

Mr. Park – Probably not.

Mr. Schilp – Mark a space in front “delivery only”.

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

Walter Larose, 220 Legregni St. – It would be good to put a horseshoe driveway in front.

Mr. Lee – We don't want to create another variance. Also, this would mean another curb cut, which is not good for the Township. We can pull into the driveway. I would propose more green area; less lot coverage.

Mr. Larose – People speed out of that driveway.

Mr. Brown – They could put in speed bumps. If they add any additional coverage, they would have to do storm water management.

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

Mr. Kapner – The three variances requested are for use, deficient loading dock and one loading space in the front yard. Approval would be subject to cleaning up the driveway, a turning template, a lighting plan, survey consistency and a speed hump at the driveway exit.

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

## **APPLICATION APPROVED**

### **5. APPLICANT #2 – Tully Realty, LLC**

306 Capitol Street, Block 105, Lot 28 & 29

Robert Mayerovic, attorney for the applicant came forward.

Mr. Mayerovic – We propose no alteration or modifications to the building. The property is located in the B-2 zone. We would like to stamp the building with the label of Business (B-2) use and storage/warehouse use. The structure consists of units A-F. Unit C was used as a warehouse prior to 2014, when a baseball training facility moved in. That facility is a permitted use in the B-2 zone. The landlord would like to use the space as a warehouse again now that the tenant left.

Mr. Schilp – Are you looking to change that one spot or make the whole building either or?

Mr. Mayerovic – Either or.

Ms. Caride – We don't want to change the zone, just the use of the building.

MR. Mayerovic – We're looking for a hybrid use of the entire building.

Mr. Paparozzi – Use in the B-2 zone doesn't allow storage. If another tenant came, it would be an expansion of a nonconforming use. To change the whole lot, it would be a Planning Board issue.

Mr. Mayerovic – Then we can address just Unit C. The uniqueness is that we have prior, nonconforming use rights. We want to take those rights and permanentize them.

Michael Kauker, planner for the applicant was sworn in.

Mr. Kauker – The building possessed prior nonconforming use rights. Baseball training was granted because no variances were required. We would like to have the flexibility to utilize a portion of the building for B2 purposes. We would like to not give up the prior nonconforming use rights.

Mr. Paparozzi – If you abandon the use for over a year, you'd have to come back to the Board.

Mr. Kauker – With a use variance, it runs with the land.

Mr. Paparozzi – I disagree. Requirements, such as parking, change. Once the use is abandoned for a year, you'd have to come back.

Ms. Caride – It's my position that the use for Unit C was abandoned. I believe the Board can listen to the application for that unit.

Mr. Mayerovic – We'll do the application for Unit C.

Gabriel Hannoush, engineer for the applicant was sworn in.

Mr. Hannoush – Page A-1 shows what is presently on site. Units vary in square footage and height. No changes are proposed.

Mr. Mayerovic – Nothing was changed internally in Unit C by the previous tenant.

Mr. Tokosh – You show seven parking spaces in one section of the lot, but there are really six because of the loading dock. Also, you can't use the last space because it's on a slant.

Mr. Hannoush – We can take those two spots out, one on each end, and change the count from 37 to 35.

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

Mr. Kauker marked two photos Exhibit A-2.

Mr. Kauker – The photos show the character of this triangular area, containing a banquet facility, a storage facility and a trucking facility. The second photo shows the subject building. It is not conducive to typical commercial use. The building facility was a hybrid; not a typical commercial use. Unit C is 18% of the total square footage of the building. Parking is short, which could be viewed as a prior nonconformity. Tenants have adapted so it's not a problem. Good planning would be served if the entire property were brought back to the prior nonconformity. The building is not a classical business site. Redevelopment would be required to make it a business site. This is an older, established light industrial area.

Mr. Schilp – The property is unkempt. There is brush and a rusty tank on the property.

Mr. Mayerovic – Mr. Hellman, the new owner, is in the process of cleaning up.

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

Mr. Schilp made a motion to approve the application for Unit C with the stipulation that they clean up the lot, eliminate the two parking spaces discussed and provide signage and striping for handicap and van accessible parking. Mr. Tokosh seconded the motion.

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

**APPLICATION APPROVED**

## **6. RESOLUTIONS**

Mr. Schilp made a motion to adopt the resolution of Approval for Furkat Turgunov, 17 Jamros Terrace, Block 1302, Lot 16. Ms. Murray seconded the motion.

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

Mr. Schilp made a motion to adopt the resolution of approval for Joseph & Sheri DaCosta, 240 John Ochs Drive, Block 1405, Lot 8. Ms. Murray seconded the motion.

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

Ms. Murray made a motion to adopt the resolution of approval for Iryna & Yuriy Saros, 73 Graham Terrace, Block 1513, Lot 41. Mr. Schilp seconded the motion.

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

## **7. MINUTES**

Mr. Schilp made a motion to approve the minutes of the June 5, 2017 and July 10, 2017 meetings. Ms. Murray seconded the motion. All in Favor – YES

## **8. VOUCHERS**

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

Carroll Engineering, 07/11/17, World Wheat Foundation, \$352.50

Carroll Engineering, 07/11/17, Papaiya Real Estate Investment, LLC, \$634.50

Carroll Engineering, 07/12/17, Furkat Turgunov, \$423

Carroll Engineering, 07/12/17, Donald R. Giordano 2009 Trust, \$211.50

Carroll Engineering, 07/12/17, Mazzer Plumbing & Heating, \$282

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

## **9. 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

## **10. ADJOURN**

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

Meeting Adjourned at 10:26 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary