

**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, May 7, 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, Mr. Duffy and Ms. Murray - PRESENT Mr. Manzo - ABSENT
Also present were Stephen Pellino, Board attorney, Robert Costa, Board engineer and Gary Paparozzi, Board planner.

4. APPLICANT #1 – Domenico Galluzzo

576 Spruce Avenue, Block 1705, Lot 12

Domenico Galluzzo, applicant was sworn in.

Dominick Galluzzo (applicant's father), 145 Nedellec Drive, was sworn in.

Mr. Dominick Galluzzo – We had a house fire. We want to rebuild the house. We would like to put a ten-foot, two-story addition out the back of the house.

Mr. Murray – The plans are not enough for us to look at. I would have liked to see elevations.

Mr. Gatto – It looks like the site plan has expired. It's from February 2004. It should be five years or less. What are you doing in the front of the house?

Mr. Dominick Galluzzo – It's just a front porch.

Ms. Murray – It looks like there is a 1 written over a zero (making 2004, 2014) on the survey date.

Mr. Dominick Galluzzo – The first survey shows how the house was. Nothing has changed. The mortgage company accepted this survey. We will eliminate the pool, the pool deck and the deck that was on the back of the house where the addition will be.

Mr. Gatto – There should be a new survey.

Mr. Pellino – The Board has rules and requirements regarding the survey.

Mr. Dominick Galluzzo - Since we will get an as built survey when it's done, I would hope that the Board can accept this. The only thing we're asking for is to have 7 feet from the garage to the addition.

Ms. Murray – Architectural plans should be provided so that all details can be included, such as height.

Mr. Galluzzo – We're not going any higher. We wanted to save money, since we may make changes along the way.

Mr. Costa – I noted in my review letter that they will need a waiver from the Board. Either the Board grants the relief, or it doesn't. If you don't, he will have to come back.

Mr. Dominick Galluzzo – Our goal is to get them back in the house as soon as possible. We'd like to have them in by Christmas. It has had a negative effect on my four-year-old granddaughter being out of their home. We're asking for a waiver. All plans (construction) will be submitted to the Building Department.

Mr. Tokosh – I think you're lacking a side view with windows, roofline and building height.

Mr. Schilp – When people come in with this, we turn them down because they don't have the proper documentation.

Mr. Ratajczak – This is a family that had a tragedy. They didn't want to rebuild their house. They are lifelong residents. We should step up and give them the help they need.

Mr. Tokosh – Can we give approval contingent on the Building Dept. receiving appropriate drawings?

Ms. Murray – We would have to give a waiver.

Mr. Paparozzi – If the Board grants waivers, they will still have to wait for a resolution next month. If the Board is undecided, they should err on the side of caution.

Mr. Costa – Maybe, to save some time, the Board could direct their attorney to draft a resolution in the affirmative. That way at the next meeting, documentation comes in and you can immediately memorialize it that night.

Ms. Murray – Bring in updated plans 10 days before the next Board meeting. Mr. Costa will review them before they go to the Board members.

Mr. Gatto – I can go along with that.

Ms. Murray – You will need to get a new survey after you build, for the file.

Mr. Schilp – I think, as a fireman, that seven feet between the garage and house isn't enough. The requirement is twenty feet. I think we should wait until we get architectural plans.

Mr. Mazzer – He could fire rate that side of the house. A 20-minute rating would give it almost the 20 feet.

Mr. Gatto – Instead of seven feet, could you make it ten feet?

Mr. Dominick Galluzzo – We'd have to cut the garage down.

Mr. Domenico Galluzzo – I'd be willing to cut the garage to make a ten-foot setback.

Mr. Ratajczak – What if he builds it with the fire rating?

Mr. Schilp made a motion; seconded by Mr. Tokosh to open the meeting to the public.

Diane Sclafani-Pirrera, 190 Schepis Ave., was sworn in.

Ms. Sclafani-Pirrera – I have no issue with the front porch. My concern is the side angle. Will the rear addition go past the neighbor's garage? If so, I'm not in agreement with this. I'm concerned about the height and length.

Mr. Dominick Galluzzo – I don't think the addition will go beyond that garage.

Ms. Murray – It would help to have a Google Earth picture to show that it doesn't go past the neighbor's garage.

Mr. Gatto made a motion; seconded by Mr. Esposito to close the meeting to the public.

Mr. Pellino – The Board's inclination seems to be to grant a waiver from the survey requirement. The Board is asking the applicant to submit drawings with elevations at least ten days prior to the next meeting. Madam Chair has requested a Google Earth photo. The Board, I think, is also inclined to direct the attorney to prepare a resolution ahead of time. In the event the application is approved, it can be adopted that night.

Mr. Schilp – He can bring the information for the fire-rated material or the distance to the garage.

Mr. Pellino – The Board is not in the position to tell the applicant what to do. We're not deciding the application tonight. The applicant should put what he intends to do on his plans.

Mr. Gatto made a motion; seconded by Mr. Ratajczak to carry the application with no further notice to the June 4, 2018 meeting. VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Ratajczak, Mr. Esposito, Mr. Tokosh and Ms. Murray – YES

APPLICATION CARRIED

5. APPLICANT #2 – Jack Daniels Motors

405 North Midland Avenue, Block 1401, Lot 12

Ms. Murray – I do not feel as though I have a conflict. My sister works for LaPatka (the company that did the applicant's engineering plans) but she did not work on this application.

James Delia – We are a contract purchaser. This site is located in the B-1, CH-2 and I districts. The property has been sitting idle; an abandoned restaurant site. Jack Daniels Motors would like to convert it to a remote storage facility and preparation center. It is a very passive use. There will be new cars parked there. All preparation will be done indoors. The property will be fully fenced and have a security system. We think this site is particularly well suited for what we propose. We are in close proximity to the industrial park where there are a number of trucks.

Kevin Spink, applicant's architect, was sworn in.

The first-floor plans were marked Exhibit A-1. The elevations were marked Exhibit A-2. (both pages dated 03/08/18)

The applicant will use 5,863 square feet of the roughly 11,000 square foot building.

They are looking to turn the vacant (non Bennigan's) side of the building into a detail area for the delivery of vehicles. They are prepped at another site. In the future they will be prepped onsite. Prepping includes removing all stickers/decals and the car is detailed, washed and vacuumed. We will remove the front entry doors and windows to install an overhead door to pull cars into one of the wash bays and an entry door for fire egress. We have no plans to change the Bennigan's space. If, in the future, we seek to develop that space, we would come back for approval. We have no plans to share this space with anyone else.

Mr. Ratajczak – Will you use the front and rear lots?

Mr. Delia – Yes.

Mr. Spink – The building will remain stucco. We will match the stucco to patch any openings.

Mr. Paparozzi – Will they do any auto body or mechanical work?

Mr. Spink – No

Mr. Ratajczak – Will vehicles be delivered by trailer?

Mr. Spink – Ultimately, yes.

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

Rosanna Ferrigno, 438 North Midland Ave., was sworn in.

Ms. Ferrigno – What hours will they be open?

Mr. Delia – Monday through Thursday 9:00 a.m. - 9:00 p.m., Friday and Saturday 9:00 a.m. – 6:00 p.m.

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

Daniel LaMothe, engineer for the applicant, was sworn in.

The color rendering of page A-1 of the site plan, dated 03/08/18, was marked Exhibit A-3. The turning template was marked Exhibit A-4.

Mr. LaMothe – This 3.90-acre lot has an irregular shape with two driveways. The second driveway, to the north, gives access to lot 17. We will not modify that part of the site at this time. There is existing lighting, drainage, building and a two-way driveway off Midland Ave. We will do minimal changes: restripe the lot, modify it slightly, remove a couple of landscape islands, new concrete apron and open up the driveway for better turning into the site. There will be no drainage improvements. There will be a slight reduction in impervious coverage. The outdoor patio seating will be removed. An area will be striped for the new overhead door that accesses the seven service bays. We will use the existing dumpster enclosure. A few of the existing lights will be replaced with LED lights at a mounting height of 23 feet. It will be relandscaped around the foundation of the building and we will add new landscaping along North Midland Avenue. There is no need to change the existing utilities. We will however install a new grease trap and new service line into the existing sewer line (not detailed on site plan). The amount of sanitary flow generated from this use, compared to Bennigan's use will be a 7,000 gallons per day reduction. So there will be no negative impact as far as flow. We will have 78 self-parking spaces and an additional 267 stacked parking spaces for storage for a total of 345 spaces. Based on the engineer's comments, we would like to put a new gate at the north side of the dumpster enclosure and create a new access from the drive aisle and remove two of those spaces (#70 and #71). Exhibit A-5 shows those changes. The fire connection can be moved to the northerly wall to allow better access from the drive aisle. The architect can change it.

Mr. Spink – We will extend a line from the sprinkler room to a Siamese connection, located where the Fire Dept. would like it. We would also move the light and alarm system.

Mr. Paparozzi – The ADA parking requirement is four; you have two. Also, one must be van accessible. You need 87 spaces.

Mr. LaMothe – We can add it, but the public isn't really accessing this area.

Mr. Costa – Why would you need 78 spaces? You need to have access for first responders to circulate through the site.

Mr. LaMothe – The proposed parking spaces are 9'x18' (storage spaces in front) and 9'x19' (south parking lot) with a 26' aisle width and two-way circulation. The entire lot will be fenced in. The fence in front will be a six-foot estate style, with a gate and the remainder will be a six-foot chain link fence. Exhibit A-4 shows the truck circulation plan. There is a middle driveway and an area for a 'K' turn around. Deliveries are made three to four times per week, one truck at a time. No gas tanks are proposed. Mr. Costa noted light spillage on lot 11, north of site, a parking area. We ask for a waiver. The entire site plan (3 pages) was marked Exhibit A-6 a, b and c. We propose utilizing the existing lights. They are LED fixtures and will be 23 feet in height, on the existing pole. The lights are very low light levels.

Mr. Costa – Maybe the levels should be a little more uniform. You might want to add poles and cut down on wattage.

Mr. LaMothe – We can do that. Most of the landscaping is in front of the building, where it can be seen from North Midland Avenue. Regarding Mr. Costa's report, there will be a new grease trap. Other

utilities are adequate, with the exception that we will probably add a new sanitary sewer connection. Also, we will install a carbon monoxide (exhaust) system.

Mr. Costa – You may need an additional air system because of the vehicles.

Mr. LaMothe – I will check.

Mr. Mazzer – Have you addressed stormwater? That area floods.

Mr. Costa – The pipes are either broken or clogged.

Mr. LaMothe – We will clean the inlets.

Mr. Delia – There will only be a handful of cars being washed and there will be five employees on site.

Mr. LaMothe – There are no sidewalks north or south of us. We can leave it up to the county.

Mr. Costa – The county won't ask for them.

Mr. LaMothe – We are proposing 76 self-parking spaces; 87 are required. The other variance is for the parking in the front yard.

Mr. Paparozzi – Your identification sign is 22.3 feet. The maximum allowed is 20 feet.

Mr. Delia – We will make it 20 feet or no sign at all. We don't want signage to be an issue.

Mr. Paparozzi – You will need a variance for no loading area for the building.

Mr. Costa – Does the garage door have to be in the front?

Mr. LaMothe – Yes because the transformer is in the back.

Mr. Costa – That means all activity would be in front. Maybe the architect can rework it.

Also, the ladies room door is near the car entrance area.

Mr. Spink – We can stipulate that once the cars pull in, we will close the doors. Also, we will install a hand rail by the ladies' room.

Ms. Murray – The rear turn area should be striped for no parking.

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

Rosanne Ferrigno – I have issues with the truck traffic and lights already because of UPS and Midland Brew House. How are they going to control these trucks?

Mr. Delia – Mr. Daniels will answer the truck concern.

Mr. LaMothe – The lights will be in the location they're in now and LED lights are more controlled.

Mr. Costa – The Board can revisit the lighting issue in six months. Also, LED lights can be on a dimmer.

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

John J. Daniels, business owner, was sworn in.

Mr. Daniels – We've been in business for 46 years. We have a need for storage space, particularly for our Fair Lawn and Paramus stores. We would like to have the cars in close proximity to these locations. We will certainly maintain the property where we store these cars. This site will not be used to sell cars or service cars. It will only be used for storage and prep (clean up, checking fluids, final cleanup and delivery to retail locations). Currently, pre-delivery inspection (PDI) is done at our facility on McBride Ave., Fair Lawn. Cars will be driven from the McBride facility to this location. We will eventually, maybe a year from now, do it here. It will be a relatively stable, quiet location. The number of cars sold is

approximately 50 per month, but it will vary. The number of truck deliveries, once we start doing PDI at this location, will be approximately 3-5 per week. We can manage the day and time of the deliveries. We will be open Monday – Thursday 9:00 a.m. – 9:00 p.m., Friday and Saturday 9:00 a.m. – 6:00 and closed on Sunday. We do not plan on using the Bennigan's side of the building.

Mr. Schilp – Would you bring a customer there to look at a car?

Mr. Daniels – We bring the car to the showroom.

Mr. Delia – What is the maximum number of employees per shift?

Mr. Daniels – The maximum number of employees per shift may grow from five to eight.

Mr. Esposito – Will you have any used cars there?

Mr. Daniels – Possibly some company cars or lease returns will go there, but 95% of the cars will be new.

Mr. Pellino – Will any oil changes be done there?

Mr. Daniels – No. We will check fluids to top them off.

Mr. Ratajczak – Will you have lifts?

Mr. Daniels – No. We may ask for them when we start PDI's in this location.

Mr. Costa – Will you have a speaker system outside?

Mr. Daniels – No.

Mr. Costa – Do you have any ideas for the Bennigan's side of the building?

Mr. Delia – The outdoor/parking area is more important to them than anything.

Mr. Daniels – We have no interest in using it.

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

Rosanne Ferrigno – What's going to stop the trucks from staying outside?

Mr. Daniels – We tell the companies not to bring the truck unless it's during the hours we're open. We tell them they can't idle around our properties. We see ourselves as one of your neighbors.

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

Brigette Bogart, planner for the applicant, was sworn in.

Ms. Bogart – The site has a number of unique features. First, it's located in three zone districts. Secondly, it's significantly oversized. Lastly, it's been vacant for a number of years. Two pages of photos were marked Exhibit A-7. Page one is a Google Earth image of the site and surrounding area and 5 photographs of the site. The second page is Bing maps aerial view of the site and surrounding area and photographs of the surrounding area I took myself. As you can see on the first page, 78% of the site is impervious coverage already, which lends itself perfectly to the proposed use. We are looking to reutilized a site that has been vacant for a number of years, which from a planning perspective, is an benefit for a number of reasons. There are a number of uses in this area: residential, retail, Midland Brew House, industrial, UPS and retail and industrial uses in Elmwood Park. This use is consistent and compatible with businesses in both Saddle Brook and Elmwood Park. We are proposing to utilize the site for a prep and storage facility. From a planning perspective our application has a number of benefits. We are upgrading the site and the building. We're improving the landscaping, lighting, access, cleaning up the site and asphalt, improving the dumpster location and the building itself. We are also

accommodating the Board engineer's comments. The Master Plan specifically talks about upgrading the Midland Ave. area. We need a use variance, a parking space size variance and a variance for having no loading area. 9' x 18' and 9' x 19' parking space sizes are typical for commercial uses, except supermarkets. Employees will be onsite, not the general public. Employees will be accustomed to the site, therefore, 9' x 18' is an adequate parking space size. We're not looking to load into and out of the building itself. These variances can be subsumed in the 'd' variance. I believe this application furthers two purposes of the Municipal Land Use Law: d and g. Purpose d is to ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities. Purpose g is to provide sufficient space in appropriate locations for a variety of uses including commercial and industrial. Given the surrounding development pattern and your Master Plans goals, I think this is most appropriate use for this site. It is not in your downtown area. This is a more vehicle-oriented area.

Master Plan talks about redevelopment of distressed properties, which include those along the railroad lines. It calls for the redevelopment of defunct industrial properties. This is exactly what we intend to do. This is the most appropriate location for this use because they can get in and out on the highways, without going through neighborhoods. I don't believe there is any detriment to the public good because it provides economic viability to the area and the owner is going to make sure the truck delivers to the site in an appropriate manner. The second part is that there is no impairment to the Master Plan. The site is particularly suited for the reasons previously stated: access, location, surrounding development pattern, surrounding uses and conditions of the site. I don't believe this is inconsistent with the Master Plan. I believe all variances would be subsumed under the use variance.

Mr. Paparozzi – There is case law on the split zones where the principal use is being supported with an accessory use in a different zone (Stop and Shop v Hamilton Bd. Of Adjustment). Parking can be used as an accessory to the principal use. It should all be under the CH2 zone and the other two zones would be part of the principle building. According to case law, it is an undue hardship to the landowner when you have more than one zone, to have to accommodate bulk variances for each zone. There is no redevelopment here. The use variance can be granted if the Board believes that the site is particularly suited to store cars.

Mr. Gatto made a motion; seconded by Mr. Schilp to open the meeting to the public for questions for Ms. Bogart.

No public participation.

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

Mr. Costa – I think the gate can be moved back so trucks aren't stopped on Midland Ave.

Mr. Schilp – Do you intend to leave the gate be open?

Mr. Daniels – It will be open during working hours. There will be people there monitoring.

Mr. Costa – If you don't want the public pulling there, you would want to keep it closed.

Mr. Daniels – Good point. We'll move the gate back and maybe have an electric eye to open it.

Mr. Costa – What is the number of cars that will be onsite?

Mr. Delia – The number on the plan minus the four we talked about.

Mr. Schilp made a motion; seconded by Mr. Gatto to open the meeting to the public.

No public participation.

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

Mr. Pellino (to review the application with the Board) – The application before you is for a use variance, which requires five affirmative votes. The standards to grant a use (d) variance has to be for conditions specific to this site. It has to have special reasons to grant it. You also have to find that it meets the negative criteria. If you grant it, it will have no substantial harm to the public good and it is not going to impair the zoning plan and the zoning ordinance. Then we have the bulk (soft c) variances: the number of parking spaces, parking in front of the building and no loading dock. There were a number of suggestions for conditions.

Ms. Murray – We need a definite number of parking spots.

Mr. Pellino – I think Mr. Delia said the total would be 341 minimum; 74 self-parking (4 of which will be handicap spaces) and 267 storage spaces.

Mr. Delia - We will come back with revisions showing the following: handicap parking, move the gate back, extend the curb, add sidewalks and curbs, additional landscaping, relocate the standpipe to the satisfaction of the Fire Official, railing near the ladies' bathroom, striping in the rear for truck turn around, spruce up the roll up door on the front of the building, LED lighting to be reviewed in six months of CO, items in Mr. Costa's letter and sign to be in compliance with the zoning.

Mr. Pellino – We are approving the use variance for storage and prep of cars, with no mechanical work, oil changes, auto body work, etc. The approval is for utilization of the left side of the building as you face it. Any further utilization will require additional approval.

Mr. Ratajczak made a motion; seconded by Mr. Esposito to approve the application with the above conditions.

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

APPLICATION APPROVED

6. MINUTES

Mr. Schilp made a motion to approve the minutes of the April 2, 2018 meeting.

7. COMMUNICATIONS

Mr. Schilp made a motion to receive and file the communications.

8. VOUCHERS

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

Basile Birchwale & Pellino, 04/02/18, Alekseyenko, \$500

Basile Birchwale & Pellino, 04/02/18, Retainer for 1st Quarter, \$607.75

Gary Paparozzi, 05/02/18, Belle Properties, \$573.75

9. OPEN AND CLOSE TO THE PUBLIC

Mr. Gatto made a motion; seconded by Mr. Schilp to open the meeting to the public.

No public participation.

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

10. ADJOURN

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

Meeting Adjourned at 10:42 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary