

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, June 15, 2020. **(New format teleconference meeting due to Coronavirus)**

1. CALL THE MEETING TO ORDER - At 7:31 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, Mr. Burbano, Ms. Murray – PRESENT, Board Attorney Stephen Pellino, Board Planner Gary Paparozzi and Board Engineer Anthony Kurus also on the call.

4. NEW BUSINESS –

A.) 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. Pellino – The Board announced during the last meeting that this applicant would be heard during this meeting with no further notice required and payment of taxes is current.

Ms. Murray – Do we have Mr. Abdul and his professionals if any on the line?

Jacob Solomon Architect, Charles Heydt Planner and Mr. Abdul are all on the call.

Ms. Murray – Do you have a lawyer present?

Mr. Abdul – No.

Ms. Murray – Who is going to lead this discussion?

Mr. Solomon – I will as the architect take the lead.

Ms. Murray – Introduce yourself and provide your qualifications.

Mr. Pellino swears in Mr. Solomon. He states his name spells his last and gives his address as 1425 Plaza Road North Suite S35 Fair Lawn, NJ.

Mr. Pellino asks Mr. Solomon if he is a licensed architect and what his qualifications are.

Mr. Solomon – I received a masters from NJIT in 1992, I received my license in 1993, my license is in good standing and I have appeared before many boards in the past 20 years as a professional witness.

Mr. Pellino – Are we satisfied Madame Chair?

Ms. Murray – Yes.

Ms. Murray – Mr. Solomon can you begin with the application?

Mr. Solomon – This is an existing 2 story brick frame building in the RM - Multi Family Zone at 440 North Midland Avenue. This is to expand the existing non-conforming structure, to keep the first floor as an existing business use and to expand the second floor from one apartment to 2 apartments with a full add-a-level addition. The lot size is 6500 square feet where 160,000 square feet is required. The lot width is 65.5 feet where 200 is required. The add-a-level will exacerbate some non-conforming conditions. The front yard setback required is 50 feet, we are proposing 24.3 feet. There is a 20 foot side yard minimum required. We are proposing 11.4 feet on one side and 13.3 feet on the other. The combined side yard minimum is 50 feet, we are proposing 24.7 feet.

Ms. Murray – Another variance you would be asking for is parking.

Mr. Solomon – Yes there is 10 spaces required as per the Engineer's review and we are proposing 4 with one being a required ADA space. We are also asking for a lot coverage variance of 54.1% where 25% is permitted.

Ms. Murray – It looks like there is a Use Variance also.

Mr. Solomon – That's correct the use is a Multi-Family Use Zone, we are proposing a Mixed Use Zone of a Business and a Two Family Zone. We will have Charles our Planner testify about the Master Planning and the Use Variance. I will go through the plans regarding the architecture of the building.

Ms. Murray – For the Board Members are we looking at A1?

Mr. Solomon – That's correct sheet A1.

Mr. Paparozzi – For edification can you give the date and revision of the plans so we are all looking at the right plans.

Mr. Solomon – Revision number 4 ADA parking space dated 4/13/20. The first floor plan we are proposing to add an ADA bathroom to have a code compliant barrier free restroom. In the top right corner there is a column we are proposing to expand the second floor to be built over this corner and to square off the second floor. The first floor would still remain open underneath. Drawing number 4 the second floor plan shows the 2 apartments. One of them is a 1 bedroom and the other is a 2 bedroom apartment. We are proposing a 2 foot cantilever front and rear for more living space. Each apartment will have 1 kitchen 1 bathroom and a living area. Sheet A2 is exterior elevations we are proposing to add a full add-a-level with egress windows in all the bedrooms to get more light in there and bring the building up to current codes in terms of the plumbing fixtures as well as the light air and egress requirements. The first floor will remain stone and the second floor will be sided with a shingled roof. If we go back to A1 it is showing the site improvements. There are 2 trees in the planters which will remain. There are 3 curb cuts we will abandon the 2 end cuts and install new curbing. We will keep the center for ingress and egress to the parking lot. We are proposing to mark 4 stalls currently the lot is unmarked and just paved. We're proposing 4 code compliant parking spaces including one ADA with a sign. The front entry and stairs will remain. That is my testimony for the architecture.

Ms. Murray – I'm going to start with Mr. Paparozzi our Planner and go to our Engineer after that.

Mr. Paparozzi – The parking calculation I came up with is 10 the other variances are as sited and the pre-existing ones are as sited. The only issue I have which I will discuss with the Planner is there is no parking on North Midland Avenue and the requirement is 10 so you are 6 short on a small site with no off street parking. This can present a problem.

Ms. Murray – Anthony from Neglia Engineering do you have anything?

Mr. Kurus – Our last report was revised March 6th 2020 that was review number 2. We had comments on the parking layout the original layout was changed to fit the max that they could and what he is showing is the most he can fit on the site. The curb cuts north and south need to be closed with full height curbs. The center will remain as described. We had comments on the topography. They added guard rail to the plan and there does need some fine tuning should the Board grant approval. The main thing was the parking and they've done the most they can with that. That's all I have at this point.

Ms. Murray – Are there any Board Members with any questions?

Mr. Gatto – Have they thought of leasing any property somewhere to get more parking such as the Cloverdale Apartments next door.

Mr. Solomon – Yes I mentioned to the applicant Mr. Abdul. If he is on maybe he can testify to the progress of that suggestion.

Ms. Murray – He can do that after he is sworn in to testify.

Mr. Gatto – If he does have them he will need signed contracts from whoever he is leasing from.

Mr. Schilp – Would you consider having just one apartment on the second floor that would alleviate some of your parking problem. You really have only 3 spots unless you have someone who is handicapped living there.

Mr. Solomon – Being that they are small apartments we would expect to get a single professional tenant instead of say a large family. It's on a county road with a bus route.

Mr. Schilp – You have a single in one that's one car and in the back you might have 2 or 3 cars so you can have 4 or 5 for that without counting any for the business downstairs.

Mr. Solomon – Mr. Paparozzi what would be the parking requirement for a 3 bedroom apartment as opposed to a 2.

Mr. Paparozzi – The parking now is 1.5 per unit. A three bedroom would be 2 spaces for that unit. If you keep it a 2 bedroom it's only 1.5 which would be reduced to 1 so you would lose 2 spaces and it would go from 10 to 8.

Mr. Solomon – I would have to discuss with the applicant on that.

Ms. Murray – Is there any other Board Member that would like to comment?

Mr. Tokosh – Are you proposing a shower for the first floor unit.

Mr. Solomon – Yes for the professional office.

Mr. Tokosh – That struck me odd because at future date you could easily convert that area into another apartment.

Mr. Solomon – That would reduce our parking requirement as well correct?

Mr. Tokosh – That's correct. It just struck me odd to have a shower in a business office.

Mr. Solomon – It's an amenity to attract a professional tenant.

Mr. Pellino – If the applicant were to do that it would eliminate the D Variance and would make it a conforming use if it was a 3 family residential. Do you agree guys?

Mr. Heydt – It may trigger a density variance it is something we were considering.

Ms. Murray – My main concern is the slope of the property. You have to put the guard rails up on both sides to protect your property and you have the Cloverdale Apartment parking on the other side. I thought they would be here wondering if cars were parking in their areas and there might be a problem with them coming into the office. I don't know what kind of an office you would get in here but if you have 3 offices for a business you would need more than the one parking space during the day for an office. You can't count on the 2 apartments to vacate their spaces. It seems to me the business would be the one that doesn't have parking which would cause the neighbors which have parking on both sides to be concerned. The topography is different it falls down on one side and you definitely need guard rails which you have detailed. It is something that would be hard to figure out because of the way the site is and the available parking around it. I also see them parking across the street on the sidewalk by the cemetery. There is no parking on the street but people who go to the cemetery park on the sidewalk over there. I wouldn't want to see them parking there and walking across the street. Most of our concerns are around the parking. You aren't doing anything in the attic are you? It's just going to be a storage attic.

Mr. Solomon – Just for the air handler.

Ms. Murray – Because I see the little windows up there and the Dutch roof lends to be a taller attic.

Mr. Solomon – We are going to remove the Dutch Colonial and put in a simple gable with the mechanical in the attic and it will be unoccupied.

Ms. Murray – Anybody else want to speak?

Mr. Schilp – I know when the cemetery has a funeral the police are very annoyed when they park there. It's very dangerous to park there.

Ms. Murray – I just wanted to say that it could be a result of not enough parking.

Mr. Schilp – I just wanted to reiterate and say that I agree with that.

Ms. Murray – Any other questions for the architect only?

Ms. Murray – Can I have a motion to open to the public?

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

All in favor – YES.

Ms. Murray asks if there is anyone from the public that would like to speak on this for the architect only. Hearing none she asks for a motion to close.

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

Ms. Murray – Who will speak next?

Mr. Solomon – The Planner Charles.

Mr. Pellino swears in Mr. Heydt he states his name spells his last and gives his address as 282 Taft Court in River Edge, NJ.

Mr. Pellino asks about his credentials.

Mr. Heydt – Some of the Board may recall I am a licensed planner in the state of New Jersey I received my Masters in city and regional planning from Rutgers in 2010. I was licensed in 2012 and have been practicing for the last 8 years, licenses are current and I had the pleasure of serving on this Board earlier in my career.

Mr. Pellino – Have you been recognized by other Boards or Courts as an expert in the field of planning?

Mr. Heydt – I sat on this Board and about 100 other towns in New Jersey.

Ms. Murray – I remember Mr. Heydt and we will accept his credentials. Mr. Heydt go ahead and start your testimony.

Mr. Heydt – I think the Board has a handle on this the property is not very large so when you are layering all of the requirements you have to really figure out what might work and I think we tried to do that. Let me run thru the relief in terms of the statutory requirements. The architect gave a good general background on the site. The property is a 2 story structure with an office on the first floor and an apartment on the second. They are both vacant now there was an attorney's office on the first floor and a residential unit on the second floor. It is surrounded by parking on 3 sides from the Cloverdale Apartments. The Cloverdale units are further back behind this property. To the north there are homes to the south there is a mix of commercial and industrial. There is a restaurant and across Midland Avenue there is a cemetery, it is a mix of uses so that is a run through of the area. I provided some photos of the area. The zoning of this is mostly part of the Cloverdale Apartments. There is a house to the south and this property the rest is the apartments and that is where you get the multi-family permitted use. This property is unique with an office on the first floor which is vacant but still viable. We are proposing to maintain that existing office use at that point the mixed use apartments above a ground floor commercial space was an existing non-conforming use. It's not permitted in the RM district and the fact we are proposing an expansion to the structure and an additional unit would be an expansion of a non-conforming use which is a D variance. The statutory requirement speaks to does the expansion address the negative impact associated with the non-conformity does it bring it into closer compliance with the code and that goes for the building itself with respect to the building code that you would grant a D2 expansion of a non-conforming use. This mixed use building has existed here for many years and a lot of the development has gone on around it with it being in operation. There is really no impact from a non-conforming use we are just talking about expansion. What we heard from the architect was this is a full renovation and both units are currently vacant so the applicant has selected this time to do this renovation. That will make the office on the ground floor a more functional space with a new kitchen and ADA accessible bathroom. It has 3 rooms labeled office but every office has a storage component. You might have a printing area and a workspace and another room for private meetings. This is geared to a sole practitioner maybe a 2 person firm a professional service firm. The intent was to renovate the office. In trying to bring that up to code the architect had explored the second floor above the intent was to utilize the second floor space most efficiently. There is an enlargement that overhangs a portion of the rear so there is no visual impact from the street. In expanding that floor we were able to generate enough space for 2 uses. There is a 1 bedroom unit in the front of the building with bathroom, closet, kitchen and living area. The unit in the rear has 2 bedrooms bathroom a closet in each room and the eat-in kitchen and living area. These are small apartments likely more affordable then a single family home or a full 2 bedroom apartment with a living room kitchen and master bathroom. It's a great location for access to Midland Avenue with a vehicle and also bus routes as mentioned earlier. A younger just getting on their feet type of apartment. That is how we envision it functioning. The exterior will have some façade improvement, the windows and bathrooms will be updated to current building and fire code. The bedrooms will have egress windows. With respect to the bulk requirements the front yard setback is 50 feet for an RM Zone we are proposing 24.7 feet the existing is 26.3 feet. The ground floor setback is not changing the second floor has a 2-foot overhang into the front yard.

The side yard that is deficient is 11.4 feet that is where we are proposing the addition over the existing ground floor so we need relief for the second story in that location. The combined side yard requirement is 50 for an RM Zone the existing is 25.7 feet we are reducing that to 24.7 feet. The lot coverage requirement is 25% the existing is 52.8% we are proposing 54.1% to formalize the parking as well as the overhang in the rear yard. The benefits of the proposed design would outweigh any of the detriments with respect to the bulk requirements and setback. I know there is an issue with parking we do need 10 spaces where we are proposing 4. What we were considering was 2 dedicated to the commercial use during the day and 1 space for each apartment. When the office closes there would be additional spaces available for the apartments overnight. That would have to be worked out through the leases. We're trying to improve the parking by reducing the curb cuts, adding guard rails and identifying the spaces with paint. The current configuration was achieved with input from the county as well as the Board Professionals. I do agree that this is the best proposed parking solution. These units will be more affordable efficiency type units. The future tenants would most likely have one vehicle per unit. The lot requirement for an RM Zone is 160,000 square feet and we have with the pre-existing non-conformity a fraction of that with 6550 square feet. We are not able to increase the size of the lot so we are doing the best with what we have. The same with the frontage 200 feet is required and we have 65.5 pre-existing. We would need relief for these conditions. I think it lends to a desirable visual environment with what we are proposing. If you proposed 3 living units we would need relief for density. In my opinion 2 units complies with the permitted density in this area. A mixed use building in this area would be appropriate given that this is a main road and that use has occupied the site for many years. With respect to the general welfare we have very little impact. The structure is surrounded on 3 sides by a parking lot. It is an impact of parking and I believe we have the best option available. There will be an ADA spot the lot will be striped and there will be guard rails installed all of which are improvements. With respect to the no detriment to the purpose prong we are in an RM Zone which permits multi-family use and we are in compliance with the level of density permitted. In my opinion with respect to the parking if you provided more parking you would have a business that needed more parking. You would also have more traffic in and out. If you reduce the parking, you would attract a business that has few clients coming in and out. You would also have a business that would schedule office meetings and that's a product of restricting parking. If it has a lot of parking people will use it if it doesn't you will have the reverse effect, you will find people that it meets their needs. We are trying to propose a modest efficiency 2 bedroom and a 1-bedroom unit along a main corridor and doing it to an existing structure. If you build a bigger footprint like a big box store you will serve a larger region and if you build a smaller footprint you will encourage a local business that will serve the local area. The Master Plan does not directly address this site or this issue it is unique so we are not in contrast to it.

Ms. Murray - I will start with the Planner.

Mr. Paparozzi – We have a use variance, the maximum lot coverage increased the front and side setbacks increased by a small amount. It doesn't present a detriment because of the minute increase. The issue I have is the parking. The apartments may have 3 cars by themselves. What you can see happening is people pulling in and blocking the cars. The detriment comes in where there are no neighbors but you can have problems within the lot itself. If you turn the office to residential you create a D variance because the RM Zone requires 15 units per acre maximum. I think this D variance is better than the one being presented because one the Master D does call for compliance in your zone and this would comply to the zone. You would have a multi-family house. If the first floor was a 2-bedroom apartment the parking would be 5.8 so it would be 6 so you would be 2 spaces short instead of 6. On a road where you can't park on the road or either side of the lot it becomes important. There is a chance you may need only 1 space for the office but you may need 7 as the code says. I think that it is a Master Plan issue and it is a negative impact that can happen. The residential use besides being more conforming would reduce the parking by 4 spaces.

Ms. Murray – If it is all residential do you need the ADA space.

Mr. Paparozzi – Yes you do it is a state requirement for commercial or multi-family.

Ms. Murray – Mr. Heydt would you like to address Mr. Paparozzi's comments?

Mr. Heydt – I don't disagree with what he said.

Ms. Murray – Mr. Kurus do you have any questions?

Mr. Kurus – No I have no questions.

Ms. Murray – Open to the Board.

Mr. Mazzer - If it's not the minimum amount of cars they will be parking in the apartments. I recommend he change his plan.

Ms. Murray – Mr. Abdul needs to testify. Are there any more questions for the Planner.

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

All in favor - YES

Ms. Murray – Is there anyone on the call that has questions for the Planner? Hearing none.

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

All in favor – YES.

Ms. Murray – Mr. Solomon will you be asking Mr. Abdul any questions.

Mr. Pellino – Mr. Solomon cannot act as an attorney. He will have to testify on his own.

Ms. Murray – Mr. Abdul you will need to proceed on your own.

Mr. Pellino swears in Mr. Abdul he states his name spells his last and gives his address as 0-34 Midland Avenue Fair Lawn, NJ 07410.

Ms. Murray – Please explain what you plan to do.

Mr. Abdul – I would like to create 2 affordable apartments for single commuters with no family and also renovate it. The office we are renovating and adding a bathroom. We would like to have an attorney or an accountant they usually have one car and not much traffic. The architect is laying out 4 parking spaces.

Ms. Murray – Are you trying to get parking from your neighbors.

Mr. Abdul - No but I will mention in the lease one spot only no more.

Ms. Murray – It may be a one-person business now but the variance stays with the property and in the future the next owner may do something else.

Mr. Abdul – The apartments have one space per unit I did not ask them but I don't think they will give me a lease to park.

Ms. Murray – Gary do you want to start with questions?

Mr. Paparozzi – Just a statement that you can't enforce a lease that says you only have one space and it will come to a head when the apartments call the police because they are parking in their lot.

Ms. Murray – Any Board Members have any questions?

Mr. Schilp – What happens when they have company over? Who wants to rent a space and be told you can't have visitors.

Mr. Gatto – Would he consider making it a 3 family to cut down on the parking.

Mr. Abdul – The last owner had it like this for 20 years all I am doing is adding a one-bedroom unit nothing else is changing and I am adding more parking. How did the previous owner do it?

Mr. Gatto – If you have people coming there and there is no parking you will wind up having the police coming and we don't need that. If you could cut it down so we could satisfy the parking maybe we could do something with it.

Mr. Schilp – The apartment has not been occupied for years it was basically just the attorney's office.

Mr. Abdul – Everything is there nothing is changing I would love to do it the way the other guy did it. The parking for the apartments is one spot per unit that is what I want to do.

Ms. Murray – The apartments have 1 assigned spot and then the rest are up for grabs so they do have additional parking for visitors.

Mr. Duffy – Is there a dumpster required?

Mr. Paparozzi – No it is not.

Mr. Duffy – Is there anything as far as a secondary route for a fire. There is only 1 stairwell.

Mr. Paparozzi – I do not think so for a 2 story dwelling.

Mr. Duffy – The parking is a problem and we would create a detriment by allowing it.

Mr. Gatto – Does he have any other ideas because what he wants won't work. Maybe come back with another plan.

Mr. Pellino – We have this application before us and that is what we need to deal with.

Ms. Murray – It has been functioning how it is because there is only one 2-bedroom apartment upstairs and an office downstairs. Gary as it is now what is the parking requirement.

Mr. Paparozzi – With two apartments it is 1.5 and 1.5 which is 3. If you have one apartment it is 1.5 which becomes one so you are saving 2 spaces. It was functioning because there was no striping and cars were just pulling in parking randomly and piling cars in front of the building. They were most likely putting 5 or 6 cars in front illegally.

Mr. Schilp – They used to park on the side of the building also.

Ms. Murray – Can I have a motion to open to the public?

Mr. Gatto makes a motion seconded by Mr. Schilp. All in favor – YES.

Ms. Murray – Is there anyone from the public that wants to speak for this application? Hearing none can I have a motion to close?

Mr. Gatto makes a motion to close seconded by Mr. Duffy. All in favor – YES.

Ms. Murray – Does anyone want to make a motion?

Mr. Mazzer makes a motion to deny based on the parking seconded by Mr. Duffy.

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

Ms. Murray – Mr. Abdul your application has been denied.

Mr. Abdul – What if I keep it as it is.

Mr. Pellino – It is an existing use so I assume it can continue as it is.

Mr. Abdul – So I can keep it as it is?

Mr. Pellino – It appears that is the case but we do not determine that. The Zoning Officer would make that decision.

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

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

Ms. Murray – Mr. Tyburski are you here and do you have anyone else with you?

Mr. Tyburski – I am here by myself.

Mr. Pellino swears in Mr. Tyburski he states his name spells his last and gives his address as 172 Orchard Street in Garfield, NJ.

Ms. Murray – Please tell us what you are back for.

Mr. Tyburski – I wanted to create a front vestibule but it created another variance.

Ms. Murray – The denial letter has the minimum lot size and lot frontage as pre-existing non-conformities. Minimum front yard you are going from 25.01 feet to 21.59 feet, also pre-existing non-conforming for the minimum single side yard and minimum corner yard. You also have one for a front open portico which should be 20 feet and you have 18 feet. Gary do you want to start off on this?

Mr. Paparozzi – I was not required to do a report but there are a few things I want to point out. The architect's plans are not signed and he located the portico by putting an offset where the portico is going to be. He is not licensed as a surveyor so he cannot put a dimension on the plan to locate an existing item. He is also because of the width of the portico and the size of the platform going to need a variance for undersized parking spaces. I would add a conditional variance for undersized spaces.

Mr. Mazzer – Could we do this subject to getting the proper paperwork?

Mr. Paparozzi – He would need to update the survey to show the addition with the portico, steps and the setbacks so you know what the undersized space is. It may be a foot or more and side to side may be 8 instead of 9 feet. You could make it conditional on that before any permits can be issued.

Mr. Pellino – We should have signed plans mine are not signed either.

Mr. Paparozzi – I am guessing because he was not licensed to locate the portico that is why he did not sign the drawings. I am not saying you can't hear it you are just going to need signed

revised plans and a revised survey.

Mr. Pellino – They look like new plans over the old plans he did previously.

Ms. Murray – Any comments from other members?

Mr. Schilp – I passed by there and it looks like the front is on already are you coming out further than what is there now?

Mr. Tyburski – It is not coming out any further, if it's not approved I will take it down but it was easier to cut it down than to add on to it.

Ms. Murray – Can we have a motion to open to the public?

Mr. Tyburski – Can I make a comment?

Ms. Murray – Yes go ahead.

Mr. Tyburski – He did superimpose over the old plans. I do have signed and sealed copies at home that he mailed to me. He refused to meet with me because of the virus so this was all done through a computer and me making copies at staples.

Mr. Pellino – There are 2 issues one is the signed sealed plans the other being the architect drew the proposed addition and you need a surveyor to do that.

Mr. Burbano – You also have to add to the plans for the undersized parking spaces.

Mr. Tyburski – Why do I need another variance?

Mr. Paparozzi - You don't have 18 feet from the property line to the portico so if you overlap it you will be onto the concrete. The new entrance doubled in size and it comes out 6 feet. Then you have the platform and the steps so you won't have the 18 feet you need for 2 spaces. You need an 18 by 18 area for 2 spaces.

Mr. Burbano – We could approve it so you won't have to come back you just have to modify the plans to show the new variance. Then you would submit them to the Building Department.

Ms. Murray – Can the surveyor do that and not the architect.

Mr. Paparozzi – Yes he would show the portico the steps and the revised parking and label the spaces accordingly. If the architect revises the plan, then you have to revise 2 plans.

Mr. Pellino – We have to define the limits of the undersized spaces.

Mr. Paparozzi – I relied on scaling the old survey so I guess the smaller spot would be 8 by 16 and the other would be 8 by 18.

Mr. Tyburski – The plan was to park the one on the left straight in and the other on a 45-degree angle.

Mr. Paparozzi – I don't think you have the room for that.

Mr. Tyburski – What can I do to get this passed it is becoming a huge headache.

Ms. Murray – We are trying to give guidance so that if we approve the variance we have to put some limit in there.

Mr. Tyburski – If it's approved can I get it in writing because I don't even know what it means and I feel I will mess it up.

Mr. Pellino – You will get it in writing in the adopted resolution at the next meeting.

Mr. Burbano – If we approve 8 and it is 8 and a half because the measurements are wrong then you are within the new variance because you went for a lower amount. Then you won't have to come back again if we do approve it.

Mr. Paparozzi – I think he has some wiggle room and he could make the front walk a little smaller and slide the car over a little bit. He should be okay with 8 by 16 feet but I am basing it on scaling it and I don't have real numbers.

Mr. Tokosh – What about the curb cut this doesn't show it.

Mr. Paparozzi – He must have had it on the original plan when he put in the driveway. He had to show it because it was grass before.

Ms. Murray – Any more comments? Can I have a motion to open to the public?

John Duffy made a motion seconded by Mr. Tokosh to open to the public.

All in favor – YES.

Ms. Murray – Would anyone like to be heard on this application? Hearing none.

Mr. Gatto makes a motion to close seconded by Mr. Duffy. All in favor – YES.

Mr. Burbano makes a motion to approve with the survey update and approve the second variance.

Ms. Murray – And specify the 2 undersized parking spaces as 8 by 18 and 8 by 16. I would also add the signed and sealed drawings get to the Building Department.

Mr. Pellino – They would include signed and sealed architectural plans, submission of a survey by a licensed surveyor that would show the proposed portico and parking layout. The approval for undersized parking minimum of 8 by 18 and 8 by 16.

Ms. Murray – Do we have a second?

Mr. Duffy – Mr. Burbano is an alternate and we have a full board so he can't make a motion. He made a valid motion but procedurally he can't.

Ms. Murray – Can we have someone else make a motion?

Mr. Mazzer makes a motion with signed and sealed drawings to the Building Department, survey revised to show the vestibule, portico and the parking. The variance for the undersized parking to be 8 by 18 and 8 by 16. The other 2 variances that are not pre-existing.

Mr. Duffy seconds the motion.

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

C.) Jayesh Patel, 55 Strathmore Terrace, Block 1808, Lot 30

Applicant requests a paver patio extension and paver walkways in noncompliance with Municipal Code #898, Section 206.

Ms. Murray – Mr. Patel are you on line?

Mr. Patel – Yes. I am alone.

Mr. Pellino swears in Mr. Patel he states his name spells his last and gives his address as 55 Strathmore Terrace Saddle Brook, NJ.

Ms. Murray – What is it you would like to do?

Mr. Patel – I have a paver patio in the back and I want to add 160 square feet to the patio. I also want to add a walkway from the driveway to the patio. The walkway is 31 feet by 3 feet.

Ms. Murray – Your surveyor's plan has been drawn on by Mr. Patel which is not allowed.

Mr. Paparozzi – Mr. Patel did draw on a reduced copy but did supply an unaltered copy. The one issue I have is that he said he wants to add to an existing patio but his survey does not show a patio and it is only a few months old.

Mr. Patel – My builder started building a patio the full size I wanted but the Zoning Officer said I needed a permit. I went for the permit and he only approved the size I was allowed and I decided to go to the Zoning Board to get the rest approved.

Ms. Murray – The plan does not show it the way it exists. I saw it because I went to your home to see it.

Mr. Patel – It was being built when I had the survey done and I only had the survey done so I could apply for the variance.

Ms. Murray – If the Board wants to approve this then you would have to have the survey redone to show existing and additional work you want to do.

Mr. Patel – I will get that done as soon as you let me.

Mr. Paparozzi – You would have 2 choices here submit an as-built survey showing that he built what he proposes or the Zoning Officer would have to measure and confirm what he built but the as-built would be the preferred choice.

Ms. Murray – Does anyone else have any questions. Hearing no one 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 – Does anyone want to speak on this application? Hearing none motion to close.

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

Ms. Murray – I am in favor of submitting the as-built survey that is my opinion. How does the rest of the Board feel?

Mr. Schilp makes a motion to approve the application with an as-built survey provided seconded by Mr. Mazzer.

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

D.) McDonald's Restaurant, 189 Route 46, Block 123, Lot 1 & 1.01, and Block 120, Lot 1

Application for McDonald's Restaurant with drive-through located at Saddle Brook Mall, 189 Route 46, Saddle Brook, New Jersey 07663. Applicant requests Use Variance, Preliminary and Final Major Site Plan, Variances and Waivers.

Mr. Duffy – Mr. Pellino do I need to recuse because I received a notice in the mail in regards to the 200 foot list.

Mr. Pellino – Yes if you are within 200 feet by law you must recuse.

Ms. Murray – Can he participate as a resident?

Mr. Pellino – The better practice would be to not participate at all.

Ms. Murray – Who is the first alternate?

Mr. Marz is the first alternate and will be voting on this application.

Ms. Murray – Do we have the legal representation on line, the applicant and anyone else involved in this application.

Mr. Miceli – Yes I am the attorney for McDonald's Corporation and I am a partner at the Wiener Law Group out of Parsippany. This is to improve the existing location with drive thru located at 189 Route 46. The property is located in a B2 Secondary Business Zone McDonald's fast food is prohibited there and anywhere in Saddle Brook. We are seeking a D Use Variance as well as Preliminary and Final Major Site Plan Approval to make improvements including among other things relocation of a pay window, ADA compliance changes and updated signage. We have 2 witnesses the first will be Martin Swaggard who is our engineer. I would like to confirm the Board Counsel has received our affidavit of mailing and publication and that it is found to be in order.

Mr. Pellino – Yes Mr. Miceli received and in order and Mr. Barrale has confirmed your taxes are in order.

Mr. Pellino swears in Mr. Swaggard he states his name spells his last and gives his business address as Core Estates Group 201 South Maple Avenue Ambler, PA.

Mr. Miceli qualifies the witness. Mr. Swaggard is a 1995 graduate of the University of Florida and has a Bachelor's degree in Civil Engineering. He has 24 years in the field for site development. He is licensed in NJ and has been accepted by boards throughout the state.

Ms. Murray – We will accept him.

Mr. Miceli – I would like to mark the exhibits we provided. We have 3 is that correct Mr. Swaggard?

Mr. Swaggard – Yes the first is Color Site Plan Rendering EX1 dated May 28, 2020. The second is EX2 Existing Building Elevation Photo dated May 28, 2020. The third is EX3 an aerial view of the site dated May 28, 2020.

Mr. Pellino – Do they collectively make up exhibit A1?

Mr. Swaggard – Yes.

Mr. Miceli – Can you describe the existing site conditions?

Mr. Swaggard – It is in a B2 Zoning District and it is not a permitted use. It is located in the Saddle Brook Center at 189 Rout 46. I will point to EX3 the aerial view of the site. The restaurant is in the south eastern area of the shopping center. It is an existing McDonald's with a drive thru. It is a prototype McDonald's from the 70's with a single lane drive thru, a pay window and a pickup window. It has a static menu board approximately 42 square feet and a smaller menu board 11 square feet in advance of the main board. The drive thru can queue 8 cars at this time. There is only one existing wall sign the arch on the front of the building. The eastern side formerly had a playground that has been removed. There is an existing trash enclosure and to the right of that an external freezer cooler. The north side shows the rear of the building with the menu boards the west side shows the drive thru with the pay and pickup windows. It is in the middle of the Saddle Brook Center and has no dedicated parking it is all shared with the rest of the mall. There are 61 spaces in the direct vicinity of the McDonald's.

There are 81 seats inside the restaurant and there is an internal grease trap that is functioning well. There is no new trap being propose. There is an existing pylon sign on Route 46 there are no changes proposed to that. The site lighting is flood lights mounted on the building. The circulation around the building is two way circulation except for deliveries. There are no changes to the drainage patterns. There is very little landscaping now and it will remain. Deliveries are made by large trucks on the non-drive thru side of the building and wheeled in to an employee entrance at the rear of the building. The deliveries will not change they are twice a week Wednesday afternoon and Saturday morning and they take about 20 minutes. The façade will be remodeled with a modern look. The mechanicals are on the roof and will be screened by new parapet walls. The new signs will be the front will have the arch and the word McDonald's the non-drive thru elevation another arch and a small welcome sign. On the drive thru elevation side the word McDonald's and an arch. The code says one side but you are allowed 1 square foot for every foot of street frontage. The sign area is compliant but not the number of signs. There is an existing masonry trash enclosure on EX2 it shows the enclosure and the existing freezer cooler. We are proposing to remove them to improve the aesthetics and add landscaping to that area. We are proposing to widen the fenced in area at the southeast corner of the site and put the dumpster there. This is consistent with other McDonald's it is away from the building and is easier for the garbage to be picked up. The flood lights will be removed and we will add pole lights. We will be reducing the storm water runoff by adding 1900 square feet of landscaping. The interior will be remodeled as well. The bathrooms will be made ADA compliant. It will essentially look like a brand new restaurant. There is a small 65 square foot addition proposed for the purpose of relocating the pay window and the drive thru. It will provide more space between the pay window and the pickup window. This will improve efficiency by allowing a car to queue between the 2 windows. We are adding striping around the drive thru to increase the queue from 8 to 12 cars. We are adding directional arrows and stop bars to make the circulation one way. We want to repave and regrade some of the sidewalks to make the parking ADA compliant. We are adding an additional ADA space.

Mr. Miceli – The pylon sign does it exceed the maximum permitted.

Mr. Swaggard – Yes it does I estimate it at a little over 100 square feet.

Mr. Miceli – There will be no changes to it, it will remain an existing non-conformity in terms of the dimensions correct.

Mr. Swaggard – That's correct.

Mr. Miceli – Do the lighting elements comply with the ordinance?

Mr. Swaggard – Yes we submitted a lighting plan to the Zoning Board Engineer.

Mr. Miceli – The site is pretty well buffered by vegetation correct?

Mr. Swaggard – Correct. Around the perimeter of the site is a pretty dense vegetative buffer that follows the stream adjacent to the site.

Mr. Miceli – The use is far away from the residential use would you say 100's of feet.

Mr. Swaggard – Yes it's quite distance.

Mr. Miceli – Did you say there were pull forward spaces to improve the drive thru function?

Mr. Swaggard – Correct. We are proposing to replace the 42 square foot static menu board with a new 20 square foot digital menu board and the 11 square foot pre-route static board with a 10 foot digital board. What that will do is improve efficiency because they change the menu 3 times a day and you won't have an employee coming out to physically change it. It will be done electronically. It also has LED lights so it will be more energy efficient. There will be 2 pull forward spaces designated for when an order takes too long so they can pull up and park to wait for their food to be brought out.

Mr. Miceli – How about the speakers for the ordering are they an improvement?

Mr. Swaggard – They are. The current speakers are at about 84 decibels the new speakers are about 20 decibels during times of low ambient noise.

Mr. Miceli – That would reduce the overall noise impact to the site correct?

Mr. Swaggard – Correct.

Mr. Miceli – The crash enclosure there is additional landscaping so it would be further screened for mitigation is that part of this proposal?

Mr. Swaggard – Yes we are proposing 1900 square feet of additional landscaping.

Mr. Miceli – We are proposing ADA spaces is that correct and those comply with the Zoning Ordinances is that right?

Mr. Swaggard – They do we actually exceed the accessible parking requirement. The standard is 8 feet wide but because of the township requirement we made all the new spaces and existing spaces 9 feet wide. A majority of the existing spaces do not meet the parking requirement. They are smaller than the 10 by 18 or 9 by 20 required by the code.

Mr. Miceli – What would you say the benefits are of this project?

Mr. Swaggard – There are several. It improves the drive thru efficiency, better aesthetics for the building and so the client can stay competitive in the marketplace. Improved site circulation, improved accessibility for their customers also increased landscaping to improve storm water runoff.

Mr. Miceli – Madame Chair that is all if you would like to open it up for questions.

Ms. Murray – I would like to start with our Engineer.

Mr. Kurus – The dumpster enclosure is chain link fence with privacy slats we had asked if you could do block wall or something more heavy duty. Can you answer that?

Mr. Swaggard – The reason we didn't is because it is a flood hazard area. We received approval from DEP for this project because the site improvements are minor. We do have to go back to DEP for an amendment because of some minor changes based on the engineer's review. If we go back with a major change like that the time it would take for approval would be significant. We would like to begin in the fall.

Mr. Kurus – Would it be possible to see what it would take from the DEP?

Mr. Swaggard – We did have correspondence with them as to what it would take to get a masonry trash enclosure it was something we researched. It's a timing issue.

Mr. Kurus – We ask if you could copy us on your DEP submittals so we can be in the loop.

Could you talk about the safety measures and the separation you added that isn't there now?

Mr. Swaggard – We provided a more defined drive thru aisle. We added striping to that area as well as pavement markings to direct the customers. On the north side we added a stop bar and DO NOT ENTER markings so they don't enter from that direction.

Mr. Kurus – You also added guard rails too.

Mr. Swaggard – We did along the drive thru lane to prevent anyone from encroaching on the drive thru lane.

Mr. Kurus – You were investigating where the main drain comes out of the existing building for the purpose of tying in the roof drains.

Mr. Swaggard – We are going to do some utility location to make sure we are tying in correctly and we will submit the revised plans showing everything.

Mr. Kurus – With respect to the sanitary sewer you said there is an interior grease trap that's working. The other comment we had was for the existing sewer lateral to be cleaned and televised to make sure it's in good shape. Does the applicant agree to that?

Mr. Swaggard – Yes and during the compliance process we will get that done.

Mr. Kurus – OK that's about it.

Ms. Murray – Mr. Paparozzi can we hear from you now?

Mr. Paparozzi – All of the spaces except the 3 ADA spaces are undersized is that correct.

Mr. Swaggard – We are adding one space to the east side that is 10 by 18 but the rest are as they exist today.

Mr. Paparozzi – You said you had 6 signs are you counting the McDonald's logo and the welcome sign as 2 signs?

Mr. Swaggard – Yes.

Mr. Paparozzi – OK I had 5 but that resolves that. Are all the ground signs for the drive thru?

Mr. Swaggard – Yes.

Mr. Paparozzi – There are 2 banners along the perimeter fence that are 10 or 12 feet long. I am not sure if they are there for the Covid-19 issue to help the people find the drive thru or is that going to remain because banners are not permitted in Saddle Brook.

Mr. Swaggard – It's probably temporary because it wasn't there before and when we change the fence it will be removed also.

Mr. Paparozzi – There are 2 banners both on the south and east portion of the fence along the drainage easement.

Mr. Swaggard – That might be temporary but we would agree to remove it if a variance is needed.

Mr. Paparozzi – If you don't remove it a variance is needed.

Ms. Murray – Are there any questions from the Board for this witness. Hearing none can I have a motion to open to the public?

Mr. Schilp makes a motion to open seconded by Mr. Tokosh. All in favor – YES.

Ms. Murray – Is there anyone from the public that would like to speak? Hearing none can I have a motion to close to the public?

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

Ms. Murray – You can call your next witness.

Mr. Pellino swears in John McDonough he states his name spells his last and states his address as 101 Gibraltar Drive in Morris Plains, NJ.

Mr. Pellino – Do you want to qualify your witness Mr. Miceli?

Mr. Miceli – Mr. McDonough can you present your qualifications?

Mr. McDonough – I am a licensed Professional Planner here in the state of NJ. I am also a member of The American Institute of Certified Planners. I testify on a nightly basis throughout the state of NJ. I've been in Saddle Brook before and I have been in most if not all of the surrounding communities.

Mr. Miceli – You've been accepted as an expert in the field of Planning for those other Zoning Boards?

Mr. McDonough – Yes.

Mr. Miceli – Madame Chair I move that Mr. McDonough be accepted as an expert in the field of Planning.

Ms. Murray – Yes we can accept him.

Mr. Miceli – Mr. McDonough before we begin you submitted an exhibit that you will be referring to I would like to mark that into evidence. It is outside the application itself. If you could give us the name and the date of that exhibit and confirm that you did prepare it.

Mr. McDonough – It is a 7 page document size 11 by 17 it was submitted as a packet to the Board and is titled Planning Exhibits for McDonald's Corporation 189 Route 46 Township of Saddle Brook, NJ prepared under my guidance on May 29, 2020.

Mr. Miceli – I would like to enter that as exhibit A2 is that right Mr. Pellino?

Mr. Pellino – Yes I believe so.

Mr. Miceli – Mr. McDonough can you give us a little background on this site.

Mr. McDonough – Retail as a land use needs to stay fresh to present a fresh image to the public. Retail more than any other land use relies on this changing cycle and that is what the applicant is doing here. They are making renovations to a building that has been part of your community since the mid 1970's and it's time for an operational upgrade. The first page of A2 is a parcel map. It is a very large property in the context of what goes on around it. There are 3 tax parcels 123 - 1 which is the larger parcel is a shopping center. Then 123 lot 1.01 is where the McDonald's property sits it has been there since 1975. Then lot 120 – 1 is where the sign sits on Rout 46 all integrated as one thing. The second page has the L shaped shopping center the pad site for McDonald's which is very common and the sliver of a parcel you see out by Route 46 is where the roadside sign is. The site is equidistant from the residential areas. The third page is a color coded GIS map what is red is non-residential and gold is residential the key point is the McDonald's is positioned in the center as remote as possible from the residential uses. Page 4 takes us on the property these are photos taken at the end of May showing what the site looks like on that day. It has the mansard roof that goes back to the 1970's. It's time for a face lift consistent with the roll out that we see happening throughout the country. Basically you will get a building size on par with what is there now, operational efficiencies to the drive thru, additional landscaping that will make the site greener. You have the green buffer behind it to soften it from

the surrounding land use. The fifth page shows a closer view you are looking at the other side of the building that wraps around to the drive thru. The last 2 pages show that the site is part of an established center and you get a sense of the scale and how well armored the site is by the development that is around it within that shopping center. With that backdrop we are looking at a Use Variance from the B2 Secondary Business District. We know that fast food is prohibited throughout the town but this is an optimum land use by virtue of the site characteristics I spoke about. We are looking for use relief with respect to the upgrades for the prohibited use. Then we have the signage relief which your Planner addressed. We are looking for relief for the number of ground signs where one is allowed per frontage we are proposing 4. They all relate to the drive thru sequence. The number of wall signs is regulated by the road frontage 1 is allowed and 6 are being proposed one of them being a welcome sign. The other 5 consist of the roadside sign and 4 which are mostly directional to guide you thru the drive thru. They are all components of the drive thru. The renovations are going to provide operational efficiencies, traffic flow, safety and convenience. Also going to include handicap accessibility improvements. Purpose "A" promotion of the general welfare, purpose "G" the provision for a variety of uses purpose "I" the promotion of a desirable visual environment purpose "H" to promote the free flow of traffic and purpose "M" to promote efficient use of land. Site suitability it is a pad site in a retail center it gives purpose to this very large parking lot. The location is remote from the residential uses. It is more in line with the zone plan by being offset from the road. The relief will not create a detriment to the public. It will improve the way the site functions. It eliminates undesirable uses like the playground and the outside freezer. It is consistent with the master plan intent. It will also be greener with more landscaping. It will create first time jobs for the local youth and the renovations will benefit an established business with a long standing commitment to the town. The master plan favors business retention as much as attraction. I believe either a D1 or D2 use can be validated by what I have presented. The signage we are presenting is 108 square feet that is a sign budget based on the frontage of 119 feet which would allow us to have 119 square feet of signage. The benefits of the signage as a whole outweigh the detriments. The building signs identify the building from 3 vantage points not on the side facing the residential neighborhood. The ground signs provide a navigation aid and are not advertising per se. We have parking relief which we are calling out as a variance as your planner has. That is satisfied under the C2 balancing test the benefits substantially outweigh the detriments. A parking space size of 9 by 18 is a long standing standard on this site and has existed without detriment. It has and will continue to function safely and efficiently. Moving on the relief for the use variance moves on the other variance as well and I believe the statutory burden has been met and approval is warranted.

Mr. Miceli – Just to jump back on a few points. This site is well buffered do you think that helps make it suitable for the proposed use?

Mr. McDonough – Yes.

Mr. Miceli – Do you think the general welfare is advanced by the ADA proposals in this application?

Mr. McDonough – Yes bringing it up to contemporary standards and regulations.

Mr. Miceli – If this were a D2 do you believe the site would be closer to conformity in terms of the parking stall sizes? We're proposing several stalls that are compliant with the code where none currently exist.

Mr. McDonough – That's correct if the Board were to move on a D2 as a D1 it lowers the bar It's a question of whether the applicant is making something that's been there better. The evidence is clear that visually, operationally, functionally the site is being made better.

Mr. Miceli – That includes noise reduction correct?

Mr. McDonough – Yes.

Mr. Miceli – You think any parking count because the zoning ordinance doesn't allow this use the Board doesn't contemplate a standard for this use so any parking count would be subsumed within the use variance is that correct?

Mr. McDonough – Right there is some case law on that, that when you are dealing with a use variance and a use that is not really contemplated that you can't really apply that standard to it.

Mr. Miceli – That existing pylon sign on Route 46 that doesn't comply with the zoning ordinance is that correct?

Mr. McDonough – Right but the applicant is not changing what is there so the applicant is continuing to use what's there.

Mr. Miceli – Madame Chair that will conclude my questioning of Mr. McDonough.

Ms. Murray – I want to allow Mr. Paparozzi to address his Mr. McDonough's testimony.

Mr. Paparozzi – Mr. McDonough covered everything. The variances that were created the ADA spaces was addressed. The ground signs although there are 4, the directional may serve as a safety option to keep people from veering off the drive thru. The building signs are part of the façade of McDonald's and I agree with Mr. McDonough's testimony on that. The D variance I agree with Mr. McDonough again because the D1 is easy to prove that is why he chose it even though it is the harder variance to prove. The aesthetics the efficiency the ADA compliance were all improved with the application. Although it's an expansion of a non-conforming use the criteria is met because everything is going to be more efficient more compliant and aesthetically pleasing. Minus the banners being removed I don't see an issue with the application. Throughout the site the parking spaces are all 9 by 18. It is an existing condition that's been livable for some 30 odd years so I don't see any detriment with them remaining at 9 by 18. That's all I have Madame Chair.

Ms. Murray – Thank you Gary. Anthony from Neglia do you want to address anything?

Mr. Kurus – I have no questions for the Planner.

Ms. Murray – I have one. The parking on the side of the entrance to the drive thru I'm curious when people get out of those cars they're going to have to walk in the drive thru lane to get around to the concrete that leads to the entry. I was wondering why you didn't put a sidewalk straight towards the door thru the landscape area.

Mr. Miceli – John do you want to answer that?

Mr. McDonough – I think we should recall the engineer for that.

Mr. Swaggard – You are referring to the spaces on the non-drive thru side which are adjacent to what used to be an exterior playground.

Ms. Murray – Yes.

Mr. Swaggard – We can add that.

Ms. Murray – Those spots are right in the line of the drive thru and when cars are queued they are going to walk down the traffic line to get into the sidewalk area. Why wouldn't you put a cut through in there?

Mr. Swaggard – We can do that it's not a problem.

Ms. Murray – I'm not saying you have to but people are going to trample through your plantings.

Mr. Swaggard – We'd be amenable to that.

Ms. Murray – Board Members any questions? I guess they are all fine with it. Do I have a motion?

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

Ms. Murray – Does anyone from the public wish to speak on this application? Hearing no one a motion to close.

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

Ms. Murray – Who wants to speak?

Mr. Schilp – I would like to thank these guys they did a good job. They went over everything and I think it will be a real upgrade to the McDonald's that's there.

Ms. Murray – What is your pleasure?

Mr. Miceli – I would like for clarity whether we are given the more stringent D1 or the D2.

Mr. Pellino – It's existed for all these years as an existing non-conforming use. My opinion is it is a D2 an expansion of that.

Mr. Miceli – I would like to say the proposal will give you a McDonald's that looks better and functions better. I would ask the Board to approve this applicant.

Ms. Murray – What is your pleasure?

Mr. Pellino – If I may Gary had suggested that the banners be removed and that Mr. Kurus had asked for all of their DEP correspondences and applications.

Mr. Paparozzi – And a walkway on the drive thru side.

Ms. Murray – I think they were amenable to it. I didn't want to make that a condition but it would be an advantageous addition.

Mr. Miceli – The applicant agrees.

Ms. Murray – Okay we will make that a condition to change the plans and put a walkway towards the entrance from that parking area.

Mr. Pellino – As I see it we have a D2 variance, we have the bulk variances parking and signage. We have site plan approval and the 3 conditions that we just went over.

Ms. Murray – Mr. Schilp you made the motion correct?

Mr. Schilp – Yes. Mr. Gatto seconds the motion.

ROLL CALL – Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz can't be heard, Ms. Murray – YES.

Ms. Murray – I will guess that Mr. Marz is having technical difficulties.

Mr. Pellino – We have the necessary affirmative votes do you agree Mr. Miceli?

Mr. Miceli – I do agree.

Ms. Murray – It is approved and we would like to thank you for your presentation and your patience with this it is difficult for us.

Mr. Pellino – I would like to thank you for your conciseness in your presentation.

5. RESOLUTIONS –

Ms. Murray – We have resolutions. Mr. Mazzer is recused on the Floral Lane application.

Mr. Schilp – I make a motion on the 3 for Kosmala, Scherer and the denial for Dickman.

Mr. Duffy seconds it.

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

Ms. Murray – Do I have a motion for the 200 Floral Lane resolution?

Mr. Duffy makes a motion seconded by Mr. Schilp.

Ms. Murray – Mr. Mazzer is not involved in this vote.

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

6. MINUTES – Mr. Gatto makes a motion seconded by Mr. Schilp to approve the minutes of May 18, 2020 meeting.

All in favor – YES.

7. COMMUNICATIONS –

Gary Paparozzi to Zoning Board, 3/09/20

Gary Paparozzi to Zoning Board, 3/27/20

Anthony Kurus to Zoning Board, 3/30/20

Anthony Kurus to Zoning Board, 5/28/20

Anthony Kurus to Zoning Board, 5/28/20

Mr. Gatto makes a motion to read and file seconded by Mr. Schilp. All in favor – YES.

8. VOUCHERS –

Mr. Gatto makes a motion seconded by Mr. Duffy to pay if funds are available.

All in favor - YES.

Mr. Mazzer abstains on any bills affecting the 200 Floral Lane application.

9. OPEN TO THE PUBLIC – Mr. Schilp makes a motion seconded by Mr. Duffy to open to the public. All in favor – Yes.

Ms. Murray – Any comments from the public? Hearing no, one do I have a motion?

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

All in favor – YES

Ms. Murray – Is there anything anybody wants to discuss before we adjourn?

Mr. Schilp – That place on 440 Midland Avenue the 2nd floor has not been occupied since the 1970's only downstairs.

Ms. Murray – Anyone else have anything?

Mr. Duffy – What is the status of our next meeting?

Ms. Murray – I think we will be able to have it at the Senior Center and have social distancing and wear masks. I will reach out to Mr. LoDico to see what we can do about having it there. If anyone feels uncomfortable you can email me privately and we will go from there.

10. ADJOURN – Mr. Duffy makes a motion seconded by Mr. Schilp to adjourn.

All in favor – YES. Meeting adjourned at 11:01 pm.

Frank Barrale

Zoning Board Secretary