

**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, October 2, 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, Ms. Hascup and Mr. Gatto - PRESENT Mr. Sabani and Mr. Manzo – ABSENT
Also present were Marlene Caride, Board attorney and Richard Brown, Board engineer.

4. CLOSED SESSION

At 7:31, Mr. Ratajczak made a motion to go into closed session to discuss the removal of a Board member.

At 7:34, Mr. Schilp made a motion; seconded by Mr. Ratajczak to come out of closed session.

4. APPLICANT #1 – Brian T. Sheppard

34 Welcome Road, Block 503, Lot 4

Mr. Gatto stated that he lives within 200 feet of this property and must recuse himself.

Ms. Murray sat in as chairwoman and Mr. Zottarelli sat in on the application.

Brian T. Sheppard was sworn in.

Mr. Sheppard – I would like to extend the driveway so that I can use the left side of the garage. My deck has already been built because the contractor assured me that it would be okay. I would also like to have a six foot fence installed.

Ms. Murray – The applicant was already turned down for the fence.

Mr. Sheppard – I originally asked for a four foot fence to the sidewalk. Now, it's a six foot fence setback 14 feet from the sidewalk. I would like the privacy because I entertain and I would like to consider a pool in the future. I want to stop the fence before the slope.

Mr. Brown – We noted discrepancies between Troast survey and Chudzinski plan. We should have something that clearly shows the fence.

Ms. Murray – Was the deck on the original plans? These plans show a new deck, not an extension.

Mr. Sheppard – That was part of the original approval.

Ms. Murray – We need the details for the fence.

Mr. Schilp – The new deck is smaller than the original patio, so the square footage is less.

Mr. Brown – It is 98 square feet less.

Mr. Ratajczak – Can we table this until next month?

Mr. Esposito made a motion; seconded by Mr. Tokosh to open the meeting to the public. All in Favor – YES

Mr. Gatto – Check the deck. It shows he's going beyond the 20' rear yard setback.

Mr. Brown – According to the survey, the deck to the property line scales 21 feet. When the plan is revised, this should be updated too.

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

Mr. Ratajczak made a motion; seconded by Mr. Esposito to carry the application with no further notice. The applicant will revise the plans to show the fence location and the rear yard setback for the deck. VOTE: Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh and Mr. Zottarelli – YES

APPLICATION CARRIED

5. APPLICANT #2 – Howie & Lauren Flecker

261 Nedellec Drive, Block 1407, Lot 19

Mr. Tokosh stated that Lauren Flecker used to work for him, so he recused himself.

Mr. Zottarelli sat in for Mr. Tokosh.

Howie Flecker was sworn in.

Mr. Gatto – I see you're all done.

Ms. Flecker – Yes. We didn't know we weren't in compliance.

Mr. Gatto – This is wrong. There should be a fine.

Ms. Murray – How long after the pool was installed did you put the pavers in?

Lauren Flecker was sworn in.

Ms. Flecker – He gave us a certificate of occupancy after the pool was done. The pavers went in this year.

Ms. Murray – Green space is important for drainage.

Ms. Flecker – We have some rocks. It's not all pavers.

Ms. Murray – You were already over the maximum lot coverage with the pool. You should have asked first.

Mr. Schilp – Are the pavers pervious?

Mr. Flecker – They are in sand and grit, so they are pervious. There is no runoff to the neighbors.

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

Noreen DeVito, 260 Alberta Drive – I live behind them. My concern is that there is no green space. I'm not sure that 2 feet of stone will soak up the water.

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

Mr. Brown – I suggest the Township engineer inspects this in addition to the Building Inspector to ensure there is no runoff to the neighboring properties.

Mr. Schilp made a motion; seconded by Ms. Murray to approve the application with the condition that inspections done by both the Building Inspector and Township Engineer ensure that this additional coverage does not create water runoff to the neighbor's yard.

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

APPLICATION APPROVED

**6. APPLICANT #3 – The Donald R. Giordano 2009 Trust Agreement
126 Route 46, Block 404, Lot 3**

Donald Pepe, attorney for the applicant came forward.

Mr. Pepe – In 1973, Mr. Giordano got approval for warehouse space and residential space. His business slowed down so he leased warehouse space to a construction company. JAJ Construction is under contract to purchase this property. When we went to get a certificate of occupancy, we were informed it was not a permitted use. The municipality asked for a site plan. We are not altering the building. We've done quite a bit of work to clean up the property.

Mr. Pepe marked the newspaper public notice and receipts for mailed notices Exhibit A-1.

Mark Chisvette, engineer for the applicant, was sworn in.

Mr. Chisvette marked his plans Exhibit A-2.

Mr. Chisvette – The proposed changes include striping the lot to include 18 regular parking spaces, 1 handicap space and a dumpster area. There will be a trash container and a recycling container in the dumpster area. We have also prepared a lighting plan that complies with the ordinance.

Mr. Gatto – Are spaces 7-16 on the State of NJ's property?

Mr. Chisvette – They park like that now, but we have striped it to park on our own property.

Mr. Pepe – The striping will improve the problem.

Mr. Schilp – A curb may help to keep a car from rolling into the roadway.

Mr. Chisvette – If we add a curb, you would have drainage issues.

Mr. Brown – A low profile curb stop or a bollard would be preferable.

Ms. Murray – Where will the residents park?

Mr. Pepe – It's not designated.

Mr. Schilp – That's a used car lot as well. If they have too many cars, the tenants will have no where to park.

Mr. Pepe – There won't be that many. For 43 years, it's worked.

Mr. Brown – Eight uses are listed on page C-2. I would like clarification.

Mr. Chisvette – There are three uses: auto repair, warehouse and apartments. The offices shown do not operate on their own. One is for O'Neil's Auto, one for storage and one upstairs for equipment.

Mr. Ratajczak – Does each use have its own bathroom?

Mr. Chisvette – The storage has a bathroom; the sales office has a bathroom and the repair shop has a bathroom.

Mr. Ratajczak – Where does the used car sales do its repairs?

Mr. Pepe – In the shop onsite.

Donald Giordano was sworn in.

Mr. Ratajczak – How many cars are sold per month?

Mr. Giordano – About 5 per month.

Mr. Ratajczak – How many are in inventory?

Mr. Giordano – About 15-20.

Mr. Pepe – We got rid of cars on the lot that were not in inventory. We would limit the number of cars to the front row (10) for the used car dealership.

Mr. Schilp – There are no visitor spaces?

Mr. Giordano – The construction company goes to his customers. They don't come to him.

Mr. Ratajczak – How many trucks does the construction company have there? Any equipment?

Mr. Giordano – There are two trucks and no equipment.

Ronnie Thomas, JAJ Construction, was sworn in.

Mr. Thomas – Our guys take the bus to work and then take the two trucks to the job. My partner and I take trucks home. Other employees own their own trucks. Spaces 18 and 19 are for our trucks.

Mr. Chisvette – We put the trucks there so we can move them to get out.

Mr. Gatto – Instead of “Employees Only” signs for these spaces, they could say “JAJ Construction”.

Mr. Pepe – Nothing in the prior approval says we can’t change the owner of the warehouse space.

Mr. Schilp – Would you consider reducing the signage?

Mr. Pepe – We can clean up the temporary signage.

Mr. Ratajczak – Is JAJ putting up signs?

Mr. Thomas – No, just what’s there.

Mr. Pepe – We’re grandfathered.

Mr. Gatto – Now that you’re changing ownership, we would like you to comply.

Mr. Pepe – It may be an unreasonable request to make that a condition. We will agree to remove all signage that does not advertise a use on the property.

Ms. Murray – Will the offices be used by anyone other than the current tenants?

Mr. Pepe – No.

Mr. Tokosh – Will you seal coat?

Mr. Giordano – There’s no need.

Mr. Ratajczak – If you are going to stripe, you should fill the pot holes and seal coat too.

Mr. Giordano – Okay.

Mr. Gatto – You will clean up the dumpster area?

Mr. Pepe – Yes.

Mr. Ratajczak – The last car by the curve is too close to Fifth Street. There should be a guard rail.

Mr. Pepe – It will be striped with a substantial setback. We may not be able to have a guard rail because of fire trucks.

Mr. Esposito – How big are the dumpsters?

Mr. Chisvette – We will put what’s needed. The width is the same whether it’s a 3, 4 or 5 yard dumpster.

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

No public participation.

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

Mr. Schilp made a motion; seconded by Mr. Esposito to approve the application with the following conditions: repair, sealcoat and stripe lot; add low profile parking stops; designate tenant parking spaces; not to exceed 10 used cars for sale on site; remove temporary signs and any signs not advertising a use on the property; outdoor lighting compliant to ordinance.

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

APPLICATION APPROVED

7. RESOLUTIONS

Mr. Schilp made a motion; seconded by Mr. Tokosh to adopt the resolution of approval for Angela Gjorgoski, 597 Evans Place, Block 1711, Lot 22.

VOTE: Mr. Schilp, Mr. Ratajczak, Mr. Tokosh, Mr. Zottarelli and Mr. Gatto - YES

Mr. Schilp made a motion; seconded by Mr. Tokosh to adopt the resolution of approval for North Jersey Truck, 236 Route 46, Block 105, Lot 4.

VOTE: Mr. Schilp, Mr. Ratajczak, Mr. Tokosh, Mr. Zottarelli and Mr. Gatto – YES

8. MINUTES

Mr. Schilp made a motion; seconded by Mr. Ratajczak to approve the minutes of the September 11, 2017 meeting.

VOTE: Mr. Schilp, Mr. Ratajczak, Mr. Tokosh, Mr. Zottarelli and Mr. Gatto - YES

9. VOUCHERS

Mr. Schilp made a motion; seconded by Ms. Murray to approve payment of the following vouchers provided funds are available:

Gonzalez & Caride, Esqs., 09/25/17, Angela Gjorgoski, \$250

Gonzalez & Caride, Esqs., 09/25/17, North Jersey Truck \$387.50

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; seconded by Mr. Tokosh to open the meeting to the public. All in Favor - YES

No public participation.

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

12. ADJOURN

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

Meeting Adjourned at 9:23 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary