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 Wednesday, May 1, 2019.

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. Tokosh, Mr. Bennett and Ms. Murray - PRESENT
Mr. Esposito, Mr. Sibani, Mr. Manzo and Mr. Duffy - ABSENT
Also present were Stephen Pellino, Board attorney, Chris Briglia, Board engineer and Gary Paparozzi, Board planner.

4. APPLICANT #1 – Lojza Martinoska
113 Franklin Avenue, Block 506, Lot 14
Lubomir Martinoski was sworn in.
Mr. Martinoski – I am representing my wife, Lojza Martinoska.
Mr. Pellino – You can't represent her, but you can be a co-applicant.
Mr. Martinoski – I'm looking to build a single family home, with 3 bedrooms, a living room, a dining room, a kitchen, a deck and two car garage.
Ms. Murray – Will you be taking down the entire existing home?
Mr. Martinoski – Yes. The setbacks will meet the requirements.
Ms. Murray – The variances you are looking for are for maximum lot coverage, lot size, lot width at the street line and building coverage. Are you removing the garage?
Mr. Martinoski – Yes.
Ms. Murray – The staircase and entrance door to the basement are not allowed. You would be allowed to have a Bilco door, like what is there now.
Mr. Martinoski – There will be a new basement. The floor will be even with the ground.
Mr. Schilp – The basement is at ground level so the proposed door is good.
Mr. Paparozzi – Will it have a finished basement?
Mr. Martinoski – No, just utilities and open space.
Mr. Pellino – What is the ceiling height?
Mr. Martinoski – 8 feet.

Mr. Gatto made a motion; seconded by Mr. Schilp to open the meeting to the public.
Catherine Marsico, 119 Franklin Ave. was sworn in.
Ms. Marsico – How much closer will that house be to my house than the one that's there now?
Ms. Murray – It will be 3 feet closer to your property.
Ms. Marsico – My property is lower than his property. I'm afraid that water will come onto my property if he covers more of his property.
Mr. Briglia – If water drains off the roof and the roof leaders are let out properly, either to the front or the rear of the property, it shouldn't have any effect on your property.

Mr. Mazzer – RSIS says zero runoff, so they would have to put a stormwater tank in there. All of the leaders have to go into that tank, so the new house should help your situation.
Mr. Martinoski – The tank will be in the backyard.
Ms. Murray – There is no tank on the plans.
Mr. Martinoski – It will be on the site plan when I go for a permit.
Mr. Briglia – He must submit the design for the pit to the municipal engineer for review before he gets his building permit.
Mr. Pellino – I thought if we make it make it our condition, it would be your review.
Mr. Briglia – It doesn't matter. I could do it also.
Mr. Pellino – We would make it a condition.
Mr. Martinoski – I will give two copies for the engineer.
Ms. Marsico – Will there be a sidewalk like the rest of the street?
Ms. Murray – He has to take care of that. That is something he has to do for the town.
Mr. Gatto – It should be a condition.
Mr. Martinoski – There will be a new sidewalk.
Ms. Murray – Do you have the owner's authorization to testify?
Mr. Martinoski – Yes. She is my wife.
Lojza Martinoska was sworn in.
Ms. Martinoska – He (Lubomir Martinoski) is authorized to make this application and agree to the conditions on this application.
Mr. Schilp made a motion; seconded by Mr. Gatto to close the meeting to the public.

Mr. Gatto made a motion; seconded by Mr. Schilp to approve the application subject to: 1.) install a satisfactory sidewalk in front of the premises; 2.) install a detention pit to the reasonable satisfaction of the Board engineer and 3.) the basement is to remain unfinished.
VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Bennett and Ms. Murray – YES

APPLICATION APPROVED

5. APPLICANT #2 – Salvatore & Carmela Zuccaro
212 Graham Terrace, Block 1405, Lot 10
Salvatore and Carmela Zuccaro were sworn in.
Mr. Zuccaro – We would like to build a new single family for ourselves and our three children.
Mr. Paparozzi – Sheet A-2 shows an office with a closet on the first floor.
Ms. Murray – That's technically a bedroom.
Mr. Zuccaro – We will eliminate the closet.
Mr. Paparozzi – There's a half story on the plan. Is that just for storage?
Mr. Zuccaro – We would like to have storage area. It's a pull down attic.
Ms. Murray – There are stairs outside to the large, 2,000 square foot basement with a bathroom.
Mr. Zuccaro – There's not much room in the garage, so the outdoor patio items will be stored in the basement. I heard the conversation with the last applicant about Bilco doors, but I'm a tall guy.

Mr. Schilp – Bilco doors open beyond 90 degrees. Also, they would prevent water from going into the basement. The way you show it, someone could fall into it.
Mr. Zuccaro – What if we put the basement entrance into the garage? That way, there would be no outside entrance.
Mr. Mazzer – You could do that.
Javier Quijano, project manager at the architect's office, was sworn in.
Mr. Pellino – He is a witness, not an expert.
Mr. Quijano – His suggestion to change the entrance to the basement can be done. We can eliminate the closet and have the stairs go through the garage.
Ms. Murray – The plans will have to be updated.
Mr. Pellino – The plans say it's an addition?
Mr. Quijano – It's considered a new house because of the amount of changes we are doing.

Mr. Gatto made a motion; seconded by Mr. Schilp to open the meeting to the public.
No public participation.
Mr. Gatto made a motion; seconded by Mr. Schilp to close the meeting to the public.
Mr. Pellino – Looking at the Zoning Officer's letter, you need a variance for an existing condition for lot frontage: 65 feet required, 54.3 feet proposed and new variances for single side yard: 10 feet required, 6 feet provided, combined side yards: 16.29 feet required, 15.76 feet proposed, building coverage: 26% allowed, 42.2% proposed; accessory coverage: 18% permitted, 19.4% proposed; and maximum total coverage: 44% permitted, 61.6% proposed.

Mr. Schilp made a motion; seconded by Mr. Bennett to approve the application with the conditions: 1.) remove the closet from the office and 2.) eliminate the rear door to the basement and put the stairs inside the garage.
VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Bennett and Ms. Murray – YES

APPLICATION APPROVED

6. APPLICANT #3 - Edward & Patricia Kavanagh
195 Alberta Drive, Block 1503, Lot 26
Edward and Patricia Kavanagh were sworn in.
Mr. Kavanagh – We would like to add a garage to the left side of the house for storage and to extend our driveway.
Ms. Murray – The door in the back of the garage is shown in two different places. On the layout plan, it's next to the house and on the elevation, it's on the exterior.
Mr. Kavanagh – It's closer to the house side.
Mr. Paparozzi – The proposed garage was drawn by someone other than a surveyor. You want to make sure that the garage does not exceed 10 feet because you only have 4 ½ feet remaining.
Mr. Kavanagh – The architect drew it.

Mr. Paparozzi – This is a nonlegal paper. The Board may want to see a Foundation Location survey so that it's not completed incorrectly. It will show they're keeping the 4 ½ foot setback.
Ms. Murray – That could be a condition.
Mr. Briglia – What is the 11 foot easement at the back of the property?
Mrs. Kavanagh – I have no idea.

Mr. Gatto made a motion; seconded by Mr. Schilp to open the meeting to the public.
No public participation.
Mr. Gatto made a motion; seconded by Mr. Schilp to close the meeting to the public.
Mr. Pellino – The variances are: lot frontage (55 feet existing), lot area (5,790.4 square feet existing), single side yard (4.49 feet proposed), combined side yard (10.88 feet proposed), building coverage (27.6 feet proposed), accessory coverage (21.2% proposed), lot coverage (48.8% proposed) and parking (2 spaces proposed). Also, there is a condition that applicant submit a Foundation Location survey.
Mr. Mazzer – On a previous application, we were sticking to the 5 foot setback requirement from the property line. It's a fire code. With less than 5 feet, you need the one hour rating. If you move it in 6 inches, you have the 5 foot setback.
Mr. Gatto – It's pretty close. I think it's okay.
Mr. Schilp made a motion; seconded by Mr. Gatto to approve the application with the condition they get a Foundation Location survey.
VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Bennett and Ms. Murray – YES

APPLICATION APPROVED

7. APPLICANT #4 - Christopher Labrosse
140 Claremont Avenue, Block 302, Lot 10
Nancy Murray recused herself because the applicant is her son's boss.
Christopher Labrosse, applicant and Sean Thompson (representative of Maltese Pools) were sworn in.
Mr. Labrosse – I would like to add an in ground pool with concrete walks and a patio to my backyard.
Mr. Paparozzi – Mr. Thompson has altered the survey again.
Mr. Thompson – This was already submitted before that issue came up. We will get the surveyor to redraw it.
Mr. Paparozzi – The filter and heater have to be 6 feet from the property line or they have to be fenced in. There's no number there.
Mr. Thompson – It's more than 6 feet from the property line.

Mr. Gatto made a motion; seconded by Mr. Bennett to open the meeting to the public.
No public participation.
Mr. Gatto made a motion; seconded by Mr. Tokosh to close the meeting to the public.
Mr. Pellino – There are existing single and combined side yard nonconformities, not affected by this project. The two variances implicated with the pool are the accessory lot coverage 18% permitted, 12.2% existing, 26.7% proposed, and maximum lot coverage, 44% permitted, 33.7% existing, and 48.2%

proposed. The Board predilection is to impose conditions that the equipment and the pool itself observe 6 foot setbacks.
Mr. Schilp – And a survey when they're done?
Mr. Paparozzi – In this case, the survey shows the fence is along the line, so if he holds a little more than 6 feet from the fence, they shouldn't have a problem. The property is 90 degrees so you should be alright.
Mr. Mazzer made a motion; seconded by Mr. Gatto to approve the application with the condition that both the pool equipment and pool are setback a minimum of six feet.
VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh and Mr. Bennett - YES

APPLICATION APPROVED

8. APPLICANT #5 – Christopher Riley
29 Rochelle Parkway, Block 1112, Lot 6
Christopher and Janel Riley were sworn in.
Mr. Riley – At the rear, right side of the house, we would like to have a two story addition with a deck on the left side.
Mr. Paparozzi – We have another situation where the survey is not a legal document anymore.
Douglas A. Radick, architect was sworn in.
Mr. Radick – My clients decided to process the paperwork themselves. I would call this a site plan. We are holding 15.4 side yard setback. We are not encroaching on any encroachment that already exists. Since I saw them, they changed the size of the deck (an increase of 66 square feet). It's going from 12.8% to 14.4%, where 18% is allowed. They are well below the maximum coverage allowed. They pushed it over on the left side to the five-foot setback line and push it away from the pool.
Mr. Pellino – Is this different than what our Zoning Officer reviewed?
Mr. Radick – Only the maximum accessory coverage, but that's still below.
Mr. Paparozzi – The normal procedure is for you to superimpose the altered survey on your plan.
Mr. Radick – I didn't realize my clients were going to do this. I apologize. The deck is the only thing that is different. It will shift toward Washington Street. We will revise the plan prior to the resolution.
Ms. Murray – That should be submitted ten days prior to the June 5th meeting.

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

Mr. Pellino – The variances exacerbating the existing conditions are lot size 5,500 square feet, lot frontage 55 feet and minimum corner lot yard 15.4 feet. The side yard setbacks are not implicated by this project.

Mr. Schilp made a motion; seconded by Mr. Gatto to approve the application with the condition that they submit a revised site plan with the architect's title block, showing the proposed 66 square foot larger deck with 14.4% accessory coverage shifted to the left.
VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Bennett and Ms. Murray - YES

APPLICATION APPROVED

9. RESOLUTIONS
Mr. Gatto made a motion; seconded by Mr. Tokosh to adopt the following resolutions:
A.) Approval for Michael Rigolosi, 557 Beech Avenue, Block 1803, Lot 14
B.) Approval for 2 McAdoo Ave LLC, 262 Evans Place, Block 1713, Lot 6
VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh and Ms. Murray – YES

10. MINUTES
Mr. Gatto made a motion; seconded by Mr. Tokosh to approve the minutes of the April 3, 2019 regular meeting. VOTE: Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Tokosh and Ms. Murray - YES

11. COMMUNICATIONS
Ms. Kapner - Many emails went back and forth regarding proposed work shown on surveys. It came up with almost every application tonight. Rather than have applicants come to a meeting after being deemed complete and then saying to them that it is illegal, do we want to address that before?
Mr. Paparozzi – I'm a member of the state board. The architect could be charge with practicing surveying without a license.
Mr. Pellino – I think that's only if you try to pass that survey with the alterations as a survey. If they use it to say they are hand drawing proposed additions to a survey they paid for, I don't think that's a problem.
Mr. Paparozzi – Nobody is allowed to alter a survey.
Mr. Pellino – If I take the survey that I paid for and I'm going to put a deck on the back of my house and draw a 10 foot deck on it, I think this board can accept it. In effect, if the Board doesn't accept it, they're requiring everybody who comes in here to do a minor site plan.
Mr. Paparozzi – Surveyors have to do calculations. Homeowners' calculations are almost always wrong. If a pool is installed in the wrong place, are you going to make someone take it down? If the calculations are wrong on a survey, the surveyor is liable, not the Township.
Mr. Pellino - Just because it's on a survey, doesn't mean it's going to come out right. I don't think we have to require it. I don't think it's a good idea. It's for illustration purposes. When the Board grants a variance, we're not approving the hand drawn drawing. There's a difference between completeness and this Board requesting further documentation. They always have that power.
Mr. Paparozzi – The fee for the surveyor drawing is not a lot. Other towns ask for it.
Ms. Murray – At this point, we need to know what we're asking applicants to submit.
Mr. Pellino – It will be Chris' call. He will make the determination when he does his review.
Mr. Paparozzi – Yes.

12. VOUCHERS

Mr. Gatto made a motion; seconded by Mr. Schilp to approve payment of the 04/03/19 Carroll Engineering voucher for Angelica Scaduto, $803, provided funds are available. All in Favor – YES

13. OPEN AND CLOSE TO THE PUBLIC

Mr. Schilp made a motion to open the meeting to the public.
No public participation.
Mr. Schilp made a motion to close the meeting to the public.

14. ADJOURN

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

Meeting Adjourned at 9:25 p.m.

Respectfully Submitted,

Jayne Kapner, Secretary