

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, July 20, 2020 held at the Saddle Brook Senior Center due to Covid-19.

1. CALL THE MEETING TO ORDER – At 7:10 pm, Chairperson Murray called the meeting to order.

2. FLAG SALUTE

3. OPEN PUBLIC MEETING ACT: adequate notice of this meeting has been sent to all members of the Zoning Board and to all legal newspapers in Accordance with all the Provisions of the “Open Meetings Act”, Chapter 231, P.L. 1975.

4. ROLL CALL - Mr. Duffy, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Marz, Ms. Murray – PRESENT, Board Attorney Stephen Pellino, Board Planner Gary Paparozzi and Board Engineer Anthony Kurus also in attendance.

5. NEW BUSINESS -

A.) Robert & Gail Parker, 98 Kuhn Drive, Block 1204, Lot 12

Applicant requests a rear partially covered deck with extension to the pool and lower deck in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in Robert Parker he states his name spells his last and gives his address as 98 Kuhn Drive in Saddle Brook, NJ.

Mr. Pellino states that Mr. Parker's notice is in order.

Mr. Parker – I have a 2 level deck attached to the house that goes down to the pool with a paver patio down below. We would like to cover the upper portion with a roof and add a smaller lower deck and remove most of the patio pavers leaving only a paver walkway. When I submitted the application there were some pre-existing non-conformities that were noted. The paver patio was done in 2005 I believe without a permit because I was told by 3 contractors that I did not need a permit and it did not count as ground cover. The other thing was the shed not being 5 feet from the property line. When I put it up I did not think it to be a permanent structure and did not think I needed a permit and that's been there 18 years. Those are the 3 variances I am requesting 2 of which are pre-existing.

Ms. Murray – Mr. Kurus do you have anything you want to mention.

Mr. Kurus – There was not much of a drainage impact and my report was pretty benign as far as engineering was concerned.

Mr. Paparozzi – The accessory coverage even though it is pre-existing it is an increase so that's a variance for accessory and maximum lot coverage. Mr. Parker I don't know if you are aware but according to your survey your shed is on the neighbor's property.

Mr. Parker – I saw that when I got the recent survey. I am aware of it.

Mr. Schilp – You say you are removing all the pavers except the walkway?

Mr. Parker – That's correct.

Mr. Schilp – Are you going to leave space between the decking for water to drain through?

Mr. Parker – Yes it is that way now.

Mr. Schilp – The upper deck is going to be the same height as it is now?

Mr. Parker – Yes.

Mr. Mazzer – Is there a storm sewer or drain there?

Mr. Parker – I assume so I have been there 18 years and there was never an issue with it. We do get a little flooding in the back if it rains pretty heavy but it's all the way in the back.

Mr. Mazzer – There's no catch basin there or anything like that?

Mr. Parker – There is no visible signs of any drainage.

Mr. Manzo – Are you going to leave the shed on your neighbor's property?

Mr. Parker – I built it so it would come apart but I was told by the Building Department that no matter where I put it I would need a variance. I could move it 3 inches but it's been there for 18 years with no objections from anyone so I would like to leave it there but if I have to I could.

Ms. Murray – Anyone else?

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

Ms. Murray – Seeing none.

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

Mr. Schilp makes a motion to approve the application with a stipulation that the pavers under the deck be removed. Mr. Duffy seconds the motion.

Roll call - Mr. Duffy, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Marz, Ms. Murray – YES.

Ms. Murray – Application is approved we will have the resolution next meeting.

B.) Bruno Geraldo, 282 Nedellec Drive, Block 1408, Lot 7

Applicant requests an attached garage and driveway extension in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in Bruno Geraldo he states his name spells his last and gives his address as 282 Nedellec Drive Saddle Brook, NJ.

Ms. Murray – Did you submit signed and sealed drawings to the Building Department?

Mr. Geraldo – No I did my own plans.

Ms. Murray – Okay we just wanted to clarify before we begin. Tell us what you want to do.

Mr. Geraldo – I am proposing to add a garage to the right side of the house and extend the driveway. I need the garage for storage and would like it big enough to store my car in the winter. I currently have no basement and we need room for expanding our family in the future.

Mr. Kurus – How close is the edge of the driveway to the property line?

Mr. Geraldo – According to the survey I have 14 or 14.2 feet on that side. I would like the driveway to be 12 feet wide so that would be 2 or 2.2 feet.

Mr. Kurus – The existing driveway is approximately 2 feet to the property line.

Mr. Geraldo – The existing driveway doesn't even go back there it's grass and dirt.

Mr. Kurus – I am saying the side yard the distance from the side of the driveway to side the lot line are you going to maintain that edge or are you going closer to the side lot line?

Mr. Geraldo – I am going to go to the property line.

Mr. Kurus – So you are proposing no setback for the driveway?

Mr. Geraldo – Yes that is correct.

Mr. Kurus – Our concern would be to maintain the setback that you had and install some curb edging to keep the water on your side.

Mr. Geraldo – That would be no problem.

Mr. Kurus – Is there any reason that you can't keep the existing edge along the driveway?

Mr. Geraldo – I want to make it nice and wide and have more space. I will be putting a curbed edge there.

Mr. Kurus – It seems like you can hold the edge of the proposed garage to line up with the existing driveway. Then you would have the same space as you have between the garage and the property line along the whole driveway. What is the space you have between the garage and the property line? The side yard proposed is 2 feet why can't you maintain that for the driveway?

Mr. Geraldo – I can but I would like to have some more space there but if you think that is better I could do that.

Mr. Kurus – The other comment was the increase in impervious is 732 square feet if the Board were to approve it you would have to provide a drainage design and calculations with some sort of seepage pit.

Mr. Geraldo – Okay.

Mr. Paparozzi – I agree with the Engineer on the driveway. You are proposing a 20-foot driveway if you held it in 2 feet you would have 18 feet which is 2 parking spaces the other 2 feet is not going to give you an extra car. It might also prevent issues with your neighbor. There are 5 variances noted on the letter of denial but the minimum combined side yard is only 9 feet not 16 feet so it is a bigger variance then noted on your drawing and letter of denial.

Ms. Murray – You are aware you have 2 foot on the proposed garage and you have 7.1 on the other side.

Mr. Geraldo – I got that from the letter of denial. I think it is the minimum single side yard is 2 feet.

Mr. Paparozzi – The minimum for one setback is 6 and a half and you have 2. The total combined is 16 and a half and you have 9.

Mr. Geraldo – Okay got you.

Ms. Murray – Open up to the Board for questions.

Mr. Schilp – I have a major problem with the 2-foot side yard. Fire access to the backyard would be non-existent. You could not get equipment or a ladder through that side. The other side is not much better with the AC unit and the stairs. It would be dangerous for you and your family.

Mr. Mazzer – If you make the garage instead of 24 feet make it 28 or 30 feet long and cut the width down 2 feet so you have a 4-foot side yard. Gary could we make it 30 feet subject to.

Mr. Paparozzi – You could but It would increase the building coverage.

Mr. Mazzer – It would give you more space and make the Fire guys happy.

Mr. Schilp – You wouldn't change the impervious coverage as long as you came forward with it and not toward the rear.

Mr. Geraldo – My only issue is the window.

Mr. Duffy – I agree with them. What is the distance to the window 1 or 2 feet?

Mr. Mazzer – You could always close it up.

Mr. Duffy – You only have 1 window on that side I'm sure you don't want to lose it so maybe you could move it up a bit. It would be tough to get back there with fire equipment with only 2 feet.

Ms. Murray – I agree with the 4-foot side yard change and maybe move the window to line up with the other window as a design element and you will pick up the distance you need. Having the curbing on the driveway also.

Mr. Geraldo – Just so I'm clear instead of a 2-foot setback it would be 4 and I can put the driveway to the property line with the curbing.

Ms. Murray – Yes. Any other questions?

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

Ms. Murray – Seeing none.

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

The Board discusses how to establish the stipulations for the resolution.

Mr. Pellino – As I understand it the conditions would be to bring the garage forward a maximum of 4 feet. The width of the garage would be reduced to maintain a 4-foot side yard setback and the driveway would have to be curbed.

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

Roll call - Mr. Duffy, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Marz, Ms. Murray – YES.

Ms. Murray – Application is approved we will have the resolution next meeting. Make the changes to the plans and bring them to the Building Department.

C.) 48 Rosedale Avenue, LLC, 48 Rosedale Avenue, Block 617, Lot 14

Applicant requests a new single family house in noncompliance with Municipal Code #898, Section 206.

Ms. Murray – The 48 Rosedale application did not notice the newspaper in time and will have to re-notice for the next meeting.

D.) Keith Platvoet, 183 Alberta Drive, Block 1503, Lot 23

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

Mr. Pellino – The notice is in order.

Ms. Kasetta – I am appearing on behalf of the applicant. This is a variance application for 183 Alberta Drive Block 1503, Lot 23 in the RA Zone. The applicant seeks approval to rebuild and expand an existing shed in the rear yard. The property is undersized at 5741 square feet where 6500 square feet is required. It is a deficiency of 759 square feet. It is also deficient on lot width it is 55 feet where 65 feet is required. There are 3 nonconforming conditions which are exacerbated by the proposed shed. Those are maximum accessory coverage 18% permitted 25.5% existing and 28.4% proposed. Maximum total lot coverage 44% permitted 62.1% existing and 65% proposed. The minimum accessory structure setback from the side lot line 5 feet is required 4 feet is existing and 3.22 feet proposed. The setback from the rear lot line is increasing but is still deficient 5 feet required less than 1 foot existing and 3.8 feet proposed. The property has other existing nonconformities we have included them in our notice and we can talk about them later but they will remain unchanged. They include minimum lot area width, minimum rear yard setback to the deck 20 feet is required and 1.6 feet exists. I note that 36.29 feet exists to the principal structure. The maximum building coverage 26% is permitted 36.6% existing. The minimum swimming pool setback from the side and rear property line 6 feet is required 4.47 and 5.3 feet is existing. All of those will remain unchanged as a result of this shed. With that I ask that the applicant be sworn in.

Mr. Pellino swears in Keith Platvoet he states his name spells his last and gives his address as 183 Alberta Drive Saddle Brook, NJ.

Ms. Kasetta – Can you confirm that you are owner of the property?

Mr. Platvoet – I am.

Ms. Kasetta – When did you become the owner?

Mr. Platvoet – In March.

Ms. Kasetta – Who owned the property before you?

Mr. Platvoet – My mother.

Ms. Kasetta – Is this the house you grew up in?

Mr. Platvoet – Yes.

Ms. Kasetta – Did you start rebuilding the shed without any permits?

Mr. Platvoet – Yes and I'm sorry for that.

Ms. Kasetta – Once you received a notice of violation from the Zoning Official what did you do?

Mr. Platvoet – I had a survey prepared and I submitted a zoning application to the Zoning Official right away.

Ms. Kasetta – Can you give the Board an idea of when the existing improvements were constructed beginning with the deck?

Mr. Platvoet – The deck was 1987 and the shed was 1991.

Ms. Kasetta – How about the pool?

Mr. Platvoet – The pool 87 also.

Ms. Kasetta – What is located under the deck?

Mr. Platvoet – (Unintelligible)

Ms. Kasetta – So what happens when you have a heavy rainfall?

Mr. Platvoet – It drains well there is no flooding at all.

Ms. Kasetta – Have any of your neighbors told you they have flooding issues on their properties?

Mr. Platvoet – No.

Ms. Kasetta – The pavers in the rear yard have been there for some time as well right.

Mr. Platvoet – Yes.

Ms. Kasetta – Can you tell the Board about your living situation and why you are rebuilding the shed?

Mr. Platvoet – I'm a single father, my mother lives with me, my brother lives with me and there is no attic and no basement to store stuff.

Ms. Kasetta – The old shed was in a state of disrepair?

Mr. Platvoet – Yes it was falling apart.

Ms. Kasetta – The new shed has a bar top built into it correct.

Mr. Platvoet – Correct.

Ms. Kasetta – Why is that?

Mr. Platvoet – I am at home a lot.

Ms. Kasetta – Hard to get out with the kids.

Mr. Platvoet – Yeah.

Ms. Kasetta – If you look at the aerial photos and if you can show where the old shed was located in relation to the rear property line.

Mr. Platvoet – It was in the corner against the fence and I actually moved it in.

Ms. Kasetta – If you look at the survey that was submitted with the application the setback would increase to 3.8 feet which is not the 5 feet that is required but much better than it was. The side yard was getting smaller but not by much. I want to mention the Zoning Official did not have the benefit of having a survey to show the size and location of the old shed. We did go with his calculations as far as the variances are concerned. I think it is helpful to note this setback would improve and the lot coverage is not as much as was calculated by the Official. Let's talk about the size of the new shed versus the old one.

Mr. Platvoet – The old one was a 10 x 12 and the new one is 15 x 12 but some of it goes over the deck.

Ms. Kasetta – On the survey those dimensions are not listed. Can Mr. Kurus if he has a scale confirm those dimensions?

Mr. Kurus – Yes 15 x 12.

Ms. Kasetta – There is a portion over the deck that is already included in the coverage. The deck is also getting taller but still within the 15 foot maximum. Those are all the question I have for the applicant.

Mr. Paparozzi – I'm not sure of the deck was it added recently?

Mr. Platvoet – The deck has been there since 1987.

Mr. Paparozzi – Mr. Ambrogio has the setback as a new variance not a pre-existing. He also mentions the deck in the letter of denial so you didn't change the deck at all?

Mr. Platvoet – No.

Mr. Paparozzi – One other thing do you realize your shed deck and pool are on an easement?

Ms. Kasetta – We did some title searching and on some old maps and this easement appears on a map from 1950 but it does not specify what the easement is for or who the beneficiary is. It is not on the current tax map either but at the end of the day it is at the applicants own risk.

Ms. Murray – You bought the house in March?

Mr. Platvoet – Yes.

Ms. Murray – Did you have a survey done when you bought the house?

Mr. Platvoet – No.

Ms. Murray – Did you have an existing survey that came with the purchase of the home?

Ms. Kasetta – I have one it is from the 1950's.

Ms. Murray – I am just trying to clear up why you don't have a survey that shows you that. I am going to guess you have no knowledge of any permits for any of these items. When were the pavers done?

Mr. Platvoet – Early 2000.

Ms. Murray – I see the pool equipment in the back corner and no mention of it.

Mr. Platvoet – It's just a filter.

Ms. Murray – It's in the corner and anytime you backwash it goes into your neighbor's yard.

On the side you have large refrigerators that puts your setback closer. Anybody else want to speak on this?

Mr. Marz – Did the neighbors have any problem with all this?

Ms. Kasetta – Did you speak to your neighbor where the setback is deficient?

Mr. Platvoet – Yes and they had no objections.

Mr. Schilp – That refrigerator has to stay there?

Mr. Platvoet – Nope.

Mr. Schilp – Were you told to stop building by the Zoning Official and you continued to build?

Mr. Platvoet – No.

Mr. Schilp – So it was completed already when Tony came?

Mr. Platvoet – Yes there were some shelves and other things inside that were not done.

Mr. Schilp – When you clean the filter where do you dump the water?

Mr. Platvoet – It's a cartridge filter it does not need to be backwashed. I take it out and hose it off on the side there on the concrete patio.

Mr. Duffy – I did notice electrical is there any plumbing going in there?

Mr. Platvoet – No.

Ms. Murray – Did you get a permit to build that shed?

Mr. Platvoet – No.

Ms. Kasetta – No that's how we wound up here.

Mr. Duffy makes a motion to open to the public seconded by Mr. Marz. All in favor – YES.

Ms. Murray – Seeing no one.

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

Ms. Murray – What do we want to do?

Mr. Schilp – In the past when people have built stuff we have made them take it down in the past. That backyard has no place more for anything. If you had come in for this you probably wouldn't have gotten it. Do we make you take it down is my question. I'm not happy about it.

Ms. Murray – I also have an issue as we have made people take things down in the past or have denied them. This makes our job difficult because do not take it lightly.

Ms. Kasetta – What if we removed some coverage to take it back to the percentage it was before the shed was put up?

Mr. Schilp – My concern is that if we approve this today then months from now someone will come to us with something similar to this and will say you approved it for Mr. Platvoet so we want it too. That puts the Board in a difficult position. They will say you did it for them you can do it for us.

Ms. Kasetta – These improvements have been there for a very long time.

Mr. Schilp – I know I was there and saw it. Is there any way to make the shed a little smaller?

Mr. Mazzer – Maybe make it so it meets the setbacks.

Ms. Kasetta – I think you have more of a concern about the coverage.

Mr. Schilp – If we had to fight a fire there we would have to go in your neighbor's yard.

The Board discusses having the shed reduced in size to have a 4 foot setback on both property lines. They then discuss the increase in lot coverage and the fact that it was purchased with much of the coverage already there.

Mr. Duffy – Is the shed on the property line?

Ms. Murray – No but it is very close less a little more ten 1 foot.

Mr. Duffy – The hardest thing is that we have had other people with similar things we have denied. Most of this we can see is old and has been there for some time but the shed you said was for storage but it has a bar and it seems that it is for entertainment purposes so maybe you have to make a sacrifice. It may be a way to appease everybody.

The discussion continues about ways for the applicant to somehow make a concession for the Board to be comfortable in approving this application.

Mr. Paparozzi – I want to address the 44% lot coverage and 56% pervious coverage. The size of the lot does not have anything to do with the percentage required. There seems to me a couple of options one is to remove the paver and flagstone walkways or to remove the shed.

Ms. Murray – I would like to see the coverage come down to 60% that would show that you are reducing the coverage. I could live with the setbacks. You would be giving back some coverage in exchange for the approval.

Mr. Kurus – I think that is a good trade off.

Ms. Murray – Does this sound like a viable solution.

The discussion continues on what would need to be removed to bring the coverage down to 60%. They agree to let the applicant decide what to remove to bring the coverage down to the 60% mark.

Ms. Murray – So is that an acceptable compromise to have him reduce the coverage by 2.1% more than it was when he purchased it. It may be slightly less if aesthetically necessary but limited to 60%.

There is some discussion as to whether they need to remove 5% or 2.1% to bring it to 60% being that with the new shed it is at 65% coverage. They decide with the engineer's review that the maximum lot coverage can be no more than 60% and the applicant may decide on what it is that they have to remove.

Mr. Mazzer – I'll make a motion to approve with the stipulation.

Mr. Pellino – The application can be approved with the condition that the applicant reduce the amount of impervious coverage to 60% and that he submit drawings to that effect.

Mr. Mazzer makes a motion seconded by Mr. Manzo to approve with the stipulation stated by Mr. Pellino.

Roll call - Mr. Duffy, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Marz, Ms. Murray – YES.

6. RESOLUTIONS

Mr. Schilp makes a motion seconded by Mr. Duffy to approve A, B, and C.

A.) Approval for Denial Kanwar Abdul, 440 North Midland Avenue, Block 1402, Lot 51

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

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

Roll call – Mr. Duffy, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Marz, Ms. Murray – YES.

Mr. Schilp makes a motion seconded by Mr. Marz to approve D.

D.) Approval for McDonalds Restaurant, 189 Rt. 46, Block 123, Lots 1, 1.01, Block 120, Lot 1

Roll call – Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Marz, Ms. Murray – YES.

7. MINUTES

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

Meeting of June 15, 2020 Regular Meeting

8. COMMUNICATIONS

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

Anthony Kurus to Zoning Board, 5/29/20
Anthony Kurus to Zoning Board, 6/01/20
Anthony Kurus to Zoning Board, 6/19/20
Anthony Kurus to Zoning Board, 6/19/20

9. VOUCHERS

Mr. Mazzer makes a motion seconded by Mr. Schilp to pay the vouchers. All in favor – YES.

Neglia Engineering Associates, 06/10/20, Sebastian Tyburski, 280 Evans Place, \$90
Neglia Engineering Associates, 06/10/20, Mazzer Plumbing, 200 Floral Lane, \$360
Neglia Engineering Associates, 06/10/20, Jayesh Patel, 55 Strathmore Terrace, \$180
Neglia Engineering Associates, 06/10/20, Robert Parker, 98 Kuhn Drive, \$180
Paparozzi Associates Inc., 06/17/20, Kanwar Abdul, 440 North Midland Avenue, \$472.50
Paparozzi Associates Inc., 06/17/20, Curcio Realty, LLC, 156 Midland Avenue, \$270
Paparozzi Associates Inc., 06/17/20, Curcio Realty 2, LLC, 416 Lanza Avenue, \$270
Paparozzi Associates Inc., 06/17/20, McDonald's Corp., 189 Route 46, \$585
Basile Birchwale & Pellino, 07/01/20, McDonalds Corp, 189 Route 46, \$250
Basile Birchwale & Pellino, 07/01/20, Mazzer Plumbing, 200 Floral Lane, \$125
Basile Birchwale & Pellino, 07/01/20, Abdul, 440 North Midland Avenue, \$250
Basile Birchwale & Pellino, 07/01/20, Patel, 55 Strathmore Terrace, \$250
Basile Birchwale & Pellino, 07/01/20, Tyburski, 280 Evans Place, \$250

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

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

11. ADJOURN

Mr. Schilp makes a motion to adjourn seconded by Mr. Duffy. All in favor – YES.

Ms. Murray – The meeting is adjourned at 8:45 pm.

Frank Barrale

Zoning Board Secretary