

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, February 15, 2021 at 7:35 p.m.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Mr. Cook, Mr. Maniscalco, Mayor White and Ms. Barrale - PRESENT Councilman Gierek, Mr. Mazzone and Mr. Camporeale - ABSENT

Also present was Stephen Pellino, Board attorney and Gary Paparozzi, Board planner.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. SITE PLAN APPLICATION

**GBAR Consolidated d/b/a Greater Bergen Realtors
405 North Midland Ave, Block 1401, Lot 12**

Brian M. Chewcaskie, attorney for the applicant came forward.

Mr. Chewcaskie – We are here tonight for a Site Plan approval. This is for the existing Bennigan's building. The intention is to reuse that building for offices and a training center for Greater Bergen Realtor and Multiple Listing Service. There are no site changes contemplated. We are going to ask the Board to continue the bulk variances that exist. We provided the affidavit of service.

Mr. Pellino – I have reviewed it and all is in order.

Mr. Chewcaskie –We have Bergen County Planning Board exemption and we've also received approval from Passaic Valley Sewerage Commission.

Andrew H. Missey, engineer for the applicant was sworn in.

The 2 sheet site plan, revised 12/14/2000 was marked Exhibit A-1.

Mr. Missey - The 3.9-acre property was the former Bennigan's/Steak and Ale site. It is in three zones, but the primary business zone is at the northerly portion of the site and is solely used as a driveway. It has almost nothing to do with the former restaurant property. The site has a 12,880 square foot building on it, surrounded by 282 parking spaces. There are four nonconformities associated with the way this property is developed. First is the impervious coverage, which is 78 percent; CH-2 zone (where the building is located) permits only 25%. Second, we are required to have one loading space. Third, the parking stall sizes are supposed to be 180 square feet (9' x 20'); existing stalls are 9' x 18'. We wish to continue at this size. Lastly, front yard parking is prohibited. We proposed to keep the existing parking in the front of the building. The site is going to be used as you see it, except there are certain maintenance requirements to be implemented: 1.) curb area to be repaired; 2.) debris along rear of property to be removed; and 3.) a site lighting pole needs to be reset and all lights to be retrofitted with new, more efficient fixtures. Refuse, in the rear of the building and utility services will remain. In response to the January 22, 2021 Carroll Engineering report, site lighting will be brought up to Township standards, curb and pavement areas will be repaired as needed and the parking lot will be restriped. The stormwater collection system takes water from the rear of the property and brings it to Midland Ave. where it enters into the storm drain. In between those two extremes is a retention system constructed within a stone bed. That system was installed in a way that a porous pipe is used in order to allow stormwater to infiltrate it to the underlying soils. We observed the system still functioning as it was originally designed. In my opinion, the site is designed efficiently to accommodate traffic on the site. It has ample aisle width and movement

in either direction around the building. Emergency vehicles can access the site with no issues. The existing sewer service is more than adequate size and pitch to service this building. We did sewer calculations, which show a significant reduction.

Mr. Paparozzi – Do you plan to repave? Also, are the catch basins functioning?

Mr. Missey – No. Our recommendation is to seal coat. We will remove the debris from the catch basins and perform maintenance on a periodic basis. When I was on site on November 30, 2020, all inlets were functioning.

Mr. Maniscalco – Any members of the public wish to speak?

No one came forward.

Kenneth T. Schier, architect was sworn in.

A one sheet floor plan with a revision date of 08/17/20 was marked Exhibit A-2.

Mr. Schier - The building footprint is existing. On the left-hand side was the Steak and Ale Restaurant, which was completely demolished out. On the right-hand side was the Bennigan's Restaurant, which is largely still intact. We are essentially keeping the two sides of the building internally, so the right-hand side is going to be the Great Bergen Association of Realtors new offices and on the left-hand side is predominantly going to be the New Jersey Multiple Listing Services. There is internal circulation between the two spaces. At the back, where the kitchen facilities were, there will be large training rooms for realtors. Those rooms have movable walls to divide them into smaller classrooms. Each side will maintain their existing entry doors. There are also private offices, conference rooms, a break kitchen and rest room facilities. The original kitchen and grease trap will be removed. The occupancy will be less for the office use than it was for the restaurant use. The restaurant uses allowed 515 total occupants and the new office use totals 289 occupants. Similarly, the trip generation for the restaurant is 108 peak hour trips, where office/assembly will generate 2.45 & 3.58 peak hour trips. The new use generates far less than the restaurant generated. This will be a less intensive use than the restaurant.

Mr. Maniscalco – What will they do with the outside dining area?

Mr. Chewcaskie – It will remain.

Mr. Maniscalco – Will the signage be separate?

Mr. Chewcaskie – The intention is to have the signs over the existing entrances. The signage has not been completed at this time.

Mr. Paparozzi – I show the exterior square footage of the building as 13,154.4.

Mr. Schier – I can't explain the difference. I'd be happy to verify that and get back to you.

William F. Gilsenan, Director of Greater Bergen Board of Realtors and Chairman of the Building Committee.

Mr. Paparozzi – Cars were parked in the north corner of the property when I visited the site.

Mr. Gilsenan – The printing company located to the north of our property has rented fifteen parking spaces from us on a month to month basis, while we are not occupying the building. We would like to continue to rent those spaces to them. I believe they intend to come before this Board for Site Plan approval for a compactor. I think they will need the additional parking spaces. We don't think we will need to use all of 282 spaces we have.

Mr. Pellino – I see this as a zoning issue. You're using the parking lot to conduct a business, so to speak. I'll leave this up to the Board.

Mr. Paparozzi – Based on my square footage, the parking required is 87 spaces.

Mr. Pellino – What was the occupancy of the building? Wasn't it 289?

Mr. Paparozzi – I assume that would just be with the maximum load and not the entire work day.

Mr. Gilsenan – It's a one-year lease with a thirty-day cancellation. We don't anticipate needing all of those spaces. We felt it was important to be a good neighbor.

Mr. Chewcaskie – We've provided the number of employees and the maximum if both conference rooms were used, which is less than the 289.

Mr. Ambrogio – We do have a zoning ordinance that says you cannot sublet.

Mr. Pellino – Before you utilize your parking lot as a lease space to a neighbor, you need a zoning permit.

Mr. Pellino – From what I'm hearing from Tony, you need a variance to do what you're doing. The notice for the application did notice for such other and further variances approvals, etc. that might be required by the Board. So I think it would be proper for this Board to consider that the lease of these fifteen spaces requires a variance and if you're satisfied, you can grant a variance as part of the site plan.

Mr. Chewcaskie – We will amend our application accordingly to request a variance if it is required for the lease of those fifteen spaces.

Mr. Compitello – You mentioned that one side would be NJ Multiple Listing Training and the other side is Greater Bergen?

Mr. Gilsenan – Yes. They are two separate corporations, but they are affiliated. There's common ownership; Greater Bergen owns NJMLS. The NJMLS is our administrative office, plus hands on training.

Mr. Chewcaskie – We have one final request. If the Board is good enough to grant the application, we would like to have a building permit issued prior to the finalization of the resolution. Any work done would be performed at our own risk because they're ready to go.

Mr. Pellino – I don't think that's up to the Board.

Mr. Maniscalco – Does anyone have a motion?

Mr. Pellino – Let's go over the conditions. Seal coating and restriping the lot, repair curbing, clean up back of lot, improved site lighting, drainage to be cleaned out. The last point is the variance to allow the leasing of 15 spaces at the rear to the neighboring print shop.

Mr. Compitello – Will there be any change to the landscaping on the property?

Mr. Chewcaskie – Mr. Paparozzi asked for either some decorative rock, landscaping or decorative mulch around the parking area. That will be done.

Mr. Compitello made a motion; seconded by Mayor White to approve the application with the conditions and variances as listed by Mr. Pellino.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Mr. Cook, Mr. Maniscalco, Mayor White and Ms. Barrale - YES

APPLICATION APPROVED

5. RESOLUTIONS

Mr. Pellino – We previously approved and adopted a resolution for 76 Catherine, LLC. Our ordinance for subdivisions indicates that if the ordinance requires a variance, then it is to be treated as a major subdivision, as opposed to a minor subdivision. According to state statute, the only criteria a municipality can use to differentiate between a major and a minor is the number of lots. Since our ordinance says that more than three lots is a major, this technically is a minor subdivision. The difference is a major cannot be perfected with the deed. You would have to do a subdivision plat. A minor subdivision could be perfected with a deed. This resolution doesn't change anything regarding the prior subdivision other than to deem it a minor subdivision, as opposed to a major subdivision.

Mr. Compitello made a motion, seconded by Mr. Browne to adopt the amended resolution of approval for 76 Catherine, LLC. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Mr. Cook and Mr. Maniscalco - YES

Mr. Compitello made a motion; seconded by Mr. Browne to adopt the following resolutions: Appointing Chairman, Appointing Vice Chairman, Appointing Secretary, Regarding Compensation of Professionals, Authorizing Contract with Board Attorney, Authorizing Contract

with Board Engineer, Authorizing Contract with Board Planner, Regarding Completeness Determinations, Authorizing 2021 Meeting Schedule and Designating Official Newspaper.
All in Favor - YES

6. MINUTES

Mr. Compitello made a motion; seconded by Mr. Browne to adopt the minutes of the January 18, 2021 Reorganization Meeting and the minutes of the January 18, 2021 Regular Meeting.
All in Favor - YES

7. COMMUNICATIONS

Mr. Compitello made a motion; seconded by Mr. Browne to accept 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:

Basile Birchwale & Pellino, LLP, 02/01/21, Bogopa Saddle Brook, LLC, \$1,125

Basile Birchwale & Pellino, LLP, 02/01/21, 76 Catherine, LLC, \$375

All in Favor – YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

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

10. MISCELLANEOUS

Mayor White – Mr. Pellino had written a letter regarding the removal of a parking space on Finnigan Ave. (near 270 Market St.). Council passed it on first reading.

Mr. Pellino – The Township has an ordinance on the books that pretty much says that other than a one and two family home, Tony is not supposed to issue any permits at all unless and until somebody gets site plan approval. Technically, it means that if somebody wants to upgrade their electrical system in a commercial building that conforms, he's supposed to make them get site plan approval. In the past, he's used his judgement, but it has caused some difficulties. My suggestion is that we work up a proposed ordinance that makes more sense. We can forward it to the Township attorney and to the Council to consider. It's caused a considerable amount of problems and interpretations and I think it's something we should really clear up. I have an idea to change it so that no permits can be issued until Tony issues a zoning permit. He'll use his discretion to determine, before he issues the zoning permit, if it's something that requires a site plan approval or something that doesn't. With the Planning Board's permission, we (Steve, Tony & Gary) will try to do that within a couple of meetings and have a proposal for the Board to consider. If you like it, we can forward it to the Township.

11. EXECUTIVE SESSION

Mr. Compitello made a motion; seconded by Mr. Browne to go into executive session to discuss an issue with outstanding fees owed to our Board engineer at 8:41. Mr. Compitello made a motion, seconded by Mr. Browne to come out of executive session at 8:50.

12. ADJOURN

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

Meeting adjourned 8:50 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary