

**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, November 5, 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. Esposito, Mr. Tokosh, Mr. Sibani, Mr. Manzo, Mr. Duffy and Ms. Murray - PRESENT Mr. Ratajczak – ABSENT
Also present was Stephen Pellino, Board attorney.

4. NEW BUSINESS

A.) R & R Plaza

336 President Street, Block 113, Lot 1

Ms. Murray announced that this applicant sent the Board a letter requesting that they be carried to the December 3rd meeting.

Mr. Pellino – The letter requested the application be carried with no further notice, which is okay. The last sentence of the letter states that “The applicant hereby consents to an extension of time until December 3, 2018 for the Board to render a decision on this matter.” The statute allows us 120 days from the date the application is deemed complete, which gives us to the end of the year. They are asking for a 30-day extension, giving us another 30 days. Late this afternoon, I spoke to someone at the applicant's attorney's office about this. They agree to send a revised letter. I suggest the Board grants the adjournment to the December 3, 2018 meeting and not require further notice.

APPLICATION CARRIED

B.) Eduardo & Greachy Castro

84 Ackerman Avenue, Block 607, Lot 6

Eduardo Castro was sworn in.

Mr. Castro – When we purchased our home, the driveway was grass and gravel. Dirt comes into the house. We were approved for a 14-foot driveway but would like a 20-foot driveway (from side of house to side lot line) so we can fit 2 cars.

Mr. Gatto – I don't see a problem with this application. The accessory coverage is 25%. It's a big lot.

Mr. Pellino – Based on the Zoning Officer's letter, there are two variances involved: total lot coverage (48.6%) and accessory lot coverage (25%).

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. Pellino – This would be considered a C2 or soft C variance. In order to grant it, the Board would have to find that the benefits outweigh the detriments. As the Board has pointed out, on the positive

side, you are providing for more onsite parking, which is a benefit from a zoning perspective. On the negative side, in order to grant this, the Board also has to find that the variances can be granted without doing substantial harm to the neighborhood, the zoning plan and zoning ordinance.

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

APPLICATION APPROVED

5. RESOLUTIONS

Mr. Schilp made a motion; seconded by Mr. Tokosh to adopt the resolution of approval for Katherine Leone, 198 Colonial Avenue, Block 1202, Lot 16.

VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Esposito, Mr. Tokosh and Mr. Manzo – YES

Mr. Schilp made a motion; seconded by Mr. Tokosh to adopt the resolution of approval for Select Medical Corporation, 300 Market St., Block 512, Lot 1.

VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh and Mr. Manzo – YES

6. REVIEW FOR ANNUAL REPORT

Ms. Murray – In the packet, Jayne sent a spreadsheet showing the applications from January through October for a report that goes to Council.

Mr. Pellino – The Board is also supposed to make recommendations, if any, to Council.

Mr. Gatto – I think we should have the Council zone Kessler correctly.

Mr. Pellino – It seems that there are some areas of town that have a 65-foot frontage requirement, but they don't meet it. In those neighborhoods, maybe the bulk requirements should be 50 feet so they can be conforming.

Mr. Schilp – I wonder if we should increase the lot coverage. We want to get cars off the street for snow removal, etc.

Mr. Pellino – Even driveways count as accessory coverage. When I think of accessory coverage, I think of a structure of some kind.

Mr. Tokosh – I know someone who wanted to widen their driveway by 3 feet. In order to do that, they had to get a new survey and pay fees. Expanding the coverage would be good.

Ms. Murray – It seems we consistently go to 50% lot coverage on these applications, with at least 20% on the accessory coverage.

Mr. Schilp – If you made the maximum building coverage 27% and the maximum accessory coverage 23%, we would have the 50%.

Mr. Gatto – I think making that suggestion to Council would be a good idea.

Ms. Kapner – If the maximum lot coverage amount is increased, should seepage pits be required/

Mr. Pellino – I know our engineer is very focused on that, but we have to consider the cost to the homeowner, if say, they are putting up a shed.

Mr. Mazzer – We're better off taking every case individually.

Ms. Murray – On this report, Jayne can show what the existing coverage amounts are and what we approved. The Council can form their own opinions and make adjustments based on engineering and planning input. The resolution should mention that based on the fact that there are so many lots that are 50 foot lots, we found this.

Mr. Pellino – We'll ask them to look at the nonconforming 50 foot lots and the coverage issues in terms of total impervious and accessory coverage.

Mr. Tokosh – The chart headers should match on each page.

Ms. Murray – The resolution and updated chart will be reviewed at the next meeting.

7. MINUTES

Mr. Schilp made a motion; seconded by Mr. Tokosh to approve the minutes of the October 1, 2018 meeting.

VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Esposito, Mr. Tokosh, Mr. Manzo and Mr. Duffy - YES

8. COMMUNICATIONS

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

9. VOUCHERS

Mr. Gatto made a motion; seconded by Mr. Schilp to pay the following vouchers, provided funds are available:

Basile Birchwale & Pellino, LLP, 10/01/18, Kessler Institute for Rehabilitation, \$125

Gary Paporozzi, 10/06/18, Kessler Institute for Rehabilitation, \$663.50

All in Favor - YES

10. 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. Sibani to close the meeting to the public.

11. CLOSED SESSION (8:18-8:28 p.m.)

12. MISCELLANEOUS

Mr. Pellino – Board members have reviewed the R & R Plaza application package and some have made an inspection of the property. At least one Board member has raised a concern about the fire safety conditions. They would like the Fire Inspector to make an inspection and make a report to the Zoning Board, with a copy to the applicant prior to the next meeting. I'll state that in the form of a resolution if someone will sponsor it.

Ms. Murray sponsored it. Mr. Gatto seconded it. All in Favor - YES

13. ADJOURN

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

Meeting Adjourned at 8:30 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary