

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, December 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. LaGuardia, Mr. Verile, Mr. Maniscalco, Mayor White and Mr. Cook - PRESENT Mr. Hickey, Councilman Gierek, Mr. Mazzone and Mr. Camporeale - ABSENT
Also present were Stephen Pellino, Board attorney and Gary Paparozzi, Board planner.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. OLD BUSINESS

A.) Bogopa Saddle Brook, LLC

270 Market Street, Block 512, Lot 2

James D'Elia, attorney for the applicant came forward.

Mr. D'Elia – I am substituting as counsel for Bogopa. I understand that we are at the tail end of this hearing, subject to a discussion at the end of our last hearing, dealing with refrigeration. My client understands that we would need to come back to this Board for approval, if we were to add refrigeration. We worked on a series of stipulations. This has been an ongoing dialogue with Mr. Simon, counsel for the neighboring apartment complex. The stipulations include: 6' high vinyl fence along Finnigan; the warehouse shall only be used for the storage of dry, nonperishable goods (including bottled water, canned goods, bottled goods) and refrigeration would require future Board approval; truck hours will be 7 a.m. – 7 p.m. Monday through Friday and 9 a.m. – 5 p.m. on Saturday; no lighting visible to the residents of the apartment building; no overnight parking or idling of trucks; no outdoor storage; recycling baler to be stored inside; outdoor recyclables restricted to the area within the screened trash enclosure; rear drive aisle shall be utilized for two-way tractor trailer traffic; 34 angled parking spaces along the southern property line will not be used by the applicant, but will count toward the overall satisfaction of parking and shall be reserved for future reactivation and use, should said nonconforming two-way driveway aisle be converted back; and no tractor trailers parking or idling along the right-of-way on Finnigan Avenue.

Mr. Pellino reviewed the history of the application. What Mr. D'Elia has proposed is what he believes is the satisfaction of the concerns that the Board had when they heard the application in September. This is a warehouse that received a Certificate of Nonconformity from the Zoning Board in 2019. The warehouse use is not permitted under current zoning regulations, but the applicant was able to prove to the satisfaction of the Zoning Board that the warehouse use predated the change in the zoning ordinance and therefore is allowed to continue. The Zoning Board resolution specifically said it did not pertain to parking. As I understand, this applicant is not going to need anywhere close to 129 parking spaces. This Board had a concern about the two-way aisle at the rear of the building, where there are 34 spaces. The Board's inclination was to eliminate the 34 spaces and keep it as a two-way or keep the spaces and make it a one-way. The applicant wants to have a two-way, but they want the ability at some time to restore that parking and make it a one-way aisle.

Mr. D'Elia – Yes. For zoning criteria purposes, we want to bank those spaces as considered approved, but deactivated. We're not going to use them. If we return to one-way circulation, we have to come back in front of this Board.

Mr. Pellino – This is technically an application for Site Plan approval. It's really not a waiver.
Mr. Paparozzi – The lot needs to be restriped and resealed. My suggestion would be to not stripe those 34 spaces.

Mr. D'Elia – We don't have a problem with that so long as we get to, on paper, say that they exist.

Mr. Pellino – My suggestion is that we come up with some language which acknowledges this.

Mr. D'Elia – Yes.

Mr. Compitello – Can we add restriping and sealing to the resolution?

Mr. Pellino – Yes.

Mr. Ambrogio – I'm concerned about the part that says "If the two existing loading docks at the southwest corner cannot practically be utilized by the tractor trailers, the tractor trailers may access and utilize the loading docks on Finnigan Ave." I thought we were trying to eliminate tractor trailers using those loading docks. They would be used for box trucks only. What does "practically utilized" mean? Was a turning radius done?

Ken Schier, applicant's architect and planner was reminded he is still under oath.

Mr. Schier – We did do a turning radius analysis off of Market St., off of Finnigan Ave. and back in the corner of the building. We determined that the larger tractor trailers could negotiate these two loading docks in the back, southwest corner. The issue, as I recall, was that if the largest tractor trailers (53' long) use the loading docks on Finnigan, the front of the tractor would encroach/block the right-of-way on Finnigan Ave. The discussion in September was that those larger vehicles would have to utilize the loading docks in the southwest corner.

Mr. Maniscalco – Can it be just box trucks on Finnigan Ave.? We don't want the large trucks on the sidewalk or pulling out because you have parking across the street. The applicant said they would take only their small deliveries on Finnigan.

Mr. D'Elia – If we can't use the loading docks in the rear...

Mr. Ambrogio – What would make it unusable? Who determines that?

Mr. Schier – That corner of the property actually belongs to the adjoining neighbor. It's currently paved and maintained and it's been used historically with this property, but if for whatever reason the landowner was to preclude this owner from using that, then those loading docks could not make the turning radius and would then be rendered unusable by tractor trailers.

Mr. Ambrogio – So unless that happens, where someone takes that land back or fences it off, we should not expect tractor trailers to be using the loading docks on Finnigan Ave.

Mr. Schier – Smaller tractor trailers can use this, as they have in the past. I was talking about the largest trucks that would have a problem. If it was a 40', it would be completely within the site of the property.

Mr. Ambrogio – My recollection is that those loading docks would be used for box trucks only.

Mr. Maniscalco – We were told that tractor trailers would go to the loading docks at the rear of the building and box trucks would be on the Finnigan Ave. side.

Mr. D'Elia – Ultimately, it's the Board's call on this.

Mayor White – Historically, the tractor trailers were always a problem on Finnigan Ave. The police got calls all the time from residents about the trucks pulling in and out. The trucks have damaged the curbs and sidewalks across the street. The other problem has been the noise. It's not just about the trucks fitting or not fitting in that area.

Mr. Cook – The condition should say "only if you lose access to the neighboring property". My concern is that the Finnigan Ave. loading docks will be used as a matter of convenience.

Mr. Schier – There has to be some degree of flexibility.

Rob Simon, attorney for AO Associates, representing the garden apartments on Finnigan Ave.

Mr. Simon – We received the proposed stipulations. We're not in agreement with the final version of the comments. If there was a change to the parking or the circulation, based on what was approved by this Board that they would have to come back to the Board for subsequent approval. There was a stipulation early on that they would instruct their employees in any event

not to park along the common property line in the rear, adjacent to the fence that will be put up. We're concerned about noise waking the neighbors. Finally, we've had complaints from our residents who were unable to walk to Market Street because trucks block the sidewalk.

Mr. Pellino – I'd like to frame the Board's concerns, some of which are reflected in the stipulations, assuming the board is inclined to grant site plan approval. Legally, it's very difficult to deny a site plan. Usually, you approve, but you put in the conditions that you think make the site work. The warehouse use is an approved use, so that's really not in question. The question is how do we make the site best function. The applicant is proposing to install a 6' high vinyl fence along the boundary in the rear to satisfy the apartment dwellers. The warehouse is going to be used for storage of dry, nonperishable goods. If there ever was a need for refrigerated goods, the applicant would have to come back for site plan approval to the Board. The applicant is willing to stipulate truck delivery hours to be limited to 7 a.m. to 7 p.m. Monday to Friday; 9 a.m. to 5 p.m. on Saturday. They anticipate the use of the warehouse, as opposed to truck deliveries, is going to be 24 hours. Overnight parking of trucks and idling of trucks is prohibited. No outdoor storage of anything. There's a recycling baler, which would be installed inside the building. The 34 parking spaces would be, in effect, eliminated/not utilized at this point so that the traffic could be two-way in the rear of the building. They should reseal and restripe the lot and not stripe those spaces, so as to not to confuse somebody to think that that's a place to park. The applicant has asked that we stipulate that these spaces did exist and in fact at some future time, the applicant may choose to use them again, but would have to come back before the Board to satisfy the Board as to what the plan would be to reutilize these spaces and presumably make the aisle a one-way. The Board wants the docks on Finnigan Ave. to be limited to box trucks and to have all tractor trailer deliveries at the rear of the building. Mr. Maniscalco – I'd like to see some no parking signs along that area at the rear of the building. Also, by the Finnigan Ave. loading docks there should be signs that say "box trucks only" to let the drivers know.

Mr. Pellino – There was discussion about eliminating the four spaces around the dumpster.

Mr. D'Elia – We would rather keep them. We don't believe it's a conflict.

Mr. Pellino – The rationale was to make the dumpster area more functional. I leave it to the Board.

Mr. Ambrogio – If there is parking on both sides Finnigan Ave., would a tractor trailer still be able to make that turn? We may have to remove the (on street) parking spot next to the apron.

Mr. Pellino – The applicant has no control over that. We can make a recommendation to the mayor and Council.

Mr. Ambrogio – I think we should make that recommendation.

Mr. Compitello made a motion, seconded by Mr. Browne to open the meeting to the public. All in Favor - YES

No public participation.

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

Mr. Compitello made a motion, seconded by Mr. Verile to approve the application based on the stipulations, as summarized by Mr. Pellino.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Mr. Verile, Mr. Maniscalco, Mayor White and Mr. Cook – YES

APPLICATION APPROVED

5. RESOLUTION

Mr. Compitello made a motion, seconded by Mr. Ambrogio to adopt the resolution of approval for 76 Catherine, LLC, 76 Catherine Avenue, Block 609, Lot 6.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Mr. Verile, Mr. Maniscalco, and Mr. Cook - YES

6. MINUTES

Mr. Compitello made a motion to approve the minutes of the November 17, 2020 meeting. All in Favor - YES

7. CORRESPONDENCE

Mr. Compitello made a motion; seconded by Mr. Browne to receive and file the communications. All in Favor – YES

8. VOUCHERS

Mr. Compitello made a motion; seconded by Mr. Browne to pay the following vouchers, provided funds are available:

Carroll Engineering, 11/06/20, John P. Fontana, \$3,054.50

Carroll Engineering, 11/06/20, GBAR Consolidated, \$1,415.50

Paparozi Associates Inc., 11/19/20, 76 Catherine LLC, \$253.10

Basile Birchwale & Pellino, 12/001/20, 76 Catherine LLC, \$375

Basile Birchwale & Pellino, 12/01/20, Bogopa Saddle Brook LLC, \$250

All in Favor - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

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

No public participation.

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

10. MISCELLANEOUS

Ms. Kapner – RFQs were advertised and are due on December 22, 2020. Also, because of a change to the Municipal Court schedule, the Planning Board can no longer meet on Tuesday nights. In 2021, the Planning Board meetings will be held on the third Monday of each month. As of now, there are no applications ready to be heard at the January meeting. Both the reorganization and regular meetings could be held on January 18, 2021, if you would like. Mayor White – Yes, let's do both meetings that night.

11. ADJOURN

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

Meeting adjourned 8:32 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary