

**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 4, 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. Tokosh, Mr. Zottarelli, Mr. Sabani, Mr. Manzo and Mr. Gatto - PRESENT Mr. Esposito and Ms. Hascup – ABSENT
Also present were Marlene Caride, Board attorney, Richard Brown, engineer and Gary Paparozzi, Board planner.

4. MISCELLANEOUS

A.) Mr. Gatto – The application for Raymond Larger, 247 President Street will not be heard tonight due to improper notice.

B.) Mr. Gatto - The Board will hold its first 2018 regular meeting on January 15, 2018 at 7:30 p.m.

5. APPLICANT #1 – Meredith & Christian Cipollone

599 Fair Lawn Parkway, Block 1802, Lot 6

Ms. Murray recused herself because she lives within 200' of the subject property.

Mr. Sibani sat in for Ms. Murray.

Christian Cipollone was sworn in.

Mr. Cipollone – We would like to add-a-level. The house has four bedrooms and two bathrooms now. If approved, it will have four bedrooms and three bathrooms.

Mr. Brown – Is the pool existing?

Mr. Cipollone – Yes.

Mr. Bown – I would ask for coverage clarification on the zoning table from the architect.

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

No public participation.

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

Mr. Schilp made a motion; seconded by Mr. Sibani to approve the application with the condition that the applicant's architect clarify coverage on the zoning table.

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

APPLICATION APPROVED

6. APPLICANT #2 – John Skelley

602 Cypress Avenue, Block 1805, Lot 28

John Skelley was sworn in.

Mr. Skelley – I want to widen my driveway 18 inches on each side.

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 Ms. Murray to close the meeting to the public. All in Favor – YES

Ms. Murray made a motion; seconded by Mr. Schilp to approve the application with the condition the applicant puts curbing or block along the side of the driveway.

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

APPLICATION APPROVED

7. APPLICANT #3 – Andrew Spano & Jason Mazzer Plumbing & Heating Co.

238 Market Street, Block 513, Lot 2

Carles Sarlo, attorney for the applicant came forward.

Mr. Sarlo – This applicant was previously in front of this Board. At that time, Board members had a parking concern. This revised application does not require a parking variance. There is one issue we'd like to address before we start the application. There is a potential conflict of interest. The application contained some documents that show the conflict. Any financial or personal involvement constitutes a conflict of interest. The Board member can voluntarily recuse themselves. If he does not want to recuse himself, the Board can proceed or take a vote. If it continues with him, a court can wipe out the action taken by the Board.

Mr. Ratajczak – I've been advised by my attorney that the Board does not have the power to remove me. I will not recuse myself.

Ms. Murray – I feel there is an ethical conflict.

Ms. Murray read an excerpt from the ethics training packet and another from Council minutes.

Mr. Ratajczak – Once an application is filed, anyone knows about it.

Mr. Gatto made a motion; seconded by Ms. Murray to remove Mr. Ratajczak. VOTE: Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Sibani and Mr. Gatto – YES Mr. Zottarelli – NO

Mr. Ratajczak - ABSTAIN

Ms. Caride – The Board can vote to recuse Mr. Ratajczak, but we cannot have him removed. I believe there is an appearance of a conflict. The applicant's attorney can go to the court to request to have him recuse himself.

Mr. Sarlo – The subject property is located in the B-1 business zone. Historically, this was used as a two family dwelling.

Mr. Ratajczak – Do we have to vote that this is a substantially different application?

Ms. Caride – I have reviewed the application and it is significantly different. There is no longer a parking variance requirement.

Mr. Sarlo – There was a CO issued to convert the first floor from residential to business, which is more conforming in this zone, but it creates a mixed use. We have eliminated the previous concern about parking. The additional parking does increase the impervious coverage, which can be controlled with engineering, if needed. We are also requesting a variance for parking stall size. There are some pre-existing variances: lot area, lot width, side yard and corner yard setbacks, parking in front/ side yard and minimum landscape buffer.

Mr. Ratajczak – Who changed the use from two family to commercial?

Mr. Sarlo – The Building Department.

Mr. Ratajczak – It should be through the Board if there are variances. The zoning approval from the Zoning Officer says that the second floor apartment would need to be vacated. (Mr. Ratajczak showed Mr. Sarlo the Building Department zoning application for Mazzer Plumbing.) Mr. Sarlo read the application with the condition. There is no time frame listed for the condition. The application was marked Exhibit B-1.

Mr. Ratajczak – Tax records show that it is still being taxed as a two family house.

The property record card was marked Exhibit B-2.

William Stimmel, engineer and planner for the applicant was sworn in.

Mr. Stimmel – The lot is 4,999 square feet. The two family dwelling is in the center of the lot. We are proposing to use the first floor for business with 5 parking spaces in front (1 is handicap) and 4 parking spaces in the back off of Harrop Ave. The sign and storage POD have been removed. The total parking requirement is 9 spaces and we have provided 9 spaces. Existing lot coverage is 64.5%; proposed is 78.1%. Existing nonconformities include: lot size, parking in the front and bulk variances. There is limited impact from an engineering perspective.

Mr. Brown – we suggest that they consider going with a grass paver. If not, they would have to consider adding drainage.

Mr. Stimmel – We would consider pervious pavers.

Mr. Paparozzi – The county will address any issues with parking in front. Lot coverage was 68% including the POD. With the removal of the POD and pavers, they will address some of the coverage.

Mr. Ratajczak – There's no dumpster on the plans.

Mr. Stimmel – With a business office, there will be minimal garbage. Residential receptacles will be used.

Mr. Ratajczak showed a picture of toilets being stored outside.

Mr. Ratajczak – Tonight there is PVC pipe out there.

Mr. Sarlo – I object to pictures being passed around. They're not verified and dated.

Mr. Ratajczak – Curbs and sidewalks should be done on the entire property. How wide are the curb cuts?

Mr. Stimmel – Curb cuts are 14 feet on Harrop and we will keep the existing curb cut on Market.

Mr. Ratajczak – Cars are backing out over the curb.

Mr. Gatto – The county will have to review this.

Mr. Ratajczak – How will snow be addressed?

Mr. Stimmel – It will have to be taken away.

Mr. Ratajczak – Will tenant parking be designated?

Mr. Stimmel – Yes, in front.

Mr. Ratajczak – How many trucks will he have on site? Can we limit the number of trucks?

Mr. Sarlo – Employees park their cars where the vans park over night.

Mr. Ratajczak – Is the parking spot on the side paved?

Mr. Stimmel – It will be pavers.

Mr. Ratajczak – Are you changing the grading?

Mr. Stimmel – No.

Mr. Schilp made a motion; seconded by Mr. Sibani to open the meeting to the public for engineering questions.

Vincent Scriveri, 20 Harrop Ave. – My concern is the net gain of parking spaces once the curb cut goes in on Harrop. Will he gain enough spaces to eliminate on street parking?

Ivan Gallano, 16 Harrop Ave. – I have the same complaint. Parking is difficult.

Lou D'Arminio, 537 Avon Lane – My concern is more about the integrity of the Board.

Ms. Murray made a motion; seconded by Mr. Schilp to close the meeting to the public.

Ms. Caride marked the darker version of the Site Plan, dated October 23, 2017, Exhibit A-1. Mr. Stimmel – the applicant is proposing a D-1 variance in the B-1 zone. The positive criteria is met due to site suitability. This was operated as a residence for a long period of time. Operating a business on the first floor makes it more compliant. The smaller lot is more in keeping with small business. The two uses are complimentary with the time different for parking demand; business during the day and residence at night. The purposes of the Municipal Land Use Law act that apply are a, d, e, g and j. There is no substantial detriment to the public good because it will be more compliant with zoning. It is in keeping with the requirements of the Master Plan, which designates business along Market Street and looks to reduce the number of two family residences. For these reasons, I believe we meet the negative criteria. Mixed use is in general keeping with good housing plan. The c variances are mostly pre-existing and would be subsumed in the d variance. I think the planning benefits are clear. They have addressed the parking concerns. Typically, parking requirements are 1/300 or 400 square feet, not 1/150 square feet, which is high. If both floors were business, you would create a parking deficiency, as 6 or 7 more spots would be needed.

Mr. Paporozzi – Impact will be less for the township and the number of c variances are reduced.

Mr. Tokosh made a motion; seconded by Mr. Schilp to open the meeting to the public for planning questions. All in Favor – YES
No public participation.

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

Mr. Schilp made a motion; seconded by Mr. Sibani to open the meeting to the public for general questions/comments. All in Favor - YES

Lou D'Arminio, 537 Avon Lane – I'm not concerned about the merits of the case. I am concerned about a conflict of interest. The Board's integrity is at stake. Mr. Ratajczak spoke at a Council meeting about the application. We want to encourage businesses and listen to the residents. If there's a problem, that shouldn't be the taxpayer's burden. The Board should have him removed.

James Mazzer, 264 Midland Ave. – My son Jason is trying to do the best he can. He will follow your recommendations. When the Building Inspector told him to vacate the second floor, he did it right away.

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

Mr. Schilp made a motion; seconded by Ms. Murray to approve the application with the following conditions: 1.) parking area off Harrop Ave to be permeable pavers; 2.) parking space #5 on the west side of the building to be permeable pavers; 3.) sidewalks and curbs along Market St.; 4.) sidewalk repaired along Harrop Ave.; 5.) no plumbing supplies or refuse stored outside; 6.) employees park in parking lot whenever possible; 7.) tenant parking in front; 8.) snow to be piled behind tandem spots or rear yard; and 8.) dumpster removed.

VOTE: Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Zottarelli, Mr. Sibani and Mr. Gatto – YES
Mr. Ratajczak - NO

APPLICATION APPROVED

8. RESOLUTIONS

Mr. Schilp made a motion; seconded by Ms. Murray to adopt the resolution of approval for Brian Sheppard, 34 Welcome Road, Block 503, Lot 4.

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

Mr. Schilp made a motion; seconded by Mr. Gatto to adopt the resolution of approval for Michael Giovannone, 266 Oxford Avenue, Block 1410, Lot 2.

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

Mr. Schilp made a motion; seconded by Mr. Tokosh to adopt the resolution of approval for Melissa & James Brickley, 216 Wilson Street, Block 1707, Lot 3.

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

9. MINUTES

Mr. Schilp made a motion; seconded by Ms. Murray to approve the minutes of the November 6, 2017 meeting. All in Favor - YES

10. VOUCHERS

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

- Carroll Engineering, 11/13/17, Brickley, \$141
- Carroll Engineering, 11/13/17, North Jersey Truck Center, \$669.75
- Carroll Engineering, 11/13/17, Gjorgoski, \$70.50
- Carroll Engineering, 11/13/17, Flecker, \$105.75
- Carroll Engineering, 11/13/17, Tully Realty, \$70.50
- Carroll Engineering, 11/13/17, Sheppard, \$105.75
- Carroll Engineering, 11/13/17, Donald R. Giordano 2009 Trust, \$493.50
- Gonzalez & Caride, Esqs., 11/20/17, General Legal Services Jan. – June 2017, \$1215.50
- Gonzalez & Caride, Esqs., 11/20/17, General Legal Services, July – Dec. 2017, \$1215.50
- Gonzalez & Caride, Esqs., 11/20/17, Andrew Spano/Jason Mazzer Plbg. & Htg., \$868.75
- Return Unused Escrow, Lakeland Storage, \$24,769.75
- Return Unused Escrow, Jason Mazzer, Andy Spano, Jason Mazzer Plumbing & Heating, LLC, \$1,227.41
- Gonzalez & Caride, Esqs., 12/04/17, Giovannone, \$250
- Gonzalez & Caride, Esqs., 12/04/17, Brickley, \$250
- Gonzalez & Caride, Esqs., 12/04/17, Sheppard, \$250
- Carroll Engineering, 12/01/17, Larger, \$352.50
- Carroll Engineering, 12/01/17, Cipollone, \$150
- Carroll Engineering, 12/01/17, Skelley, \$150

All in Favor - YES

11. OPEN AND CLOSE TO THE PUBLIC

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

James Mazzer – You deserve to get paid.

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

12. ADJOURN

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

Meeting Adjourned at 10:03 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary