

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, July 28, 2020 at 7:36 p.m., at The Saddle Brook Senior Center.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Hickey, Mr. LaGuardia, Councilman Gierak, Mr. Verile, Mr. Maniscalco, Mayor White, Mr. Mazzone and Mr. Cook - PRESENT
Mr. Compitello and Mr. Camporeale - ABSENT
Also present were Stephen Pellino, Board attorney, Chris Briglia, Board engineer and Gary Paparozzi, Board planner.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. NEW BUSINESS

A.) Informal Site Plan Application – Township of Saddle Brook 55 Mayhill Street, Block 801, Lots 5.02 & 5.03

Pete Lo Dico – Last time we met for redevelopment for this site. It was approved by the Board. We submitted it to the state. The lieutenant governor sent a letter back, commending the town for taking this action to declare it in need of redevelopment. We closed on May 22nd and we're ready to move ahead. We're before the Board to go over the plans. We have a two story building that will include a fire department, ambulance corps, civil center, court and all administrative offices on the first floor and storage on the second floor.

Ryan Frasier of Vision Real Estate Construction (developer) came forward.

Mr. Frasier – We are working with the Township to execute this project.

Ben Crowder of Bohler Engineering came forward.

Mr. Crowder – This 5.3-acre site is the former Home Depot site. The building is approximately 44,000 square feet and has 383 parking spaces. We plan to enclose the back, northeast side of the building, formerly the garden center, to house the fire department and ambulance corp. There is a wide access aisle for these vehicles. We will locate the generator and trash receptacle in the northwest area, next to an outdoor break area. We are separating the two access points from Mayhill Street. The easterly most access will be for fire department and ambulance corps vehicles; the other for employees and visitors. We have removed some of the parking spaces to accommodate the fire trucks and ambulances in this area, leaving 54-57 spaces. The front, east section of the building will house the rec center; the front middle, the municipal court; the front west, business offices. There will be directional signage to direct visitors. The Building Department entrance will be on the western side of the building. The parking lot will have a complete separation from the emergency access route. The parking lot will be restriped to make space size compliant and to add ADA spaces at the front. There will be some new landscaping to add green space. Parking area lighting will be updated to LED. There is a detention system under the parking lot. As part of the design redevelopment of the property, we intend to reutilize those facilities and make sure they are maintained, cleaned and bought up to their original basis of design.

Mr. Ambrogio – Will there be some type of wall, fence or buffer so that people can't wander into the emergency vehicle access aisle?

Mr. Crowder – As of right now, we're doing a landscape divider.

Mr. Paparozzi – Who's responsible for the maintenance of the stormwater maintenance system and how often does it have to be maintained?

Mr. Crowder – There's going to be an operation maintenance manual prepared for these facilities. The DEP does have recommended maintenance frequencies, depending on the storm system you have. I would assume it would be the responsibility of the property owner.

Rick Lepre, architect came forward.

Mr. Lepre – There will be signage. There is a lighting system, owned by the Township that is used by the Fire Department and Ambulance Corps on Market Street. We're discussing relocating it to this area and sequencing the traffic lights.

Mr. Briglia – I think it's a good plan. Will there be a stormwater report?

Mr. Crowder – Yes.

Mr. Pellino – Just so the Board understands, this plan is consistent with the Redevelopment Plan that we recommended and the Township adopted. If we were to apply the zoning regulations that were adopted as part of the Redevelopment Plan, we would be variance free. These folks are building it for us, but it's the Township that is putting this forward. They work with the Township.

Mr. LaGuardia – The roof and HVAC are being replaced?

Mr. Lo Dico – Yes and the parking lot is being resurfaced.

Mr. LaGuardia – Will the gym have a wood or vinyl floor?

Mr. Lepre – It will be a vinyl floor.

Mr. Lo Dico – We're looking at a civil center to be used for rec and other functions in town. Also, in case we need to evacuate people, we are looking to have generators. We will take the one at the current Town Hall. We want to make it multi-functional. We are also trying to accommodate future growth. By having all municipal offices in one location, it will be easier and less confusing for the public.

Mr. Browne made a motion; seconded by Mr. Verile to open the meeting to the public. All in Favor – YES

No public participation.

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

Mr. Browne made a motion; seconded by Mr. Verile to approve the application.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco, Mayor White and Mr. Mazzone – YES

APPLICATION APPROVED

B.) Site Plan Application – John P. Fontana

222 Floral Lane, Block 1502, Lot 1

Anthony Ambrogio recused himself, as he interacted with the applicant in connection with some of the circumstances. Mayor White also recused himself, as he worked with the applicant for 30 years.

Brian Giblin, attorney for the applicant came forward.

Michael Saley, civil engineer was sworn in.

Mr. Saley – The lot drainage goes behind the property where the easement is. Mr. Fontana added fill in his back yard. I created a plan, dated 12/07/19 to improve stormwater runoff from the 4 car garage on the property. It would take 1 inch of runoff off the garage and bring it in the ground. It would store that water in 3 seepage pits. The Board engineer had additional requirements, which the applicant has determined are too costly to make this type of improvement. The applicant is now proposing to remove all fill that was placed on the property and restore it to prefill conditions. There will be test pits to determine fill depth. A third party would inspect that and fill would be taken off site in accordance with Bergen County Soil Erosion

Control. The Board engineer was in agreement with that proposal. There would be no other drainage placed on the site.

Mr. Pellino – This is a residential property, which normally does not require site plan approval. However, our site plan ordinance says that when there are, the discretion of the Building Officer, soil and drainage conditions, which may result in environment problems or other problems, he can require a site plan. So that's why we're here. The applicant is here tonight to remedy the problem by removing all of the soil that was placed on the property.

Mr. Giblin – We originally applied to the Board because we were going to do some additional drainage, but after discussions between our engineer and the town engineer, it became prohibitively costly to do that, so we're just looking to go back.

Mr. Maniscalco – Where did the soil come from and how much was there? Were there tests done on the soil?

Mr. Giblin – We did have tests done on the soil. There was a companion case to this in the municipal court, where we presented the soil test results.

Mr. Maniscalco – Why was the soil put in?

Mr. Giblin – My understanding is that the soil was put in because a lot of the back yard was unusable because of the slopes.

Mr. Maniscalco – How much dirt was added?

Mr. Giblin – Three truckloads.

Mr. Briglia – In order to come up with an accurate amount, I suggested we do test pits. It should be monitored while it's being taken out. It would be a good idea to see the test results.

Mr. Maniscalco – It should be tested as the dirt is taken out too.

Mr. Hickey – Will you reseed after the soil is removed?

Mr. Saley – The Soil Conservation District requires you to put down topsoil, seed and hay.

Mr. Briglia – I recommend a revised plan, removing drainage shown and with a note to remove fill.

Mr. Verile made a motion; seconded by Councilman Gieriek to open the meeting to the public.

All in Favor – YES

David Goldsholl, 20 Hutter Street, was sworn in.

Mr. Goldsholl – He should get a Bergen County Soil Conservation permit. He buried six trees. If you dig down to the trees, you'll know where the actual grade is. My parents were there when the house was built. That property was the lowest land on the property. It was even or below neighboring properties. The neighbors want to see this done right. He dumped seven truckloads of dirt there. We want it all removed as soon as possible.

Mr. Pellino – Whatever is done will have to be under the supervision of our engineer. The Planning Board felt that this application was important enough that we shouldn't do it virtually, so we held it until we could have a public meeting. This is our first public meeting.

Joseph Latona, 14 Hutter Street, was sworn in.

Mr. Latona – The back area of the subject property has high shrubs and weeds behind the garage, higher than my six-foot fence. There are possum and other animals living back there.

Wally Tabaka, 2 Hutter Street, was sworn in.

Mr. Tabaka – There is a storm drain that comes to my property. If a rainstorm lasts 15 minutes, it leaves standing water, which spreads onto many properties in the area. The township should look into the drainage issue in that whole area.

Deborah Jacobson, 5 John Ochs Court, was sworn in.

Ms. Jacobson – My fence was destroyed by the water, which was about four feet deep. We've never had water before. When we moved in, the back yard was level. A lot of dirt will have to be removed and it will have to be done correctly.

Mr. Browne made a motion; seconded by Councilman Gieriek to close the meeting to the public.

All in Favor – YES

Mr. Pellino – The applicant's proposal is to restore the property to the way it was before the fill was placed there. The Board will probably want to focus on the conditions that will be attached to that. It would be appropriate to approve the application with conditions. Mr. Briglia has suggested that the plans be amended in the notes to reflect that they're not putting in a drainage system. It should be under his direct supervision. There have been suggestions about testing the soil. Those would have to be at the applicant's expense. I suggest we put some time parameters on this to make sure it gets done quickly.

Mr. Paparozzi – BCSC may dictate the time line for this.

Mr. Briglia – I don't think an application to BCBS is required. The area is below 5,000 square feet. We can still ask for the things they ask for, such as seeding.

Mr. Pellino – Is a permit required by the Township?

Mr. Ambrogio – Yes.

Mr. Maniscalco – Permit in one week. After they get it, complete work in three weeks.

Mr. Giblin – We're not going to pull a permit until the Board adopts a resolution and the appeal period has run. I'm not going to have the applicant undertake work that could be undone by somebody challenging in court.

Mr. Maniscalco – We can shorten our timeframes. Obtain the permit the day after the resolution, begin work two days after they get the permit and one week to get the work done.

Mr. Pellino – the conditions would be to apply for a permit and begin work within two days of the issuance of that permit and then finish that work in one week and to amend the plan, to the reasonable satisfaction of our engineer. Mr. Saley, can you provide us with a revised plan in two weeks?

Mr. Saley – Yes.

Mr. Pellino (continuing the conditions) – The work is to be coordinated with and supervised by our engineer. Such soil testing as our engineer deems appropriate.

Mr. Goldsholl – Why are we giving him that time? We could have more floods in our yards. By delaying this, you're making this worse. He could get a permit in one day and get it done. It's been over a year already.

Mr. Pellino – The resolution doesn't get memorialized until the next meeting and then there is an appeal period.

Mr. Maniscalco – Is there any way to get around it to move this along?

Mr. LaGuardia – Who would appeal it?

Mr. Pellino – If the Board feels strongly and doesn't want to give him the 45 days, let's not give him the 45 days.

Mr. Hickey – What if we ask John if he's going to go forward with an appeal?

Mr. Giblin – I'm not worried about my client appealing. We requested the ability to remove the soil without coming before this Board and we were turned down, so that's the reason we're here.

Mr. Pellino – You're before this Board because your client did something without a permit that our Zoning Officer determined required a Site Plan approval. You were told back in October to file an application within 30 days and you didn't file it until March.

Mr. Pellino – If we want, we can amend the timeframe that they'll have to pull the permit the day after the resolution is adopted and begin work within 2 days thereafter and finish within a week. If Mr. Fontana wants to appeal that, he can.

Mr. Browne made a motion; seconded by Mr. Verile to approve the application with the following conditions: 1.) timing – apply for soil permit the day after the resolution is approved, work started within two days of getting the permit and work completed within a week of starting; 2.) amend the plan within two weeks to reflect that it is for soil removal; 3.) all work to be coordinated with and done under the supervision and to the reasonable satisfaction of the Board engineer; and 4.) soil testing, as suggested, to the reasonable satisfaction of the Board engineer.

VOTE: Mr. Browne, Mr. Hickey, Mr. LaGuardia, Councilman Gieriek, Mr. Verile, Mr. Maniscalco, Mr. Mazzone and Mr. Cook – YES

APPLICATION APPROVED

C.) Site Plan Application – 281 President Street, LLC 287 President Street, Block 105, Lot 11.02

Jack DiLisi, managing member, sworn in.

Mr. DiLisi – In light of the fact that it is 9:30 and there are a number of elderly neighbors who would like to participate, as well as gentleman who had to leave, but wanted to speak in favor of the application, I would like to request an adjournment to the next meeting.

Joseph Lentini, 300 President St.- We've been waiting outside since before 7:30. Adjourning the meeting will not be fair to everyone here.

Mr. Maniscalco – I think we should hear the application tonight.

Mr. DiLisi – This is an application for the single family home, located at 287 President St., which was built in 2012-2013, pursuant to a subdivision application before the Board. One of the conditions of approval was that this home remain a one family home. At the time, I originally applied for two lots approximately 62.5 feet wide each, each with a two family home. Given the feedback I got from the Board, I agreed to withdraw that application and apply for a two family and a one family home. What was never submitted to the Board was a two family home with limited bedrooms: 2 in one unit and 1 in the other, which is what I'm proposing now. One of the variances requested is lot width. Many lots in the neighborhood are only 50 feet wide and they have two family houses. This home complies with all of the bulk requirements except for lot width and total lot size. I think it will be consistent with the character of the neighborhood. There are more benefits than detriments. This is an application to eliminate that condition of approval. This is a two family zone. I could limit it to one person in the lease, which means there will be no effect on the school system. 75% or more of the homes in that area are two family homes. The apartment would comply with all building codes, including egress requirements.

Mr. DiLisi presented the following exhibits: Exhibit A-1 Google aerial view of the location, Exhibit A-2 a close up, narrow aerial view, Exhibit A-3 – (3 pages with Google map photos and NJ Assoc. of County Tax Boards information) showing 275 Fifth St., a 50 ft. lot with a duplex style 2 family house built in 2008 with 3 bedrooms on each level, Exhibit A-4 showing 304 Eighth St. which is an older traditional 2 family home built in 1970 with 3 bedrooms upstairs and 3 downstairs, and Exhibit A-5 a 2 page listing from NJ Assoc. of Tax Boards of all the blocks that have homes on President St. with 2 family homes highlighted in yellow, Exhibit A-6 (42 parts) Google photos all the properties in Exhibit A-5 that are not single family homes.

Mr. Paparozzi – The parking requirement is not met. Three parking spaces are required. You only have 2.

Mr. Pellino – This application is before the Planning Board because Mr. DiLisi is asking the Board to eliminate a condition it made as part of an approval in 2012 for the subdivision.

Mr. Hickey – If granted, what would you do about the parking?

Mr. DiLisi – I could put in parking strips on the side of the driveway and still not exceed the maximum lot coverage allowed.

Mayor White – when you originally came before the Board, you agreed to the deed restriction, which would be forever.

Mr. Pellino – The Board relied on that. The could have denied the subdivision.

Mr. DiLisi – The possibility of a one-bedroom apartment was never considered at that time.

Mr. Maniscalco – We're looking at the overall picture and trying to prevent overcrowding.

Mr. Verile made a motion; seconded by Mr. Browne to open the meeting to the public. All in Favor – YES

Richard Adams, 297 President Street, was sworn in.

Mr. Adams – There are two family houses, but there are quite a few one family houses. These two houses are large and don't fit in with the character of the neighborhood. If he puts a driveway in, there may be runoff to the neighbor's house. Also, who's to say only one person will live there and not four people. Besides the extra cars, this has changed the neighborhood.

Joseph Lentini, 300 President St. was sworn in.

Mr. Lentini – When the subdivision was granted, he agreed to keep it a one family house. He hasn't purchased additional property to make it bigger and the zoning laws haven't changed. In my opinion, this was done seven years ago. Nothing has changed.

Mr. DiLisi – In 2012, weren't you were considering an add-a-level to make your house a two family?

Mr. Lentini – No. We were going to build a dormer; not to convert to a two family.

Michelle Ortiz, 286 President St. was sworn in.

Ms. Ortiz – To see that someone wants to turn a one family to a two family concerns me for safety reasons. Also, the parking is overcrowded.

Jeffrey Pinto (son of John Pinto), 289 President St. was sworn in.

Mr. Pinto – My father is dying and cannot be here tonight. Mr. DiLisi was told years ago that he couldn't put in 2 two family houses. For the last nine years, I have water in my basement. Now he wants to disturb the soil again? No.

Mr. DiLisi – The basement apartment wouldn't further disturb the soil.

Stephen Kopas, 293 President St. was sworn in.

Mr. Kopas – If he puts a driveway on my side, it will be too close to my property. It could be dangerous if a car catches fire there. He should not be given this approval.

Mr. DiLisi – Your driveway abuts your property line, yes?

Mr. Kopas – These houses were built a long time ago.

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

Mr. DiLisi - I could meet the parking requirement of three spaces, so parking is not an issue. I can put a fence up between the properties, if necessary. The house is built. This is just to allow a one-bedroom apartment in a two family zone. This is the most noninvasive apartment that could go there. All of the bulk requirements are met.

Mr. Pellino – The question to the Board is do you eliminate a condition that was put in a subdivision resolution 7-8 years ago.

Mr. Maniscalco – My opinion is that we have to stick to the Board's decision to keep this a one family house. It with effect parking and there are variances.

Mr. Maniscalco made a motion; seconded by Mr. Browne to deny the application.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr.

Maniscalco, Mayor White and Mr. Mazzone – YES Mr. Hickey - NO

APPLICATION DENIED

5. MINUTES

Councilman Gierek made a motion; seconded by Mr. Verile to adopt the minutes of the June 16, 2020 meeting. All in Favor - YES

6. CORRESPONDENCE

Mr. Browne made a motion; seconded by Mr. Verile to read and file the communications. All in Favor - YES

7. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Browne a motion; seconded by Mr. Verile to open the meeting to the public. All in Favor - YES

Mr. Pinto read a letter from his father, opposing the 281 President St. application.

Mr. Verile made a motion; seconded by Mr. Browne to close the meeting to the public. All in Favor - YES

8. ADJOURN

Mr. Browne made a motion; seconded by Mr. Verile to adjourn the meeting. All in Favor - YES

Meeting adjourned 10:45 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary