TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, September 15, 2020 at 7:30 p.m., at The Saddle Brook Senior Center.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco, Mayor White and Mr. Cook - PRESENT Mr. Mazzone 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.) Subdivision Application – 76 Catherine, LLC 76 Catherine Avenue, Block 609, Lot 6

Charles Sarlo, attorney for the applicant came forward.

Mr. Pellino – Notice is in order.

Mr. Sarlo – This is a proposed two lot subdivision on an oversized piece of property (11,192 square feet). Minimum lot requirement in the zone is 6,500 square feet. There is an existing structure in close proximity to Central Avenue, which would remain. There would be a new structure built on the corner lot, if it's approved. It would be two stories built on a slab and have 4 bedrooms, $2\frac{1}{2}$ baths. In his review letter, Mr. Paparozzi indicated that the zoning table setbacks appear to be inaccurate. There is a conflict in the zoning regulations for side yard setbacks between Article 5G, Section 206-9.5 and the schedule of bulk requirement regulations. We were not sure how to apply it.

David Fantina, engineer for the applicant was sworn in.

Mr. Fantina –The 4-page Plot Plan, dated May 27, 2020, was drawn by me. There's an existing house on the property. It's a complicated lot because the house is located at the extreme southern end of the property and it fronts Catherine Ave. It has a very large front yard and virtually no rear yard at all. For a variety of reasons, we made the determination to have both houses have frontage on Central Ave. That way, the existing house has a big backyard. What we've done, is simply draw the line down the middle. We're proposing 2 lots: Lot 6.01, the corner lot, with a lot area of 5,298 square feet and Lot 6.02 with a lot area of 5,894 square feet where 6,500 sq. ft. is required for each lot. Each lot will be 51.4 feet wide; 65 feet is required. Also, there is an existing condition variance for the existing house. The front of the house has a garage that is 9.4 feet off the right of way off Central Ave, where 25 feet is required. The side yard (previously the rear yard) setback is 1.5 feet, 10 feet required. The combined side yard setback is 10.6 feet, where 19.5 is required. The height, if measured by center line from each street, is 28.83 feet, where 28 feet is allowed.

Mr. Sarlo – Mr. Paparozzi pointed out the dimensions of the driveway, which show it is 38 feet to the curb line, not the property line.

Mr. Fantina – It would be 28 feet to the property line.

Mr. Paparozzi – You will need to adjust your parking analysis. You can't fit three cars there. Also, I'm asking for dimensions of the building to calculate lot coverage. The covered porch is considered part of building coverage. If, because of grade, it's not part of building coverage, it's accessory coverage, so one of the 2 coverage amounts listed are wrong. You would have to add dimensions and change the zoning chart. I would have deemed the application incomplete.

Mr. Pellino – The Board has the authority to tell the applicant they want the plans resubmitted and to come back for a second meeting. I suggest we move ahead and see where we are at the end of the day.

Mr. Sarlo – If the application is approved tonight, it could be subject to new plans.

Mr. Hickey – I don't like the plan. The second house is only 9 feet off the setback. I think it would be better if they fronted on Catherine. You would eliminate a lot of variances.

Mayor White – I agree with Mr. Hickey. The existing house is an abomination. I would tear the house down and come in with a plan that makes it more even on the lot.

Mr. Paparozzi to Mr. Fantina – On page 2 of 4 (elevations), the entrance foyer has an elevation of 103 and the proposed grade is 104. The architect's sheet shows the grade below that. You're saying the porch is lower than the grade and the architect is saying that the grade is lower than the porch, so somebody is wrong.

Mr. Fantina – I expected him to revise that. The grade there will be above the porch.

Mr. Maniscalco – If you get rid of the 9 foot ceilings on the first floor, you won't need a height variance.

Mr. Fantina – We will make that change.

Mr. Briglia reviewed how he deems an application complete.

Mr. Pellino – We need some significant changes to the plans. It may make sense to adjourn to the next meeting.

Mr. Sarlo – I consulted with my client. Since at least two Board members expressed concern about the orientation, we think it's prudent to call the planner to start some testimony as to why, for planning purposes, this orientation was chosen and see if we can get additional feedback.

Mr. Maniscalco opened the meeting to the public for questions for the engineer.

Maryann Homisak, 85 Catherine Avenue, was sworn in.

Ms. Homisak – Where exactly is the second house going to be placed? The lot is not maintained, so anything that goes there will look better than it does now.

Mr. Fantina showed her.

Ms. Homisak – We would be looking at the side of the house?

Mr. Fantina – Yes.

Ms. Homisak – We would have a problem with that. If you don't knock the old house down, it isn't going to look right. We'll be looking at the new house sideways.

Mr. Sarlo – Someone is going to get a side, whether it's Catherine or Central.

Krzysztof Strzepek, 428 Patton Place, Wyckoff was sworn in.

Mr. Strzepek – I'm not a fan of the existing structure either. The original plan was to do 2 new structures, but COVID threw the timing off. We plan to do the second new structure next year. We'd come back to the Board.

Mr. Pellino – You may want to propose to the Board that within a given period of time, the house will come down.

Mr. Strzepek – Yes. I was thinking next year.

David Troast, planner for the applicant was sworn in.

Mr. Troast – The reason we subdivided the lot this way is because to the west, there is a daycare center that goes to Catherine Ave. It is a heavy user, especially with dropping off and picking up kids. They use Catherine to do that. Introducing an additional driveway on Catherine, from a planning and traffic perspective, may not be the greatest alternative. The second reason is the slope. When you make a left from Central up the somewhat steep hill, it's easier to build the house the way it's configured, step it up on slope, rather than going across the slope. I can also make an argument to turn the houses the other way.

Mr. Maniscalco – I thought Nursery Rhymes did pickup and drop off in front.

Mr. Troast – I did see some activity on Catherine Ave.

Mr. Hickey – Nursery Rhymes requires you being buzzed in the front door.

Mr. Maniscalco – If you're knocking the other house down, you could have them face Catherine.

Mr. Troast – If turned, that house would be running along the day care's property. It's windows, it's noise.

Mr. Maniscalco – I think we need to do a little more research. There's a lot of variances as it is. Mr. Hickey – I agree.

Mr. Paparozzi – They could design the corner house to appear to have two fronts. Also, if you don't want two driveways on Catherine, you could put one to the west on Catherine and design the other one to come in on Central and put the garage in the back. Third, the grading doesn't have to be over four feet. You could do a small wall that would cover the grading and reduce the height variance.

Mr. LaGuardia – One of the problems on Catherine too is there's no parking. The road is loaded with cars.

Mr. Maniscalco – No matter how you put the houses, you're going to take away parking from the employees.

Mr. Paparozzi – The way it's proposed now, there's no parking variance, but you could make the driveway big enough to put two cars, side by side. We can't put the burden for the day care employee parking on this applicant.

Mr. Sarlo – We want to do what's right for the community. The Board has given great feedback. If we reoriented facing Catherine, we'd have a 100-foot frontage. The natural thing would be to split that, which gives us 5,000 square feet on the interior lot and a much larger area on the corner lot. Would the Board like to see that or, make the lot frontage smaller (40') on the corner lot to pick up more square footage on the interior lot?

Mr. Paparozzi – It seems that most of the houses in the neighborhood are 50' x 100', so you would conform to the Master Plan by conforming to the neighborhood. As a planner, I think it's okay. Mr. Maniscalco – We'll see what you come back with, as far as variances.

Mr. Sarlo – Can we adjourn this matter? Then maybe I'll submit a formal withdrawal letter and resubmit plans.

Mayor White – To me, the day care is there. It puts doubt on whether a subdivision is good there. You'd be squeezing in two houses. It could cause a parking problem. Right now it works. I think the day care has been there since 1948. For the day care, it might be better to have one big beautiful house there, rather than two houses.

Mr. Troast – Your Master Plan is dead set against McMansions. On a 12,000 square foot lot, you would have a very, very large house, out of keeping with that neighborhood.

Mr. Pellino – For members of the public, this application will be carried to the October 20, 2020 meeting with no further notice.

APPLICATION CARRIED WITH NO FURTHER NOTICE

B.) Site Plan Waiver Application – Bogopa Saddle Brook, LLC 270 Market Street, Block 512, Lot 2

Victor Herlinsky Jr., attorney for the applicant came forward.

Mr. Herlinsky – We're submitting an application for a site plan waiver for the proposed purchase and occupancy of the property, which is improved with 77,500 square feet of warehouse and ancillary parking for the operation of a food warehouse and distribution center along with ancillary offices. The property has been vacant since December 2018. It was previously used as a warehouse. We had previously applied to the Board of Adjustment on behalf of the owner of the property, 270 Market Street, LLC and received a Certificate of Legal Pre-existing and Nonconforming Use. This was built in the 1960's. The reason we need the certificate is that the warehouse use is no longer a conforming use in the zone, as of 1984, when the zoning ordinance was amended. The property is in the B-2 Secondary Business zone. After proving to the Board of Adjustment that warehouse use pre-existed the change in code, the Board granted the Certificate of Pre-existing, Nonconforming Use so that a tenant can eventually occupy this space and use it

for a nonconforming warehouse without needing to ask for further relief from the Board of Adjustment. Upon receipt of approval, the applicant will apply to the Building Department for permission to commence construction on interior fit outs and other improvements that will not modify the building footprint. The property currently has the following pre-existing nonconforming conditions: 83.86% covered with impervious surface (50% maximum allowed), FAR is 0.486 (0.25 maximum allowed), front yard parking exists and will continue (no front yard parking allowed), front vard loading and unloading exists and will continue (not permitted), no buffer (30 feet required), and existing parking stalls are 9' x 18' and will continue (9' x 20' or 10' x 19' minimum required). No bulk variance existed at the time the building was constructed and later expanded. As such, the existing nonconforming conditions are permitted to continue. The property currently has 130 spaces. The Zoning Board of Adjustment conditioned the certificate on the installation of an additional handicap spot on the property, which will bring the number of spaces to 129. There are conditions that were part of that approval. There needs to be striping and other improvements made. Since that has not been done, you could make it a condition of approval. The applicant will have approximately 10 employees at the site, which will operate 24 hours a day, 7 days a week. Mr. Pellino - Proof of service for this application is in order. Let me explain to the Board. This applicant went before the Zoning Board and obtained what's called a Certificate of Nonconformity. That's one of the least know powers of the Zoning Board. If someone feels they have a preexisting, nonconforming use (use pre-existed the zoning ordinance) they can always come to a hearing and prove that, but you can also, in effect put it in the bank. That's what they did. Even the structure itself and the nonconformities, other than parking, were all in effect approved by the Zoning Board. So this comes before you tonight as an approved use. They are entitled to do the warehouse. It's in front of you for site plan review and parking. In terms of the site plan you have the right to be concerned about conditions about traffic and circulation, hours of operation and those kinds of things. All of the nonconformities that exist relative to the building, other than parking are grandfathered in. They called it a site plan waiver because the applicant has not submitted all of the technical and detailed site plan items that we would normally get for new development because they are not changing the building.

Edward Suh, executive vice president of Bogopa was sworn in.

Mr. Suh – We plan to use it as a warehouse and distribution facility, primarily for dry goods/nonperishable goods. We operate 29 Food Bizarre supermarkets in the tristate area. This warehouse will store and distribute dry goods/bulk items, such as: water, rice, oil, paper plates, paper cups, etc. No perishables. We plan on having approximately 10-12 employees at the facility at any given time. We don't anticipate more than 10-12 cars parked at the facility at any given time. Deliveries will be between 7:00 a.m. to 7:00 p.m., Monday to Saturday. There may be the occasional exception, but we don't plan on that. There will be some office space to process bill of ladings and other documents related to deliveries and distribution. That won't be significant. There is an existing office there (approximately 2,000-3,000 square feet) that is more than enough space to handle that kind of work. There will be no manufacturing, no retail. There will be approximately 10-12 trucks per day, depending on the season. Trucks will range from 14' box trucks (we have our own fleet) to 53' tractor trailers.

Mr. Maniscalco – There's going to be activity in the warehouse 24/7?

Mr. Suh – There will be repacking and palletizing of items in the facility to be distributed to our retail locations. That happens exclusively inside (not outside) the facility overnight.

Mr. Maniscalco – How many trucks are in your fleet and where will they be parked?

Mr. Suh – Our fleet is based out of the corporate headquarters in Brooklyn.

Mr. Maniscalco – No trucks will be parking there overnight?

Mr. Suh – We don't anticipate that.

Mr. Browne - You're only using the loading bays on Finnigan?

Mr. Suh – No. There are two loading bays on the site in the back of the building. We plan on utilizing those for larger tractor trailers. They can come in from Finnigan or from Market and back up into the bay. There's enough room there to accommodate a 53' trailer.

Mr. Maniscalco – Tractor trailers won't show up before 7 a.m. and sit outside running? No staging? Mr. Suh – That is the plan.

Mr. Herlinsky – We were able to meet with Rob Simon, attorney for AO Associates, LLC (the apartment complex next door) on site and go through the various traffic patterns. Accommodations were made with the neighbors that we would use those two bays for the tractor trailers.

Rob Simon, attorney for AO Associates, LLC came forward.

Mr. Simon – We had a series of discussions with applicant's counsel.

Mr. Maniscalco – What about noise coming from inside at night? What if the windows are open?

Mr. Suh - This is a masonry building with very high windows.

Mr. LaGuardia – There's one spot where street parking on Finnigan Ave. will make it difficult for trucks to pull out of the site.

Mr. Hickey – Will you use the Finnigan Ave. loading docks?

Mr. Herlinsky – They will be used for the box trucks.

Mr. LaGuardia – It real tight coming out onto Finnigan.

Mr. Paparozzi – It should only be one way coming in off of Finnigan.

Mr. Browne – I don't see how you can get a 53' truck from the furthest parking spot and make the turn without running over parking spots.

Mr. Herlinsky – We're only going be using 10-12. We can tell the employees not to park there.

Mr. Compitello – Are two loading docks in the back sufficient?

Mr. Suh – We feel as though the existing loading docks are more than adequate. Deliveries are scheduled and organized as far as logistics to make sure our manpower can handle loading and unloading.

Mr. Browne - There's 10 people on a shift? How many shifts?

Mr. Suh – Yes. There are 3 shifts.

Mr. Paparozzi – You mentioned having about 2,000 square feet of office space. Your plan shows that the mezzanine is 4,800 square feet.

Mr. Suh – We're going to need less than 2,000. There is a possibility we may take the mezzanine down. Our intention is to use it as a warehouse/storage facility, not as corporate headquarters.

Mr. LaGuardia – Many trucks come off Route 80 and drive through residential areas. Market St. needs to be your access point for all of your trailers.

Mr. Suh – Absolutely. We expect to get 3-5 tractor trailers per day.

Mr. LaGuardia - There will be no refrigerated trucks? Nothing running?

Mr. Suh – That is our plan.

Mr. Cook – Is the facility temperature controlled?

Mr. Suh – There are ceiling fans and an HVAC system. We will have the temperature at a reasonable level.

Mr. Simon – Will you direct employees to park in certain areas to maximize onsite circulation?

Mr. Suh - Yes.

Mr. Simon – Is the dumpster size indicated adequate?

Mr. Suh – The garbage will be limited. We're not throwing out bad items. Bad items are returned to the supplier. There will be a baler for the cardboard and other materials inside.

Mr. Simon – Are the windows facing the residents operable?

Mr. Suh – I'm not sure. They're about 20' high. We don't plan on opening them.

Ken Schier, architect and planner was sworn in.

Mr. Schier – The application, including the Site Plan, 08/27/20 was marked Exhibit A-1. This shows what exists today. We counted and measured the parking spaces to the best of our ability. The lines on the pavement have eroded away with time. The sizes do vary from one location on the site to another location on the site. Market Street is to the north; Kessler Rehabilitation to the

west; Finnigan to the east; and apartments to the south. The site plan has parking all around the building. It has loading primarily on Finnigan. There are 5 loading bays existing and there are 2 in the south west corner of the property. The main entrance to the site is on Market Street. Existing office space is in a lower portion of the building, in the front. Behind those offices are more offices with a mezzanine above that is not usable, as it houses HVAC equipment to support the air conditioning in the offices. In the southwest corner, there is a restroom facility and a storage room with a mezzanine above it. The majority of the building is warehouse use. The overall dimension of the building is 77,786 square feet, including the mezzanines. The original building was constructed in the mid 1960's; the addition in the 1970's. Parking is existing. It is proposed that the lot's asphalt surfaces are resurfaced and all of the parking is going to be restriped. There are three additional handicap parking spaces in the front, adjacent to the office entrance. There were two diagonal spaces that were located immediately adjacent to the property line on Finnigan that were eliminated because the planner felt they were problematic, as cars would have to back out onto Finnigan. Additionally, we're planning to reclaim 4 parking spaces along the southwesterly side, near where the dumpster would be. There is a 12' x 30-40' concrete pad where the dumpster and trash compactors were previously located. There is a small access door from the building that was used to feed into that compactor. The former tenant has removed them, leaving no place to put the garbage. We are proposing a small chain link fence enclosure for a small dumpster. We believe it will be big enough for trash and recycling. Any cardboard generated would be baled inside the building and taken off site.

Mr. Simon – Describe where the loading docks are for tractor trailers.

Mr. Schier – There are two located on the southwest corner. One has the dock leveler and one does not, but they are both at tailgate height. I'm not sure how a truck circulated to those in the past. I do know that at the last meeting, Mr. Paparozzi indicated that he was unsure how the two-way traffic would work with the angled parking spaces in the back aisle. He felt it might be beneficial to have a path of egress from the back of the building and not limit all circulation to be solely entering and exiting on Market Street.

Mr. Simon – Can a tractor trailer enter from Market Street and go back to the loading dock in that corner?

Mr. Schier – The client's logistics representative indicated that there's was adequate room for circulation of the trucks on this site. He said they could enter from either Market or Finnigan to get to the loading docks.

Mr. Paparozzi – The angle of parking is conducive to a one way. It would be dangerous if a truck came the other way. Also, two-way traffic requires a 24-foot aisle. You only have about 14 feet. You should eliminate that parking. It's potentially dangerous.

Mr. Schier – the applicant is looking to use 10 parking spaces. There are 130 parking spaces. All of the angled spaces and all of the parallel spaces could be eliminated entirely to facilitate the access they may need. I don't know if the applicant wants to create the need for a parking variance.

Mr. Herlinsky – We'd prefer to bank those spaces in case we want them back. We've agreed to instruct our employees not to park in that area.

Mr. Pellino – If you want to keep the parking, it should really be a one way. If you want to eliminate the parking, you could do two-way. You have more than enough parking than you need for your site.

Mr. Herlinsky – We were trying to avoid any kind of deviation, but if you're okay with that...

Mr. Paparozzi – You would need to get rid of the four proposed spaces by the dumpster because the hauler won't be able to get to the dumpster.

Mr. Schier – Certainly they can be eliminated, but I still think there could be access to the location.

Mr. Simon to Mr. Schier – With regard to the stipulation of the six-foot fence on the shared property line, is there room?

Mr. Schier – I believe there is. There's an existing 6-foot high chain link fence that will be replaced by a vinyl fence. I don't know whose property the existing fence is on.

Mr. Paparozzi – According to the 1975 survey, it is on the property behind yours.

Mr. Herlinsky – We'll put it on the property line.

Mr. Simon – Is there any lighting proposed on the rear of the building?

Mr. Schier – There is nothing proposed. We're not changing lighting.

Mr. Simon to Mr. Schier – Do you believe there is adequate access for tractor trailers to access those two loading docks to the rear?

Mr. Schier – I did not apply turning radiuses as would typically be done to make that determination. In my opinion, yes, I believe there is adequate space for that action to occur.

Mr. Herlinsky – I will put on the record what we have told our neighbor that we are going to do. On the length of the property line we will install a 6' solid vinyl fence and we intend to use the 2 southwest loading bays for tractor trailer deliveries. If it became impractical for us to use those bays, and we were forced to use the loading bays on Finnigan, we will assure that any use of those bays by tractor trailers will not impede traffic on Finnigan.

Mr. Simon – I agree with that.

Mr. Herlinsky – The one stipulation is that on the use of the loading bays, that this arrangement and our agreement is only for this particular use and if the building goes to another use, at that time, this agreement will not restrict the further use of what they're going to do.

Mr. Pellino – You're asking the Planning Board to include this as a term of its resolution?

Mr. Herlinsky and Mr. Simon – Yes.

Mr. Pellino – I don't know how we'd do that.

Mr. Herlinsky – This is a Site Plan application for this particular user. It would be limited to this user. A different operation would have to come in for Site Plan approval themselves. I think the intent is that this operation is applicable in consideration of the concerns we had for this particular user.

Mr. Pellino – My understanding is that a Site Plan approval applies to the site. It doesn't matter who owns it. Why don't you guys enter a private agreement?

Mr. Herlinsky – We definitely want and need it to be part of the resolution of approval.

Mr. Pellino – I don't know how I'd write it.

Mr. LaGuardia – What if they decide later to refrigerate that building and have refrigerated trucks coming in?

Mr. Pellino – The Planning Board may want to make it a condition of approval, that this is a warehouse for dry goods. Let me explain. You have a site plan. The suggestion is we attach some variances to it at our request. We make them eliminate the parking spaces along the back so they can have two-way access. We eliminate the 4 spaces around the dumpster so they have better access there. That creates a technical parking variance because they lose 44 spaces. Also, the spaces are 9' x 18', which is undersized by our ordinance. The Board may have some conditions in mind to attach to the approval, such as hours of delivery and things of that nature. The applicant and the neighboring property owner have reached an accommodation. They're asking us to put their agreement, as to the vinyl fence and how they're going to operate the loading docks and direct trucks, as part of our approval. Some of the things the Board brought up are: dry goods only. If they wanted to have refrigeration, they'd have to come back to change it. We might have concerns about the hours of truck deliveries. They indicated no parking of trucks overnight. They indicated they would not store things (pallets) outside. They indicated they would operate a baler inside.

Mr. Hickey – Didn't we talk about box trucks only loading and unloading on Finnigan Ave.? Mr. Maniscalco – Yes, but they're saying if there's a problem with the trucks in the back, they may want to use the side. That loading dock isn't meant for tractor trailers. They'd be sticking out on the sidewalk.

Mr. Herlinsky – The one thing we've agreed to is that we're not got to block traffic. Tractor trailers could be 40 feet.

Mr. Maniscalco – They can't block the sidewalk.

Mr. Herlinsky – I'm concerned that we've left the definition of dry goods subject to interpretation.

Mr. Pellino – Do you want to say non-refrigerated goods? Does that work?

Mr. Ambrogio – You can't put a 6-foot fence in a front yard (on Finnigan)?

Mr. Paparozzi – After the building, it could drop to 4 feet, open construction.

Allen Goldstein, outside attorney for Bogopa came forward.

Mr. Goldstein – At this time, my client is unwilling to accept a restriction on future use of refrigeration in the building.

Mr. Pellino – If you would like to add refrigeration, you're going to have to come back with specs and tell us where you're going to put it, noise attenuation and those kinds of things. Recess for attorney to confer with his client.

Mr. Herlinsky – There's probably some more information we would like to submit to the Board. It would be a good idea to adjourn to next month.

Mr. Compitello made a motion; seconded by Mr. Verile to carry the application with no further notice. All in Favor - YES

APPLICATION CARRIED WITH NO FURTHER NOTICE

5. MINUTES

Mr. Compitello made a motion; seconded by Councilman Gierek to adopt the minutes of the August 18, 2020 meeting. All in Favor - YES

6. CORRESPONDENCE

Mr. Compitello made a motion; seconded by Councilman Gierek to read and file the communications. All in Favor - YES

7. OPEN AND CLOSE THE MEETING TO THE PUBLIC

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

No public participation.

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

8. ADJOURN

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

Meeting adjourned 10:41 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary