

**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 3, 2018.

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

2. **Salute to the Flag.**

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

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

4. **NEW BUSINESS**

A.) **R & R Plaza**

336 President Street, Block 113, Lot 1

Matthew Capizzi, attorney for the applicant came forward.

Mr. Capizzi – The subject property has a mixed-use building with six apartments and two commercial units sites on the first floor. We're looking to convert the two offices to two, two-bedroom apartments. The building extends to the property lines. There is no off-street parking. As the building stands today, 26-27 off street parking stalls are required. As a result of this application, we would reduce the parking stall requirement to 16 stalls, a reduction of the existing nonconforming condition. The property is also nonconforming with respect to the bulk requirements. None of those nonconformities will be worsened as a result of this application. Because we are in a B zone, swapping out the commercial space for two apartments will be an expansion of the nonconforming use, which requires a D2 variance.

Mr. Pellino – The Board should take notice of the applicant's form of notice. The notice is proper. Also, Mr. Mazzer has indicated that back in the 1980's, he did some construction work for a gentleman by the name of Ray Plaza. The work was not done at this site. I don't know if it's any relation to the applicant, but I think its remote enough in time that it would not be a conflict if Mr. Mazzer feels comfortable, that it would be okay for him to participate on this application. Is Ray Plaza still involved in this project?

Mr. Capizzi – No. I'm not sure if he was related to a former owner, but like you say, it's so remote. We have no objection.

Mr. Pellino – The Board recognizes there was some prior history for this application. The Board secretary came up with a 1986 resolution, which was provided to you tonight. Also, you had indicated that your client requested an adjournment for the last meeting. I think we agreed that whatever the statutory time is, we would extend it by 30 days.

Mr. Capizzi – That is correct.

Mr. Schilp – Your paperwork states that this is a 6-family house. Can you tell us when it was legally made a 6-family house?

Mr. Capizzi – I do not have the paperwork with me this evening. I do have a green card from the State of NJ Dept. of Housing, Saddle Brook tax card and recent fire inspection confirming it's a 6-family apartment building. I haven't received any violation notice as a result of this application or have any reason to believe it's not a permitted 6-unit building.

Mr. Schilp – The only thing we found was permission for it to be a 2-family house.

Mr. Capizzi – We did own the parcel next door at one time. It was sold off some time ago. When I looked at the paperwork I was given this evening, that was the first thing that came to mind. At some point in 1986, we must have sought to subdivide it and put a two-family house on it.

Mr. Tokosh – Is the two- car garage part of this project?

Mr. Capizzi – That property is not ours. One of the comments in Mr. Costa’s review letter was a request for a full floor plan, including the layout of the first, second and third floor.

Mr. Schilp – Can we request some kind of proof that this is a legal six-family? I’d like to know how it went from two-family to six-family.

Mr. Pellino – I think we have to wait to hear the evidence before we make other determinations. If I’m understanding what Mr. Capizzi is saying, he thinks that the two-family structure approved in 1986 was not the building in question, but for an adjacent lot.

Mr. Capizzi – That’s correct. I don’t have a complete history of the property with me.

Edward T. Chudzinski, Jr., architect for the applicant was sworn in.

Mr. Chudzinski marked floor plans of all 3 floors of the building (mounted to a board), revised 11/20/18, Exhibit A-1.

Mr. Chudzinski – The first floor shows the two business units converted to two, two-bedroom apartments. Behind that are two, one-bedroom apartments.

Mr. Mazzer – Is there an apartment behind the garage door?

Mr. Chudzinski – The garage is only about five feet deep, for storage. On the second floor there are three apartments; two are two-bedroom apartments and the third is a two-bedroom apartment, with one bedroom on the second floor and the other on the third floor. On the back half of the third floor, we have one, one-bedroom apartment. The windows for the existing business units and the entry door on the corner of President and 4th will be blocked up. The unit on the left will have the entrance on President Street. The other unit will have an entrance on Fourth Street.

Mr. Paparozzi – The survey shows 2½ stories?

Mr. Chudzinski – The third floor does not extend the entire width of the building.

Mr. Paparozzi – I’m assuming you will need room for sixteen pails for eight apartments, eight for garbage and eight for recycling. Where will you put those?

Mr. Chudzinski – I believe those are along the back of the building.

Mr. Paparozzi – That looks like the ingress and egress for the fire escape.

Mr. Tokosh – One concern I have is for parking.

Mr. Capizzi – That situation is not changing. They all park on the street.

Ms. Murray – Is the building sprinklered?

Mr. Chudzinski – No, it isn’t.

Ms. Murray – The information given in the 1986 application showed the apartment on the second floor with the bedroom above it and a patio. We cannot evaluate this clearly. It leaves us with a lot of questions.

Ms. Murray – What is the square footage of the new apartments?

Mr. Chudzinski – They’re about 1200 square feet each.

Mr. Tokosh made a motion; seconded by Mr. Sibani to open the meeting to the public for questions for Mr. Chudzinski. All in Favor – YES

Stanley Cyrek, 314 Fourth Street, was sworn in.

Mr. Cyrek – There are four illegal apartments in that building; three on the first floor and one above, which was supposed to be a rec room. The stores you’re talking about are already 35% complete. I saw it through an open door last summer. The walls are up. In the summertime, the weeds are a foot high. There’s no upkeep.

Mr. Mazzer to Mr. Cyrek – How’s the parking there?

Mr. Cyrek – It’s horrible.

Patrick McCrone, 325 Fourth Street was sworn in.

Mr. McCrone – I would really appreciate it if the plans had actual measurements so we could get a better idea of what we’re looking at.

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

Mr. Capizzi requested a break to speak to his planner. (8:07-8:18)

Mr. Capizzi – I would like to ask my architect a few follow up questions and then conclude for this evening and then come back to see you at the next meeting.

Mr. Pellino – You’ll extend again the time by an additional thirty days?

Mr. Capizzi – Correct.

Mr. Capizzi to Mr. Chudzinski – When you were in the vacant office 2-3 months ago, what did you see?

Mr. Chudzinski – On the left side there’s an existing office space. On the right side, it’s vacant with some partitions in there.

Mr. Capizzi – We will accommodate the Fire Official’s access to do an inspection of the building and so he can confirm what Mr. Chudzinski said about no work performed yet.

Mr. Schilp – You mentioned you have an inspection card from the state?

Mr. Capizzi – Yes, dated July 1, 2014. Six copies, given to the Board, were marked Exhibit A-2.

Ms. Murray – Do you know how long it has been taxed as a two office, six-unit apartment building?

Mr. Capizzi – I only have the present day tax card. I don’t have anything that shows when it changed. I’ll see what we can put together for the next meeting.

Mr. Pellino – The Board’s next meeting is after January 1st. We do not have a date, so as part of your request for a continuance, you will have to renotify for the next meeting date.

Mr. Capizzi – Understood.

Mr. Pellino to Mr. Capizzi – We want any updates at least ten days prior to the next meeting.

Mr. Capizzi – We will have them on file at least ten days ahead of time.

APPLICATION CARRIED – NEW NOTICE REQUIRED

5. RESOLUTIONS

Mr. Schilp made a motion; seconded by Mr. Tokosh to adopt the resolution of approval for Eduardo and Greachy Castro, 84 Ackerman Ave., Block 607, Lot 6.

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

Mr. Schilp made a motion; seconded by Mr. Sibani to adopt the resolution for the Annual Review.

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

6. MINUTES

Mr. Schilp made a motion; seconded by Mr. Esposito to approve the minutes of the November 5, 2018 meeting with one correction. The word “statue” needs to be changed to “statute”.

VOTE: Mr. Mazzer, Mr. Schilp, Mr. Esposito, Mr. Tokosh, Mr. Sibani, Mr. Duffy and Ms. Murray - YES

7. COMMUNICATIONS

Mr. Schilp made a motion to receive and file the communications. All in Favor - YES

8. VOUCHERS

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

Basile Birchwale & Pellino, LLP, 11/01/18, Jack Daniels Motors, \$125

Basile Birchwale & Pellino, LLP, 11/01/18, Katherine Leone, \$125

Basile Birchwale & Pellino, LLP, 11/01/18, R & R Plaza, \$250

Basile Birchwale & Pellino, LLP, 11/01/18, Select Medical, \$812.50

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

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

9. OPEN AND CLOSE TO THE PUBLIC

Mr. Schilp made a motion; seconded by Mr. Sibani 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.

10. ADJOURN

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

Meeting Adjourned at 8:35 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary