

TOWNSHIP OF SADDLE BROOK ZONING BOARD OF ADJUSTMENT

Following are the minutes of the Saddle Brook Zoning Board of Adjustment's regular meeting, held on Monday, February 17, 2020.

1. Call Meeting to Order - At 7:30 p.m., Ms. Murray called the meeting to order.

2. Flag Salute

3. Open Public Meeting Act - Adequate notice of this meeting has been sent to all members of The Zoning Board and to all legal newspapers in Accordance with all the Provisions of the "Open Meetings Act", Chapter 231, P.L. 1975.

4. Roll Call – Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Burbano, Ms. Murray – PRESENT, Mr. Marz Arrived 7:35

5. New Business

A.) Harveen Kaur, 41 Harrison Avenue, Block 610, Lot 25

Ms. Murray – Applicant requests a rear and side addition and an expansion of a Nonconforming use in noncompliance with Municipal Code #898, Section 206.

Ms. Murray - Please come forward.

Mr. Pellino – Mr. Luciano do we have proof of your service.

Mr. Luciano – We got that back in December.

Mr. Pellino – The Board will recall this matter was originally scheduled for December it was carried at the applicants request to January and again at the applicants request to February we've required no further notice. I would just note before we begin Mr. Luciano that we have 6 members you require a "D" variance I think it's your call.

Mr. Luciano – Can I have a split second to speak with my client.

Mr. Pellino – I think the Board understands a "D" variance requires 5 affirmative votes under the circumstances the applicant would have to get 5 out of 6 rather than 5 out of 7.

Mr. Luciano – Thank you for that information and at the Board's request I am going to ask for a postponement until we have a full compliment.

Ms. Murray – Okay

Mr. Pellino – Why don't we deal first with the issue the applicant which I think the applicant is right is asking for a further postponement since we don't have a full compliment and I think it's only fair under the circumstances where the law requires 5 affirmative votes the applicant might be entitled to present this application to a full board of 7 members. It is up to the board but I would strongly recommend it be granted. I think we should deal with that first and then madame chair has an issue just to address for maybe the next time you are here.

Ms. Murray – Do I need a motion?

Mr. Pellino – I think you should have a motion.

Mr. Luciano – Before you make a motion to approve or not approve the application obviously

there is not going to be a guarantee that we will have a full compliment during the March meeting.

Mr. Pellino – The only thing I can tell you is that my experience typically we do have a full compliment this is very unusual.

Ms. Murray – We usually have an additional alternate.

Mr. Segal – Could I ask I am the architect Gary Segal when is the date for the next meeting?

Ms. Murray – Wait we just got a full board.

Mr. Luciano – Then I withdraw my request for the adjournment.

Ms. Murray – Don't sit come on up.

Mr. Pellino – I guess the record should reflect alternate member Kevin Marz arrived.

Ms. Murray – Kevin Marz is now marked in at 7:35.

Mr. Pellino – We now have a full compliment of 7 members.

Mr. Luciano – In the interest of full disclosure can I ask Mr. Marz a question?

Mr. Pellino – Sure.

Mr. Luciano – Did your daughter play soccer with Emma?

Mr. Marz – Yes.

Mr. Luciano – His daughter played soccer with I call her my stepdaughter for a better part of 5 or 6 years. I've met Mr. Marz at the soccer games we haven't socialized outside of the soccer games I don't know if that would create a conflict of interest. I just wanted to disclose that before we went any further.

Mr. Pellino – In my opinion especially because you're the attorney and not the applicant I don't think it causes a conflict of interest as long as the member is fine and you don't have an issue.

Ms. Murray – I don't think having 2 children on the same sports team and not socializing is a conflict.

Mr. Luciano – Well I just wanted to disclose that.

Ms. Murray – That's fine.

Mr. Luciano – Before I begin if I may have this marked as an exhibit I could write it if you'd like.

Mr. Pellino – Why don't you mark it we'll make it A1 with todays date 2/17/2020.

Ms. Murray – Is that the most recent set of plans?

Mr. Luciano – Yes it is.

Ms. Murray – Okay.

Mr. Pellino – At the proper time you'll identify it and have the architect explain.

Mr. Luciano – Good evening members of the board my name is Frank P. Luciano my offices are located at 147 Main street suite 5 Lodi, NJ. I represent the applicant Ms. Harveen Kaur who is standing to my left. I would like to have Ms. Kaur sworn in to be our first witness.

Mr. Pellino – Would you raise your right hand and repeat after me. Do you swear the testimony you are about to give before the Zoning Board will be the truth the whole truth and nothing but the truth.

Ms. Kaur – Yes.

Mr. Pellino – Would you state your full name spell your last and give us your address.

Ms. Kaur – Harveen Kaur, 41 Harrison Avenue Saddle Brook 07663.

Mr. Pellino – Thank you.

Mr. Luciano – Ms. Kaur you are the owner of 41 Harrison Avenue Saddle Brook correct?

Ms. Kaur – Yes.

Mr. Luciano – You purchased that property in 2009.

Ms. Kaur – Yes.

Mr. Luciano – When you purchased it, it was a two family house?

Ms. Kaur – Yes a legal 2 family.

Mr. Luciano – You recognize the property is located in a one family zone?

Ms. Kaur – Yes.

Mr. Luciano – Now you are proposing to the board some renovations to your house which is adding an extension to both the back and on the side of the building correct.

Ms. Kaur – Yes.

Mr. Luciano – the property as it currently exists on the first floor you have one bedroom.

Ms. Kaur – One bedroom.

Mr. Luciano – One living room.

Ms. Kaur – One bedroom one living room and a small dining room.

Mr. Luciano – A dining room and a kitchen and bathroom.

Ms. Kaur – One bathroom.

Mr. Luciano – The proposed renovations you're going to be doing to the first floor is you're going to be adding an extra bedroom correct.

Ms. Kaur – Yes.

Mr. Luciano – With a walk in closet and a bath.

Ms. Kaur – Uh huh.

Mr. Luciano – And you're going to be enlarging and remodeling the existing kitchen that is on the first floor.

Ms. Kaur – Yes.

Mr. Luciano – In addition you want to put a terrace off the kitchen in the back of the property.

Ms. Kaur – Yes.

Mr. Luciano – And on the second floor there currently exists one bedroom, one living room a bathroom and a kitchen.

Ms. Kaur – Yes.

Mr. Luciano – Now the proposed extension is going to be in line with what was happening on the first floor.

Ms. Kaur – Yes.

Mr. Luciano – In that you are going to be adding an additional bedroom with a walk in closet and a bath.

Ms. Kaur – Yes.

Mr. Luciano – You're not going to be enlarging the kitchen but remodeling.

Ms. Kaur – Remodeling.

Mr. Luciano – Now one of the questions that was raised in the engineer's report November 5th 2019 was whether or not the existing shed in the back was going to stay.

Ms. Kaur – It will stay.

Mr. Luciano – It will stay, okay. One of the other issues that was raised in the report of Mr. Pappozzi dated January 4th 2020 was the attic. I believe he wanted the plans amended to include dimensions yes.

Ms. Kaur – Yes.

Mr. Luciano – He also wanted to know what your intentions were with regards to the attic.

Ms. Kaur – To the attic?

Mr. Luciano – That it's going to be used for storage.

Ms. Kaur – Just for storage never have any access to the attic.

Mr. Luciano – One of the other suggestions Mr. Pappozzi put in his report relates to the

driveway you understand the application you have in front of the board you are expanding a nonconforming use correct.

Ms. Kaur – Yes.

Mr. Luciano – You know there are some pre-existing bulk variances that were attached to this property even before filed the application, correct?

Ms. Kaur – Yes.

Mr. Luciano – By filing this application and installing 2 more bedrooms you are creating a parking variance.

Ms. Kaur – Yes.

Mr. Luciano – You had 2 spots available but the ordinance will require 3 parking spaces.

Ms. Kaur – Yes.

Mr. Luciano – One of the suggestions of Mr. Paparozzi was possibly extending or widening the current driveway.

Ms. Kaur – Yes.

Mr. Luciano – That is something you are willing to do correct?

Ms. Kaur – Yes.

Mr. Luciano – We've amended the plans accordingly to show this extended driveway.

Ms. Kaur – Right.

Mr. Luciano – The second floor is currently occupied by your niece and nephew.

Ms. Kaur – My niece and nephew.

Mr. Luciano – They are college students.

Ms. Kaur – College students.

Mr. Luciano – Because they are male and female they should have separate bedrooms.

Ms. Kaur – Yes.

Mr. Luciano – The first floor is occupied by you and your husband

Ms. Kaur – Me and my husband.

Mr. Luciano – You and your husband have 3 adult children correct?

Ms. Kaur – 3 adult children.

Mr. Luciano – My understanding is you're expecting to be grandparents with your first grandchild.

Ms. Kaur – Right.

Mr. Luciano – While they may not live with you they frequently visit and you actually have one child that lives in Europe that comes for extended stays.

Ms. Kaur – Yes.

Mr. Luciano – In addition your husband's mother lives in India.

Ms. Kaur – Right.

Mr. Luciano – She's in her late 80's?

Ms. Kaur – She's in her 80's.

Mr. Luciano – I'm sorry she's in her early 80's.

Ms. Kaur – Early 80's yes.

Mr. Luciano – She has some health problems including eyesight problems.

Ms. Kaur – Yes.

Mr. Luciano – She was married?

Ms. Kaur – She was.

Mr. Luciano – Her husband passed away?

Ms. Kaur – Passed away long time yes.

Mr. Luciano – It's becoming difficult for her to live by herself.

Ms. Kaur – Yes.

Mr. Luciano – It is the intentions of everybody for her to come and live with you.

Ms. Kaur – Right.

Mr. Luciano – Which is the necessity of creating this bedroom on the first floor with it's own bath. So basically you're asking the board to approve this plan to add extra bedrooms and extend the property so that you can take care of your family which is basically in your heart to do so. Something that has been taught to you from an early age.

Ms. Kaur – Correct.

Mr. Luciano – Those are all the questions I have of the applicant if the board has any questions.

Mr. Gatto – Is the shed going to disappear?

Mr. Luciano – No she testified it is going to stay. It's not to be touched or anything.

Ms. Murray – Was it in the calculations for the lot coverage and accessory coverage because it does not show on the architects plan. I'm curious if the Building Official knew the shed was staying when he did his calculations.

Mr. Luciano – We can certainly ask the architect. I can swear him in and take his testimony or if the board will permit me I can ask him and provide the answer.

Mr. Pellino – Is there any information as to how the 2 family use was legitimized? Is there a variance did this predate the zoning ordinance?

Mr. Luciano – No when she purchased it she received the Certificate of Occupancy for a 2 family pre-existing before she purchased it. On whether or not it predates the ordinance I do not know or if a variance was obtained.

Mr. Pellino – Fair enough.

Ms. Murray – Gary do you have any questions?

Mr. Pappozzi – If the shed does stay it may create another variance not only lot coverage but distance from accessory structure to the main building which is 20 feet and although it's not plotted I believe it is going to be less than 20 feet. Additionally I have a question for the applicant the height of the attic at the peak is 7 feet will the attic be finished?

Ms. Kaur – Unfinished just for storage.

Mr. Pappozzi – I wanted that on the record. The variance will change we'll narrow it down after we hear the architect.

Ms. Murray – Okay that's agreeable.

Mr. Mazzer – Is there anything in the basement? Is it finished?

Mr. Pappozzi – I don't have access to the inside of the house.

Ms. Murray – You can ask the owner. The question from the board is, is the basement finished?

Ms. Kaur – Basement is finished.

Ms. Murray – Let us know what's down there.

Ms. Kaur – Just a recreation room, boiler room and a small bathroom.

Mr. Schilp – You say you are not using the attic for living space but it looks like it has windows and is accessible. Apartments are absolutely not permitted on a third floor without fire escapes and other stipulations.

Mr. Luciano – If the board is inclined to pass the resolution I have no problem putting in there that it can't be used for residential purposes but the fact that it is unfinished and the size of it is not conducive to having someone living up there.

Ms. Kaur – It is not possible to live up there in the attic at all there is no heat or anything.

Mr. Schilp – We have this problem now in some other houses that they put a third floor and the

attic is big enough to put some people in. They put a small bedroom up there and house people in it. Those windows look pretty big to me. I'm concerned right now I'm not going to put anything there but 6 months from now when it's done people are living in the attic.

Mr. Luciano – I'm sure the architect will probably testify to this but I imagine it is probably for aesthetic purposes. If you like a smaller window that's a possibility.

Ms. Kaur – I just want to mention since we bought the house I have never been to attic I never saw that there is no possibility to go up there. Nobody will live up there.

Ms. Murray – Are there any other questions?

Mr. Mazzer – Is there outside access to the basement? You should have put in the basement floor plan.

Ms. Kaur – There is no outside access. You can only get to the basement through the first floor.

Mr. Duffy – How many people live in the house?

Ms. Kaur – Me my husband and my niece and nephew they are students.

Mr. Duffy – They live upstairs?

Ms. Kaur – Yes there is no room downstairs.

Mr. Duffy – They have to have two rooms there.

Ms. Kaur – One bedroom was there but they are managing

Mr. Duffy – One very large room and one small that threw me and then there was talk of the mother coming to live there also.

Ms. Kaur – She is living downstairs.

Mr. Luciano – No she is living on the first floor not the basement.

Mr. Burbano – The second entrance up the back stairwell into that very large room with the break with the kitchen it's confusing coming through the side of the house. The second floor has a very large bedroom and there is secondary access from the outside to that bedroom. The concern is the kitchen becomes shared and you have somebody in front and a separate family in the back and they're both using that kitchen and you have 2 tenants upstairs and one down.

Ms. Kaur – No tenant we are connecting the second floor room with downstairs.

Mr. Burbano – This stairwell doesn't connect with downstairs. It only goes to the terrace correct?

Mr. Luciano – It only accesses the terrace but you can access the first floor through the terrace.

Mr. Burbano – What is stairwell for?

Mr. Luciano – An extra exit from the second floor and access to the terrace without going through the first floor.

Mr. Burbano – So the second floor is disconnected from the first?

Mr. Luciano – Yes.

Ms. Murray – Any other questions from board members or professionals?

Mr. Luciano – I'd like to have our expert architect and planner testify.

Mr. Pellino – Swears in Mr. Segal the architect. Would you state your name spell your last and give business address.

Mr. Segal – Gary Segal, my office is in Closter New Jersey 272 Closter Dock Road.

Mr. Luciano – Mr. Segal you are a licensed architect and planner?

Mr. Segal – Yes.

Mr. Luciano – How long have you been licensed?

Mr. Segal – 34 years.

Mr. Luciano – Have you testified before zoning and planning Boards?

Mr. Segal – Yes.

Mr. Luciano – About how many municipalities have you testified before?
Mr. Segal – Between 30 and 40. I have been accepted in 22 municipalities as an expert witness.
Mr. Luciano – Expert in architect and planning?
Mr. Segal – Yes.
Mr. Luciano – In your 30 plus years how many projects like these have you participated in?
Mr. Segal – Over 1200.
Mr. Pellino – I recommend the board accept Mr. Segal as an expert in the field.
Mr. Luciano – Mr. Segal in preparing these drawings you had an opportunity to review the municipal ordinances
Mr. Segal – Yes.
Mr. Luciano – You had an opportunity to review the community where this property is located.
Mr. Segal – Yes.
Mr. Luciano – You sat down with Ms. Kaur to determine how to present this project for construction.
Mr. Segal – Many times.
Mr. Luciano – I am going to show you what has been marked exhibit A1 February 17th 2020. Do you recognize this document?
Mr. Segal – Yes.
Mr. Luciano – What document is this?
Mr. Segal – Page one of our project showing basement foundation work and first floor have the zoning calculation work and the key plan I prepared.
Mr. Luciano – The last revision date on this.
Mr. Segal – The 14th of January.
Mr. Luciano – For the record exhibit 1 consists of 6 pages correct.
Mr. Segal – Correct.
Mr. Luciano – They are numbered in the bottom right hand corner A1 thru A6 correct?
Mr. Segal – Yes.
Mr. Luciano – Page one of A1 is the plans that show post construction on the first floor.
Mr. Segal – Correct.
Mr. Luciano – One of the questions by the board did you include in your calculations the shed that is located in the back of the property?
Mr. Segal – I did not I had been informed that the shed is a removable structure not a permanent structure. I have a survey from 2009 showing no shed. So I did not calculate the shed I do not know if the owner's intent is to keep it or is to be considered as lot coverage since it's not a permanent structure.
Mr. Pellino – You just marked A2 Mr. Luciano what is that?
Mr. Luciano – Exhibit A-2 February 17th 2020 a survey presented by Lakeland Survey dated June 4th 2019.
Mr. Pellino – is that submitted as part of your application package?
Mr. Luciano – Yes.
Mr. Pellino – You may want to instruct Mr. Segal the applicant to my recollection did want to keep the shed. I think that's the testimony thus far whether it's included in the coverage calculation is a separate question.
Mr. Luciano – My client since it is a portable shed she'd be willing to move it anywhere in the backyard the board is comfortable with to remove the accessory variances associated with its current location.

Mr. Segal – As a suggestion being that it's a movable structure I think you should ask my client if it is to be included in the lot coverage because I am pretty sure she does not want to have the application rejected due to the shed. Whether you decide to include it or not. I consider it to be like a set of swings, bench or gazebo that we can move any place or if we move from that place take it with us. Some people have a shed some have a box with a cover. Where do we define a permanent structure?

Ms. Murray – A shed doesn't have to be a permanent structure mine is built on 4 by 4s laying on the ground it is not moveable unless I have somebody with a crane pick it up and move it. It is still part of accessory coverage.

Mr. Segal – I'm not looking to change the ordinance.

Ms. Murray – The shed I saw had a door and is about 6 by 8 or 8 by 10.

Mr. Paparozzi – 10 by 12.

Ms. Murray – It's a sizeable unit that is not being taken with them so it has to be part of accessory coverage as far as my opinion and I ask the professionals to weigh in as well.

Mr. Paparozzi – it's too big it's 10 by 12.

Mr. Segal – If it has to be considered as lot coverage maybe before you vote on this application we have a second question for the owner.

Mr. Luciano – The problem is there is no storage there is no garage to put snow blowers, lawn mower or lawn furniture.

Ms. Murray – What it causes is just an additional variance.

Mr. Luciano – I understand.

Mr. Schilp – Talking to Gary it changes the coverage by 2.4%.

Ms. Murray – That's all it has to be marked at Gary can let them know what the calculation is.

Mr. Schilp – It's a minimal amount of extra coverage.

Mr. Luciano – What's that calculation Mr. Paparozzi?

Mr. Paparozzi – 2.4 it doesn't change your accessory coverage or maximum lot coverage you're still going to be under.

Mr. Pellino – They are less than 20 feet Gary from the main structure?

Mr. Paparozzi – Yes. I'm scaling the existing survey from where the proposed addition is going and it's 16 feet it would need to be 20.

Ms. Murray – Or a variance.

Mr. Luciano – We would be willing to move it someplace else that does not create a variance.

Mr. Schilp – There is no place else to move it is 3 feet 8 inches off the property line it's supposed to be 5. Any place else is closer to the house.

Mr. Segal – It could be replaced with a smaller one.

Ms. Murray – It would be a variance for 16 feet instead of 20.

Mr. Luciano – If the board is willing to approve the plans and variance needed for the extension and is comfortable with a reduced size shed my client would be willing to do that.

Mr. Segal – 4 feet is the difference.

Mr. Schilp – You might be able to move it over to the right but you would have to do some calculations.

Mr. Paparozzi – Mr. Luciano It's 10 by 12 you are not moving it with a dolly you will need a crane. Live with the variance for now and question the commissioners and if that is their reason for denial you can make your decision then.

Mr. Luciano – Fair enough. Mr. Segal can you explain what the proposed additions are.

Mr. Segal – The basement we just have crawl spaces no usable space added to the basement.

On the first floor we have new bedroom small bathroom with a shower and walk in closet. Remodeling of the kitchen and closet in the back a set of stairs and a terrace. The stairs serve the 2nd floor and they have storage under the stairs. Any questions on the first floor?

Ms. Murray – I have a question? Looking at the stairs going up to the new upstairs bedroom they don't come to the outside anywhere. On all of the elevations there is no exterior door that they come out to. It looks like you can come off the enlarged kitchen and go up the stairs to a door to the new master bedroom.

Mr. Segal – From the first floor we have stairs going to the second floor inside the house.

Ms. Murray – There are 2 separate units.

Mr. Burbano – It's an enclosed stairwell.

Ms. Murray – When you come out of this bedroom from the master bedroom and you come downstairs I can't see where you go outside.

Mr. Segal – It's for communication between the first and second floor.

Mr. Burbano – The stairwell needs an explanation it makes no sense to have a stairwell just for the second floor bedroom. You could get rid of the stairwell save her money and have room for the shed. My concern is when she sells the house and that massive bedroom gets split into a living room and bedroom and you have 2 one bedrooms sharing a kitchen. You could not have that with the one stairwell coming from the front. It makes no sense to have that massive stairwell just to come to the second floor to use the terrace. Most 2 families the primary uses the terrace the secondary does not.

Ms. Murray – My concern is there is a door at top of the stairs and there is a door from the master bedroom on the second floor into the kitchen then the new master bedroom can be part of the downstairs.

Mr. Burbano – It's a second apartment. What happens when the house gets sold it's a separate entity from the house. If it was a 10 by 15 bedroom you wouldn't have that issue but you have a 35 by 15 foot bedroom.

Mr. Segal – If I may answer to this me as an architect I can only design for the present client. What I am saying is you as a board can only judge what the application is today. Most houses can be split easily and I do this work for people that change the use from 1 family to 2 family in the most economical way. My client who is concerned with being able to exit in an emergency and the convenience of going to the backyard without going through the house.

Mr. Pellino – Mr. Segal your client is asking for a D2 variance the board has to be comfortable with what you're asking.

Mr. Luciano – I may have a resolution.

Ms. Murray – If this was a true 2 family and it wasn't a family member living upstairs you have somebody in the new master bedroom that can get into the other living spaces by opening a door going down the stairs. I understand it's for family but if this door at the master bedroom is locked into the kitchen you have an extra bedroom from the first floor going up.

Mr. Burbano – There is no access to the first floor.

Ms. Murray – Yes there is the staircase goes up and down by the bathroom.

Mr. Burbano – It exits onto the terrace.

Ms. Murray – It exits into the new bedroom suite.

Mr. Burbano – There is wall there, you have double doors onto the terrace. The only entrance is from the terrace into that stairwell.

Mr. Segal – I don't think those are the latest plans.

Ms. Murray – Ok so then I have the new set I think you just have to fix something. Where is the door on the elevation? There is no door coming onto the terrace. I knew there was something missing.

Mr. Segal – Yes you are right we need to show the door.

Ms. Murray – The door needs to be added.

Mr. Segal – Yes.

Ms. Murray – Is it here as you come up the stairs.

Mr. Segal – Yes.

Ms. Murray – It would be right in front of the stairs.

Mr. Segal – Right. We had so many revisions and we missed a door on the elevation.

Ms. Murray – It needs to be added to the plans.

Mr. Burbano – The entrance in the back is off the deck and is a private entrance?

Mr. Segal – Yes.

Ms. Murray – I consider it a fire safety exit.

Mr. Burbano – I understand the safety exit but I'm on the fence about the stairs it concerns me that it's such a large room.

Mr. Luciano – Are there any more questions regarding the first page of the drawings?

Mr. Paparozzi – Yes.

Ms. Murray – Mr. Paparozzi.

Mr. Paparozzi – Mr. Segal did you visit the site?

Mr. Segal – Yes.

Mr. Paparozzi – You proposed a new driveway area for the 3rd car and you call it an eight inch block wall.

Mr. Segal – Yes.

Mr. Paparozzi – There is a sidewalk there and the difference from the sidewalk to the driveway is about 2 feet.

Mr. Segal – Correct. Approximately 2 feet.

Mr. Paparozzi – If you're only going one block your incline on the driveway is going to be.

Mr. Segal – My note 8 inch is the thickness of the blocks.

Mr. Paparozzi – So it's not your height?

Mr. Segal – It's the thickness of the retaining wall.

Mr. Paparozzi – Okay.

Mr. Luciano – Any other questions?

Mr. Duffy – Mr. Segal can you take me up the front foyer to the second floor.

Mr. Segal – On page A2 we go up the hallway to the existing bathroom then we have an existing living room.

Mr. Duffy – Going up the stairs there's a landing and this is the entrance to the second floor apartment.

Mr. Segal – Correct. Although the bathroom is accessible from the hallway.

Mr. Duffy – What do you walk through the bathroom and then go upstairs?

Mr. Segal – No the existing bathroom is on the second floor. So we open the door into the living

room.

Mr. Duffy – So you come out of the apartment to use that bathroom?

Mr. Segal – To use that bathroom, that's existing.

Mr. Luciano – It's an old house.

Mr. Duffy – It's an old principle. Like a boarding house.

Mr. Segal – It's actually not that bad in the old days you would go in the house in the backyard.

Mr. Duffy – We're not in the old days anymore.

Mr. Segal – We're not changing that it's an existing living room an existing bedroom and a kitchen that is just getting remodeled. The rest is the addition in the back the big room walk in closet and small bathroom.

Mr. Duffy – This bathroom is now accessible from the tenant. If it were to be a 2 family house down the road the tenants from the first floor now it's a common bathroom and you do not have 2 separate apartments. If I'm the tenant paying rent they can have a party on the first floor and can come up and use the bathroom because it's in a common hallway. I'm trying to wrap my head around this being a 2 family when it's not. What you made is a big family dwelling that can be construed as a 2 family house down the road and approving it would have issues.

Mr. Burbano – They have the other bathroom upstairs. So if this was a common bathroom they still have another one on the second floor.

Mr. Segal – You are right if someone wants the bathroom for themselves I would have to put a wall and a door and create an entry to the bathroom only for them.

Mr. Pappozzi – Can I make a suggestion?

Ms. Murray – Go ahead Mr. Pappozzi.

Mr. Pappozzi – Is it possible to move the door to the top by the landing? If you move it here then the first floor can't use the second floor bathroom.

Mr. Segal – To have a door over the stairs may not be safe or by code. I can put a wall here and a door from here. That is not in the scope of work for your approval but it's a good suggestion.

Mr. Mazzer – If we ask you to put a wall up and put the door in.

Mr. Segal – I'll do it.

Ms. Murray – That would make it a true 2 family.

Mr. Segal – I know exactly what we need to do.

Mr. Mazzer – This way you would have to go into the apartment to go to the bathroom.

Ms. Murray – I think that is something we would all be in agreement with.

Mr. Luciano – Reconfigure the bathroom so you can only access it from the second floor.

Ms. Murray – Yes.

Mr. Luciano – I think we covered all the changes on the second floor are there any other questions?

Ms. Murray – Are there any more questions from the board or professionals?

Mr. Luciano – Mr. Segal can you provide the board with the positive and negative criteria?

Mr. Segal – From a point of view as a streetscape the house looks vacant and at the margin of being maintained. With all this work we would be improving the existing structure and increasing the energy conservation. The new object we are creating would not be detrimental for the rest of the street two reasons. Number one it is not out of scale we are not building a humongous structure compared with the other houses on the street. Second for the neighboring houses we are maintaining the required setbacks and it would be like any other addition that requires no variance.

Mr. Luciano – It is being done to accommodate her family and specifically her mother in law being up in age and a widow.

Mr. Segal – I have a lot of clients come from India and it is part of their culture for the families to live together. It is being used by one family. We are all concerned about what could happen in the future but we can't punish the existing owner for what could happen in the future. That's my opinion I did my best to answer all my client's needs and at the same time trying to be sensible about encroaching into the zoning regulations by keeping it to a minimum.

Mr. Luciano – Any other questions from the board.

Ms. Murray – Just one comment, zoning variances stay with the property in perpetuity we have to consider all possibilities that go ahead in the future.

Mr. Pellino – Hand in hand with that although it's nice to consider, personal circumstances don't play into zoning decisions.

Ms. Murray – I want you to understand why we ask those questions because we have to watch out for the future of the town. Anything we decide now stays with that property forever. I just want to clarify it's not a punishment to the current owner it's a concern for the town and the properties in the town.

Mr. Segal – Understood.

Ms. Murray – Do you have more?

Mr. Luciano – No those are the witnesses I have if the board would permit me a brief statement.

Ms. Murray – Okay.

Mr. Luciano – As we all know this is an expansion of a nonconforming use. It's a one family zone with a preexisting two family home on it. The client is simply requesting to add an additional bedroom, bathroom and closet to a preexisting nonconforming use. I understand the board's concern about the potential for it to be turned into an illegal 3 family that is not our intention. Unfortunately we can't forecast what others might do if the property might leave their ownership. Their intention is to accommodate an ailing mother in law and their family is growing bigger. They have family that lives abroad and visit often. They are also expecting their first grandchild. The shed will create an additional 2.4% accessory coverage as well as the 20 foot distance. The client is going to take the board suggestion to widen the driveway so as to not tax the on street parking. The building will be the same size and nature as the rest of the neighborhood. It is an old house and needs renovation. I think the applicant has satisfied positive and negative criteria and will not impair the town's master plan or zoning ordinances. I would ask the board to approve the application and if the board has any conditions it would like to impose we would be willing to hear and possibly consent to it.

Ms. Murray – I would like a motion to open to the public.

Mr. Gatto made a motion seconded by Mr. Schilp to open to the public. All in favor – Yes.

Ms. Murray – Seeing none.

Mr. Gatto made a motion seconded by Mr. Schilp to close to the public. All in favor – Yes.

Ms. Murray – Mr. Paparozzi you can clarify what we are leading to.

Mr. Paparozzi – There are preexisting variances lot size lot frontage and minimum front yard. New variances are accessory structure to the main structure, maximum lot coverage which includes the driveway and the shed, maximum building coverage which includes the enclosed stairwell in the rear and a single side yard setback.

Mr. Luciano – What did you say the maximum building coverage is we have 25.7%.

Mr. Paparozzi – Your applicant has closer to 28% that was before the rear addition and the

shed.

Mr. Segal – We also included the new terrace.

Mr. Pellino – Since your expanding the building on an undersized lot that is a variance.

Ms. Murray – Yes he said it's preexisting.

Mr. Pellino – Preexisting yes but exacerbating it.

Mr. Paparozzi – The code is for a 2 family because we are expanding an existing nonconforming 2 family. The code is 7000 square feet for minimum lot size and the minimum frontage is 70 feet.

Mr. Luciano – I have minimum side yard you said is 10 feet.

Mr. Paparozzi – One side has to be 10 feet and you're proposing 7.5.

Mr. Luciano – Maximum building coverage is now 28% that's creating a new variance. The accessory structure is creating 2 variances the side variance and the setback.

Mr. Paparozzi – No the new variance is maximum lot coverage with the driveway and the shed. Forty four is allowed you went to 46%. The fourth new variance is the accessory structure to the main structure is 16 should be 20.

Mr. Segal – If the shed is removed is there still a variance with the new driveway.

Mr. Paparozzi – No you would remove 2 new variances lot coverage and accessory structure to the main building.

Mr. Segal – I have a decision from my client we will be removing the shed.

Mr. Pellino – Gary that eliminates the lot coverage?

Mr. Paparozzi – It would be 43.8% and eliminate the accessory structure to the main structure.

Mr. Burbano – If you want a smaller shed you should put it on this application.

Mr. Paparozzi – There is a lot going on if you want a smaller shed you can get a permit later on if it conforms to the zoning.

Mr. Segal – We will eliminate the shed.

Mr. Pellino – There were 2 areas of concern one would be an amendment of the plans on the elevation to show the entrance door and the other was reconfigure the wall at the top of the stairwell for the bathroom.

Mr. Paparozzi – The wall says 8 inch wall usually they give a height not the size of the wall. You should say the wall is going to be 2 feet so there is no issue with the slope on the driveway.

Ms. Murray – I would say a note on your plans also to note the height.

Mr. Segal – I will put a note 2 foot height.

Mr. Luciano – I thought the only new variance was the parking variance.

Mr. Paparozzi – There are a few and part of that is because the shed is not shown here.

Mr. Pellino – The applicant seeks a D2 variance which should only be granted for special reasons and particular circumstances. You have to decide whether or not that's the positive criteria for the D2 variance. Is this for a particular property and for special reasons. The second part of that is all variances have to satisfy the negative criteria that is if you grant the variance it will not do harm to the neighborhood and it will not impair the zone plan for the township or the zoning ordinance. The bulk variances go with the D2 variance but the standard there is the C2 variance where it makes sense to deviate from the zoning ordinance. That it's actually a plus to do that and the benefits outweigh the detriments.

Mr. Schilp – I would like to make a motion to approve with the stipulation you modify the wall on the second floor. You put the door in for the bathroom and the plans are to show the door for the second floor off the stairs. The shed to be removed and the attic not to be used as living space. My other request is that the homeowner put 4 inch numbers on the house so the fire

and ambulance can find the house.

Mr. Mazzer – You have the attic but I would include the basement also.

Mr. Gatto seconded the motion.

Roll call - Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano,
Ms. Murray – Yes.

B.) Mark & Tracy Nafash, 31 Strathmore Terrace Block 1808, Lot 24

Applicant requests a driveway extension in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in the applicants.

Applicants state and spell their names and give their address.

Mr. Pellino – I find proof of notice is in order.

Ms. Murray – Please tell us what you would like to do.

Mr. Nafash – We expanded our family through marriage and we have a single car driveway. We have 4 cars now and for the inclement weather we want to get the cars off the street.

Ms. Murray – Any questions? None.

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

Ms. Murray – All in favor – yes.

Ms. Murray – Seeing none.

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

Ms. Murray – All in favor – yes.

Mr. Gatto made a motion to approve the variance seconded by Mr. Burbano.

Roll call - Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano,
Ms. Murray – Yes.

C.) Alan & Nicole Costa, 1 Leonhardt Drive, Block 1402, Lot 5

Applicant requests to construct a rear addition and deck in noncompliance with Municipal Code # 898, Section 206.

Mr. Pellino – I find proof of notice is in order.

Mr. Pellino swears in the applicants.

Applicants state and spell their names and give their address.

Ms. Murray – Explain what you are planning on doing.

Mrs. Costa – We have a corner lot 65.37 feet by 101.97 feet we are proposing a 19 feet wide by 18 feet deep family room connected to our existing kitchen. We would also like to add a deck with a roof over it the sun in our yard is strong

Mr. Pellino – There is one variance that is exacerbating the minimum side yard. That is 7.5 feet where 10 is required.

Mr. Pappozzi – The only survey in the packet is on the plans just make sure the Building Department has a signed and sealed copy that is not altered.

Mr. Schilp makes a motion to open to the public seconded by Mr. Duffy.

Ms. Murray - All in favor – yes.

Ms. Murray – Seeing none.

Mr. Schilp made a motion to close to the public seconded by Mr. Marz.

Mr. Gatto made a motion to approve the application seconded by Mr. Duffy.

Roll call - Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Ms. Murray – Yes.

D.) Sebastian Tyburski, 280 Evans Place, Block 1713, Lot 1

Applicant requests a rear addition and add-a-level in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in the applicant.

Applicant states and spells his name and gives address.

Mr. Pellino - Publication appears to be in order.

Ms. Murray – Tell us what you want to do.

Mr. Tyburski – We are proposing an addition and changing the driveway to be on Evans Place.

Mr. Paparozzi – The survey that is sited by the architect is from 1995 and the one provided in the package is from 2019. The rear offset on South Road is said to be 15.78 but that can't be maintained because the lot narrows as it goes towards the back. In the front it is 51.3 and in the back it is 50.23. The minimum side yard is 10 and he is proposing 4.94.

Mr. Pellino – It is an undersized lot and putting more building on it it's an exacerbation of an existing condition.

Mr. Tyburski –I'm on the fence about making the basement crawlspace into living space. There would be no outside entrance.

Mr. Paparozzi – Then the building department would need a new set of plans siting the correct survey and showing a full basement along with the other changes.

Mr. Tyburski – I am trying to accomplish the 2 and a half parking spaces in the front if not then I will need to keep the existing space in the back.

Mr. Schilp makes a motion to open to the public seconded by Mr. Gatto.

Ms. Murray – Meeting is open to the public. Seeing none.

Mr. Gatto makes a motion to close to the public seconded by Mr. Duffy.

All in favor yes.

Mr. Schilp makes a motion to approve the application with the following stipulations. If he decides to do the basement he needs to update the plans as well as widening the driveway and there is no outside staircase to the basement.

Mr. Paparozzi – The front setback to South Street should be noted also the single side yard and siting the correct survey.

Mr. Duffy seconds the motion to approve.

Roll call - Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Ms. Murray – Yes.

E.) Grzegorz and Eva Soltys, 55 Weller Terrace, Block 1811, Lot 29

Applicant requests a side and rear addition and add-a-level in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino - Publication appears to be in order.

Mr. Pellino swears in the applicant.

Applicant states and spells his name and gives address.

Ms. Murray – Explain to the board what you plan on doing.

Mr. Soltys – Addition in the back and side and add a second floor.

Mr. Schilp – Are you putting stairs into the basement?

Mr. Soltys – I have existing stairs I would like to keep it.

Mr. Schilp – You can't have a full stand up door only bilco doors like you have now.

Mr. Paparozzi – You need to show what is going to be in the basement.

Ms. Murray – What is going to be in the basement?

Mr. Soltys – Boiler room and half bath.

Ms. Murray – Any other questions?

Mr. Duffy – There is a small wall in the back being removed will that effect anything?

Mr. Paparozzi – The wall is less than 2 feet and was there to keep the yard flat. It's not needed.

Mr. Mazzer – Is it going to be a one family.

Mr. Soltys – Yes. The first floor is open and the second floor 4 bedrooms.

Mr. Mazzer – Is the fireplace gas or wood?

Mr. Soltys – Wood.

Mr. Duffy – You said the basement has a half bath. The plan does not show it.

Ms. Murray – That will be a condition.

Mr. Schilp makes a motion to open to the public seconded by Mr. Marz.

Ms. Murray – Seeing none.

Mr. Schilp makes a motion to close to the public seconded by Mr. Marz.

Mr. Pellino – The variances are minimum front yard, single side yard, building coverage and front setback to the open porch. The plans need to reflect a half bath in the basement and access to the basement only through bilco doors.

Mr. Schilp makes a motion to accept the application with the stipulations sited by Mr. Pellino. Seconded by Mr. Duffy.

Roll call - Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano,

Ms. Murray – Yes.

F.) Andrew Spano and Jason Mazzer, 238 Market Street, Block 513, Lot 2

Applicant requests an extension of variances and site plan approval.

Ms. Murray – Let the record show Mr. Jim Mazzer is recusing himself.

Mr. Pellino - Publication appears to be in order.

Mr. Sarlo – Requesting on the behalf of the applicant an extension on a prior approval.

This goes back to December 2017 it was a nonconforming use and was looking to change it to a mixed use. An existing business on the first floor and 1 residential apartment on the second floor. We made our argument and were approved at that time. It was memorialized in January 2018 and published February 2018. The ordinance states if you don't start construction within a year then the variance will lapse. There was an appeal period and then there is time after that to see if you are being served. Then there was a back and forth with the county regarding approval as far as the site work and parking. The approval was received February 2019 which was already past the time with which the application would lapse. We did not believe the ordinance applied to us but after some back and forth with Mr. Pellino it was concluded that we needed to go back to the board for further approval.

Mr. Pellino swears in the applicant.

The applicant states and spells his name and gives his address.

Mr. Sarlo – Is everything I represented correct?

Mr. Jason Mazzer – Yes.

Mr. Sarlo – Has anything changed regarding the property.

Mr. Jason Mazzer – No.

Mr. Sarlo – After the approval was there any work you did to the property to prepare for the infrastructure that had to go in?

Mr. Jason Mazzer – We took the fence down and removed some trees.

Mr. Sarlo – You worked with your engineer to get county approval.

Mr. Jason Mazzer – Yes.

Mr. Sarlo – The parking plan that the board approved was it approved by the county?

Mr. Jason Mazzer – No.

Mr. Sarlo – They came up with the plan that was submitted with this application.

Mr. Jason Mazzer – Yes.

Mr. Sarlo – The parking plan with respect to the front of the building which the county has jurisdiction over is different than what the board approved. We want the board to be aware of that. We want to mark exhibit A-1 the approval from the county.

Mr. Pellino – Letter from County of Bergen dated February 26, 2019 entered as exhibit A-1.

Mr. Sarlo – Although the layout has changed the number of spaces remains the same.

Ms. Murray – Any questions?

Mr. Schilp – What took from February 2019 until now to come back.

Mr. Sarlo – Mr. Mazzer applied for a permit last year and was informed by the Construction Official that the approval had expired. I then had some dialogue with Mr. Pellino about whether or not it applied to this application because of how the ordinance is worded. Mr. Pellino won out on the argument.

Mr. Pellino – It may not be well worded but it is a provision of our zoning ordinance.

Mr. Paporozzi – This is to grant an extension to do the site work according to the county plan.

Mr. Pellino – I think to begin work in connection with the variance. It's up to the board on how much time they want to give. Is there a period of time that is being requested Mr. Sarlo?

Mr. Sarlo – I think safely we need 6 months to actually start construction.

Mr. Schilp makes a motion to open to the public seconded by Mr. Duffy.

Ms. Murray – Meeting open to the public. State your name and address.

Mr. Sciveri steps forward states his name and address. 20 Harrop Avenue.

Since the application his business has expanded he has added mechanical and port-o-potty divisions increasing the number of employees and vehicles. How many parking spaces for the business. There are vehicles being parked on the street and overnight.

Mr. Pellino – The variance was approved to conduct a business without limitation on the number of employees and equipment. There was a requirement for parking spaces and the applicant has provided that.

Mr. Sciveri – How many is too many when he is parking his vehicles on residential street and when people come home from work they can't even park in front of their own homes.

Ms. Murray – He has 9 spaces and that is what is required.

Mr. Sciveri – The vehicles are still being parked in the street overnight which there is an ordinance that does not allow commercial vehicles to be parked overnight. I talked to Jason about it and it was okay for about a year and now it seems like they just don't care.

Ms. Murray – Jason how many spots are you renting.

Mr. Jason Mazzer – 3 spots we are looking to rent more. We are looking for other spots and some of the guys are taking the trucks home. We will help you out. The guys come back late and they are tired.

Ms. Murray – That is an issue you need to address with your workers to be more considerate.
Mr. Jason Mazzer – We are going to take care of it. I am looking into other locations.
Ms. Murray – We are asking that you work with your neighbors to alleviate any bad feelings.
That will make it better for you and for the neighbors.
Mr. Schilp makes a motion to close to the public seconded by Mr. Gatto.
Mr. Gatto makes a motion to approve to extend for 180 days seconded by Mr. Duffy.
Roll call - Mr. Duffy, Mr. Gatto, Mr. Schilp, Mr. Marz, Mr. Burbano,
Ms. Murray – Yes.
Ms. Murray – Resolutions A-K.
Mr. Gatto made a motion to approve A-K seconded by Mr. Schilp.
Roll call - Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano,
Ms. Murray – Yes.
Ms. Murray – We have minutes for 3 meetings.
Mr. Schilp makes a motion to approve the minutes seconded by Mr. Duffy.
All in favor – Yes.
Ms. Murray – Communications.
Mr. Gatto makes a motion to receive and file communications seconded by Mr. Schilp.
All in favor – Yes.
Mr. Schilp makes a motion to pay vouchers if the funds are available seconded by Mr. Duffy.
All in favor – Yes.
Mr. Gatto makes a motion to open to the public seconded by Mr. Duffy.
All in Favor – Yes.
Mr. Gatto makes a motion to close to the public seconded by Mr. Duffy.
Ms. Murray – Meeting adjourned.

Frank Barrale

Zoning Board Secretary