

**TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
March 1, 2021 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday March 1, 2021 at **(The Saddle Brook Senior Center)**

1. CALL 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

Ms. Murray, Mr. Mazzer, Mr. Manzo, Mr. Marz, Mr. Burbano, Mr. Champy, Mr. Duffy – PRESENT, Mr. Gatto, Mr. Schilp and Mr. Tokosh ABSENT. Board Attorney Stephen Pellino, Board Planner Gary Paparozzi and Board Engineer Anthony Kurus also in attendance.

Mr. Pellino swears in 1st Alternate Mr. Marz and 3rd Alternate Mr. Champy.

5. NEW BUSINESS

A.) Anderson Rosario, 300 Grace Avenue, Block 411, Lot3

Applicant requests an above ground pool with rear patio in noncompliance with Municipal Code #898, Section 206.

Attorney William Mulder introduces himself as the applicant's attorney.

Mr. Mulder – The Rosario's reside at 300 Grace Avenue they are looking to install a 15 foot above ground pool with a paver walk around it and a paver patio. That would increase their accessory coverage to 22.8% which is over the allowable 18% from the Township. They are currently at 15.2% this will put them up to 22.8%. It would still leave them below the maximum lot coverage of 44% they would be at 39.8%. There is also a requirement here for the minimum lot frontage but that is pre-existing and non-conforming nothing they did to create that situation and nothing to expand it. The home now is surrounded with a 6-foot vinyl fence it has a locking mechanism that is required for the pool. We ask that the Board approve this variance in order for them to install the pool and paver patio.

Mr. Duffy – Mr. Paparozzi do you have anything to say.

Mr. Paparozzi - No comments.

Mr. Duffy – Mr. Kurus do you have any comments.

Mr. Kurus – No comments.

Mr. Duffy – Mr. Mazzer?

Mr. Mazzer – It's basically a pool and he's over on coverage.

Mr. Mulder – Correct.

Mr. Mazzer – So basically it's the one variance.

Mr. Mulder – One variance in addition to that minimum lot frontage.

Mr. Duffy – Mr. Marz?

Mr. Marz – I don't have any questions.

Mr. Duffy asks the other members if they have any questions and there are none.

Mr. Duffy – I do have a question I visited the property and the thing I was concerned about is the water and all the snow. His backyard is about 50% under water. Has he run into a problem in the past with it will he do anything to alleviate that.

Mr. Pellino swears in Anderson Rosario in order for him to answer the question. He states his name spells his last and gives his address as 300 Grace Avenue Saddle Brook, NJ.

Mr. Rosario – We had an issue with the water and we continue to work on it. It looks like most of the water comes from the neighboring properties. What we did was put in a seepage pit and we will put in an additional one going forward as well. The first seepage pit did a pretty good job in terms of improving the problem. It seems to be doing pretty good right now it's just a lot of melting snow.

Mr. Duffy – Well two feet of snow actually more like three feet since the beginning of the month. I saw it and was concerned I'm glad to hear you have a seepage pit.

Mr. Pellino – Mr. Chairman for the record the applicant did provide the proper notice for the meeting last month that was snowed out I know you Mr. Chairman posted a notice on the front door that evening indicating to anyone who might come to the meeting that it was being carried to March 1 so accordingly I found that notice is in place for the application.

Mr. Duffy – At this time I need a motion to open to the public on this application.

Ms. Murray makes a motion to open to the public seconded by Mr. Champy. All in favor – YES.

Mr. Duffy – The meeting is open to the public for this application only. Having heard no one come forward can I have a motion to close?

Ms. Murray makes a motion to close to the public seconded by Mr. Marz. All in favor – YES.

Mr. Duffy – Do we have a motion to approve the variance?

Ms. Murray makes a motion to approve the application seconded by Mr. Manzo.

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

C.) 124-128 Market Street, LLC, 124-128 Market Street, Block 614, Lot 1

Applicant requests to have a warehouse in a B-1 Primary Business District in noncompliance with Municipal Code #898, Section 206.

Allyson Kasetta from the firm of Prime and Tuvel is representing the applicant.

Ms. Kasetta – As you mentioned this is 124 thru 128 Market Street it's located between South Central Avenue and Woodward Street, It's block 614 lot 1 located in the B-1 business zone. The property is developed with an existing commercial building that contains 3 tenant spaces. I am sure you are all familiar with this property since it is in the center of town. The space closest to South Central Ave is occupied by a dry cleaner. The middle space is occupied by the Meir Yadid magic store and the one closest to Woodward Street is currently vacant and that space is the subject of the application tonight. As you can see on the survey of this property it has very little parking. There is small paved area on the side along South Central Ave where mainly customers of the dry cleaner park. Then there is a driveway behind the building that the occupants use but it's not a parking area for visitors to the property. This application is for a Use Variance to use that vacant tenant space as a warehousing wholesaling and distribution facility which is not a permitted use in the B-1 zone but is very similar as you'll hear to the uses that have been in this building for many years. I have with me a principal of the applicant who will give you some testimony on the history of the property and the nature of this proposed use. A large part of the reason why we think this use is more appropriate than the ones that are permitted in this zone is because of this lack of parking. It wouldn't make much sense to put a retail space in a building that has so little parking to accommodate visitors. I just want to make clear that the applicant doesn't propose any changes to the building itself or the other site improvements but we have requested sight plan approval because the code requires it for the change of use so that's part of the application. A couple of housekeeping items we received an exemption from the Bergen County Planning Board on January 12th I believe the Board was copied but I do have an extra copy of the letter if you need it. Mr. Pellino I will give it to you for your file in case you don't have it. We served and published notices both in advance of

the February 1st meeting that got canceled and this meeting so I think you should have received our proof of notice for tonight's meeting.

Mr. Duffy – Mr. Pellino is everything in order for this application?

Mr. Pellino – Yes it is.

Ms. Kasetta – I would like to have sworn Stephen Adzima who is a principal of the applicant.

Mr. Pellino swears in Mr. Adzima he states his name spells his last and gives his address as 1 Orchid Drive Wallington, NJ 07057.

Ms. Kasetta – Mr. Adzima can you confirm that the applicant is the owner of this property?

Mr. Adzima – Yes.

Ms. Kasetta – This is a family entity correct?

Mr. Adzima – Yes.

Ms. Kasetta – How long has your family owned this property?

Mr. Adzima – My dad and my sons bought the property approximately 1981 we have it over 40 years. When we bought it we bought it from the old Seville Machines they used to store machinery and rebuild machinery. They were a customer of ours and when we bought it we moved part of our operations at the time we were on Essex Street Universal Electric. In the beginning the cleaners came right probably the second year we got it. So Saddle Brook Cleaners they've been there almost since 40 years two different owners. Then when we bought a building in Hackensack and we moved the middle space was rented to Meir. He's been there about 15 years and all he does is he distributes magic for magicians different tricks and boxes. He is pretty much self-individual I don't think he might have had help but I never seen it. Then when we moved out there was a company called Precision Machine and they were there over 15 years and then they moved away and dog training came in there. All the time before that it's geared toward warehouse space. It has low ceilings columns open space. Since we owned it we had very few tenants. We don't charge a lot of rent I want to keep them there long term. I know the neighbors if they need anything we take care of them never a problem with the neighbors. We want to make sure that our tenants are good with the neighbors. There are only 2 houses behind us.

Ms. Kasetta – Steve a couple of things I want to note for the Board that we did submit some photos of the interior of the space so you can see how it is laid out it's really not fit out for a retail use. It's already in the state that it would need to be for this use to occupy it. Let's go back to the magic shop for a minute because I think it's important in terms of what we are proposing in the space next door. That's wholesale only correct no retail sales.

Mr. Adzima – Correct wholesale all it is is storage warehouse for storage and distribution.

Ms. Kasetta – They distribute to retail correct?

Mr. Adzima – They distribute to different places.

Ms. Kasetta – So is that a similar operation to?

Mr. Adzima – Very similar.

Ms. Kasetta – So the space we are here for that's currently vacant. How long has that space been vacant?

Mr. Adzima – With the pandemic over a year.

Ms. Kasetta – Aside from the dry cleaners and the canine academy have you ever had any sort of retail use on this property?

Mr. Adzima – It's always been for the years we had it has always been warehouse.

Ms. Kasetta – You mentioned that you make efforts to make sure that none of your tenants cause problems with the neighbors. Have you had any complaints filed against you?

Mr. Adzima – Not one in 40 years.

Ms. Kasetta – Can we tell the Board a little bit about this use that we're proposing to put in this space exactly what's going to go on in there.

Mr. Adzima – They're a wholesale distribution there's two guys they have one similar place in Cranford and they expand their business. They service little delis and food shops. They service with beverages nonalcoholic soda, juices, cookies, candy, snacks mostly like that. There's 2 or 3 employees they'll have a van and fill it up and then they'll go store to store and deliver their product. There will be no refrigeration no night hours or anything like that pretty easy operation I think would blend in perfect.

Ms. Kasetta – To be clear not open to the public?

Mr. Adzima – No.

Ms. Kasetta – You said no night hours approximate hours of operation.

Mr. Adzima – I imagine like any other business from 8 to 6 or something like that.

Ms. Kasetta – One of the Board Professionals had asked about receiving deliveries.

Mr. Adzima – We have a driveway with an overhead door where they can pull up and unload whatever they need and I would imagine they would purchase an electric fork lift and load it up onto racks.

Ms. Kasetta – Is that similar to how the magic shop does it now?

Mr. Adzima – Yes.

Ms. Kasetta – There was a question about where employees would park can you tell the Board how that typically works when this building is fully occupied.

Mr. Adzima – Along the driveway we have parking spaces for 6 cars right alongside the building itself and then also on Woodward there used to be 4 spaces and then the town put a stop sign there so we have 3 spaces.

Ms. Kasetta – Along the side of the road right.

Mr. Adzima – Yes.

Ms. Kasetta – But as far as the driveway if employees vehicles were parked there would there still be enough space for the vans to get in and out?

Mr. Adzima – Yes.

Ms. Kasetta – Would any vehicles remain in the driveway overnight if they stayed at the property?

Mr. Adzima – He might keep his van there I don't know whether he'll take it home.

Ms. Kasetta – You wouldn't allow him to keep it on the street. If it did stay it would be in the driveway.

Mr. Adzima – Absolutely.

Ms. Kasetta – I think those are all the questions I have for Mr. Adzima not sure if the Board or the Professionals have other questions.

Mr. Duffy – Mr. Kurus do you have any questions for him?

Mr. Kurus – Just talk a little bit more about the vehicles you said there will be vans no big trucks.

Mr. Adzima – No just vans cargo vans that's normally what they use for distribution.

Mr. Kurus – I don't have any more questions.

Mr. Paparozzi – Mr. Adzima you mentioned the hours were 8 am to 6 pm is that Monday to Saturday or Monday to Friday.

Mr. Adzima – Monday to Friday.

Mr. Paparozzi – What about on the weekend?

Mr. Adzima – I don't know whether he'd be open Saturday morning or not occasionally maybe on Saturday for an emergency deliveries or something like that.

Mr. Paparozzi – All the deliveries are vans no box trucks or trailers?

Mr. Adzima – No.

Mr. Paparozzi – You also mentioned you have parking on Woodward Street and that's just Township property that's not parking for your site I don't know if you know that and on Central there is not a parking space. Where the deliveries are there are no parking stalls shown so because the bay door is there and it's only 14 feet wide that section of the building so I don't know.

Mr. Adzima – The section along the right side is where there is parking.

Mr. Paparozzi – Do both businesses the magic company and this proposed business only take a delivery by van for both businesses?

Mr. Adzima – Yes. The magic shop might also have UPS coming.

Mr. Paparozzi – Then I suggest striping the parking on the side of the building where you have where it's actually the south side of the building on Central you can stripe those spaces. I didn't notice any striping there I'm not sure if it was covered with snow but it's required and right now you have none on Woodward and none on Central so whatever parking you do have should be striped.

Ms. Kasetta – I just want to make sure that I understood so you are talking about both the paved area along Central outside of the dry cleaner and the driveway where all the employees are designated to park.

Mr. Paparozzi – This area over here is not a legal space.

Ms. Kasetta – Right.

Mr. Paparozzi – So you can't stripe that.

Ms. Kasetta – Okay I just wanted to make sure I understood.

Mr. Paparozzi – In this area you would be striping on Township property which is not permitted so I'm assuming you have parking here for employees.

Mr. Adzima – Correct. Alongside the driveway.

Mr. Paparozzi – That needs to be striped.

Mr. Adzima – Okay.

Mr. Paparozzi – Quite frankly whatever other parking you have on the street is just Township property.

Ms. Kasetta – He knows that that's street parking I think he just meant if it was needed for overflow you know if the employees needed to shuffle their cars around or something.

Mr. Paparozzi – It just wasn't presented that way it was presented that there were 4 spaces on Woodward and then the stop sign came in and now it's only 2.

Mr. Adzima – I didn't mean they were our spaces.

Mr. Paparozzi – Just clearing it for the record. That's all I have.

Mr. Mazzer – Are there sidewalks on Woodward?

Mr. Duffy – Not alongside of the building.

Ms. Kasetta – Mr. Mazzer we have a professional planner that is going to testify and I have exhibits he prepared I haven't marked them yet but they have photos and you'll be able to see them.

Ms. Murray – What is that parking that you want to stripe down that driveway. That's tandem parking in order to park the car they have to back it down the driveway to back into a spot on that side. I don't know how you are going to do it any other way than that so you are going to increase some complications in parking there. Once you stripe them and they're going to be the size they have to be you're not getting 6 you may only get 4.

Mr. Paparozzi – Probably three.

Ms. Murray – Okay so there's a limit there. I get you have a tenant in mind for this but we're giving it a Use Variance what if the next tenant comes in and he's backing in box trucks and he's backing in trucks. Years ago when it was open they could park across the street from Ed's it was all parking and it didn't matter. Now you have development and you've got parked cars on that side of the street as well so we have to consider that it is not just this tenant but if you put in any warehousing or wholesale they can come in with any kind of trucks. I don't know that you can have your lease state that they are not allowed to bring in anything other than vans.

Ms. Kasetta – I think though the Board has to keep in mind that any tenant that leases this space is going to be aware of the properties constraints. If it were a different kind of distributor that needed bigger trucks they might not want to lease this space because they would see it's really not logistically ideal to use trucks for deliveries.

Ms. Murray – I also noticed the driveway into the space where they load and unload is sparsely covered between that and the other property. It's got some trees and it's got some space between the two but it's not a fence or nothing blocking whatever the neighbor is going to see. I don't know if that neighbor is here but I don't know if I would want to live next to that and see everybody's cars going in and out and maybe somebody leaves their car idling.

Mr. Adzima – I'm in communication with the neighbors several times a year. If they want us to do anything whatever they need I'll do for them.

Ms. Murray – I know everybody knows the current situation with the current neighbors but that doesn't mean the house doesn't get sold to somebody else or a different tenant comes in that's all I'm bringing up as far as this piece of it.

Mr. Duffy – Do you think these are questions that can be answered with the data that you have.

Ms. Kasetta – I think to a certain extent yes but I'm wondering I don't really know how much distance there is I have the survey in front of me but whether a simple solution would be to put a fence there or something between that driveway and the neighbors on that side if that would ease the concerns about it. That's more of an engineering thing if you look at the survey does it look like.

Mr. Kurus – I think you could put a fence if you wanted to.

Ms. Kasetta – If the Board wants to consider something like that if you think that might help ease that concern.

Mr. Kurus – Assuming the neighbor wants the fence.

Mr. Duffy – We'll revisit a couple of your questions when the planner testifies.

There are no further questions from the Board for this witness.

Mr. Duffy – I'd like to have a motion to open to the public for this witness.

Ms. Murray makes a motion to open to the public seconded by Mr. Manzo. All in Favor – YES.

Mr. Duffy – Anyone wishing to be heard on this application regarding this witness's testimony can come forward now. Having seen none can I have a motion to close to the public?

Mr. Burbano makes a motion to close to the public seconded by Mr. Marz. All in Favor – YES.

Ms. Kasetta – The only other witness we have is our professional planner David Karlebach

Mr. Pellino swears in Mr. Karlebach he states his name spells his last and gives his address as 96 Linwood Plaza Fort Lee, NJ.

Ms. Kasetta – Mr. Karlebach will you give the Board a brief overview of your educational background and qualifications.

Mr. Karlebach gives the Board a list of his credentials and experience and is accepted as an expert witness in the field of Professional Planning.

Ms. Kasetta – We will mark this exhibit A1 can you tell the Board what it is.

Mr. Karlebach – A1 consists of two sheets the first sheet is an aerial photograph of the site and the surrounding area it also identifies the nature of those surrounding uses in close proximity of the site. Then page two consists of four photographs of the site from various vantage points. The purpose I guess on page two is to give the Board an idea of how the entire site is covered with building and pavement. It doesn't have a parking area onsite and that these uses for the most part rely on parking right next to the dry cleaning establishment within the site driveway in the area above the loading doors and then the on street parking available on Woodward. That summarizes the parking situation. You can see the site has frontage on 3 roadways Market Street, South Central Avenue and Woodward Street. It is an older industrial type building circa 1940's with a long history of industrial tenancy. There's no delineated onsite parking area there's no bonafide parking area and whoever leases this building really relies on those small areas in and around the building and on the driveway. There is a total of roughly 13,000 square feet of floor area the building contains 3 tenant spaces one is occupied by the dry cleaner one by the magic store and the third is vacant. It was formerly a dog training facility and I believe before that it was a machine shop. If you go back to sheet one now we'll talk about some of the neighborhood uses. What we have are commercial uses along both sides of Market Street within the B1 Zone. You can see nearby the site is a bank a dental office a nursery school a realtor's office. There is a new mixed use development east of the site that is 110 Market Street. This site is also located a short distance from the municipal complex the fire station police station and the municipal building. That summarizes the surrounding area. In terms of the proposed improvements there really are none. This is strictly an occupancy application the only difference is a change in tenancy. There's no physical changes to the site no interior or exterior modifications to the building. There's really no need to address site plan issues. The applicant proposes to convert approximately 5670 square feet of existing vacant commercial space to be warehousing and distribution facility. The remainder of the building will remain as commercial space. This property is located in the B1 Primary Business District and that zone permits principal uses stores and shops banks professional offices restaurants and taverns vocational and other types of schools and public buildings. In terms of the relief that's required a Use Variance is required because the proposed use is not permitted and because there is no proposed construction there are no C Variances required. Let's talk about the planning justification for the granting of the D Variance I'll first turn to the positive criteria and I believe

the promotion of the public welfare is advanced because the site is particularly suited for the use. No parking lot exists at the site parking is possible at certain locations on the paved area surrounding the site and there is a limited amount of on street parking so this is certainly not desirable for a retail tenant or an office tenant especially in an auto oriented locale. I don't think it would be prudent to bring in a retail tenant or an office tenant considering the lack of parking because then the overspill is going to happen in the residential area and that is not recommended. A warehousing tenant requires an open floor area and a loading area which this site provides. This site has a long history of industrial use all the site feature that rendered it appropriate for a warehousing use over the years is still applicable today. I believe this application advances the purposes of the municipal land use law. One of those purposes is to encourage land development with a view of lessening the cost of such development and to the more efficient use of land. There are no proposed changes to the site it replaces a vacant commercial space with an active use. It concentrates development in an area of existing infrastructure. It eliminates sprawl and is certainly consistent with the principals of New Jersey (inaudible). Promotion of the state policy has been held to advance the general welfare and it serves as the basis for granting the variance and here this proposal is consistent with the states strategic plan I'm just going to read a passage from that and that is "To support the industrial and commercial adaptive reuse of obsolete facilities such as the conversion of older industrial complexes the smaller multi-tenant industrial and commercial mixed uses". So here we have the state planning office 20 years ago introducing us to the principal of flex space which is really what we have here older industrial building carved up into three tenants and a mixed use building. We'll turn now to the negative criteria I want to talk about the first prong and that there is no substantial detriment to the public good again strictly an occupancy application only a change in tenancy. There's no manufacturing or assemblage of materials therefore no excessive noise, odors, vibration, glare, dust, fumes or any other objectionable influences. There's no change in the building footprint no change in paved area no exterior or interior modifications are required. It's ready fit for the proposed use. In fact the building exterior and interior space more closely identify with a warehousing type use. There's no proposed reduction in setbacks visually the site will remain just as it does today. This proposed warehouse and distribution facility does not typically have visitors, clients or patrons. The site is only visited by employees and infrequent walk ins. There is no land disturbance proposed no tree clearing no proposed modification of utilities or drainage and there is no increased demand form municipal services because the building is already there. The site will utilize the existing circulation and access scheme. The impacts of a commercial and industrial building at this location have already been tested. It's already existed that way in the past and Board Members that is vastly different than a wholly new non-conforming use with no history. Area residents and businesses are already acclimated to the presence of a prior machine shop at this location. Moving now to the zone plan and zoning ordinance I don't believe there is any substantial impairment of the zoning ordinance. The change of occupancy is not so significant as to alter the character of the area or damage the integrity of the zone. Traditional retail uses and office uses have never existed at this location. This use is far less intensive than some of those uses that are permitted in the zone. I did review the 2014 Master Plan Reexamination Report and that plan encourages business retention. Just to read a passage from the plan "One of the objectives is to maintain existing general businesses including local business activities local service activities and office buildings in compact areas already substantially developed for such uses". I will conclude by saying this portion of the building has been vacant for over a year. The interior is an open floor plan typical for warehouse space. It has low ceilings no store front windows nor does it have a legitimate parking area. It is not readily adaptable for a conforming use. The applicant has owned and actively managed this site since 1980 with no impacts that I'm aware of. There's no conflicts or complaints that were reported by the client to me. This proposal puts a vacant space back to productive use. It restores a previous warehousing type use with a long history and vacant buildings are inherently bad for the general welfare. They contribute little in the way of tax ratables, jobs, housing and aesthetics. This proposal is consistent with the Master Plan goals and the states smart brook principles. Any attempt to reoccupy this space with a conforming use would have a far greater impact on the neighborhood and it is not recommended. I believe Use Variance approval is warranted.

Mr. Duffy – Mr. Paparozzi do you have any questions?

Mr. Paparozzi – Mr. Karlebach there was earlier testimony that it was not going to be open to the public but didn't you mention something about walk-ins?

Mr. Karlebach – I think the attorney has a little more background on that what I meant to say is it's a wholesale facility meaning you're not going to have people walk in that are interested in retail but on occasion you may have someone that is interested as a wholesale operation that walks in infrequently.

Ms. Kasetta – I think that situation is only contemplated if one of the retailers that this distributor delivers to needed something in a hurry and couldn't wait to set up a delivery. You might have a retailer come in and buy the wholesale goods but it's not expected to happen very often.

Mr. Paparozzi – Do you know the area of the proposed lease for this tenant.

Mr. Karlebach – I believe I said it was 5670 square feet.

Mr. Paparozzi – Do you have the survey in front of you by any chance?

Mr. Karlebach – I could get it in front of me.

Mr. Paparozzi – If you look where it says in the middle of the survey one story masonry building number 124 it says the lot is 12,658 square feet.

Mr. Karlebach – Right.

Mr. Kurus – I think that's the building. The lot size is 16,000.

Mr. Karlebach – Yeah lot is right lot 1 block 614 is below that.

Mr. Paparozzi – I just wanted a clarification on that.

Mr. Karlebach – Maybe I should clarify because I think I said the total square footage was 13,000 square feet and here the survey says 12.

Mr. Paparozzi – Well 16 yes.

Ms. Kasetta – I know where that came from because we submitted copies of the marketing materials that the brokers been using and on there it says total square feet 13,000. I think the broker just rounded it off. So that is consistent with the 12,658.

Mr. Paparozzi – Okay. That's all I have Mr. Chairman.

Mr. Duffy – Mr. Kurus?

Mr. Kurus – I guess I would ask your opinion on a fence or something on the driveway or some additional landscaping.

Mr. Karlebach – I mean there is really one property owner that is impacted and there is limited landscaping. I think the applicant is willing to work with the property owner if they would want a small privacy fence in the area of the loading area I think that could be accomplished.

Mr. Duffy – Mr. Mazzer?

Mr. Mazzer – I'm fine with it the only thing I would like to see curbing and sidewalks on Woodward. There's people that walk there and they are walking in the street.

Mr. Karlebach – I think that would have to be up to the mayor and council.

Mr. Mazzer – It would be up to this Board.

Mr. Karlebach – It's a use.

Mr. Paparozzi – A use application has the latitude.

Mr. Karlebach – I understand that but the building is way up against the property line and then you have asphalt which as you said is in the right of way. That asphalt does not belong to the land owner that's part of the street. The street goes right up to the edge of the building. If you look at page 2 and the upper right hand photograph and you see that asphalt area that comes right up to the edge of the building that's not on the subject property it is actually part of the right of way so I guess what I'm saying is whatever is going to happen is going to happen on public property.

Mr. Paparozzi – According to the survey the building is in the right of way.

Mr. Karlebach – Or the building could possibly be right over the right of way. My point is any curb inside the walkway.

Ms. Kasetta – I'd like to just add a thought on top of that if you look at the photo Mr. Karlebach was referring to there is a sign there which relates to parking. I think if you were to put a sidewalk there it

would only exacerbate the lack of street parking in the area because right now there is a little bit of width for a car to pull off the street.

Mr. Mazzer – I don't care about the parking I just care about people walking. The curb and sidewalk for people walking.

Mr. Karlebach – I don't know that there is an opportunity to preserve both parking and provide a sidewalk.

Ms. Kasetta – I don't think that this use is going to have any impact on pedestrian access along Woodward because again this is not something that's attracting the public to the site and in fact no one is coming out of that side of the building because the entrance to this tenant space is in the front along Market Street.

Mr. Mazzer – I'm just saying what if someone is walking down there going to Market Street or walking their dog.

Mr. Karlebach – Are you talking about the property?

Mr. Mazzer – Woodward.

Mr. Karlebach – No I understand there are no sidewalks for the few houses leading up to that as well According to this picture. I wasn't sure if your concerned about with the tenants there with the sidewalk.

Mr. Mazzer – No anybody walking down Woodward there is no sidewalk.

Ms. Kasetta – It looks like from the aerial that most of that side of Woodward doesn't have any sidewalks.

Mr. Duffy – Its sporadic one house has one one house doesn't.

Ms. Kasetta – It looks like the 3 closest to the property do not have sidewalks.

Mr. Burbano – It looks like there's cars parked along the building there in that space as well.

Mr. Duffy – The Woodward side the street is demarcated because if you look at the slope of the macadam that goes up to the building the width of the street is marked out so I don't know how you would do it.

Ms. Kasetta – I would argue that it wouldn't make sense seeing that these 3 house closest to the property don't have sidewalks I would say it makes more sense to leave it the way it is because what we are proposing is not going to change anything on that street.

Mr. Burbano – Gary are cars allowed to park along the building there?

Mr. Papparozzi – Technically it would be considered the street where they park now except it doesn't have curbs and sidewalks. In other words the curb would be another 9 feet away or 8 feet in this case because Woodward is a 40 foot street. Eight feet away from the building although the building is 4 or 5 inches into the street 8 feet away from the building would be the curb and then you would have the 2 feet and 4 foot sidewalk so if there was curb there they would be allowed to park there as long as they are not too close to the stop sign. I see that looking at the overview I don't know how close the car is to the stop sign.

Mr. Burbano – The reason I'm asking is it looks like there's a separation there it almost looks like there is some sort of a curb at the end of the thing. If you put a sidewalk there people are not going to park there now and it might make more parking congestion for everybody on the street.

Mr. Papparozzi – Yeah it's sporadic at best so I understand what Commissioner Mazzer is talking about but it's probably something that the Mayor and Council should actually look at and see if it's advantageous to do it.

Mr. Karlebach – There is a sign that says no parking here to corner so that suggests that parking is available and lawful on Woodward next to the building.

Ms. Kasetta – That's that sign that you can see.

Mr. Burbano – Well there's cars parked in front of the houses too so you can just park on the street. That corner is probably whatever the normal distance from the corner.

Mr. Marz – Is it their secondary warehouse or their main warehouse?

Mr. Adzima –Cranford is where they have their main warehouse this is secondary.

Mr. Burbano – You're changing use so when he leaves somebody can use it as their primary.

Mr. Marz – How many people since that precision engineering company was there have moved into the homes while they were there banging and making noise they moved into those houses while they were there?

Mr. Adzima – I think the last time somebody moved into those houses was years ago.

Mr. Marz – I was just trying to see if they moved when there was a precision machine there someone would move in again with this warehouse there. It's up to people moving in.

Ms. Murray – Where is the trash and does it generate much trash and where is the trash being held? I'm sure that there's trash I just don't see it on the plan where does it go?

Mr. Adzima – They used to have a small bin up on the side of the garage door.

Ms. Kasetta – I wouldn't expect any of these uses to be high trash generators the dry cleaner or these distribution centers because goods are coming in and then they're going back out.

Mr. Adzima – They're not making anything or assembling anything or having any waste really other than personal waste or whatever.

Mr. Duffy – Mr. Manzo?

Mr. Manzo – I'm good.

Mr. Duffy – Mr. Champy?

Mr. Champy – I don't have any questions.

Mr. Duffy – I have a few. Let's talk about the trash for a second. The use is a distribution center items are going to be coming in and they are going to have to be packed out. That's going to produce some kind of refuse so that is going to become a problem. It's not always going to be where everybody is going to come in with I'm bringing in 2 cases and I'm only going to take 2 cases. Cases are going to be broken down or pallets are going to be broken down so I can see that there will be an issue with trash so how is it going to be addressed?

Ms. Kasetta – Do you know how it's addressed at the magic shop now? Are boxes stored inside until they can be disposed of or?

Mr. Adzima – He keeps them and then he disposes of them himself. Previous to that when the machine shop was there they had a little bin and Pinto or somebody took care of it.

Ms. Kasetta – It's a private hauler?

Mr. Adzima – Yeah years ago.

Mr. Duffy – I fully appreciate that but that was a few years ago so now we're in a different circumstance and we're dealing with a situation now where a machine shop was not going to produce a lot of refuse in the same way this type of operation is going to. These are the questions that I'm concerned about and it's a food operation cookies, candies, sodas so I'm taking it he is going to be going to small for lack of a better term bodegas small little candy shops and so forth. This isn't going to be there is going to be some refuse there's going to be garbage so that needs to be addressed and where this is going to be I don't know. The thing that interests me about this with that in mind is that if we got roughly 13,000 square feet this will be 3 tenants so how is this building separated right now. What's the square footage the dry cleaner has the magic shop I didn't even know there was a magic shop there. I don't know how big of a slot he has.

Mr. Adzima – That space has been there since we had it forever. Yedid's Magic Shop I believe is approximately 4000 and the dry cleaner is approximately whatever is left.

Mr. Duffy – What separates each of these how are these they have block walls?

Mr. Adzima – Yeah.

Mr. Duffy – Okay. I'm just thinking a little bit ahead because part of our responsibility of this Board is not just to look at what you want to do today but how the impact is as we go forward. Everybody is talking to us here about how things were and we have a responsibility to look at how things are going to be. I know you have a wonderful relationship with your neighbors as far as you've said but things change people change. We give permission in certain areas and then we have that issue that comes up and oh well what do we have this for. There's all different questions that come into play.

Mr. Adzima – If the tenant needed a cart that generated then with the CO they would get a cart and the hauler would take it away.

Mr. Duffy – Okay but where is it going to go?

Mr. Adzima – Wherever he takes it to.

Mr. Duffy – No no no where is it going on the property where is it stored on the property?

Mr. Adzima – There is a space next to the overhead door.

Mr. Duffy – There's a space there now. That now has eliminated parking in that area.

Mr. Adzima – No on the opposite side.

Mr. Duffy – Okay see that's where these questions are coming up for.

Mr. Adzima – I'm sorry.

Mr. Duffy – We can't tell.

Mr. Adzima – On the opposite side of the overhead door there is a space for.

Mr. Duffy – On the opposite side so I'm looking at page 2 of Mr. Karlebach's photos the overhead door so there is I guess kind of a walkway. If you look at that overhead door to the left of the garage door is a space is that what you're talking about?

Mr. Adzima – I'm not sure to the left or the right there's on both sides.

Mr. Duffy – To the right is the doors.

Ms. Kasetta – You're talking about away from the building right?

Mr. Duffy – Right. This is what I'm thinking my take on him is this spot right here. I can't see you fitting a dumpster even a small dumpster in front of that driveway so that presents that problem. How are we going to address that?

Ms. Kasetta – I'm not sure that it is a problem because I understand we have to talk about what happens going forward but our point in talking about the magic shop is it's a very similar operation and they're able to deal with it now. I think the other thing you have to keep in mind is this space is very large so I don't see any reason and correct me if I'm wrong why boxes and such can't be stored inside until they are ready to be brought out for the hauler to pick up. This is a very large space.

Mr. Duffy – I'm still a little uh what has me concerned is the type of operation. It's a wholesale place so he's only going to have one van or two vans and that's the extent of this business. He's not going to grow he might outgrow that way.

Ms. Kasetta – It's a large space in terms of square footage and what we are discussing right now but it's not a space for a massive warehousing operation. In terms of warehouses it's very small so I think again I said this in response to another Board Members question any tenant has to keep the constraints of the property in mind when they're choosing to lease this space. A larger operator is not going to lease a space like this.

Mr. Duffy – I understand that and I would hope that they do I'd like to make sure they do in some form or another. What bothers me some of the things that concern me too is when you park in the back here we have I guess that's the magic shop that is the red door in the back and who's garage door is this in the back?

Mr. Adzima – The magic shop.

Mr. Duffy – That's where he gets his deliveries and so forth out.

Mr. Adzima – That's where UPS would deliver.

Mr. Duffy – He doesn't want a mail order slot?

Mr. Adzima – Mostly shipping all shipping.

Mr. Duffy – All shipping okay. So the red door that's there is his in and out. That's his entrance to his building to his space?

Mr. Adzima – That's the dry cleaners.

Mr. Duffy – That's the dry cleaners in and out okay. That means he can't line any parking in here correct?

Mr. Paparozzi – He can it would be employee only obviously. If he stripes by the dry cleaner there then it's obviously parking for the dry cleaner and after that it would be parking for the magic shop. You can only put at best 3 spaces because those spaces have to be 22 feet in length for parallel parking. You probably squeeze more cars there then you could if you had to but the actual space has to be 22 feet to be code.

Mr. Duffy – They can't obviously block these entrances. Does the magic shop the only way he gets in and out is through that door?

Mr. Adzima – Yeah.

Ms. Kasetta – Isn't there a door in the front?

Mr. Adzima – There is a door that goes to Market Street also.

Mr. Duffy – The magic shop goes through that door I thought that was where the entrance to that space is.

Mr. Adzima – The one entrance that faces to the right and straight ahead is the magic shop. There is a discussion about which door is for which tenant and the members look at the pictures that were provided to clear up any uncertainty.

Mr. Duffy – There's a number of things with the parking and then now we have you put parking in the back and then you have delivery trucks coming in and out.

Ms. Kasetta – I want to say we understand none of this is ideal but this building is here and we believe this use is the only one that makes sense. If we were to propose a retail store in this space the extent of relief that we would need although we wouldn't need a use variance the parking variance would be very significant and the detriment to the neighbors around this property would be very significant. We're trying to make the best of the situation as it exists. If this were a new building that we were proposing of course we wouldn't propose this configuration but we're trying to work with what's there because again this space has been vacant for a year.

Mr. Duffy – I get that and just so you understand the way I approach certain things. Sometimes I'll ask questions or engage in conversation hoping that through that we can come up with a solution. Somebody here might say you know what I didn't think of it or they may offer something like that and it's a number of things that we're going to have a little bit of it's rough the whole thing. Maybe when it was precision shop or was that a long time ago it worked because nobody I don't think in all my life that I lived here I think I can say I ever saw anybody go in and out of there that worked in the machine shop but we could hear them.

Mr. Adzima – Precision I think when they were there is more difficult because of the number of employees they had and it was pretty active. This is right now 2 employees maybe 3 and they go in there and make the deliveries so the neighborhood will be quiet you're not adding to traffic coming in and out. I don't know how you could put retail in there to tell you the truth.

Mr. Duffy – Oh I wouldn't even venture that.

Ms. Kasetta – That's the dilemma that we're in. No matter what we propose it requires some kind of relief. There's nothing that can just go there as of right.

Mr. Adzima – There again with the neighbors if they want a fence if that's what they want I'll put the fence. They hadn't indicated that they wanted it before. If they want shrubs I'll put shrubs whatever they want I get along with them.

Mr. Duffy – I think you do.

Mr. Adzima – Been there 40 years.

Mr. Duffy – I would like to see some type of receptacle I wouldn't want to see cardboard and stuff sit in the building and wait like that.

Mr. Adzima – What if he keeps it inside?

Mr. Duffy – This building is old it has limited amount of egress and I think it would be prudent to get rid of as much of a fire issue that you could and that's what I would want to see.

Mr. Adzima – You want the cart on the side.

Mr. Duffy – If you had to do something where you could fence it in over there and I could see the neighbors were happy that it was fenced in I wouldn't see too much of a problem.

Mr. Adzima – I'd be happy to do that.

Mr. Pellino – To the planner, given the history of industrial and warehouse use do we have any evidence of any prior use variances granted.

Mr. Karlebach – I did not research prior variances no. I can only guess that it was a preexisting nonconforming use based on the age of the building 1940. I think that probably predates the first zoning ordinance.

Ms. Kasetta – I think that's correct because in my conversations with the Zoning Officer before I filed the application he told me that when the dog trainer went into this space any protection it might have had as a preexisting nonconforming use would have been lost because the use would be considered abandoned. I think that's what it was.

Mr. Duffy – Do we have a motion to open the meeting to the public for this witness.

Ms. Murray makes a motion to open the meeting to the public seconded by Mr. Burbano.

All in Favor – YES.

Mr. Duffy – The floor is open to anyone from the public who would like to comment or ask questions on this witness and this application only. Having seen none do I have a motion to close?

Ms. Murray makes a motion to close the meeting to the public seconded by Mr. Marz. All in Favor – YES.

Ms. Kasetta – Nothing further again I thank the Board for your time. I think this is pretty straight forward again if we were proposing a new building of course it would make a lot more sense but we are just trying to make the best of this situation as it exists. We really do believe that this use although it require a use variance is the least detrimental to the surrounding neighborhood. That's the primary basis for our request.

Mr. Duffy – I would like to ask for a motion to open the meeting to the public on this application.

Ms. Murray makes a motion to open the meeting to the public seconded by Mr. Manzo.

All in Favor – YES.

Mr. Duffy – This is your final opportunity to speak on this application only. Not hearing any do I have a motion to close.

Ms. Murray makes a motion to close the meeting to the public seconded by Mr. Manzo.

All in Favor – YES.

Mr. Duffy – What is the Board's pleasure?

Mr. Burbano makes a motion to approve the application with two contingents one is garbage container fenced or enclosed and striping the parking spaces which would be in the back portion of the property.

Ms. Murray seconds the motion.

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

B.) Midland Commons of Saddle Brook, LLC, Block 402, Lots 1-5 and Block 401, Lot 4

Applicant requests to build a 4 story, multi-family residential building with ground level parking, 60 apartments and 114 parking spaces in noncompliance with Municipal Code #898, Section 206.

Attorney Carmine Alampi Is representing the applicant.

Mr. Alampi explains how he had noticed for the prior meeting that was cancelled due to a snow storm and that he noticed again for this meeting even though the Township had posted a notice on the door of the Senior Center. Mr. Pellino states that the noticing is in order.

Mr. Alampi – This application is the last phase of development for this property. I first came to represent the Pucio family on this property in 2004. In all that time in my representation of the family we appeared before the Board on several occasions. First everyone may recall this was a junkyard it was contaminated and Mr. Pucio spent over two million dollars in environmental remediation. All of those files and approvals were presented to the Planning Board when we did the first building. It's on file with the Town Clerk as well. The Borough has the records on the remediation. It took 3 years of cleanup. We had secured the approval to improve Van Bussum and directly in front of the existing two buildings you know there is a vacant lot and that property is also owned by the Pucios. We had gotten approval to build either 5 two family homes or two buildings with five townhouses in each 10 dwelling units. We never capitalized on it. It is still vacant land. That property was called Bob Skis property and the town had foreclosed on a tax lien and we built the property. In addition to that in 2006 the Pucios contributed 650,000 dollars to satisfy its litigation in which we were not a part of the litigation but there was a litigation involving the affordable housing. When we were approached to buy the property along with the requirements at the time Judge Harris was the judge that oversaw all of the affordable housing litigation. A settlement was reached by the Township but there was a need to contribute 650,000 dollars. My clients have a rich history of involvement with this property cleaning up the environment of contamination and remediating the site building the new buildings and of course we're not saying this as though it didn't return an investment to us of course it did. We were the catalysts to cleanup that area and we helped with some of the affordable

housing litigation. As you know the Mount Laurel Affordable Housing Laws keep changing and evolving. We did get the 2 buildings approved and we went back for a height variance of those buildings and we did file with Piazza Associates for the affordable housing and we do have a deed we recorded. Mr. Pellino brought it to my attention a few times as did the Township Attorney and I submitted the deeds for filing. We brought them to Town Hall for filing but it wasn't done. I found that I still had 3 originals in my possession so Steve I need to get them to Town Hall because the Mayor's signature wasn't notarized. I couldn't record the deeds because after he signed it whoever administered it didn't have it notarized. I'm giving you this background because I did receive a letter Saturday from Mr. Suarez wanting me to confirm that we were committed not only that we built the affordable housing but that we administered to be documented and we did the deed notice. All that has been completed except someone forgot to have Mayor White notarize his signature. This triangular shaped parcel that is the subject of tonight's hearing is an interesting property. The two midrise buildings that were built are in the Affordable Housing Zone. Behind us is a commercial zone hence our application to build a residential building in a commercial zone and I think it's the Business Zone so we need a Use Variance. We have several witnesses to present to you. Back in 2007 we appeared before the town and secured the site plan approval to build a self-storage unit. The concept we had was that the building was going to be built from the ground up and the building would be accessed from Route 46 overpass. That self-storage was going to be accessed by the public up on Route 46 and was going to be first floor level. We had two or three levels going down and three levels going up. It was a huge building it was much larger than the building we are proposing. The self-storage industry took a hit and things changed and although we did negotiate a contract with the self-storage operator we pulled away from him because we believe it would not be successful going forward. We have determined that we would finish off the entire project with a third midrise building surface parking 4 levels above 60 units. We are committed even in this building to set aside I believe 12 affordable housing units. We have a planner her name is Kathryn Gregory you may remember a few times she appeared here and I believe she was your Planning Consultant years ago. She'll talk about the criteria that justifies a Use Variance especially when you provide affordable housing component to support it. The building will look like the other two. We have cross easements so that the residents have the legal right to traverse Van Bussum from the developed property thru the subject property. I said a lot but I wanted everybody to go through that history because it's been a long winding road for my clients. I think they have done a very nice job so far with the street the lights the sidewalks it looks very attractive over there. I think a third building will compliment it. We have our architect Raymond Virgona and Robert Costa our engineer who served this community in many capacities in engineering. We started out with Rob Costa as our site engineer 17 years ago on this. We have brought in Lee Klein a very prominent traffic engineer to discuss the circulation on the site explain how the easements work and how you go thru the site and parking. We stole a couple of parking spaces form one building and added more parking spaces to the other because we consider this when it's finished to be one project. So we moved a couple of spaces around in order to maximize the onsite parking. Back in April we filed this application and received a review letter from Neglia Engineering dated in June 2020. The Neglia letter was very comprehensive quite demanding of the details that we upgraded our plan. There were some concerns about how much detail was required. On October 20th of 2020 we filed a comprehensive package with the Board and we provided the boundary and topographical surveys and since we are bringing these lots together with the three buildings we did a consolidation map bringing all three lots together. We did a drainage calculation we were also required to do fire hydrant test reports which we did. There's always been some confusion about the two roads that were vacated in the 1940's. Those roads are Grace Street and Madeline Street. There was never any confusion on our part but the Township was looking for those old records which I had unearthed years ago. We did provide you with the deeds vacating those two roads. If you go on the other side of Midland Avenue Grace Street and Madeline Street go off towards Route 46 but on this property they were vacated many years ago. Finally after reviewing these reports your consulting experts Mr. Paparozzi and Neglia Engineering reviewing our plans again and we made a last submission and we upgraded the plans and resubmitted more detailed plans in January 2021. When our experts testify they will give you the last revised dates on their plans. That January submission was our final submission.

Each time we submitted it was in response to the comment review letters and either missing elements or items they wanted us to send you. One last comment when we built the first two buildings there was very poor water pressure and water service in the area that affected people beyond this property. When we built the two projects we were required and agreed to and did complete a water loop system. That created water service and increased the water pressure and allowed not only for these buildings but for the residents in the area. I will call Mr. Costa first our site engineer.

Mr. Paparozzi – I have a question for Mr. Alampi. Was Phase 2 part of the package for Phase 1 in other words was the whole site in the original plan have three buildings?

Mr. Alampi – No the self-storage was the plan.

Mr. Paparozzi – Oh so it was two buildings and a self-storage.

Mr. Alampi – Yes.

Mr. Paparozzi – Okay.

Mr. Pellino swears in Robert Costa he states his name spells his last and gives his address as 325 South River Street Hackensack, NJ.

Mr. Alampi questions Mr. Costa to establish his credentials as an expert in the field of Civil Engineering. The Board accepts him as an expert in his field.

Mr. Alampi – You prepared the 12 sheet engineering site plan exhibit correct?

Mr. Costa – That is correct.

Mr. Alampi – These engineering plans run through a series of revisions because we've been working on the back portion of this project since 2019.

Mr. Costa – Yes.

Mr. Alampi – If you could just give us your last revision date.

Mr. Costa – January 4th 2021.

Mr. Alampi – That revision is a result of collaboration and review and the engineer reports.

Mr. Costa – That's correct.

Mr. Duffy asks the engineer to please move his display so that everyone can see it.

Mr. Alampi – Mr. Chairman can we mark collectively for the record the engineering exhibit 12 pages that's revised January 4th 2021 can we mark as A1?

Mr. Duffy – Yes we can.

Mr. Alampi – I asked Mr. Costa to create an exhibit to mark as A2. He created a larger version of the most important sheet the site plan sheet and to colorize it and put it on a hard tack so we could make this presentation more clearly. Robert state the date again.

Mr. Costa – January 4th 2021.

Mr. Alampi – Again for the record it is sheet 2 of 12. Okay Rob take us through the site plan.

Mr. Costa – I think Carmine went over the history. Back in 2001 the Township decided to take this property over and purchase it. They came up with three lots. The three lots were created from vacated streets. The town vacated streets there were billboards on the property that were on Route 46. Under this proposal those billboards will be removed. Originally you heard Mr. Alampi say that there was a development that was going to take place for self-storage. The self-storage would have had access from Route 46. You would basically see a two story building off Route 46 and the remaining would be built below. Anybody living in the apartments would be looking at a wall on the entire triangular section where the rear property line or side property line some is residential some commercial. That never got built and here we are tonight two of the buildings are constructed and occupied and the idea was to go back in and finish the project. The self-storage idea was abandoned and the idea was to come back into this Board because as your planner noted earlier there was a zone line done many years ago allowing self-storage use on this triangular piece of property. There was a sub division done the lot line that is shown on the plans demonstrates where that is. The lot that is in front of you this evening is roughly 1.4 acres. It would basically separate the two uses and again this was going to be the development where the back edge of the building was for self-storage and was accessed from Route 46 which will not take place anymore and it borders New Jersey Transit and the railroad. With the change we are proposing we're proposing 60 units on the site. The breakdown if you look in the lower left hand corner there's 30 one

bedroom units 27 two bedroom and 3 three bedroom. Within that number is 12 affordable housing units that you should hear testimony from the architect. What Mr. Alampi didn't touch on yet is that meets into your affordable housing requirement. I think it was part of the negotiation Mr. Alampi.

Mr. Alampi – Mr. Chairman if I may in my review of the recent plan settlement with the affordable housing this project and the property the one that's built and the one being proposed those units were included by the Township in their litigation for showing they were creating an opportunity for affordable houses. So our project is an integral part of the Town's legal position.

Mr. Costa – With that said we have the breakdowns for the sanitary sewer and the parking spaces. If I could just go very slowly with the parking. On the entire site all three buildings the first approval for the two buildings was 170 parking spaces. What we are proposing is 8 parking spaces on the left hand side of the building 14 spaces on the right side of the development in the entry will be for this building. We are proposing another 20 spaces for the opposite site to handle the two existing buildings and that number will go down to 161 parking spaces. So the two buildings that currently exist if this is approved will have 161 parking spaces 155 are required under the RSIS. We don't require a variance we don't require any deviation from the RSIS under this proposal. Then if this is built if it's approved there will be 114 parking spaces dedicated for this building which meets the RSIS. There's no lack of parking if the Board so desires and approves this what this will add we're taking it further away from Route 46. Originally we had to build massive retaining walls along Route 46 to hold it up because it dropped off roughly 40 feet. That's taken out of this. This pushes the building further away from Route 46 based on the original self-storage design. By using a portion of the building as a retaining wall we had to build a small keystone retaining wall up top just to break the slope down slightly. Under this scenario as far as engineering design much simpler. I am not sure if Anthony concurs with that or not if you look at the original design but basically much easier. I put my license on the line with this one. The original one we brought in experts geotech experts PHD's to figure out how they were going to actually build that original wall. That was very difficult with DOT. I believe there was a question as far as drainage. We're adding a drainage system along the easterly parking lot with that I believe there's 90 stormceptor units. They are roughly 400 gallons each one of them there's going to be 90 that are proposed and that's going to tie into the existing system that's in place today. We're going have built connection back into New Jersey Transit we're not going in their property we're not touching their property. I know there was a question whether or not this capacity in this line many years ago Mr. Pucio when he first purchased it I'm not sure if he remembers but that line and that road flooded tremendously. What was going on was New Jersey Transit was storing the railroad ties and when it flooded the ties took off and went into the pipe and clogged the entire pipe from the portion that's in Van Bussum all the way through this property. My client hired contractors cut open the pipe dug it out cleaned up all the railroad ties that were there put in racks so that never happened again. I know you're requesting us to go in and look at it hopefully it's not clogged hopefully it has been maintained but we would certainly look at that just a little piece of history there.

Mr. Alampi – There was chronic flooding all around those properties because of lack of maintenance and those railroad ties.

Mr. Costa – Correct.

Mr. Alampi – Didn't we have an agreement with the DPW where we facilitated a scheduled maintenance.

Mr. Costa – My understanding yes. Also with the DPW yard this is one of the last things I probably did when I was the engineer. There were two pipes installed through the DPW yard up to the building to the south of that. That also was causing tremendous flooding in this ditch. I'm not sure how it's working I haven't heard since then but for my knowledge I think it's working pretty well and again I think that goes out to President Street and then ultimately we give it to Garfield. In a nutshell that's it there's variances that are obviously required under this. There's a height variance we'll hear testimony from Kathryn on that it is a front yard setback if we leave this line intact. I'm not sure how the Board wants to handle that we could consolidate the entire complex into one lot and those lot lines would be removed. If that is removed it is one complex with three buildings and we probably need relief for that.

Mr. Alampi – Yes it would be like a planned unit development. On the subdivision didn't we move the lot line by 3 feet to match the zone line?

Mr. Costa – That was many years ago yes.

Mr. Alampi – Lastly when you say there's variances you're talking about because of the weird triangular configuration front yard side yard variances.

Mr. Costa – If we leave this as a separate lot and block then we would require access agreements in order to get to this because all the access is going to be over Van Bussum. If we remove the lot line then the complex acts as one it would be no requirement for any easements running through the site or any access agreements from one property to the other. Also if we keep it with the separate lots we'd have to have sewer easements because you're going to have drainage that's being hooked up to the other drainage system also the sanitariums.

Mr. Alampi – I think you designed the infrastructure for the sewerage water retention catch basins vehicular ingress egress access points. You did all that design but you left it up to the Board as to whether we consolidate this lot and it's under the same ownership.

Mr. Costa – My recommendation is to consolidate the lot at this point.

Mr. Alampi – You have a lot consolidation plan in one of your sheets. I'm sure you did that.

Mr. Costa – Somebody else did. I'm not sure if we did submit a lot consolidation.

Mr. Alampi – Yeah we did.

Mr. Costa – My recommendation again to the Board would be to consolidate because it makes it much easier the maintenance falls under one entity. The ownership falls under one entity so any of those things. You still have to maintain the storm water on the two facilities there's all separate systems it just makes it much easier much cleaner. You don't have to have all the access agreements you don't have to have a sewer agreements.

Mr. Alampi – All the properties are currently owned by Midland Commons of Saddle Brook, LLC. Rob you also ran a private fire hydrant test report. Do you know why we needed to do that?

Mr. Costa – The only thing I can think of is it was a requirement of the Fire Department.

Mr. Alampi – What is the purpose of that.

Mr. Costa – To find the pressure of the mains in that area. I know you touched on the looping of the system there. I'm not sure if the Pucio's did that I think it was done under the townhouse developments when they ran underneath the railroad tracks. It was done from the opposite side of the New Jersey Transit tracks and westerly up to Midland and down through Midland and I think it dead ended there. I'm not sure if it was ever completed.

Mr. Alampi – Anything else you want to tell us about the engineering of the site?

Mr. Costa – The drainage everything is going to go easterly into the system. The catch basins they will attach to the system directly. We're going to clean the water because it's a major development and tie in directly to the retention system from Phase 1 of the development. Ultimately that ties in to the New Jersey Transit system. On the record your engineer wants us to TV those lines or inspect those lines to make sure they're working properly. That line runs behind Verizon and continues south and it becomes an open ditch at that point. It actually crosses back over.

Mr. Alampi – Prior to this construction there wasn't a drainage system on the entire tracks right?

Mr. Costa – There was not.

Mr. Alampi – Finally you did have the opportunity to review the two very lengthy Neglia reports of June 19th, 2020 and then January 21, 2021.

Mr. Costa – Correct.

Mr. Alampi – And upgrading the plans and we responded to all their concerns.

Mr. Costa – We responded to a majority of their concerns there are some items that are in here that I take no exception to and will certainly address it and out it on the plan.

Mr. Alampi – I have no further questions for Mr. Costa.

Mr. Duffy – I have a question for you Mr. Alampi could you reiterate a comment you made during the Mount Laurel structure with this.

Mr. Alampi – There is a municipality had filed for relief in the last round. As you may know about 4 years ago the Supreme Court said to all of the towns if you file for a judgement suit and you participate in the process you'll have immunity. Our application and our earlier deal with the other two buildings are

included in the inventory in that suit. This 60 units is part of that count. In other words when they inventoried the town to show good faith that they would have affordable housing they came up with these 12 units.

Mr. Duffy – Are you telling me they committed to it. I find that a little unnerving that we are committed to 12 units.

Mr. Alampi – You're not committed.

Mr. Duffy – The town is and I'm a representative of the town.

Mr. Alampi – I'm saying you still have the oversight of the application but be mindful that the Town was counting on this project.

Mr. Duffy – I am mindful, okay.

Mr. Alampi – You can exercise your own independent judgement. You may create a big hassle for everybody but.

Mr. Duffy – I'm not out to create a big hassle I just want to know where I stand if there is a hassle and now I know. Mr. Paparozzi do you have any questions for Mr. Costa?

Mr. Paparozzi – Just a few. Mr. Costa I'm not going to go on the consolidation because I was a part of Phase 1 and I don't have that information anyway so we're just going to concentrate on this even if the Board decides to consolidate the two phases. You show those additional spaces that were in Phase 1 for Phase 2 the 8 spaces and the 14 spaces. If consolidation doesn't go through and we're going to act on this application alone for now okay. How are those spaces going to be designated are they going to be labeled building 3 or whatever the building number is?

Mr. Costa – Yes.

Mr. Paparozzi – Obviously the 20 spaces you added compensates for the lost spaces for Phase 1.

Mr. Costa – Again just for clarification Phase 1 was approved with 170 parking spaces so if you take the 8 and the 14 away and add the 20 back you go down to 161. So in essence if this Board says we like the proposal it looks good it's going to work we don't need any additional variances what the Board will be doing is change the Phase 1 just for clarity the two existing buildings you would have a total of 161 parking spaces. This will serve 28 one bedroom 49 two bedrooms and 3 three bedrooms. If you do the math and break it down to the RSIS it requires 155 and we are providing 161. On this site 114 is required for the 60 units and 114 is provided so there's no relief for a variance. In essence you would have an excess of 6 parking spaces. If you look at it overall the question becomes whether or not you would ever be at 100% occupancy. You might not ever reach 100% occupancy so you would have a little more fluff in those numbers and not everybody is going to have the amount of cars the RSIS is actually saying there is so I think you have excess parking no matter what.

Mr. Pellino – I'm just not getting the numbers 170 minus 8 minus 14 plus 20 equals 161?

Mr. Costa – You have a net loss of 9 so you go from 170 to 161.

Mr. Pellino – Shifting from one project to the other.

Mr. Costa – If the Board approves it as is 170 parking spaces were built and approved for Phase 1. If this is approved Phase 1 will go down to 161 parking spaces.

Mr. Pellino – It's how you get there I'm concerned about maybe it's not important but we couldn't follow how you got there.

Mr. Costa – You're adding 20 more and you're taking 29 away.

Mr. Paparozzi – 22 away you're taking 22 away check your math.

Mr. Costa – We're taking 9 away. Phase 1 29 parking spaces are lost from that and you're adding back 20.

Mr. Paparozzi – It says here you're taking away 8 and 14 right? Mr. Costa I counted the 161 spaces you had for Phase 1 I don't know where 170 came from but you have 114 for Phase 2 and 161 for Phase 1 and both of them are fine with RSIS. I don't know where the 170 came from but you're okay.

Mr. Costa – I believe that was the approval in Phase 1 by the Planning Board.

Mr. Paparozzi – So those 22 spaces will be designated for this third building that are in Phase 1.

Mr. Costa – Eight spaces and fourteen spaces will go to Phase 2.

Mr. Papparozzi – Mr. Costa I know there's a planner to testify and Mr. Alampi maybe not been told from my report but the zoning chart should show the RM bulk requirements because that's what you are proposing. If the Board is to accept the use they should accept the bulk requirements that follow the use.

Mr. Costa – We can show that.

Mr. Papparozzi – I think that's all I have Mr. Costa.

Mr. Kurus – You're proposing a new fire hydrant correct?

Mr. Costa – We are.

Mr. Kurus – It looks like it's going through the location.

Mr. Costa – I think we put a location on the plan but also said it was subject to whatever the Fire Department requires.

Mr. Alampi – We submitted it on January 6th.

Mr. Kurus – Okay. The place holder is in front of the new building for now subject to review?

Mr. Costa – That's correct.

Mr. Kurus – Then I guess could you go through the results of the hydrant test?

Mr. Costa – It was static pressure 95, residual pressure 75 again I'm not sure when this was taken I was not here at the time.

Mr. Kurus – Does it look good to you?

Mr. Costa – I don't know what the demand is going to be in the building as far as fire service it's a sprinklered building whether or not we're going to need fire pumps I don't know. I don't know what the demand is. We haven't even reached that point yet. But again if there's something that needs to be done I'm sure my client is willing to do it otherwise you can't build. If you don't have the fire service you don't have enough capacity in the lines. From my recollection these are 10 inch lines coming under the tracks that was done before I was the town engineer but that was my recollection. They ran a 10 inch main under the tracks and it dead ended by the townhouses. Maybe John would remember whether or not that was ever connected.

Mr. Duffy – Mr. Manzo is not a witness at this point. I prefer you come to the Chair to ask him a question.

Mr. Costa – No problem. I will get that information and bring it back to the Board. Again for the record in the event there is not enough pressure in these mains then certainly the building can't be built so it's rectified by whatever means it needs to be rectified. If it's booster pumps for a fire system inside the building that's one scenario. If there's actually a capacity problem certainly that's a completely different issue.

Mr. Kurus – You have the sewer caps on there this would be a TWA.

Mr. Costa – That's correct. I think it's 11,000 roughly 12,000 gallon per day average.

Mr. Kurus – Connection to the existing system.

Mr. Costa – Connections right now are showing going out to the street.

Mr. Kurus – That's all I have.

Mr. Duffy asks the members if they have any questions.

Mr. Mazzer – You said you got an acre and a half.

Mr. Costa – One point four one point three exactly.

Mr. Papparozzi – One point three five eight.

Mr. Mazzer – How many units could you put on there without a variance?

Mr. Costa – None they need a variance in order to put one unit on it.

Mr. Mazzer – It's a Use Variance I'm talking about the density.

Mr. Costa – In this zone it's a business zone so there is no density requirement. If it was in the residential and I think that's where Gary was going.

Mr. Papparozzi – Right but if you accept the use which this is Phase 2 I'm assuming the Board was going to accept the use. If you accept the use bulk requirements density for RM Zone the density would be 20 units.

Mr. Pellino – I don't know that density is a bulk requirement.

Mr. Papparozzi – Density is a D Variance.

Mr. Pellino – That's what I'm saying I don't think it's a bulk requirement I think it's more of a use requirement.

Mr. Paparozzi – Right but that's one of the requirements under the RM Zone.

Mr. Pellino – Yeah but I think generally what the cases say is that the bulk deviations are sometimes subsumed in the D Variance but again this is not a bulk regulation as I see it.

Mr. Paparozzi – A D Variance is for use so adding a D variance for density if you're accepting the use you still need the five votes but under the RM requirements for Saddle Brook your lot area, width, front yard, side yard, both sides, rear there's no floor area ratio there's height lot coverage density and parking so I took the requirements for the RM Zone which will be applicable because you're accepting the use. Under that RM Zone the requirement is 15 units per acre which is 20 units for this Phase 2.

Mr. Mazzer – I took a ride back there and you have 80 units on how many acres?

Mr. Costa – It's definitely larger it's a lot.

Mr. Mazzer – How did you get 60 units on an acre and a half?

Mr. Costa – Working back and forth with the architect he came up with a scheme he put it on the plan to see whether or not this site would accommodate what we felt was necessary and that's what we came up with. The difference between this site and the opposite site is twofold. One it's closer to Route 46 and the topography is much greater. How'd we get to 60 probably your better off asking my client how he got to 60 because really it's dictated by that, that's reality. Then it's up to me to say is this site suitable can it support this density and make it work. In my opinion it can as far as the height you're going to be looking at hubcaps on Route 46. We're going to try to buffer that out but Route 46 is much higher we have to do a lot of excavation there's a lot of site work with that. It basically blends into the entire complex but if the Board feels it's too dense then certainly that's the Board's position but again reality is my client going to do it for 20 units I can't talk for him but I would say the answer is probably no and do 12 affordable.

Mr. Mazzer – The affordable would be a lot less then.

Mr. Costa – I don't think you can because from my understanding again I haven't read.

Mr. Alampi – My colleague likes to give legal opinions.

Mr. Duffy – Mr. Mazzer are there any other questions?

Mr. Mazzer – No.

Mr. Duffy – Mr. Marz?

Mr. Marz – No.

Mr. Duffy – Mr. Burbano?

Mr. Burbano – No.

Mr. Duffy – I'd like to entertain a motion to open to the public for this witness.

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

Mr. Duffy – The meeting is open now for this witness. Having heard none motion to close.

Ms. Murray makes a motion seconded by Mr. Marz to close to the public. All in favor – YES.

Mr. Alampi – I would like to call Mr. Ray Virgona our architect.

Mr. Pellino swears in Raymond Virgona he states his name spells his last and gives his address as 125 River Road Suite 201 Edgewater, NJ.

Mr. Alampi questions Mr. Virgona to establish his credentials as an expert in the field of architecture. The Board accepts him as an expert witness.

Mr. Virgona explains that he did design the first phase of this project and has now designed the Phase 2 part of this project.

Mr. Alampi – Your last revision was January 5.

Mr. Virgona – I'm going to check. Actually December 21st 2020 was our latest revision to the garage.

Mr. Paparozzi – September 21, 2020 is what I have.

Mr. Virgona – What you have here is 3 of the building elevations on our drawing SK1. The lowest one is the colored version. This is the view that would be seen when you enter the project. Main entrance is between the buildings what we called A and B original. What we've done is position the entrance to be almost directly in line so as you come down the driveway you have a view of the main entrance to the

building which has the lobby. The building will be the same materials the same colors as Phase 1. It will also be the same height. The parking for the most part is contained within the garage under this building. The building as you saw in the site plan is an L shaped building. You would enter the project and have the lobby straight ahead. The garage entrance occurs on the left side of the building. The building is an L shape and in the notch of the L we provided a large recreation area for the benefit of the tenants. It covers the parking garage and it provides outdoor passive recreation. It also helps us reconcile the difference in grade elevation between Route 46 and the site. I'll show you in one of my elevations what the elevation on Route 46 is in relation to the floor of this building. The garage had been a retaining wall on an additional 3 or 4 foot wall along the Rout 46 property line makes up for the grade differential. Going back to our building elevations we have basically the same architectural features the turreted ends of the building the varying roof lines and the windows pretty much mirror the other two buildings. The lower elevation is the front the elevation above it is the right side and that is the side that would be viewed from Route 46. If you look very carefully you'll see there is a dashed line on this elevation which represents the Route 46 elevation and it crosses just above the level of this recreation terrace. By positioning the building this way it keeps our windows up so they're not below the Route 46 elevation. The elevation at the top of the sheet is the rear elevation the very back of the property. The architecture is the same all around the building same treatments same materials same accents.

Mr. Alampi – Ray just for the record generally describe the exterior of the building.

Mr. Virgona – The building has a brick base which extends up at the lobby entrance for emphasis. There is horizontal siding with matching color to the other buildings and the bay windows are trimmed out with a solid surface type of material which would be a different color for emphasis. There is a shingle roof at the top which caps off the building. It creates a bit of a parapet too so it allows us to shield any equipment. We really don't have much equipment on the roof. We would probably have one central unit for the corridors and lobby then the rest of the building is intended to have PTAC units which are individual through the wall heating and air conditioning units and they are shown on the elevations.

Mr. Alampi – Ray lastly just give us the height of the building.

Mr. Virgona – The building is 44 feet 11 inches in height which is the same height as the other two buildings in Phase 1. It's three stories, three 9 foot stories over the parking garage.

Mr. Alampi – Surface parking is underneath the building and around the perimeter of the building.

Mr. Virgona – That's correct. The second sheet is the last elevation it shows the left side and it's matching the other elevations. As far as the floor plans of the building goes drawing SK3 is the ground floor. On the ground floor we have a garage which has three entrances that have controls with overhead doors. The garage contains a total of 67 cars so 67 are in the garage the balance is outside. We have the lobby and next to that lobby we have a building amenity space. We have two elevators in this building. The building contains 20 units per floor a total of 60 units. In addition we have these storage cubicles which are there for the benefit of the tenants. A good number of the apartments can have storage within the garage space. The rest of this floor consists of trash and compactor recycling area.

Mr. Mazzer – How many storage units are there?

Mr. Virgona – I don't remember now.

Mr. Mazzer – is there enough for each apartment?

Mr. Virgona – I don't believe so no. I would say perhaps for 35 or 40 of the 60. We have fire stairs and the right side of the garage actually becomes a retaining wall which holds up the grade on Route 46. This drawing was revised a number of times the original design had a driveway entrance in front which didn't align precisely with the entrance driveway we revised that we revised the location of the lobby. The latest revision concerned increase in the clearances within the garage space to meet RSIS standards throughout the whole garage. All of the parking spaces all of the aisles now are conforming to RSIS standards.

Mr. Alampi – Do you know what the dimensions are?

Mr. Virgona – They are all 9 feet by 18 feet and the aisles are all 24 feet. Drawing SK4 is the first floor of the building and it's pretty much typical of the other two floors above it with the exception that you'll see in the notch of the L there's a large outdoor terrace with a sitting area barbecues tables in addition the

units that face onto that patio have small patios of their own with planters. We are attempting to make this feature of the building a major amenity for the building tenants. As I said this floor contains 20 units you could enter this area through the elevator area and corridor on the second floor.

Mr. Alampi – Ray that amenity space you are showing is it on top of the garage.

Mr. Virgona – Yes it is it covers the garage so it has the added benefit of protecting the cars and preventing snow from getting in there. Finally the SK5 drawing is essentially the same floor plate as the floor below. It doesn't have the entrance out to the terrace or have a terrace itself. We are proposing a total of 60 units 12 of which are affordables, 3 three bedrooms, 3 one bedrooms and 6 two bedrooms.

Mr. Alampi – Could you tell us the typical unit square footage the two bedrooms versus the one bedroom.

Mr. Virgona – Let me start with the smaller ones. The one bedrooms are about 750 to 850 square feet. All the units have washers and dryers within the units they all have PTAC heating and cooling units. The two bedroom units have two full baths again laundry and open kitchens with either islands or peninsulas. There are one and two bedroom affordable units in some cases are smaller but they meet all the standards for plumbing and stuff. We have 9 foot ceilings throughout the building and higher ceilings on the ground floor where we have the amenity spaces.

Mr. Alampi – Can you talk about the fire suppression in the building?

Mr. Virgona – First off the ceiling of the garage which would be the first floor slab level will be reinforced concrete structure. It's going to have a 3 hour fire rating. The garage is going to be fully sprinklered. The building above which would be wood construction will also be fully sprinklered with a 13 system which is a higher degree of sprinkler protection.

Mr. Alampi – Do you want to explain that when you say it's a higher degree I think everybody remembers the issue in Edgewater.

Mr. Virgona – A 13 system which requires sprinkling of all the spaces closets and all bathrooms and so on where a commonly used system 13R system residential type doesn't sprinkle all the closets doesn't provide sprinkler protection in concealed spaces and I think that was one of the major problems in the Avalon fire because the fire spread in the concealed spaces and engulfed the whole building.

Mr. Alampi – This is the upgrade to that.

Mr. Virgona – This would be an upgraded system as I said a 13 versus a 13R system which forces more sprinklers to be applied.

Mr. Alampi – Is that what you have in the other two buildings?

Mr. Virgona – Yes.

Mr. Alampi – Does that require a larger water service?

Mr. Virgona – Not appreciably because the number of additional heads is not all that great.

Mr. Alampi – Any other features?

Mr. Virgona – I think I pretty much covered everything. I think what's unique about this is we have this outdoor area which is a major amenity since we have limited open space outdoors we have the ability to use this space and tenants can really appreciate that.

Mr. Alampi – On the edge of that amenity is some type of a wall?

Mr. Virgona – On the right side which is the Route 46 frontage there is a wall that varies from maybe three or four feet high to zero meaning to the floor deck of the terrace. It will be somewhat contained but you'll be able to look out it's still open. There also is a major plus for the units that face out in that direction. They'll have patios and the patios will be separated by privacy fencing and there will be perimeter planting along the edge of those patios between the recreation area of the terrace and the private patios.

Mr. Alampi – On the upper two floors they'll be a balcony.

Mr. Virgona – We do have in that area decks shown for those units as well as an added amenity.

Mr. Alampi – They overlook the terrace.

Mr. Virgona – That's right the ones above overlook the terrace.

Mr. Alampi – Anything else Ray?

Mr. Virgona – That's it.

Mr. Alampi – I have nothing further Chairman for this witness.

Mr. Duffy – Mr. Kurus?

Mr. Kurus has no comments.

Mr. Duffy – Mr. Paparozzi?

Mr. Paparozzi – Mr. Virgona you have some 1 bedrooms with dens and the dens have closets.

Mr. Virgona – Yes they do have closets they don't have windows. They are intended to be work spaces from home and recently we have been doing that much more with the Covid situation. The demand for those type of spaces is greater nowadays.

Mr. Paparozzi – The space for the den I understand why the closets? What is the difference between a bedroom and that?

Mr. Virgona – Well they don't have windows and they're not exterior. We have closets because it's a convenient thing to have in an office at home. You can put file cabinets or papers or storage space. It enhances the unit too that's the reason for the closets. They are not essential to the use but they are a benefit.

Mr. Paparozzi – It's not a big issue but the creation of another bedroom will create a variance of parking spaces even though it would be small it would a small variance of parking. That's why I'm asking I wasn't sure if that is the case.

Mr. Virgona – It wouldn't qualify technically as a bedroom because it doesn't have windows. The difference in parking would be two tenths of a space per unit. My intention is not for them to be bedrooms.

Mr. Paparozzi – The one bedrooms too are by the way also range from 725 not 750.

Mr. Virgona – Yeah they vary in size.

Mr. Paparozzi – Well you said they start at 750.

Mr. Virgona – These are net areas too most times when we take area sometimes we take half but if it was gross it would bring those up above but yes you're right.

Mr. Paparozzi – My concern again with the closets the one bedroom with a den has greater square footage than some of your 2 bedroom.

Mr. Virgona – Because of where they are located when they're in the interior you pick up square footage that we waste on other ones.

Mr. Paparozzi – I know we are using RSIS and I understand that but I also notice this from visiting apartment sites friends who are picking apartments chances are if the two bedrooms have two cars then obviously there's no hope for any visitors. Although it does comply to RSIS that's why the mention of the reduction of parking any little bit helps even two or three spaces you're at the max now. I know RSIS takes precedent but I also think RSIS needs to be updated especially when we don't have the mass transit that you do in say Hoboken or Jersey City. That being said I would have liked to see the dens without the closets but that's not my decision. That's all I have Mr. Chairman.

Mr. Duffy – Mr. Mazzer?

Mr. Mazzer – If I'm sitting on my patio on the second floor there and somebody puts a fire down there and smoke is smoking up the place smoke is going to come into your apartment and what does he do with that?

Mr. Virgona – We're showing them the farthest away as possible and I'm not sure if this is going to be the way it is done.

Mr. Mazzer – if you put a fire pit there and a guy starts burning your stuff on the patio do you think that's a good idea?

Mr. Virgona – Today it's quite common it seems very popular. I'm not sure if management would permit it. It becomes a management issue too they may not choose to do that I don't know but this is conceptual and that's what we've shown.

Mr. Mazzer – Okay.

Mr. Duffy asks around the room if any members have any questions.

Ms. Murray – Can you go to the parking layout? When you come in the lobby you have this room for amenities what kind of amenities?

Mr. Virgona – Generally that's a gym of some type it may or may not be. The other buildings one has a gym and one has a community room. I'm not sure how much this will share with that facility but that's what the intention is.

Ms. Murray – I notice there are storage spaces connect to parking spaces is the idea in order to give the storage space to the owner of that parking space? Otherwise if you have a car there and that's not the owner of that storage space how do they access the storage space if somebodies car is there?

Mr. Virgona – Yes you're right that is intended to be rented with the parking space. The parking space would go with the storage unit.

Ms. Murray – The compactor and recycling that is accessed how by the hauler?

Mr. Virgona – building personnel would have to take the dumpster and move it out to the edge of the garage where it would be picked up.

Ms. Murray – Okay. Now SK1. You have a large patio then you have the other smaller patios that are on the same grade level as the big patio?

Mr. Virgona – Yes.

Ms. Murray – What's in between them will it be accessible by people?

Mr. Virgona – The hatched area is the public area the other areas are patio where it is designated and where it isn't that would be plantings.

Ms. Murray – So inside each one of those patio gaps.

Mr. Virgona – That's right between the patio and the public terrace we're showing planting and then any excess space for instance.

Ms. Murray – If that's my patio and I've got that extra angular area do I get to access that or is it blocked off to me.

Mr. Virgona – We have to restrict that because I don't think we want to have first of all you would be in front of someone else's windows perhaps.

Ms. Murray – You have all those kind of spaces in between so I wasn't sure how you handle fencing type of thing.

Mr. Virgona – That was a concept here and this would be a low planting or a lawn some kind of ground cover in those triangular spaces that are incongruous.

Ms. Murray – By the elevators you have walls it looks like closed walls is that just for an archway or support way?

Mr. Virgona – It's an archway to distinguish the elevator lobby from the rest of the corridor.

Ms. Murray – I think that was it.

Mr. Duffy – This terrace is conceptual you said so this is not set in stone.

Mr. Virgona – No we'll have a landscape architect eventually to design it.

Mr. Duffy – Is this accessible to everybody in the whole complex Phase 1 and this? I bring it up only because there was discussion earlier with Mr. Costa about removing the lots and making this all one.

Mr. Alampi – You consolidate the lot.

Mr. Duffy – That would be limited to that building okay. So we wouldn't have all that foot traffic going in there. This is the section that is facing Route 46?

Mr. Alampi – Yes.

Mr. Duffy – Let's proceed with this witness we're coming up on 10:00. We're coming to a position where you have 2 if not 3 other witnesses so let's conclude with Mr. Virgona and then we'll discuss the next step. If no one has any other questions have a motion to open to the public.

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

Mr. Duffy – The meeting is now open to the public for this witness and this witness only. Having heard none do I have a motion to close?

Ms. Murray makes a motion seconded by Mr. Marz to close to the public for this witness.

All in favor – YES

Mr. Duffy – Mr. Alampi we are at a bit of a crossroad here because I don't want to cut your other witnesses short but we would wind up doing that.

Mr. Alampi – I agree we are not going to finish tonight and I have Mr. Klein who may not be very extensive but the Board may have a lot of questions.

The Board and Mr. Alampi agree to carry this application to the May 3rd meeting. Mr. Duffy makes an announcement that the application for the Grande at Saddle Brook will be adjourned until May 3rd and no further notice is required.

Mr. Duffy – We do have some business to take care of so I would appreciate it if everybody sit tight for a moment. We will have a 5 minute recess and finish after that.

6. RESOLUTIONS

- C.) Appointing Chairperson
- D.) Appointing Vice Chairman
- E.) Appointing Secretary
- F.) Regarding Compensation of Professionals
- G.) Authorizing Contract with Board Attorney
- H.) Authorizing Contract with Board Engineer
- I.) Authorizing Contract with Board Planner
- J.) Regarding Completeness Determinations
- K.) Designating Official Newspaper
- L.) Authorizing Meeting Schedule for 2021

Ms. Murray makes a motion seconded by Mr. Manzo to accept resolutions C thru L.
Roll Call - Ms. Murray, Mr. Mazzer, Mr. Manzo, Mr. Burbano, Mr. Duffy – YES.

B.) Approval for Leonardo & Bruna Castro, 301 Floral Lane, Block 1716, Lot 19
Ms. Murray makes a motion seconded by Mr. Manzo to accept resolution B.
Roll Call - Ms. Murray, Mr. Mazzer, Mr. Manzo, Mr. Burbano, Mr. Duffy – YES.

A.) Approval for RPM Hospitality, LLC, 129 Pehle Avenue, Block 1311, Lot 36
Ms. Murray makes a motion seconded by Mr. Manzo to accept resolution A.
Roll Call - Ms. Murray, Mr. Mazzer, Mr. Manzo, Mr. Marz, Mr. Duffy – YES.

Mr. Pellino recommends that the Board Secretary be authorized to change the dates on the resolutions as they were dated for the meeting that was cancelled due to a snowstorm.
Mr. Duffy – Very well so authorized.

7. MINUTES

Meeting of January 11, 2021 Reorganization Meeting

Meeting of January 11, 2021 Regular Meeting

Mr. Duffy – Is everyone satisfied with the minutes from the January reorganization and regular meeting?

Ms. Murray makes a motion seconded by Mr. Manzo to approve the minutes of the January meetings.

All in favor – YES.

8. COMMUNICATIONS

Offering the Annual Report of Zoning Board Applications

Anthony Kurus to the Zoning Board, 6/19/20

Anthony Kurus to the Zoning Board, 12/04/20

Anthony Kurus to the Zoning Board, 12/15/20

Anthony Kurus to the Zoning Board, 1/21/21

Anthony Kurus to the Zoning Board, 1/22/21

John E. Mengerson to Mike Seitz Saddle Brook Fire Code Official

Mike Seitz to the Zoning Board, 1/22/21

Ms. Murray makes a motion seconded by Mr. Manzo to read and file the Communications.
All in favor – YES.

9. VOUCHERS

Paparozzi Associates Inc., 1/07/21, RPM Hospitality Group, LLC, 129 Pehle Avenue, \$168.75

Basile Birchwale & Pellino, 1/04/21, Fourth Quarter 2020 Retainer, \$607.75

Basile Birchwale & Pellino, 1/04/21, Buchichio, 272 Oxford Avenue, Block 1410, Lot 1 \$125

Neglia Engineering Assoc., 1/19/21, RPM Hospitality Group, 129 Pehle Ave, Blk 1311, Lot 36 \$1260

Neglia Engineering Assoc., 1/19/21, Anderson Rosario, 300 Grace Avenue, Block 411, Lot 3 \$135

Neglia Engineering Assoc., 1/19/21, Midland Commons 2, Van Bussum Ave, Blk 402, Lots 1-5 \$720

Neglia Engineering Assoc., 1/19/21, Castro, 301 Floral Lane, Block 1716, Lot 19 \$180

Mr. Mazzer makes a motion seconded by Ms. Murray to pay the vouchers if the money is available. All in Favor – YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC

Mr. Manzo makes a motion seconded by Mr. Marz to open to the public.

Mr. Duffy – Not seeing anybody motion to close.

Ms. Murray makes a motion seconded by Mr. Burbano to close to the public. All in favor – YES.

Ms. Murray – Before we close I would just like to say before we close Frank did a nice job on the projects that we handled and this is something the Council gets to see he did a nice job of putting it together. When you look at this we did a lot of work considering the type of year it was.

Mr. Duffy – Did everyone get the Board Members names addresses and phone numbers? Just to let you know next month McDonald's will be here I'm not sure who else. McDonald's had asked twice and I'm just informing the Board of actions that I took they came to us and asked for a special meeting in February and we denied that. After we canceled the February meeting because of the snow they came back and wanted it again and I said no. The only time I think I would entertain it is if we were in a situation where we were getting so back logged that we couldn't handle legally what we need to handle. At this point right now that doesn't exist and if it were to get to that point I would contact the Board Members and ask you what your availability is because I don't want to come in with just 5 people.

11. ADJOURN

Ms. Murray makes a motion seconded by Mr. Manzo to close the meeting. All in favor – YES.