

TOWNSHIP OF SADDLE BROOK ZONING BOARD OF ADJUSTMENT MINUTES

Following are the minutes of the Saddle Brook Zoning Board of Adjustment's regular meeting held on Monday, May 18, 2020. **(New format teleconference meeting due to Coronavirus)**

1. CALL THE MEETING TO ORDER - At 7:30 p.m., Chairperson Murray called the meeting to order.

2. 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.

3. ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz was present but could not be heard on the call, Ms. Murray – PRESENT, Mr. Burbano – NOT PRESENT, Board Attorney Stephen Pellino and Board Planner Gary Paparozzi also on the call.

Mr. Pellino – Madame Chair how many Members do we have?

Ms. Murray – Seven.

Mr. Pellino – Very good.

Ms. Murray – For a reminder for the public we did this for last month's meeting we have the plans online so if you want to see them you can go onto the Saddle Brook website.

4. NEW BUSINESS –

A.) Fonda & Sylwester Kosmala, 180 Schepis Avenue, Block 1712, Lot 20

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

Ms. Murray – We need to have someone representing 180 Schepis.

Ms. Kosmala – Fonda Kosmala representing 180 Schepis.

Mr. Pellino – Ms. Kosmala can you hear me OK this is Steve Pellino the Board Attorney.

Ms. Murray – We are not hearing you.

Ms. Kosmala – Yes I can hear you.

Ms. Kosmala is cutting out and we are not hearing her completely. She calls back from her land line and is heard clearly.

Mr. Pellino swears in Fonda Kosmala.

Ms. Kosmala spells her name and states her address as 191 Wilson Street in Saddle Brook.

Mr. Pellino – Will you be the only witness?

Ms. Kosmala – I will be the only witness.

Mr. Pellino – Madame Chair back to you.

Ms. Murray – Ms. Kosmala please explain what it is you want to do.

Ms. Kosmala – We are looking to put a large addition on 180 Schepis. We want to go straight back on the left side to keep it even with the non-conforming setback so we do not have to jog it in on that side. We also want to do a complete add-a-level. My husband and I have been in the town since 2013 we live on the next street on Wilson in a small cape cod. We just had a child 15 months ago and have no room so it would be nice to do what we want to do on Schepis.

Ms. Murray – I want to ask the Board Members she is asking for she has a pre-existing 5 foot side yard that she is exacerbating. She has a 10.2 foot combined side yard that she is exacerbating. She's got the minimum lot size and minimum lot frontage is pre-existing. The one she is asking for that is not pre-existing is maximum building coverage which allowable is 26% and the proposed is 31%. Does any Board Member have any questions regarding this and I am

going to ask you to please state your name so Frank can tell who is making the comments.

Mr. Paparozzi – Madame Chair can I start off?

Ms. Murray – Sure you can Gary.

Mr. Paparozzi – For the variances single side yard setback is not pre-existing that is a variance. The combined setback is a variance. The maximum building coverage is a variance. I am also including the minimum lot size because in order to build a one family you need 6500 square feet even though 5600 is existing she is expanding the non-conformity so I would consider that a variance. There is also one other variance that I have and that is parking requirement. The second floor proposal is for 4 bedrooms. The first floor has a guest room with a closet which is a bedroom. A one family house with 5 bedrooms requires 3 parking spaces she is providing 2. She has a garage that is 10 by 20 and a driveway that is 10 by 29 which is only 1 space. There is a variance for 1 parking space that is not listed on the Anthony's denial letter. So those are the variances. The minimum lot size is still the minimum lot size regardless of what you do to the lot so I consider that pre-existing. I have 4 variances and if you include the pre-existing then it's 5 but I'll leave that up to Steve.

Ms. Murray – I have 4 plus the lot size OK. I wasn't sure about the parking Gary I figured you would tell us about the parking. I knew 2 and a half with 5 bedrooms was going to be short.

Mr. Paparozzi – You need 3 for 5 bedrooms that is the RSIS requirement. I did not use the Saddle Brook code because the RSIS takes precedent. She is providing 2 spaces and 3 is required.

Ms. Murray – Is there anything else Gary?

Mr. Paparozzi – The applicant can widen the driveway but that would affect the lot coverage.

Ms. Kosmala – We could always make the bedroom on the first floor an office.

Ms. Murray – You would have to remove the closet.

Ms. Kosmala – If we had to do that we could do that widening the driveway would be easier but it doesn't matter.

Mr. Paparozzi – A four bedroom house would require 2 and a half which would drop down to 2 and would eliminate the parking variance. Those plans would have to be submitted to show not a guest room or closet.

Mr. Pellino – We could make that a condition Gary right?

Mr. Paparozzi – That is correct. Frank can advise Tony of any changes before he issues any permits.

Mr. Pellino – We would put that in the resolution if that is the way the Board went.

Mr. Paparozzi – The applicant would have to say on the record what she is doing because she said she could do either one but she has to state which one and Mr. Solomon has to revise sheet A2.

Mr. Pellino – Agreed 100 percent Gary. Ms. Kosmala, Mr. Paparozzi and the Board are indicating some options but you need to decide before we close the meeting which way you want to go. The Board would also require you to submit revised plans.

Ms. Kosmala – Would we have to do the application over again?

Ms. Murray – We would make that a condition of our approval that you would have to submit corrected plans to show what was approved.

Ms. Kosmala – We would like to expand the driveway to accommodate 3 parking spaces but if you're not okay with that then we can turn the first floor bedroom into an office.

Mr. Pellino – Again Ms. Kosmala you need to decide. If you expand the driveway you are creating another variance a coverage issue.

Mr. Paparozzi – The code is 44% she is proposing 39.6% she has 4.4% she has a small window and if she uses pavers it is better because they count as only 75% coverage. If she widens it only 8 feet she may not create a variance. I'm sorry she can't widen to 8 feet she only has 5 feet off the house.

Ms. Murray – She'd have to come into the front yard.

Mr. Paparozzi – She would have to widen it on both sides a little bit to put one more space. It could be done but she would have to have her architect increase it by only 4%. She could make bottom half 18 by 18 so the extra car can fit on the right or left.

Mr. Pellino - Do you understand that Ms. Kosmala?

Ms. Kosmala – Yes. You're saying the driveway can be 18 wide if we do it with pavers?

Mr. Paparozzi – No only the additional feet that you need for 2 cars to fit.

Ms. Kosmala – We would be doing the whole driveway with pavers.

Mr. Paparozzi – You could do the whole thing 18 by 29 and still be under the 4.4%. You would have to have Mr. Solomon show it on the plan and on the zoning table for the Building Inspector.

Ms. Kosmala – That would be a condition of the variance.

Mr. Paparozzi – That would be a condition of the application.

Ms. Murray – It would be a condition of the application so that it could go forward tonight.

Ms. Kosmala – That's fine.

Ms. Murray – You're going to widen the driveway to accommodate 3 cars but not exceed the 44% maximum coverage.

Ms. Kosmala – Let me speak to my husband. We think it would look ugly if we widen the driveway so we will do 4 bedrooms.

Ms. Murray - So you are going to have the plans redone so that the closet is removed and have the room labeled as office or den and have the new plans brought to the Building Department.

Ms. Kosmala – Fine.

Ms. Murray – Does anyone else have any comments? Hearing none do I have a motion to open to the public?

Ms. Murray - Mr. Duffy made a Motion and Mr. Schilp second it. All in favor – YES. Does anyone from the public wish to speak on this application.

Ms. Pirrera – My name is Diane Pirrera and I live at 190 Schepis Avenue in Saddle Brook and I want to discuss the application.

Mr. Pellino swears in Diane Pirrera and she states her name and address.

Ms. Pirrera – I agree that the property is not conducive to a three car driveway. I've lived here for 24 years and the traffic is very heavy more than when I moved in and you have more young children. You have an autistic child that will live next door to them and aesthetically it does not fit the neighborhood. My second concern is the variance on either side. I know they need 5 feet on each side is that correct?

Ms. Murray – Yes and for her property she had to have 6.8 feet. She has 5 foot on one side and 5.2 feet on the other as it exists right now.

Ms. Pirrera – Does she want to infringe on lessening that 5 feet?

Ms. Murray – No she is actually going to keep with the same line of the house the way it is.

Ms. Pirrera – Okay I was looking at the drawings and I was trying to understand if she was going to infringe on either property that is there.

Ms. Murray – No according to the drawings they are not.

Ms. Pirrera – OK as far as the backyard goes I know they are taking the wood deck out and bring the house out to where the deck was and extend from there a paver patio is that correct?

Ms. Murray – Correct and currently they have 50.5 feet from the back of the house to the property line. They are requesting to make that 34.5 feet from the back of the house to the property line and the pavers are 10 feet.

Ms. Pirrera – So there will be 20 feet of grass behind the pavers?

Ms. Murray – Yes and 34 feet for part of it because the pavers do not go across the entire back of the house.

Ms. Pirrera – An aesthetic standpoint from looking at hardly any backyard but again everyone's preferences are different.

Mr. Pellino – That does meet the ordinance they don't need a variance for the rear.

Ms. Pirrera – Is the height in compliance there's no variance for that.

Ms. Murray – No they are within the code for the height.

Ms. Pirrera – You said they need to change that bedroom take out the closet and make it an office slash den. None of the work can then proceed until you see the revised plans and all of that is in order.

Ms. Murray – They'll have to bring those plans as part this when we finish this meeting the

resolution is approved at the next meeting as long as everything is complied with.

Ms. Pirrera – The town is notified of the revised plans and we can see them online if the virus situation is still in effect.

Ms. Murray – They can be viewed at the Building Department but they have to be submitted properly or they can't receive their final C.O. because the Building Inspector would not approve it without the corrected plans.

Ms. Pirrera – Okay well there have been other homes in the neighborhood that have gotten around that but that's why I was asking that. As long as the driveway does not get widened that's fine. The township does allow commercial vehicles to be in the driveway correct because they do have a business and it is a work vehicle it's a van. Just asking about that.

Mr. Pellino – That becomes code enforcement.

Mr. Gatto – I think it goes by weight I think a van is permissible.

Ms. Murray – There are vans and there are box trucks and there is a difference between what the town allows in your driveway.

Ms. Pirrera – It's not a box truck it is a van so okay. The design is beautiful thank you for your time.

Ms. Murray – Thank you for your comment is there anyone else from the public that would like to comment on this application? Hearing none.

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

All in favor – YES.

Mr. Schilp made a motion to approve the application providing they supply the updated plans to remove the bedroom from the first floor and make it a den or whatever their going to make it other than a bedroom.

Ms. Murray – Richard do you have comments?

Mr. Tokosh – They have to remove the closet to make it a legal office.

Ms. Murray – Right I think that was what Mr. Schilp meant and that was part of our notes.

Mr. Tokosh – That's correct.

Ms. Murray – Do I have a second? Mr. Tokosh are you seconding it?

Mr. Tokosh – Yes I'll second it.

Ms. Murray – We have a motion and a second Steve do you have that caveat?

Mr. Pellino – My understanding the condition would be what shows as a bedroom on the first floor cannot be bedroom the closet would have to be removed and the applicant will have to submit revised plans reflecting that the closet was removed and that it is something other than a bedroom.

ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Ms. Murray YES.

B.) Richard Scherer, 152 Graham Terrace, Block 1503, Lot 12

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

Ms. Murray – Mr. Scherer are you on line and make sure you unmute.

Mrs. Scherer – Yes we're here.

Mr. Pellino swears in Mr. Scherer he spells his name and states his address as 152 Graham Terrace in Saddle Brook.

Mr. Pellino – Madame Chair I did not do this for the first applicant but I was able to review the notices for all of the applications tonight and I find that all of the notices are in order. I am advised by our Secretary that proof of payment of taxes for all applications has been submitted.

Ms. Murray – Thank you Mr. Pellino. Mr. Scherer would you tell us what you want to do.

Mr. Scherer – I want to take down a 16 by 20 deck and build a family room the same footprint and a small paver deck on the side of it.

Mr. Paparozzi – The one variance is the side setback is 10 and they have 6.96 feet.

Ms. Murray – If there are no other comments can I have a motion to open?

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

All in favor – YES.

Ms. Murray – Hearing none do we have a motion?

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

All in favor – YES.

Mr. Schilp makes a motion seconded by Mr. Duffy to approve the application.

ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Ms. Murray
YES.

C.) Dickman & Calautti, 23 Chelsea Drive, Block 603, Lot 6

Applicant requests to add additional pavers around pool, cabana & roof cover, and metal roof & driveway extension in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in Jeffrey Dickman he spells his name and states his address as 23 Chelsea Drive Saddle Brook.

Mr. Pellino- The noticing is complete and proof of taxes submitted.

Ms. Murray – Tell us what it is you are coming before us for.

Mr. Dickman – About 7 months ago we put in for a variance that you approved and we went beyond what we were approved for. I am asking for forgiveness and asking for what I have done to be approved.

Ms. Murray – The variances I am seeing are minimum lot frontage (pre-existing) minimum front yard (pre-existing) going up from approved accessory coverage of 26.1% to 46.5% when 18% is the maximum allowed. Maximum total lot coverage going from 42.3% to 62.7% when 44% is the code. The distance from an accessory structure to principal structure was existing 21 feet code is 20 feet proposed is 14 feet. The distance between accessory structures code is 10 feet proposed or existing is 4 feet. Mr. Dickman I will start off first. You knew you came in for a variance you knew that you had to have a variance why did you not contact the Building Department and talk to someone.

Mr. Dickman – I listened to my contractor and got bad information. I am 100 percent in agreement that I should have come to the board and asked for approval and I am wrong for that. I am sorry and I will do what I have to do to work it out.

Ms. Murray – Who was the contractor.

Mr. Dickman – Dom Galluzo. We had issues with poison ivy and the train behind my house.

All I can say is I am sorry and I would like to make it right. The Building Inspector came out and gave me a temp CO for the pool and other things.

Ms. Murray – Is that how this was discovered?

Mr. Dickman – The cabana and shed were going up and he said I needed to get a variance for the lot coverage and other things.

Ms. Murray – When did you know you should have come for a variance?

Mr. Dickman – I would say somewhere around August or September of 2019.

Mr. Gatto – At that time you should have stopped the work and came for a variance. You had plenty of time to come and see us. You felt that we would let you leave it there. You had every opportunity to come and see us and you did not. You think the Board will feel sorry for you and you are asking for mercy and you won't get it from me.

Ms. Murray – The Board Engineer is recommending a post construction drainage analysis report for the increased impervious coverage.

Mr. Paparozzi – The Engineer would be comfortable waiting until approval to determine whatever is needed for the drainage.

Mr. Dickman – I followed up with Mr. Hunt to start the paperwork for a variance. I did try to do the right thing.

Mr. Paparozzi – They did get an updated survey after he was told he needed a variance.

Mr. Schilp – He knew it was wrong and he just assumed we would pass it and it is not happening. Nobody pays attention to the rules anymore.

Mr. Dickman – I understand your anger but I began taking the steps as soon as I was told to do so.

Ms. Murray – If they were doing things that were not approved then it should not have been done. Are there any other Board Members that have anything? Hearing none do we have a motion to open to the public?

Mr. Schilp made a motion to open seconded by Mr. Gatto. All in favor – YES.

Ms. Murray – Anyone from the public want to speak? Hearing no one.

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

All in favor – YES.

Mr. Tokosh – Everything looks great but it was done without permission. The Board is between a rock and a hard place.

Ms. Murray – Mr. Barrale are there fines that can be assessed for these instances?

Mr. Barrale - Typically we try to get the people to comply with removal or got to the Board for a variance.

Mr. Pellino – When someone violates the zoning ordinance a summons can be issued and they can go to court and could result in a fine. When someone does work without a permit that is a Building Code violation and can be ordered to pay a penalty. If the Board does not approve the application then it goes to the Building Department for enforcement.

Mr. Schilp – I don't want to but I am making a motion to deny the variance for several reasons. He went over on everything and when the Building Inspector came out he should have stopped but he continued.

Mr. Dickman – We were done already when I was told I needed a variance. I did it the wrong way but I did do what I was told after the Building Inspector said so.

Mr. Gatto – I am seconding making a motion to deny the application due to the fact that he went about it the wrong way.

Ms. Murray – Saying yes to the motion is denying the application. Is that correct Mr. Pellino?

Mr. Pellino – Yes Madame Chair.

Mr. Tokosh – If we deny it what other options do they have?

Mr. Pellino – The next option is to remove the improvements that caused the violation.

Ms. Murray – Are there any other legal outlets that he has.

Mr. Pellino – He can file an appeal in court.

Mr. Duffy – Just to clarify again yes means to deny the application and no means you don't agree with the motion.

ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Ms. Murray YES.

Ms. Murray – The application is denied.

Mr. Dickman – I want to appeal what do I need to do?

Mr. Pellino – You have to have your lawyer file a complaint against the Zoning Board.

D.) Kanwar Abdul, 440 North Midland Avenue, Block 1402, Lot 51

Applicant requests an expansion of an existing nonconforming use in noncompliance with Municipal Code #898, Section 206.

Mr. Abdul is not on the call so we will proceed with the next application and come back to him afterwards.

E.) Jason Mazzer, 200 Floral Lane, Block 1502, Lot 5

Applicant requests an office for a plumbing business is not a permitted use per Section 206, Attachment 1, Schedule I.

Mr. Mazzer has Attorney Charles Sarlo and Engineer William Stimmel to testify.

Ms. Murray – Mr. James Mazzer needs to recuse for this application. With the recusal we only have 6 Members so Mr. Mazzer will need 5 out of 6 instead of 5 out of 7 to be approved.

Mr. Sarlo – Jason what this means is that you are going for a use variance and are required to have 5 yes votes and you only have 6 Members so you need 5 out of 6 instead of 5 out of 7.

Mr. Duffy - I see Mr. Marz online.

Ms. Murray – Mr. Marz are you on the line.

Mr. Duffy – I see him on the computer but we can't hear him.

Mr. Pellino – We will have to proceed as if we have 6.

Mr. Sarlo – Jason are you willing to proceed.

Mr. Jason Mazzer – Yes.

Mr. Sarlo – Madame Chair we would like to proceed.

Mr. Pellino – The noticing is in order and the taxes have been submitted.

Mr. Sarlo – The application is for a former TD Bank in a residential neighborhood to be adapted to a business office for a plumbing & heating company. We have an existing non-conforming use. We are here for a use variance for this as the office use is similar but legally different. There are pre-existing bulk variances we also request preliminary and final site plan approval. Minimal changes are being proposed.

Mr. Marz – I am signed in and I don't know why you could not hear me but I am here.

Ms. Murray – Thank you we have a full Board Mr. Sarlo. Is that okay Mr. Pellino?

Mr. Pellino – As long as the applicant is okay with that.

Mr. Mazzer – I'm okay with it.

Mr. Sarlo – Mr. Chudzinski the Architect and Mr. Stimmel the Engineer are on the call to testify.

Mr. Paparozzi – Mr. Sarlo on the plan they show the RA and B2 zoning requirements but the application would be B1 so that needs to be changed.

Mr. Sarlo – That's fine and we can have the plans revised if approved. Mr. Mazzer do you know the history of the property?

Mr. Pellino – I need to swear in the client before he testifies.

Ms. Murray – That has been a bank for more than 30 years because it has been there since I moved here.

Mr. Pellino swears in William Stimmel Engineer. He spells his name and gives his address as P.O. box 280 Rutherford, NJ.

Mr. Sarlo – Mr. Stimmel have you ever testified before this Board before.

Mr. Stimmel - I believe I have on several occasions before the Zoning and Planning Board.

Mr. Sarlo – You want to put on your credentials so we can get you requalified.

Mr. Stimmel – I'm a graduate of NJIT with a degree in Civil Engineering and have been employed for the past 20 years in the state of NJ as an engineer and a planner. I'm a licensed engineer & planner in the state of NJ. I've been accepted as an expert in over 70 municipalities.

Mr. Pellino – I would recommend him as an expert in the fields of Engineering and Planning.

Mr. Sarlo – Mr. Stimmel you were retained by the applicant to prepare a site plan and provide professional testimony is that correct?

Mr. Stimmel – Yes it is.

Mr. Sarlo – Please describe the existing conditions followed by the proposed use.

Mr. Paparozzi – Mr. Stimmel give the date of your site plan for the record.

Mr. Stimmel – February 21, 2020 one of one with no revision date.

Mr. Stimmel – Property known as 200 Floral Lane it is rectangular property with an area of 19400 square feet. The site had been developed with the bank. The bank is no longer there but the building remains. The bank is a one story building with a 2300 square foot footprint and a drive through canopy over the eastern side of the building. The building is more or less centrally located on the property. The remainder of the property is asphalt pavement there is parking on the west south and east of the building. There is a small landscaped area in the front of the building on the north side. He wants to use the existing building with no additional square footage no expansion of the footprint and no additional height. They are going to refit the interior to accommodate Mr. Mazzer's business. The only improvements are restriping of the lot parking spaces that meet the ordinance requirements. That is 180 Square feet per space with a minimum length of 18 feet or a minimum width of 9 feet. Using that we came up with 24 spaces which complies with requirements including two ADA parking spaces. There will be additional spaces for the service vans located under the drive through canopy. Aside from those changes and 2 stop signs at the driveways on Floral Lane there are no other changes.

Mr. Sarlo – You are actually adding parking spaces by restriping the lot.

Mr. Stimmel – We are proposing a different configuration.

Mr. Sarlo – Does the Board have any questions for Mr. Stimmel?

Mr. Paparozzi – Are we going to create a variance for 9 spaces because they are undersized. You don't need the spaces to comply with parking so you can eliminate them or you need a variance for 9 undersized spaces.

Mr. Stimmel – The undersized spaces would be used more for the storage of the service vans as opposed to parking spaces. If necessary we would request a variance for the undersized spaces.

Mr. Paparozzi – The storage of vehicles would be a more difficult variance than the undersized spaces variance.

Mr. Stimmel – We can make that change.

Mr. Sarlo – Please continue with your planning testimony.

Mr. Stimmel – The business has 10 office employees and an additional 16 plumbers and a fleet of 11 service vans. The plumbers drive to the site in the morning in their personal vehicles pick up their paperwork and take the vans to the job site. The service vehicles would be kept on the side of the building away from the residential properties. At the end of the day they would return the vans and pick up their personal vehicles. There is no storage of materials on site except what is in the vans. There will be no outside storage of material or inside either. The applicant needs a D1 variance for a new non-conforming use in a residential zone. It is a residential zone and the primary use is single family residential. The first element of the positive criteria relates to the suitability of the site. The lot is roughly 3 times the size of the minimum lot size for the RA zone. The lot is mostly parking and circulation area. The building is relatively small for the property size. It has a relatively low intensity commercial use. A large parking area with a small building makes it well suited for this use. There are no changes to the size footprint or height of the building and it is a commercial use adjacent to other commercial property on the eastern side which is the strip mall. The purposes of zoning are advanced by reoccupying a vacant property and providing a less intense use than the previous bank use. The bank had an ATM so it was active 24 hours a day and had a much higher traffic usage throughout the day. It was also a TD Bank which operates more like a retail business than a bank. They were opened 8 to 5 most days some late nights and weekends. There will be less traffic throughout the day and no traffic on the weekends when they will be closed. The negative criteria will show no substantial detriment to the public good and no substantial impairment to the zone plan and zoning ordinance in my opinion. The 2014 Master Plan states goal 5 is to maintain general business uses including local business activities local service activities and office buildings in areas already developed for such uses. This does that by reusing the bank building. Goal 11 is future development and redevelopment activities should result in the introduction of uses that afford a compatible transition in intensity to assure the full enjoyment of residential property. It provides a buffer from the strip mall to the east. The site does not generate any noise, vibrations, smells or added traffic. I believe the applicant has provided sufficient justification for the requested variance.

Mr. Sarlo – Thank you Mr. Stimmel.

Ms. Murray – Gary do you have any questions for Mr. Stimmel?

Mr. Paparozzi – I agree the use is less intense than the prior use but the concern that was a big issue on the prior site not only for residents but Board Members was the parking situation. Here the parking is double the requirement and I think it is a positive for the applicant.

Mr. Schilp – Where is the garbage going?

Mr. Stimmel – There is a small area at the southeast corner of the property where we are going to store the refuse. It will be limited to office refuse and no pipes or fixtures. It will be fenced in.

Mr. Schilp – Are there going to be Port-A-Johns stored there.

Mr. Stimmel – No material, equipment or Port-A-Johns.

Mr. Tokosh – The other site had piping and other material stored on site will that happen here?

Mr. Stimmel – Other than what is in the vans nothing will be stored outside.

Ms. Murray – Can I have 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 – The meeting is open for this witness and this application only.

Mr. Pellino swears in Lisa Brunson she spells her name and states her address as 209 Floral Lane in Saddle Brook.

Ms. Brunson – Why does Mr. Mazzer have to recuse himself?

Ms. Murray – James Mazzer is related to the applicant and can't participate or vote on this matter.

Ms. Brunson – Why if it is zoned for residential would it be purchased for a business. I am very concerned about the fact that there is already a lot of traffic and noise and then to add another business is the last thing we need.

Ms. Murray – If a bank wanted to open there tomorrow they could because it already has the variance for that.

Mr. Stimmel – That is correct if it was to be used in the same way then someone could. A bank would have no control over their customers when they leave the bank. Mr. Mazzer lives in town and his work vehicles have the company name on them so you know who they are. It is an improvement by occupying a vacant building and there would be less traffic in my opinion.

Ms. Brunson – I just want to clarify that it would be easy to pull up in front of the building to pick up paperwork rather than going into the lot and parking to do so. If there are supplies that are uncovered in a pickup truck it won't work for the neighborhood.

Mr. Stimmel – There are no customers only employees coming to the site and Mr. Mazzer would have control over what his employees do and how they behave. I believe they are all vans maybe Mr. Sarlo can correct me if I'm wrong.

Mr. Sarlo – They are all typical service vans. I would like to elaborate on the first part of your question. A typical building of this size the standard parking requirement would be 16 parking spaces. It is 1 space per so many feet of structure is the way it is figured. Based on the proposed use there is more than enough parking for the employees. The site is fully developed and the drive through will be used to cue the service vans. The service people don't take the vans home so they won't be pulling up and grabbing stuff and rushing off. If they took them home they might if their kid had a game pull up and leave it running then go in and grab what they need and take off. Their cars will be kept in the parking lot so they will have to pull in park and get into their own vehicles at the end of the day. The 33 spaces allows enough parking for the office workers as well as the service people.

Ms. Brunson – The garbage trucks they are loud and come at 4 in the morning is that going to continue?

Mr. Sarlo – TD Bank had a pickup?

Ms. Brunson – I don't know I just know it comes at 4 a.m. and I can't sleep. Can we adjust the timing?

Ms. Murray - The bank hasn't been there for a long time maybe it's from the strip mall.

Ms. Brunson – It's not the strip mall.

Mr. Sarlo – We would stipulate that there would not be pickups in the early morning only during normal business hours.

Ms. Brunson – Thank you.

Ms. Murray – It would be difficult to make a pickup with the vans there they would have to wait until after the vans are out.

Ms. Brunson – You said it was 8 to 5 and no weekends will there be times they will come in on weekends for an emergency?

Mr. Stimmel – There will be a few employees that take a van home for the weekend for emergencies.

Ms. Brunson – I don't know if there will be any trucks coming but it is a no thru trucking block. We see tractor trailers come down there as it is. Where will the 2 stop signs be?

Mr. Stimmel – Where the 2 driveways are.

Ms. Brunson – I heard the garbage will be fenced in there will be no pipes showing and no port-a-potties. What happens if what we said does not happen?

Mr. Stimmel – The garbage area is fenced in already. The port-a-potties, pipes and fixtures will be a condition of the approval. If the client violated that it would be a matter for code enforcement.

Mr. Sarlo – If the code official sees a violation he could issue a summons go to court and pay a fine.

Ms. Brunson – The barber shop has an illuminated light but it is not neon or flashing which would disturb the neighborhood. Can we rethink what the sign would look like?

Mr. Sarlo – There is an existing sign that we would like to reuse. There would be no flashing or neon signs. We would comply with zoning and any lighting would shine on the sign.

Ms. Brunson – My vote would be to remove that sign and put a matte sign on the front of the building. In closing if Mr. Mazzer is related to Mr. Mazzer I hope you would give careful thought that we live on a residential block and adding yet another business that won't be remodeled.

Ms. Murray – I just want to say that Mr. Mazzer is not participating in this application and we are making our decisions based on the ordinances and testimony.

Ms. Brunson – Okay thank you I'm done.

Ms. Murray – Is there another member of the public that would like to speak?

Mr. Pellino swears in Ms. Abraham she spells her name and gives her address as 220 Floral Lane in Saddle Brook.

Mr. Pellino – What is your first name?

Ms. Abraham – Shirey.

Mr. Pellino – Madame Chair.

Ms. Murray – Go ahead.

Ms. Abraham – I am next door how close is the parking to my fence. When the bank was there there was not a lot of cars. There was maybe 5 cars and they would leave the other side so I don't hear it as much. I am worried about it because it's an eyesore and the fumes. My bedroom is on that side and I work nights so I need my sleep and if there is a lot of traffic it will keep me awake. My dad died of cancer I have 2 kids and an elderly mother that I'm concerned about.

Mr. Stimmel – There will be more vehicles but less traffic through the day and the area near your house will be the least trafficked.

Ms. Abraham – There were trucks parked with the fumes directed towards my house and my bedroom window.

Mr. Stimmel – The parking will be so that the vehicles will neither be shining lights or exhaust directed at your property.

Ms. Abraham – How about noise will there be more noise?

Mr. Stimmel – There will be nobody there after 5 at night or before 8 in the morning and no traffic on weekends. There won't be any traffic during the day because there won't be customers coming and going throughout the day.

Ms. Abraham – Will eleven vans fit in the drive through area?

Mr. Stimmel – They are standard vans and will fit.

Ms. Abraham – There was a large truck with a big drum on it sitting in the lot is that going to be there?

Mr. Stimmel – I did not see that when I was there but that is not the type of truck they are proposing to keep there.

Ms. Abraham – What about extra material stored outside I saw a pile of firewood back there are they selling anything?

Mr. Stimmel – There is no retail sales and there will be no refuse stored on the sight just a parking lot.

Ms. Abraham – Thank you.

Ms. Murray – Anyone else have a comment for Mr. Stimmel?

Mr. Pellino swears in Mr. Hayes he spells his name and states his address as 227 Floral Lane in Saddle Brook.

Ms. Murray – Go ahead Mr. Hayes and ask your questions for Mr. Stimmel.

Mr. Hayes – I have a few comments to make. I don't know who said the bank was 30 years old I wanted to make it clear that the bank has been here for almost 50 years.

Ms. Murray – I said it because we were trying to establish a time frame for it and I've been here for 30 years and it was there when I moved here.

Mr. Hayes – He said it was going to be a low intensity business what does that mean?

Mr. Stimmel – The floor area ratio is .12 which is the ratio of the size of the building to the size of the lot. It is a measure we use to measure the intensity of commercial businesses. The requirements of a B1 zone where this use would be permitted which allows a floor area ratio of .5 so it would be a building 4 times the size on a lot this size. It's a low volume generator of traffic. With an office people arrive in the morning they stay for most of the day maybe go to lunch or the Post Office and then leave in the afternoon and that's it. With a bank, convenience store or a deli you have constant traffic in and out. The site isn't getting deliveries it isn't generating noise or fumes so for all those reasons in my professional opinion I would consider this a low intensity commercial use.

Mr. Hayes - I read in the application it looks like Jason Mazzer checked off non-applicable and is asking for a waiver on a traffic volume study. Was there a traffic volume study because it looks like he asked for a waiver and I don't know what happened after that.

Mr. Stimmel – He asked for a waiver it would be up to the Board to grant that waiver. I would tell you for an office this size I wouldn't do or recommend a traffic study. The D.O.T. considers a significant increase in traffic to be the addition of 100 or more trips in an hour. I think the site would generate far less than that. When it was a bank it generated some amount of traffic throughout the day. What you look at is not the total impact but the net increase or decrease compared to the bank. As a Traffic Engineer for those reasons I wouldn't recommend a traffic study.

Mr. Hayes – So you are basing it on a comparison to a bank that was there that hasn't been there for 5 years to a plumbing business because you feel the bank brings in less traffic than the plumbing business. The woman that spoke before me mentioned how many cars go into the bank. That bank was hardly used so a lot of the neighbors believe there will be more traffic. We are concerned because we have Long School and the strip mall which already has a lot of traffic. We have school that they start coming at 8:00 just when the business is starting and there are a lot of pedestrians walking by the plumbing outfit heading for Long School. I have a handicapped daughter that I worry about with the trucks coming by. I feel the traffic is the worst part and you're saying it's not. Mrs. Brunson mentioned the trucking there is a no trucking sign. When you say they are just vans I would like to know what the oversized pickup trucks are and where they are going to be stored. The trailer with the port-a-john cleaner with the trailer behind it, the plow, the pile of wood, everything that you say is not going to be there that has been there for the last 2 months has been a big eyesore. The neighborhood does not believe there will be no fumes from all the vehicles coming in and out of there. You got a lot to respond to the oversized trucks the traffic and the no trucking law. I hope that whatever you are running by us is the truth so if you would like to elaborate on that.

Mr. Stimmel - It is sworn testimony all the stipulations will be put on the record any violations will be addressed by code enforcement.

Mr. Sarlo – Once Mr. Stimmel is done I will be calling Mr. Mazzer to testify.

Ms. Murray – Anybody else for Mr. Stimmel's testimony.

Mr. Pellino swears in Joseph Baeli he spells his name and gives his address as 195 Floral Lane in Saddle Brook.

Mr. Baeli – Why would he spend the money on the property fixing it up before he has approval.

Ms. Murray – It is not for Mr. Stimmel to testify about.

Mr. Baeli – The building is not centered on the lot as was stated earlier. There was also a crossing guard at the driveway when the bank was operating.

Mr. Pellino – That is not for this Board to determine about crossing guards that is a Township issue.

Mr. Baeli – The vans will be parked bumper to bumper by the drive through.

Mr. Stimmel – There will be 3 rows with 3 vans in each drive through lane.

Ms. Murray – is there anyone else for Mr. Stimmel? Hearing no one.

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

Mr. Sarlo – Comments about the fact that NJ has an idling law that no vehicle can idle for a certain time frame. He mentions how waiting at the drive through window when the bank was there would have given off more fumes than the plumbing business would. Another bank because of the variance for that property could come in tomorrow and open without needing any approval. He calls Mr. Mazzer to testify.

Mr. Pellino notes it is after 10:00 maybe we should carry the next applicant to next week.

Ms. Murray says we can't start the next application.

Mr. Pellino says to let the applicant and the public know that we will be carrying the last application to the next meeting without additional notice.

Ms. Murray asks the applicant for 440 to come forward and tells him because of the time and the fact we are still hearing the current application we will not be able to hear his application.

Mr. Pellino tells Mr. Abdul that we will carry his application to June 15th meeting at 7:30 as a virtual meeting and tells the public that he will give no further notice.

Mr. Abdul is concerned about the additional taxes he will incur.

Ms. Murray explains that he had the option but was not on the call and they had to take the next applicant. He will also be the first application for the next meeting.

Mr. Gatto makes a motion seconded by Mr. Schilp to carry the application without notice to the next meeting.

ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Ms. Murray YES.

Mr. Pellino swears in Jason Mazzer he spells his name and gives his address as 172 Graham Terrace on Saddle Brook.

Mr. Sarlo – You are the owner and proposed tenant at 200 Floral Lane.

Mr. Mazzer – Yes.

Mr. Sarlo - You have been in on the call and you have heard all the previous comments and testimony.

Mr. Mazzer – Yes.

Mr. Sarlo asks Mr. Mazzer to address some of the concerns he has heard.

Mr. Mazzer states he has been cleaning up the property and improving the interior of the building. We have a dump truck and a vac truck that we use for drain cleaning they are non CDL and I would like to keep them there. The wood is from a tree we cut down that will be removed right away.

Ms. Murray – I thought the fence needs to be fixed or replaced do you plan on doing that.

Mr. Mazzer – Yes we are planting bushes or replacing the slats and we are also painting the building.

Mr. Sarlo asks Mr. Mazzer about removing the sign and putting one on the facade.

Mr. Mazzer would like to keep the existing sign style and location and put his signage on it.

Mr. Sarlo – The vans you will have are closed vehicles?

Mr. Mazzer – Yes the only open vehicle is my pickup truck.

Ms. Murray asks if there is anyone else that had a question.

Mr. Paparozzi asks Mr. Mazzer the size of the 2 trucks he wants to keep there.

Mr. Mazzer – A 350 dump truck which is the same size as my pickup and the vac truck which is not CDL.

Mr. Paparozzi – Mr. Stimmel may have to revise the site plan to show the parking for the larger vehicles.

Mr. Stimmel - The spaces along the rear are 9 x 20 and we can add a foot to the width to accommodate the trucks.

Ms. Murray asks if the Board Members have any questions and there are none.

Mr. Duffy makes a motion seconded by Mr. Tokosh to open to this witness and the application itself to the public.

All in favor – YES.

Ms. Murray – It is now open to the public does anyone have any questions?

Mr. Hayes who is still under oath asks Mr. Pellino if by law there is supposed to be a traffic study.

Mr. Pellino – There is an ordinance that provides a checklist for site plan applications and that is one of the items on the checklist.

Mr. Hayes – Can you explain if we ask for one to be done do you have to do it?

Mr. Pellino – The Board doesn't do the study. The applicant would have to submit that if it was required. The applicant asked for a waiver which is common. The Board would have to grant that waiver for the application to be approved.

Mr. Hayes – Was the waiver granted?

Mr. Pellino – Nothing has been granted yet it is part of the application.

Mr. Hayes – How can we demand a study be done? He expresses his concern about the traffic.

Mr. Pellino – Mr. Stimmel has testified that an application normally does not require a traffic study and his testimony will be considered by the Board when making their decision.

Mr. Hayes – Can I ask Jason a question?

Ms. Murray – Yes you may.

Mr. Hayes – Why are you parking two larger trucks there when they are not part of the application and your engineer did not mention them.

Mr. Mazzer – The attorney and engineer where not told about them but I do want to keep them there.

Mr. Hayes – Those large trucks are not permitted on Floral Lane.

Mr. Mazzer – They are non CDL and not much bigger than my pickup truck.

Mr. Hayes states that he and the neighbors don't want any more businesses on their street

Mr. Hayes – I hope this isn't going to get pushed through due to your father being on the Board and your Mother on the Council.

Ms. Murray – Mr. Hayes this is a legal Board and we are weighing all the evidence and I want it on the record that this is not how things are done here. We consider all the evidence and make our decision based on the merits of the application.

Mr. Hayes – You have to weigh the fact that the trucks are not on the application.

Ms. Murray – It is the parking not the trucks that is in question.

Mr. Paparozzi – If the size or weight of the trucks violates the township ordinances then the police or code enforcement will take care of it.

Mr. Hayes thanks the Board for their time.

Ms. Murray Does anyone else have any questions?

Joette Calautti wishes to speak.

Mr. Pellino swears in Ms. Calautti she spells her name and states her address as 23 Chelsea Drive in Saddle Brook.

Ms. Calautti asks the Board why is it that Mr. Mazzer was able to start working before he had approval and they were denied because they did the same thing.

Mr. Pellino – To pull permits for work does not require approval if he hasn't then that is a building code violation not a zoning violation.

Mr. Mazzer states that he did pull permits for the work.

Ms. Calautti – If it's not approved then what will he do with the building?

Mr. Pellino – If he gets denied then whatever he spent on renovations is his problem.

Ms. Murray – Anyone else have any questions?

Ms. Abraham – I want to know if you could fix the fence because the lot is an eyesore I can see all the cars.

Mr. Mazzer – I will plant some arborvitaes along the fence line.

Ms. Abraham – I'm concerned about the traffic and the kids walking to school. I am also worried about the bigger trucks.

Ms. Murray – Anyone else?

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

All in favor – YES.

Mr. Sarlo begins his closing remarks. The application is for a use variance and pre-existing bulk variances, parking stall sizes and preliminary and final site plan approval. Mr. Stimmel has put on the record all the necessary positive and negative criteria. A pre-existing non-conforming use in a residential neighborhood always rightfully raises concerns.

Mr. Stimmel demonstrated that proposed use will have less of an impact than if another bank came in and opened up.

We request the application be approved as presented.

Mr. Paparozzi – The architect needs to change the B2 zone to a B1. If the police say the 2 trucks are allowed then Mr. Stimmel needs to make the parking changes on the site plan.

The variances are the use and the undersized parking for the 9 vans.

Mr. Pellino – There were a few other stipulations. The garbage area needs to be fenced in or remain fenced in, no materials stored on site, garbage pickup during normal business hours and improve the area along the fence.

Mr. Sarlo – We agree with those stipulations. If the Board approves the application could there be an inclusion of the 2 additional vehicles.

Mr. Pellino states that there should be an amendment to the plan subject to the approval of the Board Engineer.

Mr. Tokosh mentions the shrubs along the fence line.

Ms. Murray – Yes he agreed to plant arborvitaes and fix the fence.

Mr. Tokosh – People seem to be very worried about the traffic, maybe we could have the trucks make a right when they leave the parking lot and go to Fairlawn Parkway instead of heading up Floral Lane.

Mr. Mazzer – I'm OK with that.

Mr. Pellino – Is that just for the 2 large trucks?

Mr. Tokosh – Yes for sure but if you could do it for the vans also that would be helpful to the neighborhood.

Mr. Mazzer – We can do that.

Mr. Duffy – Are we going to make that a stipulation for approval?

Mr. Pellino – Yes.

Mr. Duffy – The 2 large trucks makes sense but the vans may be too much.

Mr. Tokosh – I think as much as possible to be a good neighbor it would be a good thing to try as often as possible to avoid driving on Floral Lane.

Mr. Schilp – I see vans going up and down that street all the time why should he have to do that. It's only 9 vans not 30 trucks.

Mr. Schilp makes a motion to approve the application that the garbage stays fenced in, that the garbage gets picked up after 8:00 am, the zoning change that Gary mentioned, going to plant shrubs and fix the fence, no materials on site.

Ms. Murray – Mr. Pellino does that cover everything?

Mr. Pellino – Yes and Mr. Tokosh's suggestion.

Mr. Paparozzi – Does that include a waiver for the traffic study?

Mr. Pellino – Yes. That is part of the application.

Mr. Duffy seconds the motion.

ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Ms. Murray YES.

5. MINUTES – Mr. Gatto makes a motion seconded by Mr. Manzo to approve the minutes of April 20, 2020 meeting.

All in favor – YES.

6. COMMUNICATIONS – Read and file.

7. VOUCHERS – Mr. Gatto makes a motion seconded by Mr. Schilp to pay the vouchers if the money is available.

ROLL CALL – Mr. Duffy, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Ms. Murray - YES.

8. OPEN TO THE PUBLIC – Mr. Duffy makes a motion seconded by Mr. Gatto to open to the public.

Ms. Murray – Any comments or questions?

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

All in favor – YES

Ms. Murray – Is there something we can ask the Council to do for fining people that are doing work they are not supposed to?

Mr. Mazzer – That is already in place.

Mr. Pellino – Just tell the Zoning Official.

Mr. Tokosh – I appreciate you bringing it up I see things all the time walking around.

Ms. Murray – That is why you have to call the Building Department this is not the place to bring it up.

Mr. Tokosh – I'm glad we stuck together on that 23 Chelsea application maybe people will think twice before doing things like that in the future.

Ms. Murray – We made our call and that's that. That's why I say if you see something say something so it can be addressed.

9. ADJOURN – Mr. Tokosh makes a motion seconded by Mr. Schilp to adjourn.

All in favor – YES. Meeting adjourned at 11:02 pm.

Frank Barrale

Zoning Board Secretary