

**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, January 15, 2018.

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

2. **Salute to the Flag.**

3. **Roll Call:** Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh, Mr. Sibani, Ms. Hascup, Mr. Manzo and Ms. Murray - PRESENT

Mr. Zottarelli – ABSENT

Also present were Stephen Pellino, Board attorney, Robert Costa, Board engineer and Gary Paparozzi, Board planner.

4. **APPLICANT #1 – Marek & Joanna Sobocinski**

471 Burgess Drive, Block 1508, Lot 9

Marek and Joanna Sobocinski were sworn in.

Ms. Sobocinski – Our contractor built a roof over the concrete platform. He told us he had all the permits, but he didn't. The Building Inspector gave us a red sticker.

Ms. Murray – How long have pool, pavers and platform been there?

Mr. Sobocinski – Since we bought the house, 23 or 24 years ago.

Mr. Gatto – Were you told by the Building Inspector to stop construction?

Ms. Kapner – The contractor got permits to replace the windows, the siding and the roof. However, he did not get approval for the roof over the platform.

Mr. Gatto – The minimum we give is usually five feet. This is only five inches. I have a problem with this. I don't think the Board should set a precedent. I feel it should be taken down. The property has too much lot coverage.

Ms. Sobocinski – The contractor told us the roof would be no problem.

Mr. Mazzer – Anything within five feet of the property line has to have a one-hour fire rating per the Building Code. If you wanted to keep it five feet off the line, I don't think it would be a problem.

Mr. Gatto – I would say to leave the platform and take the roof down.

Mr. Gatto made a motion; seconded by Mr. Mazzer to open the meeting to the public. All in Favor – YES
No public participation.

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

Mr. Gatto made a motion (because the platform is pre-existing); seconded by Mr. Esposito to approve the application with the condition that it cannot be enclosed.

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

APPLICATION APPROVED

5. APPLICANT #2 – Joyce & Sylvester Larena

261 John Ochs Drive, Block 1403, Lot 32

Mr. Tokosh recused himself because he is a neighbor.

Mr. Sibani sat in for Mr. Tokosh.

Sylvester and Joyce Larena were sworn in.

Ms. Larena – We have a 4' x 8' deck that we would like to increase it 4' x 8' and redirect the stairs to the side of the house instead of into the yard.

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

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

Mr. Schilp made a motion; seconded by Mr. Sibani to approve the application. VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Sibani and Ms. Murray – YES

APPLICATION APPROVED

6. APPLICANT #3 – Suzanne Mattila

105 Platt Avenue, Block 601, Lot 20

Suzanne Mattila was sworn in.

Ms. Mattila – I want to put in a 15' x 34' free form inground pool with walkways, three feet wide around it.

Mr. Tokosh – Where will the filter be located?

Ms. Mattila – It will be six feet off each property line (showed him on the survey).

Mr. Gatto – Where will the backwash go?

Mr. Tokosh – It can't go on neighbor's properties.

Ms. Mattila – It won't. I'll make sure.

Mr. Schilp made a motion; seconded by Mr. Gatto 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. Gatto made a motion; seconded by Mr. Schilp to approve the application with the following conditions: filter must be a minimum of six feet from the property lines and the backwash cannot drain to neighboring properties.

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

APPLICATION APPROVED

7. APPLICANT #5 – Papaiya Real Estate Investment, LLC and 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 because he is within 200' of the subject property.

Ms. Hascup sat in for Mr. Ratajczak.

Mr. Kapner – Previously, we received preliminary approval. For final approval, the Board asked that we satisfy three things: 1) Make sure lighting at the rear of the property doesn't bleed onto the residential property; 2) Put a TV camera put down a rear drain (drain does not connect to county system); and 3) Perform a truck turning demonstration. The demonstration was to the satisfaction of the members in attendance. Also, at the turning demonstration, the Board tweaked the site plan to relocate the dumpster more toward the center at 70 Market St. so that a truck could get out a lot quicker. It was submitted to the prior engineer who accepted these minor changes. The county asked for angled parking in the front yard of 66 Market Street to allow future road widening. Therefore, we lost two parking spaces.

Harry Tuvel, engineer for the applicant was sworn in.

Mr. Tuvel – Our preliminary approval showed 60 parking spaces. We now have 58 spaces; 57 are required.

Mr. Pellino – Technically, it's an amendment to the site plan.

Mr. Schilp – The plan still shows an island on Rosemont. Did you get the approval of the homeowner and VFW?

Mr. Kapner – The ownership of Rosemont is in four different names.

Mr. Paparozzi – On positive criteria you are: removing the garbage area behind 66 Market Street, which caused some problems in the past; having Rosemont taken care of by the applicant and the owners of 50 Market St instead of the Township; adding landscaping; and adding sidewalks and curbs. The negative criteria: excluding parking from VFW, there are only 46 spaces. I'm not sure I've ever seen 46 customers in a liquor store at one time. This is a minimum negative. The positive outweighs the negative.

Mr. Schilp – The unregistered van is still in the back.

Mr. Kapner – He'll move it.

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

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

Mr. Esposito made a motion; seconded by Mr. Gatto to approve the application. VOTE: Mr. Gatto, Mr. Schilp, Mr. Esposito, Mr. Tokosh, Mr. Sibani, Ms. Hascup and Ms. Murray - PRESENT

APPLICATION APPROVED

8. APPLICANT #6 – Raymond Larger

247 President Street, Block 105, Lot 6

Tom Duch, attorney for the applicant came forward.

Mr. Duch – We seek to use a long existing four-bay garage building as a mechanic shop for auto repair. The size of the lot is 7,346-square feet. Two packets of photos, marked Exhibit A-1 (14 pages, showing prior conditions) and A-2 (7 pages, showing current conditions), were distributed.

Raymond Larger was sworn in.

Mr. Duch - There are existing conditions: minimum lot area, minimum lot width, minimum rear yard, minimum corner lot yard and maximum lot coverage, in addition to a variance to allow a mechanic shop in the garage.

Mr. Larger – I took the photos in Exhibit A-1 from Google Map Instant View. They are pictures of what the building looked like before my landlord bought it.

Mr. Duch – Exhibit A-1 photos show the building in a state of disrepair. The garage door facing the street side is torn apart. It is overgrown and it's surrounded by numerous vehicles (over 20).

Mr. Larger – Exhibit A-2 is a group of photos I took of the site from different angles about six months ago. The new owner of the building did some repair to the building, including paint, stucco and new garage doors. He also paved the lot, installed a new fence and the dumpster was removed. Also, the trees covering the signs and fire hydrant have been removed. I would like to do oil changes, tires, struts, brakes, exhaust, basic maintenance; nothing real big. I will not do auto body repair or painting.

Mr. Duch – There are seven lined parking spaces on the plan.

Mr. Larger – Yes. There will be no parking President Street. There will be seven parking spaces with one handicap space in front. The spaces in the back are for employees and the vehicles to be repaired. There are also three bays on that side of the building and one bay on the President Street side.

Mr. Paparozzi – The dumpster is shown in the exhibit. Was it removed?

Mr. Larger – The pictures are from 6 months ago. The dumpster was removed more recently.

Mr. Paparozzi – Also, one of the variances is for front yard parking. How many employees will there be working there?

Mr. Larger – Just me.

Mr. Paparozzi – What about deliveries?

Mr. Larger – P&A Auto Parts has little cars or small pickup trucks. There won't be any large trucks.

Mr. Paparozzi – Is there any sign proposed? If so, it would have to conform with the code/ordinance.

Mr. Larger – I am going to put up a banner the same size as the "For Lease" sign that is there now on that side and the other side. I will comply with the requirements of the municipality.

Mr. Gatto – Will there be any used car sales?

Mr. Larger – No.

Mr. Gatto – How long was this building vacant?

Mr. Larger – A good eighteen years.

Mr. Gatto – Is there an ordinance about a building being vacant for this long.

Mr. Pellino – It's a matter of law. If a period of 18 years goes by, you lose the right to continue the nonconformity.

Mr. Gatto – You said you want to work seven days a week, would you consider being closed on Sunday?

Mr. Larger – Yes.

Mr. Gatto – What would your hours be?

Mr. Larger – During the week 8:00 a.m. – 7:00 p.m. and Saturday 8:00 a.m. – 5:00 p.m.

Mr. Gatto – Will the existing lighting remain?

Mr. Larger – I'm not adding any lighting. I am going to replace the existing three fixtures (flood lights over bay on President St., the front door and one facing Route 46). I will shut off the light over the bay on President Street when I leave at night.

Mr. Esposito – Will the sign be on the building?

Mr. Larger – Yes. It will be a banner.

Mr. Pellino – He's not requesting a sign. He'll have to go to the Building Department for that.

Mr. Schilp – Where will you put the garbage?

Mr. Larger – I will put a dumpster inside the fence, near parking space 7. If not, I could put it in back, near the wall by the neighbors, but I'd rather not.

Mr. Gatto – The dumpster will have to be enclosed.

Mr. Paparozzi – Not if it's going to be inside the fence.

Mr. Paparozzi – Because it's on Route 46, you may need approval from DOT or no further action because of the parking on Route 46 for backing out and for the lighting.

Ms. Murray – How will you store used oil?

Mr. Larger – It will go into a 55-gallon drum. Filters will be drained and scrapped.

Mr. Pellino – I think there may be a need for an additional variance for the buffer requirement.

Mr. Schilp – How many lifts do you have?

Mr. Larger – 2

Mr. Schilp – Where will you store tires?

Mr. Larger – Outside. My brother's company, Tire Management, will pick them up daily.

Mr. Gatto made a motion; seconded by Mr. Schilp to open the meeting to the public. All in Favor – YES
Jennifer Knarich, an attorney with Price, Meese, Shulman & D'Arminio came forward. We represent the adjacent property owner, North Jersey Trucking.

Ms. Knarich – How many vehicles would you expect to service per day?

Mr. Larger – 3-4.

Ms. Knarich – Will cars be parked there overnight?

Mr. Larger – Yes probably.

Ms. Knarich – What is the frequency of the deliveries? What size trucks will deliver?

Mr. Larger – Deliveries are made daily in the afternoon by car or pickup truck.

Ms. Knarich – You haven't been able to do a noise study? Will cars idol?

Mr. Larger – It will not be louder than an air gun or hammering. Cars will be taken for a test drive and may be out there idling, but not for hours at a time.

Ms. Knarich – What standard was used for parking requirement since this use isn't permitted anywhere?

Mr. Duch – We didn't really look at the borough standard. We put in the minimum number of spaces so we can operate the business properly and have minimum impact to the neighborhood.

Ms. Knarich – How many signs will you have? Will there be any free-standing signs?

Mr. Larger – I may have two signs on the building; no free-standing signs.

Ms. Knarich – How will you handle snow removal?

Mr. Larger – It will be placed on the side by the fence and against the building.

Ms. Knarich – Will there be any buffer or screening provided between the property and the residents?

Mr. Larger – There is a 6-foot wooden fence on the south side of the building and a 3-foot new wooden fence on top of the wall facing North Jersey Freight Liner. There is no landscaping.

Ms. Knarich – Was a traffic report or a truck turning template prepared?

Mr. Larger – No.

Mr. Duch – The testimony was that there would be no tractor trailers or large trucks for deliveries.

Mr. Larger – My brother's company will use 19' or 24' trucks to pick up the tires.

Ms. Knarich – Will there be vehicle access from President St. and Route 46?

Mr. Larger – Yes.

Ms. Knarich – Have you applied to the DOT for access to Route 46?

Mr. Duch – We have not. I am familiar with the process.

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

Mr. Costa – For the record, I know Ms. Knarich. I do a lot of private work with their firm. I don't want any conflict.

Mr. Paparozzi – The parking analysis is 1 space per 150 square feet for an auto mechanic shop. Based on that, ten are needed. With seven spaces outside plus the bays that requirement is satisfied.

Mr. Mazzer – Will the camera run 24 hours?

Mr. Larger – It doesn't work.

Mr. Schilp made a motion; seconded by Mr. Gatto to approve the application with the following conditions: get state approval, signs to comply with Township code, operating six days per week, no Sundays, lighting to the satisfaction of the NJ DOT, operating hours Monday through Friday 8:00-7:00 and Saturday 8:00 a.m. - 5:00 p.m. and no used car lot.

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

APPLICATION APPROVED

9. RESOLUTIONS

A.) Mr. Schilp made a motion; seconded by Mr. Gatto to adopt the resolution of approval for Meredith & Christian Cipollone, 599 Fair Lawn Parkway, Block 1802, Lot 6.

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

B.) Mr. Gatto made a motion; seconded by Mr. Schilp to adopt the resolution of approval for John Skelley, 602 Cypress Avenue, Block 1805, Lot 28.

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

C.) Mr. Ratajczak – I have some questions about the resolution. The conditions said that the snow was supposed to be hauled away. It's in the minutes. Also, the tenant parking is supposed to be designated. Angled parking was required for the Papaiya application by the County. These parking spaces are straight in. We can't approve his parking. The other question I have is that in the first hearing Mr. Schilp recused himself. On the second application he sat in. Next, the parking lot needs to be striped. The front part needs to be repaved and restriped. The pavement needs to be repaired in the front. He's parking a van vertical, blocking the sidewalk on Market Street.

Mr. Costa – This Board has no enforcement.

Mr. Pellino – Your comments about things that should have been and the resolution and are not can be considered by the Board. This Board approved the application. The vote tonight is simply to approve the form of resolution.

Mr. Ratajczak – Stipulations can't be left out of the resolutions.

Mr. Pellino – The Board members who voted for that application now get to vote on the resolution. If you agree with Mr. Ratajczak that there are things that should have been in that aren't you can vote no and we can revisit the resolution.

Mr. Schilp – Can we hold this approval for one month? These things should be put in the resolution before we approve it. Also, I asked the attorney (Marlene Caride) if I should recuse myself on that application. She said no that I didn't have to.

Mr. Schilp made a motion; seconded by Mr. Tokosh to table the adoption of the resolution of approval for Andrew Spano & Jason Mazzer Plumbing & Heating Co., 238 Market St., Block 513, Lot 2 until it is corrected. All in Favor – YES

D.) Mr. Gatto made a motion; seconded by Mr. Schilp to adopt the following resolutions: 1) Appointing Nancy Murray as Chairperson; 2.) Appointing Joseph Schilp as Vice Chairman; 3.) Appointing Jayne Kapner as secretary; 4.) Regarding Compensation of Professionals; 5.) Authorizing Contract with Stephen F. Pellino, Esq./Basile Birchwale & Pellino, LLP; 6) Authorizing Contract with Robert L. Costa/Costa Engineering Corp.; 7) Authorizing Contract with Gary Paparozzi/Paparozzi Associates, Inc.; 8) Regarding Completeness Determinations; 9) Authorizing Meeting Schedule for 2018; and 10) Designating Official Newspaper. VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Sibani, Ms. Hascup and Ms. Murray - YES

10. MINUTES

Ms. Kapner - Page 4 of the minutes does not include the vote taken for the Spano/Mazzer application. I will correct the minutes to include the vote.

Mr. Gatto made a motion; seconded by Mr. Tokosh to approve the corrected minutes of the December 4, 2017 meeting.

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

11. COMMUNICATIONS

Mr. Gatto made a motion; seconded by Mr. Schilp to accept and file the communications.

12. VOUCHERS

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

- Carroll Engineering, 08/08/17, Sirosh, \$176.25
- Carroll Engineering, 08/08/17, DaCosta, \$211.50
- Carroll Engineering, 08/08/17, Donald R. Giordano 2009 Trust, \$493.50
- Carroll Engineering, 08/08/17, World Wheat Foundation, \$352.50
- Carroll Engineering, 09/07/17, New Cingular Wireless, \$881.25
- Carroll Engineering, 12/01/17, Larger, \$352.50
- Carroll Engineering, 12/01/17, Cipollone, \$150
- Carroll Engineering, 12/01/17, Skelley, \$150
- Gonzalez & Caride, 01/13/18, Cipollone, \$250
- Gonzalez & Caride, 01/13/18, Skelley, \$250
- Gonzalez & Caride, 01/13/18, Spano, Mazzer & Jason Mazzer Plumbing & Heating, \$493.75

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

13. OPEN AND CLOSE TO THE PUBLIC

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

Mr. Renzia, 150 Alberta Dr. – We received a notice from a property owner at 151 Alberta Dr. who has applied for various zoning.

Ms. Kapner – The Board members do not know about the application. The applicant provided notice prior to being deemed complete. Once the application is deemed complete, the applicant will have to give new notice with the date of the meeting they will be heard.

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

14. ADJOURN

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

Meeting Adjourned at 9:23 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary