

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, September 21, 2020 held at the Saddle Brook Senior Center due to Covid-19.

1. CALL THE MEETING TO ORDER – At 7:00 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. Gatto, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz arrived at 7:25, Mr. Burbano, Ms. Murray – PRESENT, Board Attorney Stephen F. Pellino, Board Engineer Anthony Kurus also in attendance

5. NEW BUSINESS

A.) Rupinder Khalsa, 488 Steinway Road, Block 702, Lot 10

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

Mr. Pellino swears in Mr. Khalsa he states his name spells his last and gives his address as 488 Steinway Road Saddle Brook, NJ 07663.

Ms. Murray – Tell us what you are planning on doing.

Mr. Khalsa – I want to make an addition with a bedroom, sunroom and a kitchen.

Ms. Murray asks Board Engineer Mr. Kurus what his findings from his review were.

Mr. Kurus – The Zoning Official has the side yard requirements in his letter of denial. The single side yard minimum required is 9.5 feet not the 5 feet that your architect had shown. Both side yards the combined side yard is 19.5 feet is the requirement not 15 feet. I guess we need the zoning table on the final set cleaned up to show the correct requirements so it is clear to the Building Department what the variances were that were requested. It looks like you have a front yard variance request. It was not in the denial letter but the architect does have it in the table. Both side yards 19.5 required you have 13.9 feet. The single side yard requirement is 9.5 feet and you are proposing it is 5.8 feet to the existing house and the addition you have 8.1 feet. You are just shy of the single side yard addition. So you need a single side yard variance which is an existing condition and the total combined side yard where you are proposing 13.9 feet where 19.5 is required. The zoning table needs to be cleaned up to have the correct requirements for the side yard setbacks and then indicate what the variances you are requesting listed on the zoning table. That was the first page of the letter. The second page talked about impervious coverage. You are widening the driveway your adding the proposed addition so you're increasing the impervious coverage by about 800 square feet. If you were granted the variances you would have to have an engineer prepare a drainage plan to address that increase in impervious coverage. The other comment on the second page was the architect has the requirement for lot coverage at 30% you are allowed 44% per the Zoning Officers letter which is correct, so you are not requesting a variance for lot coverage right now you are proposing 43% where 44% is allowed. The comment we did have is you are not showing any patio or deck in the rear yard so if you were to put a patio in the future it would put you

over on impervious coverage. I just wanted to make you aware of that in case you were planning to do that you may want to consider that now because you are at your limit without a patio.

Ms. Murray – You would have to come back in for a variance for any patio or other coverage.

Mr. Kurus – The plans note that you are using the existing foundation and basement we would ask that you get confirmation from your architect or a structural engineer as to whether or not that is feasible or if you need to redo the foundation to support the improvements. You are not adding a story are you so that won't be an issue. Last we recommended a Belgian block curb edging on the side of the driveway nearest your neighbor's property to keep the runoff from the driveway on your property.

Mr. Khalsa – What is that?

Mr. Kurus – Some sort of a curb along the side of the driveway.

Mr. Khalsa – Okay I got it.

Mr. Kurus – That was it for our report.

Ms. Murray – In your basement do you have a bathroom?

Mr. Khalsa – Yes.

Ms. Murray – Is there any kind of kitchen down there.

Mr. Khalsa – No.

Ms. Murray – That is all I had any other Board Members have any questions on this application?

Mr. Tokosh – The bathroom in the basement is there a tub or shower in there?

Mr. Khalsa – There is a standing shower.

Mr. Tokosh – Do you have any intentions of putting a bedroom down there?

Mr. Khalsa – No. It's too cold.

Ms. Murray – Anyone else.

Mr. Duffy – Is the garage coming down and you are rebuilding?

Mr. Khalsa – I am removing the old garage and putting an attached garage.

Mr. Duffy – So there are new stairs going to the basement and you will have an entrance in the garage that goes to the basement? That is a concern because it could become an apartment with a separate entrance. You don't have to go into the house to get to the basement you just have to come through the garage.

Ms. Murray – That's why I asked about the kitchen.

Mr. Duffy – I don't know the best way to address this.

Mr. Pellino – In the past applicants agreed to remove that entrance.

Mr. Schilp – The only way to get to the basement is through the garage is that what you are doing?

Mr. Khalsa – Right now there is an entrance from the living room but it is taking up living space so I am moving it.

Mr. Schilp – How high are the ceilings in the basement?

Mr. Khalsa – Seven feet.

Mr. Duffy – So you can come through the kitchen down 3 steps into the garage and then into the basement at the same time you can come into the garage from the side door and go up into the house or go to the basement.

Mr. Khalsa – Yes.

Mr. Schilp – One side of the stairs is the kitchen wall right.

Mr. Khalsa – Yes.

Mr. Schilp – What is on the other side in front of the car.

Mr. Khalsa – I think railings.

Ms. Murray – 36 inch high railings style to be selected.

Mr. Schilp – OK.

Mr. Tokosh – Some people will make another apartment down there. You have the recipe to do that if you wanted to for instance you have the bathroom there which means a sewer line which means you can have a small kitchen someplace there. We have a concern that you may have a separate apartment there.

Mr. Khalsa – If I wanted to do the basement I would not have to extend the house. Nobody wants to go there it is too cold.

Mr. Schilp – If we were going to approve it I will put something in there saying there will never be a bedroom down there or kitchen.

Mr. Duffy – How does the easement affect the calculation or if he puts a patio or something there? I visited the house and you have a nice grill on a patio now maybe you should think about that because what are you going to do put it on the grass?

Mr. Khalsa – There is going to be some room by the kitchen.

Mr. Duffy – It's a nice place for a patio but there is no patio.

Ms. Murray – It is not depicted on your plans.

Mr. Khalsa – It is not covered by stones on the plan.

Ms. Murray – No.

Mr. Khalsa – It is supposed to be pavers like this.

Mr. Kurus – Pavers count as 75% towards coverage he probably didn't show it because he did not want to go over the coverage. If he shows it maybe it's close.

The Board discusses the fact that there is no paver patio on the plan or walkway along the side of the garage to the backyard.

Mr. Khalsa – He was supposed to make it with pavers there.

Ms. Murray – No he did not indicate that and your coverage would be higher which will give you another variance for lot coverage. We need to have a number to approve that lot coverage.

Mr. Pellino – I don't want to speak out of turn here but it seems to me if that is your intent to put a walkway my suggestion is we carry your application and you come back with the proper drawings so we can calculate the coverage. You may need an additional variance or you proceed tonight you don't get any of those things included and you will have to come back with a new application.

Mr. Khalsa – So I'm not allowed the pavers?

Mr. Pellino – You are very close to your maximum coverage. I don't know how much the pavers will add to that coverage it may push you over. If it doesn't you can just pull a permit for the pavers. If it does put you over then you would have to file another application for the pavers. The alternative is you can revise your plans and come back with the correct zoning schedule and ask for everything all at once.

Mr. Schilp – Where do you want to run the walkway from?

Ms. Murray – Down the side of the garage.

The Board explains to Mr. Khalsa that they need to see the walkway and patio on the plans so that the coverage can be calculated and the Board can make a judgment based on the correct information. They also explain that he can possibly get approved for the addition tonight but if the other items put him over on coverage he would have to apply for another variance at another time or get the plans revised and come back for everything together. He would also be saving money on the fact he would not have to notice again and not have to pay the application fee or put up additional escrow. Mr. Khalsa agrees to come back next month without further notice with revised plans and a corrected zoning chart.

Mr. Kurus says he will send his report to Mr. Khalsa to give to his architect.

Ms. Murray – This application will be held over until the October 19th meeting with no further notice required.

Mr. Duffy – I just had a question about the parking spaces. Existing there is 4 so I guess that is the garage the pad in front of the garage and what's in front of the fence. You have 4 and are proposing 3 spaces. When you knock down the garage and put up the new garage you have one in the garage and one in front of the garage.

Mr. Khalsa – There will be 2 I am doubling the width of the driveway.

Mr. Kurus – The driveway is 20 feet wide so you can fit 2 cars.

Ms. Murray – Are you ok with that Mr. Duffy?

Mr. Duffy – Yes. I just want to be sure he does not have to come back a third time.

Ms. Murray – This application will be held over until the October 19th meeting with no additional notice so the architect can make the updates and changes necessary and the clarifications on the plans and to make sure he has the sidewalk and other items on the plan.

Mr. Pellino – He will be heard on October 19th at 7 pm at this location. The revised plans Mr. Khalsa should be in at least 10 days before the next meeting.

The Board instructs Mr. Khalsa to have his architect contact the Board Engineer to make sure he has everything covered on the revised plans.

B.) Carol Buchichio, 272 Oxford Avenue, Block 1410, Lot 1

Applicant requests a rear deck, side addition, second floor addition and carport in noncompliance with Municipal Code #898, Section 206.

Ms. Murray – We have a letter from the second applicant to adjourn until the next meeting October 19th as she is modifying her plans. Do we need a vote on this?

Mr. Pellino – I think we should have a motion to adjourn without the necessity of further notice.

Mr. Schilp makes a motion to carry the application to the next meeting due to the fact she wants to make changes to the plans. Mr. Duffy seconds the motion.

Roll Call - Mr. Duffy, Mr. Gatto, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Burbano, Ms. Murray – YES.

6. RESOLUTIONS

A.) Approval for 48 Rosedale Avenue, LLC, 48 Rosedale Avenue, Block 617, Lot 14

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

Roll Call - Mr. Duffy, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Burbano, Ms. Murray – YES.

B.) Approval for 295 Harrison Avenue, LLC, 501 North Midland Avenue, Block 1717, Lot 4

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

Roll Call - Mr. Duffy, Mr. Schilp, Mr. Manzo, Mr. Marz, Mr. Burbano, Ms. Murray – YES.

7. MINUTES

Meeting of September 21, 2020 Regular Meeting

Mr. Schilp makes a motion to read and file the minute seconded by Mr. Duffy.

All in favor – YES.

8. COMMUNICATIONS

Anthony Kurus to Zoning Board, 8/21/20

Anthony Kurus to Zoning Board, 8/21/20

Mr. Schilp makes a motion to read and file the communications.

All in favor – YES.

9. VOUCHERS

Mr. Duffy makes a motion to pay the vouchers providing the money is there seconded by Mr. Schilp.

Roll Call - Mr. Duffy, Mr. Gatto, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Burbano, Ms. Murray – YES.

Neglia Engineering Associates, 08/10/20, 295 Harrison Ave, LLC, 501 N. Midland Ave, \$1185

Neglia Engineering Associates, 08/10/20, Robert Parker, 98 Kuhn Drive, \$45

Neglia Engineering Associates, 08/10/20, Bruno Geraldo, 282 Nedellec Drive, \$45

Neglia Engineering Associates, 08/10/20, Keith Platvoet, 183 Alberta Drive, \$45

Neglia Engineering Associates, 09/10/20, Curcio Realty II, 416 Lanza Avenue, \$45

Neglia Engineering Associates, 09/10/20, 295 Harrison Ave, LLC, 501 N. Midland Ave, \$360

Neglia Engineering Associates, 09/10/20, 48 Rosedale Avenue, LLC, 48 Rosedale Avenue, \$90
Neglia Engineering Associates, 09/10/20, Francesca Carmeci, 247 South Street, \$45
Neglia Engineering Associates, 09/10/20, Rupinder S. Khalsa, 488 Steinway Road, \$180
Neglia Engineering Associates, 09/10/20, Carol Buchichio, 272 Oxford Avenue, \$180
Paparozzi Associates Inc., 08/22/20, 295 Harrison Ave, LLC, 501 N. Midland Avenue, \$550.80
Basile Birchwale & Pellino, 09/01/20, Robert & Gail Parker, 98 Kuhn Drive, \$250
Basile Birchwale & Pellino, 09/01/20, Bruno Geraldo, 282 Nedellec Drive, \$250
Basile Birchwale & Pellino, 09/01/20, 48 Rosedale Avenue, LLC, 48 Rosedale Avenue, \$250
Basile Birchwale & Pellino, 09/01/20, Keith Platvoet, 183 Alberta Drive, \$250
Basile Birchwale & Pellino, 09/01/20, Curcio Realty, LLC, 156 Midland Avenue, \$125
Basile Birchwale & Pellino, 09/01/20, Curcio Realty II, LLC, 416 Lanza Avenue, \$125
Basile Birchwale & Pellino, 09/01/20, 295 Harrison Ave, LLC, 501 N. Midland Avenue, \$250

Ms. Murray – Last month we gave Curcio a holdover without notice for this meeting for both of their applications. They have not come back for either one are we allowed to tell them they have to renote?

Mr. Pellino – The applicant will have to renote for whatever hearing date they are scheduled for.

Ms. Murray – I just wanted it on the record that they will have to renote for both applications whenever they come to be heard.

Mr. Gatto makes a motion seconded by Mr. Duffy that they will have to renote when they come back.

Mr. Pellino will send them a letter to that effect.

Roll Call - Mr. Duffy, Mr. Gatto, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Burbano, Ms. Murray – YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

All in favor – YES.

Ms. Murray – Seeing none.

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

All in favor – YES.

Mr. Schilp mentions to the Board Engineer that the application for Mr. Khalsa had a lot of issues with it and should have been sent back for him to correct rather than be deemed complete.

Mr. Pellino – In this case the engineer's report was right. Sometimes there is a legitimate disagreement just because the engineer says its wrong does not mean it is wrong and the applicant has to have the opportunity to argue that.

Mr. Schilp – It was obvious that all the numbers were wrong.

Mr. Pellino – He sent him the letter right he's on notice he should have corrected it.

Mr. Schilp – If he wrote in the letter that it's not complete then he's not coming to the meeting. If there are glaring mistakes it should be incomplete so when he comes down we don't have what we had tonight.

Ms. Murray – He got the letter but he did nothing with the letter. If you have an attorney then the attorney gives it to the architect and he has everything fixed. He was handling it himself and he did not think to talk to the architect.

Mr. Schilp – Do you send it to the architect?

Mr. Kurus – I do if I have that information in this case I did not have his information.

Mr. Schilp – Can we make sure we have that information in the future?

Mr. Kurus – Sure.

The Board discusses having more contact information for professionals on the applications going forward and all agree that it would be helpful and will be requested if it is not included.

11. ADJOURN

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

All in favor – YES.