TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
April 5, 2021 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday April 5, 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. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Duffy – PRESENT, Mr. Marz, Mr. Burbano, Mr. Champy - ABSENT. Board Attorney Stephen Pellino, Board Planner Gary Paparozzi and Board Engineer Anthony Kurus also in attendance.
Mr. Duffy – Please note that Mr. Burbano will probably be here about 8:00 he needs to sit in for me for the final applicant.

5. NEW BUSINESS

A.) Ronny Pena, 82 Kuhn Drive, Block 1204, Lot 8
Applicant requests to construct a 6-foot privacy fence in the front yard (corner lot) in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in Ronny Pena he states his name spells his last and gives his address as 82 Kuhn Drive Saddle Brook New Jersey.
Mr. Duffy – Mr. Pena would you explain what you would like to do.
Mr. Pena – Currently I have a 4 foot fence we are also in the process of applying to install a pool so it's a matter of security and make sure that kids or whoever property wise if we are not home can't get in the yard.
Mr. Duffy – Do we have any questions or comments?
Mr. Paparozzi – The existing chain link fence that you have you can't put it where the old posts are because that fence is on Township property. You can't put it in the same spot and on the other side you can't put it I the same spot because that fence goes into your neighbor's property almost 2 feet.
Mr. Pena – Yeah I'm aware of that.
Mr. Paparozzi – The vinyl shed is over the line so if you are going to put the fence close to the line you have to move the shed.
Mr. Pena – Yeah no problem.
Mr. Paparozzi – That's all I had.
Mr. Gatto – The fence in the rear is that going to be replaced?
Mr. Pena – It doesn't belong to me.
Mr. Gatto – Are you going to double up back there?
Mr. Pena – No.
Mr. Gatto – So it's going to remain?

Mr. Gatto – Then this here yellow shouldn't be in if you're not doing anything in the back there.
Mr. Duffy asks other members if they have any questions there are none.
Mr. Duffy – I did view this and I did have a concern about visibility that you have but the stop sign is there and you are actually further back so the stop sign actually makes it better for your situation. At this point do we have a motion to open to the public?
Ms. Murray makes a motion seconded by Mr. Schilp to open the meeting to the public for this applicant. All in Favor – YES.
Mr. Duffy – Anyone wishing to be heard please come forward. Seeing none.
Mr. Gatto makes a motion to close to the public seconded by Ms. Murray. All in Favor – YES.
Mr. Duffy – The meeting is now closed to the public on this application.
Mr. Schilp makes a motion to approve the application seconded by Mr. Mazzer.
Roll Call - Ms. Murray, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Duffy – YES.
Mr. Paparozzi – Mr. Chairman just so that the Board knows that that survey was done for a closing and I don't do surveys when they come in front of the Board Planning or Zoning. It was for a closing not an application.
Mr. Duffy – Duly noted.

B.) Michele McDonald, 270 Nedellec Drive, Block 1408, Lot 10
Applicant requests a proposed add-a-level, and front vestibule addition in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino confirms that the notice is in order for this application. He swears in Michele McDonald she states her name spells her last and gives her address as 270 Nedellec Drive Saddle Brook New Jersey.

Mr. Duffy – Ms. McDonald would you explain to the Board what your plans are?
Ms. McDonald – We are adding a vestibule a front entry with a small closet and then adding a level with 3 bedrooms one bathroom and a laundry room.
Mr. Paparozzi – I was just concerned about the fact that there is a basement and it's not on the plans maybe the applicant can testify to what is in the basement now.
Ms. McDonald – There is no basement it is a crawlspace.
Mr. Paparozzi – Okay. Mr. Ambrogio has your proposed front setback as 24.36 feet. And according to Mr. Chudzinski's plan it is 22.3 feet just a little note.
Mr. Duffy – I did notice that so which one is it?
Mr. Paparozzi – The proposed setback to the foyer which is now enclosed is 22.3 feet so the proposed front setback would be 22.3 not 24.36. I'm not sure where Mr. Ambrogio got that maybe it was just a mix-up of numbers but according to the plan that is presented it's 22.3 feet.
Ms. McDonald – That's my understanding as well when I saw that in the letter I didn't know if there was a difference in it.
Mr. Paparozzi – No it's just you're adding the numbers too many numbers a day you get mixed up.
Mr. Duffy – Mr. Kurus?
Mr. Kurus – I don't have anything.
Mr. Mazzer – Is there any storage in the attic? I don't see any pull down steps or some way to get in that storage space.
Ms. McDonald – We did talk about that but we didn't draw it out because I didn't know if it was required for this piece of it.
Mr. Mazzer – I was just curious I know when you do an add-a-level you always have some steps. You put an A/C air handler or something up there and I didn't see any steps to get up there.
Ms. McDonald – Yeah we will.
Mr. Mazzer – Okay we're good.
Mr. Schilp – If you are going to do that put a floor up there because it's easier to get around and get to the A/C instead of walking the beams.

Mr. Duffy asks the other Board members for any questions and there are none.
Mr. Duffy – Can I get a motion to open to the public?
Ms. Murray makes a motion seconded by Mr. Schilp to open to the public for this application.
All in favor – YES.
Mr. Duffy – The meeting is open to the public for this application.
Mr. Gatto – Seeing none I make a motion to close to the public. Ms. Murray seconds the motion.
All in favor – YES.
Mr. Duffy – Having closed the meeting to the public can I have a motion.
Mr. Mazzer makes a motion seconded by Mr. Gatto to approve the application.
Roll Call - Ms. Murray, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Duffy – YES.

C.) Kathleen & Raymond Humbert, 61 Ackerman Avenue, Block 606, Lot 22
Applicant requests a rear addition in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino lets the Board know the notice is in order for this application. He then swears in Kathleen and Raymond Humbert they state their names spell their last and give their address as 61 Ackerman Avenue Saddle Brook New Jersey.
Mr. Duffy – What is it you are requesting to do?
Ms. Humbert – My mom is living by herself right now and we are trying to add onto our kitchen and build an extra room for my mom to live with us.
Mr. Duffy – Mr. Paparozzi do you have anything?
Mr. Paparozzi – I know Mr. Chudzinski's plan is hard to read is it just a one story addition?
Ms. Humbert – Yes.
Mr. Paparozzi – The total number of bedrooms will be three?
Ms. Humbert – Right.
Mr. Paparozzi – Do you have a basement?
Ms. Humbert – Yes.
Mr. Paparozzi – Is it finished?
Ms. Humbert – Yes. Well semi.
Mr. Paparozzi – What is down in the basement?
Ms. Humbert – My kids stuff is down there TV and stereo.
Mr. Paparozzi – Like a rec room? Is there a bathroom or kitchen or bedroom?
Ms. Humbert – There's no kitchen or bathroom.
Mr. Paparozzi – Okay that's all I have.
Mr. Kurus – I look at the architect's plan is the pool gone.
Ms. Humbert – Yeah we had to do that so we were not covering so much ground and we have a 2 car garage and were under the impression that we were going to have to knock it down to do the addition but somebody said we wouldn't need to.
Mr. Gatto – We can't hear her back here.
Ms. Humbert – Sorry. When we first spoke we have a two car garage that we believed has to be cut in half to make more space in order to do this building but somebody came to our house I'm not sure who it was to inspect our property the other day and he said he didn't think we would have to knock down the garage so I'm unclear about that.
Mr. Kurus – I guess was the question about having access to get into it or what?
Ms. Humbert – Just about covering the percentage of the property.
Mr. Kurus – I guess the way the plan has it he has it shown as half the garage is coming out.
Ms. Humbert – Yeah and the pool.
Mr. Kurus – If you left it you would need a greater variance.
Ms. Humbert – So that's why we are doing it.
Mr. Kurus – I guess whatever you are proposing is, are you removing half of it?
Mr. Duffy – These calculations are based on the garage being down sized.

Mr. Humbert – Correct.
Mr. Kurus – Those are my questions. We had asked him just to make the plan clearer which I can read it now so that's good.
Mr. Schilp – We are just trying to figure out when you put the addition up what the distance is from the addition to the garage you didn't put it down here.
Ms. Humbert – I honestly don't know.
Mr. Humbert – Would that be with us removing half of the garage or would it be still a two car garage? Right now my guesstimate would be if it's not on there would be 8 to 10 feet away at least if we didn't knock the garage down but if we take half of it maybe slightly more.
Mr. Schilp – They overlap the house ends here and the garage even though he is taking half of it down it still overlaps. So if it's 10 feet and personally if you wanted to leave the garage up and ask to increase the lot coverage that would be do you use the garage?
Mr. Humbert – Not for cars just stuff in there. That's why we're willing to down size the garage.
Mr. Mazzer – Could you use the two car garage or is it okay to cut half of it?
Mr. Humbert – It's fine to cut half of it I'm willing to cut half of it because I've got to have more space back there myself for like patio area.
Mr. Schilp – It's 10 feet from the house to the garage that's fine.
Mr. Humbert – Right now the corner from where the addition would be is at least 8 to 10 feet easily.
Mr. Schilp – Gary just measured 10 feet. I think it's good the only thing you're doing is adding a little bit to lot coverage and I have no problem.
Mr. Humbert – I want half the garage myself because I want area in the back for a patio.
Mr. Mazzer – The kitchen that is there that's the existing kitchen and you are going to remodel it?
Ms. Humbert – We're going to extend it a little bit and then have it turn to the left for my mom's area.
Mr. Mazzer – But that's part of the existing.
Ms. Humbert – Yes.
Mr. Mazzer – I'm good.
Mr. Humbert – We are just squaring off the back of the house which will extend the kitchen a little bit.
Mr. Tokosh – We had a discussion about removing half of the garage this wasn't clear on the plans that's why we had the discussion. I mentioned to him if he does intend to do that make sure that he included it tonight so if he did decide to remove half of the garage he wouldn't have to come before the Board again so it would save you money.
Ms. Humbert – Okay.
Mr. Tokosh – Other than the confusion on the plans where if you look at this outline there is an indication of the portion to be removed but on other documents it's not on there. It was a little confusing but you did clarify it for me. I'm good with the plans.
Ms. Murray – When you remove half the garage and you mentioned a patio you are going to have coverage there as well or should it be included because wouldn't that be accessory coverage?
Mr. Duffy – Yes it would be.
Ms. Murray – So you would want to say that today otherwise you have to come back.
Mr. Humbert – Okay.
Ms. Murray – That's all my other questions were answered.
Ms. Humbert – Is that okay to do that?
Mr. Duffy – Well now it changes the application.
Mr. Schilp – If we add it on tonight they want to put a patio on they don't have to come back.
Mr. Duffy – We would need to know the size of the patio.
Mr. Paparozzi – Mr. Chairman and members of the Board I wasn't part of the application and I didn't do any calculations but Anthony's calculations Ambrogio maybe Anthony Kurus as well their accessory coverage was 31.7% by removing part of the garage and the pool and some of the other concrete back there they are going down to 20.2% so it's a pre-existing and I don't think even with a patio they are going to go over 31.7%. It's a pre-existing non-conformity and it would not create a new variance just a pre-existing variance.

Mr. Pellino – We still should know the dimensions and the calculations.
Mr. Paparozzi – I don't think it will create a variance even though we get the dimensions it's almost 32% now and it's going down to 20 they would need 12 more percent to create a variance which is a big number but that being said they can say that if they want. Also if they do a paver patio it's 75% coverage so it's even less.
Mr. Humbert – What's that last part with the pavers?
Mr. Paparozzi – A patio that is not concrete or blacktop.
Mr. Humbert – That's what I was thinking of.
Mr. Paparozzi – a paver patio only counts as 75% coverage so if you did a 10 by 10 instead of 100 square feet it would be 75 square feet.
Ms. Humbert – That's probably what we would do then.
Mr. Duffy – Let's just clarify this. The accessory coverage existing is 31.7% that includes the garage in its present state.
Mr. Paparozzi – Yes and the pool and other concrete back there.
Mr. Duffy – By subtracting the pool half the garage and the concrete that was under the garage.
Mr. Paparozzi – Right and there was some behind the house as well.
Mr. Duffy – That all is gone because they already had the 31.7% and it was pre-existing non-conforming we do not have to worry about a variance for that. They could put pavers a 10 by 10. We need stipulations as to the size. As long as they don't exceed the conditions that are existing.
Mr. Paparozzi – They are not going to know that calculation so if they're going to do 10 by 10 we can accept that and we both agree it would not be a variance.
Mr. Duffy – At this time I would like to have a motion to open to the public for this application.
Mr. Schilp makes a motion seconded by Ms. Murray to open the meeting to the public for this application. All in favor – YES.
Mr. Duffy – The meeting is open to the public for this application and this one only. I have someone that would like to come forward. Please come forward.
Mr. Pellino – You have to give us your name and address.
Bridget Peterson – I live at 55 Franklin Avenue and I got this letter saying I think it's a great idea.
I just wanted to see what this is all about I think it's great to do that for your Mom.
Mr. Gatto makes a motion to close to the public seconded by Mr. Schilp. All in favor – YES.
Mr. Duffy – The meeting is now closed to the public on this application. I don't have any questions for this actually they were brought up and I do have clarification now on this. Do we have a motion?
Mr. Schilp makes a motion to approve application with the comment that he's got to remove the garage and pool and put a 10 by 10 paver patio in which will not affect the accessory coverage.
Mr. Pellino – It will affect it it just won't create a variance.
Mr. Duffy – Just amend the comment that it is just half the garage.
Mr. Schilp – Yes half the garage.
Ms. Murray seconds the motion put forth by Mr. Schilp.
Roll Call - Ms. Murray, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Duffy – YES.
Mr. Paparozzi – Mr. Chairman I have a comment to make.
Mr. Duffy – Sure.
Mr. Paparozzi – I know I wasn't on the application and God bless Anthony because I can't tell you what he was trying to say here. I mean these plans are not so clear first of all I can't read the writing second of all you would think you would get the whole first floor because the whole first floor is being altered not just the 18 feet. I can't read what he wrote and his numbers I couldn't read where it said one story I thought it was two.
The Board discusses the fact that the plans were not very clear and should not accept poor quality or incomplete drawings in the future. Mr. Kurus explains that this was actually a second version of the drawing that was much better than the original submittal. Mr. Duffy suggests that maybe we don't hear an application if it is not clear. Ms. Murray points out that the one that gets hurt is the applicant not the architect and suggests sending a letter to the architect. Mr. Paparozzi suggests that Mr. Kurus be more

stringent in his acceptance of the drawings for an application. Mr. Pellino suggests that it would flow the right way if the homeowner is deemed incomplete because the engineer can't read the plans and they go back to the architect and tell them they need to do a better job. The Board agrees with that and asks Mr. Kurus if he could do that for them going forward and he agrees.

D.) Jason & Jelenia Staine, 47 William Street, Block 522, Lot 3

Applicant requests a proposed garage addition, add-a-level, and front porch extension in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino states that the notice is in order for this application. He swears in Jason and Jelenia Staine they state their names spell their last and give their address as 47 William Street Saddle Brook New Jersey.
Mr. Duffy – Who will be speaking first?
Mr. Staine – I will.
Mr. Duffy – Would you tell the Board what you plan to do.
Mr. Staine – We're going to add a level on our single family residence we want to relocate the front entrance so that the first floor flows better and there is a small extension on the second floor. We're going to add a two car garage to the existing structure and set it back so the driveway has enough parking.
Mr. Paparozzi – Does the Board have this survey it doesn't say what it is now it doesn't say one story frame or two story frame. I am assuming it's the surveyor but I'm not sure. It doesn't look like the surveyor because the writing by the existing home is different than all the other writing and it was all in CAD so it looks like some of it was free hand in. Is there an unaltered survey in the office?
Mr. Pellino - Why don't we ask the applicant?
Mr. Staine – It's a one and a half story house.
Mr. Paparozzi – I know but is there something that is not altered?
Mr. Staine – We created a new survey we never had an original survey of the property.
Mr. Paparozzi – Well you have a survey and then somebody altered it. I'm going to guess it was your architect.
Mr. Staine – The architect did modify the survey.
Mr. Paparozzi – The architects not licensed to do that, that's why I'm asking you if you have a survey that is not altered.
Mr. Staine – I don't believe I have one.
Mr. Paparozzi – We should have one for the Board office.
Mr. Pellino swears in the Planner for this application Joseph Vince of Schwanewede Hals Engineering. He states his name spells his last and gives his business address as 9 Post Road Suite M11 Oakland New Jersey.
Mr. Paparozzi – Obviously Mr. Vince is from the same firm that did the survey so he can supply one to the Board office.
Mr. Vince – I believe I had done that but I will make sure there is one in the files.
Mr. Paparozzi – To the applicant what is being proposed on that half story it's two and a half stories so in the attic there what are you doing?
Mr. Staine – The top half of the house is coming off and we are adding a full second story.
Mr. Paparozzi – You're also adding like a half story. According to the architects plan there's a half story there and it looks like it runs the whole length of the house except for the garage.
Mr. Vince – It's a two story.
Mr. Duffy – Whoa hold on.
Mr. Pellino – You haven't been properly credentialed yet.
Mr. Paparozzi – The plan does show a half story so there's got to be something up there.

Mr. Pellino asks Mr. Vince for his education training and licenses. Mr. Vince gives his credentials to the Board and Mr. Pellino recommends based on his credentials he be admitted as an expert in the fields of planning, engineering and surveying.
Mr. Duffy – At this point would it be best that your planner gives his testimony?
Mr. Staine – Yes.
Mr. Duffy – Do you wish to question him or would you rather just take it from here?
Mr. Staine – Yes.
Mr. Duffy – Okay.
Mr. Vince – I brought some exhibits do you want me to present them back there?
Mr. Duffy – That would probably be the best this way everybody gets a view of what you have.
Mr. Vince – I brought a few exhibits do you want me to mark them all at once or as we go through it.
Mr. Duffy – As we go through it.
Mr. Duffy – This is exhibit 1A with 18 subsets.
Mr. Pellino – Would you describe what the exhibit is?
Mr. Vince – It's a series of photographs of the property in question and some of the neighboring property.
Mr. Pellino – These photographs were taken by you?
Mr. Vince – Yes they were taken by me on April 1st.
Mr. Pellino – So marked.
Mr. Vince – If you look at the existing photographs this is the existing dwelling. On sheet one is the front that's from William Street. The property of the corner street at the southwest corner of William Street and South Street. Photograph one is the front of the house the elevation from William Street. Photograph two is the front of the house on William Street and the frontage along South Street on the right side. Photograph three is elevation view from South Street. Photograph four is another view looking from South Street. Photograph five is the left side elevation. Photograph six is also left side elevation. Photograph seven is looking at the rear of the dwelling. Photograph eight is another view of the rear of the dwelling. Photograph nine is looking at the existing detached one car garage on the property. Photograph ten is also of the detached garage you notice it is in disrepair. Photograph eleven the right side of the garage. Twelve is the rear of the garage. Thirteen is the left side of the garage. Fourteen this is the neighbor's house directly to the left on William Street the same with photograph fifteen. I'll talk about those two photographs again later on. Photograph sixteen is looking southerly along William Street at the neighboring properties. Photograph seventeen is also looking southerly on William Street at the neighboring properties on the other side of the street. Photograph eighteen is number 62 William Street which I will come back to later. So the next one is exhibit 2A. This is just a colorized version of the survey I guess it didn't make it to everyone's packages but this is the existing conditions of the property.
Mr. Pellino – Can you give us the detail on the survey.
Mr. Vince – The plan entitled survey Block 522 Lot 3 47 William Street for Jason and Jelenia Staine, Township of Saddle Brook Bergen County New Jersey. Prepared by Schwanewede Hals Engineering on May 7th, 2020.
Mr. Paparozzi – Mr. Vince there is two revision dates on there as well.
Mr. Vince – No this is the existing condition you're looking at the proposed conditions.
Mr. Paparozzi – Is it the revised survey?
Mr. Vince – Yeah with markup by Fred Klenk architect and he is also a P.E. so I think that's why he had drawn the plot plan.
Mr. Paparozzi – He's not a surveyor so he should know that the law says he can't do that.
Mr. Vince – I'm not disputing that. I saw it and I worked with Fred for many years and okay that's what he did.
Mr. Paparozzi – Tell Fred I'm a member of the State Board of Professional Engineer's and that's a no no.
Mr. Vince – I will tell him. The property is known as lot three and block 522. The property contains 10,000 square feet. It's a square lot 100 by 100. The property is located at the southwest corner of the intersection of William Street and South Street. It's in the RA single family zone currently it's developed as a one and a half story single family dwelling. According to the tax records the dwelling was constructed

in 1949. It was purchased by the Staines in May of 2019, from what we know this was previously used before their purchase as a mother daughter house and before that we believe it was a two family at one point in time. There are two meters on the house and there is a room in the house here where there is a clear separation where there was no doorway and a doorway so I think it's gone back and forth from single family to two family over the years. Right now it is a single family house it is being used as a single family house. The house is oriented on the lot to face William Street. The lot is oversized for the zone 6500 square feet is required where 10,000 square feet is existing. It is also oversized in terms of lot width 65 feet is required where 100 is existing. Currently there are a number of existing non-conformities with the house. The front yard currently what exists is 18.77 feet where 25 feet is required. There is an open front porch on the dwelling and the setback in the front yard is 9.77 feet existing where 20 feet is required. On a corner lot the front porch is setback 12.95 feet where 15 feet is required. I will mark in 3A and 3A is a colorized version of the plan everybody has.
Mr. Duffy – That would be the only difference?
Mr. Vince – Yeah I just colored it with marker.
Mr. Pellino – It has revision dates Mr. Vince.
Mr. Vince – Yeah this is a plan called survey block 522 lot 3, 47 William Street for Jason & Jelenia Staine Township of Saddle Brook prepared by Schwanewede Hals May 7, 2020. There is a note that says this survey has been modified by Fred Klenk architect and P.E. to show a new addition and new garage and Fred had last revised it on September 28, 2020. The applicant is proposing to renovate and modernize the existing house and construct some additions in doing so. They are proposing to construct a two car detached garage with a footprint area of approximately 24 by 24. They are extending the front porch to the south approximately 7 feet. The reason for this is for the interior flow as you heard from the applicant currently the front door is off to the side and aesthetically it would be more pleasing to have it located in the center of the house and also it worked better with the interior layout of the house. What they are trying to do is also take away the existing half story on the upstairs construct a full second story. In doing so they would like to have a 1 foot cantilever out to the front for architectural interest. Part of that cantilever will overhang the existing front porch you can see the dashed lines and then a section of the cantilever will stick out into the yard area. They would also like to construct a small addition at the rear to square off the building. Part of the project will be demolishing the existing one car garage as it's not really useable. Currently the driveway doesn't go back to the rear and it is pretty small and in disrepair. The existing building coverage is 18.3% they are proposing 22.9% where 26% is allowed. The lot coverage being increased from 26.5% to 33.6% where 44% maximum is allowed. There are variances associated with this application. They are front yard setback second story on William Street proposed 17.77 foot offset is being proposed where 25 feet is required so they are decreasing the front yard setback by one foot. Also the other one is for open front porch currently the front porch is 9.77 feet from the right of way along William Street. They are proposing to maintain that same offset however they are extending it and making it larger so we would need a variance for that. I believe that these variances can be granted under the C1 and C2 variance criteria. It is actually a mixture of both. In this case the C1 component of the application would be the location of the existing structures that would be the hardship on the property. Currently the way the house is oriented on the lot it is fully conforming to the side yard setbacks and it's over conforming really to the rear yard. A rear yard setback requirement of 20 feet and currently the house is about 50 feet. However this property was developed it was actually developed very close to William Street and in order to achieve the goals and modernize the structure we would need to alter the front porch and that would be a hardship on the property because that would exist today. As far as the C2 criteria we would be modernizing an existing house so the positives of this application would outweigh any negatives. It was developed as an old two family as far as we can tell and we are making it more of a traditional one family by changing the interior layout of the property. I did check your Master Plan and your ordinances and I know that it is a goal of Saddle Brook to eliminate two family dwellings and to have single family dwellings in a residential neighborhood. That's how this property was developed as a two family the applicant with what they are doing is going to make it a one family dwelling and it's going to have the interior layout of a one family dwelling. In addition it is promoting some of the goals of the Master

Plan specifically would be providing adequate light air and open space because the front yard that's not enclosed the front porch it is open. We are also promoting a desirable visual environment through creative development techniques and good civic design and arrangement. This house you saw from the photographs is in need of modernization and repairs. The house has been neglected for some time in terms of maintenance and this application is going to modernize this house. In addition they are proposing a useable two car garage. The courts have found that providing a garage does promote a visual environment because you put in cars and take them out of the view of the public and putting them inside the dwelling. That is also a reason that this is promoting a desirable visual environment. I should show the elevations just to confirm what I said. I will mark this as exhibit 4A and this is an architectural elevation. The plan is titled an addition to the Staine residence Saddle Brook New Jersey 47 William Street prepared by Fred Klenk September 16, 2020. You can see here this is what the house will look like when it is finished. Currently the stairs are over here the door is off to the right side it's kind of awkward. The architect has put the door in the middle to balance it out put the window so that the architectural elevation of the house is somewhat balanced. He is adding a second story. He tried to dress up the façade by providing dormers for architectural interest and then the two car garage is going to be single story and will be off to the left side. In addition of furthering goals of the Master Plan it also is furthering some goals of the land use laws and we are furthering goals of your Master Plan. In your reexamination report from 2014 it states one of the problems with land use planning in the township is residential home expansion, demolition of existing single family homes that are replacing with McMansions incompatible with the prevailing character of the existing neighborhood. What we are proposing to do here is take an existing house that has been in this neighborhood since 1949 and renovate it and modernize it but we would still be maintaining the character of the neighborhood specifically the porch and the other parts of the house. We also would be furthering some other goals of the land use plan objectives for the 2004 Master Plan by protecting established residential neighborhoods. We are enhancing and redeveloping older residential neighborhoods while still retaining the established neighborhood character. I don't' think we'd call this substandard housing but one of the objectives is to remove substandard housing certainly the house does need to be modernized. Eliminate non-conforming uses although it's not a two family house the interior layout certainly is set up in a fashion right now that it could be illegally still used as a two family house and the interior renovations we are proposing would eliminate that condition. So that would meet the negative criteria so obviously there is no substantial detriment to the Master plan or the zone ordinance because we're actually furthering the goals of both of those. The second prong of the negative criteria is we have to show that there is no substantial detriment to the public good. I think we're actually promoting the public good by making a better visual environment on this intersection. We are expanding what already exists the variances we are seeking are somewhat de Minimis in terms of the second story overhang. One foot is up in the air the one foot already over the existing porch on the one and in the other spot I don't think it will be noticeable. As far as extension of the porch we're maintaining the setbacks that currently exist. We're not making any expansions that's non-conforming towards other residential properties. In addition we are matching what currently exists in the neighborhood. I went around and measured some other properties in the neighborhood can you pass out that aerial exhibit. Number five I believe A5 is an aerial exhibit Staine residence 47 William Street block 522 lot 3 Township of Saddle Brook Bergen County New Jersey.

Mr. Pellino – Can you tell us where this came from?

Mr. Vince – This is just a Google Earth printout I prepared this today and it does match the conditions more or less the neighborhood when I did my site visit. You see 47 William Street with a red dot in the middle the applicant property is the house with the black dot to the southwest. You can see the house immediately to the south of that. That house was in the photo exhibits and we actually took a measurement from the curb to the front of their house and to the building was 19.75 feet. A couple of houses down you see another house that is somewhat close to the street in the front yard that's lot 6 of block 522 and that house is approximately 20 feet from the curb line to the front of the house. Across the street there is another house that is close to the property line and that was lot 12 in block 615 and that also had an offset of approximately 20 feet. What I'm showing is that there is three other houses on this

block that have enclosed buildings not just an open porch within 20 feet of the curb line and the Staines are proposing a first floor from the curb line of approximately 26 feet and a second floor of 25 feet and their porch is going to be approximately 18 feet which is taken from the curb lines. Certainly what is being proposed is somewhat consistent with what exists on that block and it won't stick out. For all of those reasons I believe the positives of the application outweigh the negatives. There will be no substantial detriment to the Master Plan zone plan the public good and the variances can be granted under C1 or C2 variance criteria or both.
Mr. Duffy – Gary do you have any questions?
Mr. Paparozzi – You were going to explain the top half storage that we saw on the plan.
Mr. Vince – I still don't see that top half storage maybe you can identify where you're seeing it.
Mr. Paparozzi – Sheet 1 of 5.
Mr. Vince – Sheet 1 of 5 okay.
Mr. Paparozzi – The front elevation.
Mr. Vince – Right what about it?
Mr. Paparozzi – Is that an attic?
Mr. Vince – It's just going to be an attic. These valleys are just for aesthetics.
Mr. Paparozzi – Okay what is going on there just equipment?
Mr. Vince – Storage and mechanicals in the attic. It's not going to be habitable.
Mr. Paparozzi – What about the basement? He calls out a basement but he doesn't really say anything about the basement.
Mr. Vince – I did bring the basement plan. Currently it's an unfinished basement the addition being proposed is for the garage so the basement won't be expanded in that location and the front porch will be the other addition so the basement is staying the same size.
Mr. Paparozzi – You did allude to the fact that the two car garage will take cars out of the visual but they need to park in front of the garage to not create a variance.
Mr. Vince – In terms of what having four cars because of the number of spaces?
Mr. Paparozzi – Yeah. You said that you're taking the cars off the street and out of the sight of the property but that's not the case because they need to park in front of the garage right?
Mr. Vince – They currently have two cars and I imagine they are looking to park the cars in the garage.
Mr. Paparozzi – As a planner you know that there is a parking requirement based on bedrooms so they need to park in front of the garage to not create a variance is that not right?
Mr. Vince – They would be using those spots yes.
Mr. Paparozzi – Okay.
Mr. Vince – I think they need three spots required in this zone so rather than having three cars out in the driveway chances are there would be less than three cars in the driveway. Some of the cars could be inside the garage.
Mr. Paparozzi – There is also on the first floor a guest room with a closet which essentially that's a bedroom.
Mr. Vince – It's being proposed as a bedroom yes.
Mr. Paparozzi – That's all I have for this witness and also you need to provide the survey unaltered.
Mr. Vince – That's fine I will mail it out tomorrow.
Mr. Kurus – Just a couple of quick questions. The building coverage you are going to fully comply with?
Mr. Vince – That's correct.
Mr. Kurus – Impervious coverage completely comply with?
Mr. Vince – Yes.
Mr. Kurus – The change of the front yard setback the delta between the existing house and the proposed house for the second floor is one foot.
Mr. Vince – One foot.
Mr. Kurus – So the add-a-level is just over the top and projects out one extra foot.
Mr. Vince – That's correct.
Mr. Kurus – So the biggest variance that you're hoping for is just for the porch correct?

Mr. Vince – Yeah I guess you could look at it that way. That would probably be the most noticeable the extension of the porch.
Mr. Kurus – So coverage is good building coverage is good there's room in the backyard if they want to put a pool.
Mr. Vince – Yeah we're under on those coverages substantially.
Mr. Kurus – You're adding a two car garage to provide additional parking on site.
Mr. Vince – That's correct and convenience we have a one car garage and it's useless right now.
Mr. Kurus – I don't have any other questions.
Mr. Schilp – You have a rather large dormer over the garage is there going to be a set of stairs to store stuff up there.
Mr. Vince – I imagine there is going to be attic space in the garage but I don't think anyone is going to be living up there or going up there.
Mr. Schilp – No it's not big enough. Like I mentioned to the applicant before if you are going to use it to put heat or A/C up there put a floor up there so it's easier to store stuff. There are no stairs to the attic.
Mr. Mazzer – Where are the stairs to the attic to get to your equipment?
Mr. Duffy – The question is so everybody can hear is where are the stairs to the attic?
Mr. Vince – I really don't know I would imagine they'll be somewhere. I don't think it's been completely thought out but Mr. Staine is indicating it would probably be in the utility room.
Mr. Mazzer – They got to have equipment up there because they're taking the chimney down.
Mr. Vince – It's in the attic or the basement.
Mr. Gatto – What's in the basement now.
Mr. Vince – A bunch of junk actually a very big old fashioned shuffleboard table the previous owners left there.
Mr. Duffy asks the witness and Board Members not to engage in sidebar conversations. They comply.
Mr. Gatto – The cellar entrance is it going to be maintained?
Mr. Vince – The bilco doors are going to be removed and the only entrance to the cellar will be interior.
Mr. Gatto – The bushes on South Street will they remain?
Mr. Vince says they will remain after he gets confirmation from Mr. Staine. They are not creating a visual obstruction.
Mr. Gatto –They need to be trimmed.
Mr. Vince – That wouldn't be a condition though right?
Mr. Gatto – No I don't think so.
Mr. Vince – Okay.
Mr. Schilp – If you look at the street sign it says Williams with an S on the end and if you look at some of the drawings they say William Street. I know this town and Heimstrand is spelled one way and the sign something else so I just want to make sure the address reads correctly.
Mr. Duffy – This is truly William Street not Williams.
Mr. Vince – The tax map says William. That's why we went by the tax map.
Mr. Schilp – It should be William Street but the signs by your house say Williams with an S.
Mr. Pellino – No S.
Mr. Staine points out that the property is also known as 150 South Street on the tax records.
The block and lot are correct.
Ms. Murray – In the basement is there any plumbing other than utilities?
Mr. Staine – No just the utilities.
Mr. Tokosh – Do you know the height in the basement of the ceiling?
Mr. Vince – Six foot 8 inches.
Ms. Murray – Seven foot.
Mr. Vince – Sounds about right I didn't measure it.
Mr. Gatto – This is considered two stories not two and a half that correction should be made. Am I correct in saying that?
Mr. Mazzer – It's a two and a half story building.

Mr. Gatto – How is that?
Mr. Mazzer - It's the attic
Mr. Paparozzi – It's two and a half stories.
Mr. Mazzer – There is an existing hole on the survey what is that?
Mr. Vince – I believe it was a well there is electric next to but you look down there we don't know what it is. It's going to be filled in and abandoned.
Mr. Duffy – The bilco door is coming out?
Mr. Vince – Correct.
Mr. Duffy – There is no other way in and out of the basement?
Mr. Staine – There are interior stairs.
Mr. Duffy – You have to go outside of the house to get to the garage.
Mr. Staine – There will be a set of steps from the house to the garage.
Mr. Duffy – I don't have any other questions. At this point I would like to entertain a motion to open the meeting to the public for Mr. Vince.
Mr. Gatto makes a motion seconded by Mr. Schilp to open to the public for this witness.
All in favor – YES.
Mr. Duffy – Meeting is now open to the public for this witness and this witness only having seen none.
Ms. Murray makes a motion to close to the public seconded by Mr. Schilp. All in favor – YES.
Mr. Duffy – I need to open the meeting to the public for the Staines. Do I have a motion?
Ms. Murray makes a motion to open to the public for the Staines seconded by Mr. Schilp.
All in favor – YES.
Mr. Schilp makes a motion to close to the public seconded by Ms. Murray. All in favor – YES.
Mr. Duffy – Now we can move forward with what the Board would like to do. Do we have a motion?
Mr. Mazzer makes a motion to approve the application with a copy of the unaltered signed and sealed survey sent to the Board seconded by Mr. Schilp.
Roll Call - Ms. Murray, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Duffy – YES.

E.) McDonald's Restaurant, 189 Route 46, Block 123, Lot 1 & 1.01, and Block 120, Lot 1

The Applicant is proposing to install a double, side-by side drive-thru lane along with ancillary site improvements consisting of concrete pads in both drive-thru lanes, a dividing island between the two lanes, a dual gateway clearance bar/pole within the drive thru island, and overhead canopy for the new lanes and two new menu boards with the new lane. The previously-approved menu boards and overhead canopy are being relocated and the gateway clearance bar is being eliminated as per the plans provided in noncompliance with Municipal Code #898, Section 206.

Mr. Schilp assumes the role of Chairman as Mr. Duffy needs to recuse himself from this application because of his being on the 200 foot list and was noticed by the applicant.

Mr. Pellino states that the noticing by the applicant is in order and that they may proceed.
Michael Micelli a partner of the Weiner Law Group in Parsippany introduces himself as the attorney for the applicant McDonald's Corporation.
Mr. Micelli - The applicant recently received approval from this Board for improvements to the existing McDonalds at 189 Route 46 designated as block 123 lots 1 and 1.01 and block 120 lot 1. The prior approval permitted McDonalds to make improvements to the McDonalds including the façade relocation of a pay window, adjustment to the drive-thru lane, changes to comply with the ADA, changes to the parking area and updated signage. Tonight the applicant is seeking an amendment to that prior approval to permit the construction of a dual lane side by side drive-thru with associated menu boards and structures. Because the McDonalds legally pre-existed the ordinance prohibiting the use and I believe we submitted a letter to that effect supporting our position. I believe the Board made that conclusion last time but we have documentary evidence to back that up this time. We are seeking a D2 a Use Variance for expansion of the non-conforming use. Bulk Variance for signage and obviously an amendment to the

preliminary and final site plan that you previously approved. We have two witnesses this evening the first is Martin Swaggard of Corestates he will be our engineer and our second will be our planner John McDonough.
Mr. Pellino – Maybe just Mr. Chairman briefly with the Board the Board will recall this application it was a McDonald's application requested not too long ago we did determine at that time that McDonalds is a pre-existing non-conforming use it may continue to exist but any expansion as council has indicated requires a D2 variance. The last time we gave them a D2 for a technical expansion of that use you're here again to ask for a further expansion because you are putting in the drive-thru lanes and the bulk variances the counselor stated.
Mr. Paparozzi – That was 6/15/2020.
Mr. Micelli – I'd like call our first witness Martin Swaggard.
Mr. Pellino swears in Martin Swaggard he states his name spells his last and gives his business address as Corestates Group 201 South Maple Avenue Suite 300 Ambler, PA 19002.
Mr. Micelli asks Mr. Swaggard to present his qualifications to the Board credentials. He gives the Board a list of his credentials and Mr. Pellino recommends that the Board recognize Mr. Swaggard as an expert in the field of Civil Engineering and the Board agrees.
Mr. Micelli - Mr. Swaggard can you please provide a description of the existing site conditions?
Mr. Swaggard – Yes as we can see on I'll mark this as exhibit A1. This is an aerial image of the site it's an existing McDonalds Restaurant located in an existing shopping center located on Route 46.
Mr. Pellino – Can I just identify the exhibit this is what Google Earth?
Mr. Swaggard – It's a Google Earth image of the site.
Mr. Pellino – That was prepared by you.
Mr. Swaggard – By my firm Corestates.
Mr. Pellino – The image represents the conditions as of what date do you know?
Mr. Swaggard – Probably a year ago.
Mr. Pellino – Okay.
Mr. Swaggard – An existing McDonalds in a shopping center located in the B2 Secondary Business District at 189 Route 46 in the Saddle Brook Shopping Center. It's an existing what we call prototype McDonalds from several years back. It's your existing old style McDonalds with the mansard roof, single lane drive-thru just your standard older McDonalds with old static menu boards that are about 42 square feet and static pre-route board. There are 61 parking spaces in the vicinity of McDonalds although they are not solely dedicated to McDonalds they all share parking throughout the property. The restaurant has 81 existing internal seats. There is an existing pylon sign out on Route 46 that is approximately 130 square foot pylon sign. Circulation around the site now is two way but with what was previously approved that will be modified with the first phase of the project that was approved last summer. It's right next to the brook where storm water from the site drains towards.
Mr. Micelli - You said there was a prior approval could you just take the Board through quickly in a summary fashion what that approval was.
Mr. Swaggard – Last summer we were here to get approval for a few things. The first was a modification of the building façade. Basically it's a refresh of the building to make it look like a new McDonalds. They take off the mansard roof gives it like a clean modern look. Replace the existing wall signs with new clean wall signs. The second phase of the project that was approved last summer was also an internal remodel of the building with all new décor the bathrooms are updated things like that. Basically refresh the inside of the building too. The third phase of that approval last summer was just replacing the existing menu boards that are out there with new style digital menu boards.
Mr. Micelli - As far as the site itself beyond the building were there also improvements that were approved as part of the application?
Mr. Swaggard – Yes as part of the application we were doing improvements to the accessibility to the building. Improving the parking spaces and also removing one of the trash corrals it's right up against the building and getting rid of that would kind of open that area up and increasing the size of the second trash corral that's there as well.

Mr. Micelli - Any changes to lighting or landscaping as part of that?
Mr. Swaggard – New lighting is proposed new site lighting was proposed also a new landscaping around the east side of the building was proposed.
Mr. Micelli - Did we restripe the parking area didn't we add some areas at the Boards suggestion?
Mr. Swaggard – Yes we restriped the parking area and it actually resulted in an increase of two parking spaces.
Mr. Micelli – The play place was removed?
Mr. Swaggard – The play place is actually gone already the paving is still there but the playground equipment is gone already. That area is going to be replaced with landscaping and sidewalk.
Mr. Micelli – The status of the permits for that is.
Mr. Swaggard – They are under review right now we hope to get those approved soon and begin construction.
Mr. Micelli - So let's turn to what we are proposing tonight in addition to what was already approved. First of all can you tell the Board why we are back for what we're asking for?
Mr. Swaggard – The question is why are we back why we didn't ask for this approval originally and the answer to that is because there is a new franchisee of this restaurant who is willing to put in that money to improve this restaurant. The costs are all shared between McDonalds and the franchisee so a new one came in and really wants to do all he can to this site to improve it so he wanted us to apply for side by side drive-thru.
Mr. Micelli - Can you take the Board through what the proposal is.
Mr. Swaggard – Sure. This is sheet C4 from our plans that were submitted do I need to mark this as an exhibit?
Mr. Pellino – That's up to Mr. Micelli. If it's part of the application you don't need to.
Mr. Micelli – It's the same there are no changes.
Mr. Swaggard – So basically what we are doing right now as you see the rear of the building in this area here has an existing static menu board and static pre-route board. The original approval we got we were replacing these items but now we want to come in and add a second outside drive-thru what they call a side by side drive-thru. It will have its own menu board its own pre-route menu board its own ordering point with a canopy that kind of protects the drivers when they pull up to order the canopy kind of hangs out over the door a little bit so if it's raining or whatnot it protects you from the elements. So we are adding a new canopy, menu board and pre-route boards. What it also does is it allows stacking of three additional vehicles from the eleven that can fit in the drive-thru now.
Mr. Micelli – Compared to what is out there so that was what was previously approved eleven?
Mr. Swaggard – Correct we were able to stack eleven before kind of a little bit less than that in the current condition since it hasn't been built yet and now with the side by side we have the capacity for fourteen vehicles.
Mr. Micelli – Were there other efficiencies created by the side by side configuration?
Mr. Swaggard – Yeah the second thing about it is with fast food restaurants they can make the food really fast and the ordering is the critical path. It takes longer for the ordering process than it does to make the food. What a side by side drive-thru does is it allows the drive-thru to basically keep up with the kitchen so they can process the orders faster. It reduces your wait times by up to 40% during peak hours and it improves the overall efficiency of the drive-thru. Everything is laid out McDonalds has been studying drive-thrus for years so the positioning of all the signs and the location of the menu boards are per McDonalds standards for the distance from the pay window you pay for your order. Everything has a specific distance and angles of the menu board just to provide maximum efficiency. What it allows them to do is during peak hours two people can order at the same time. It just speeds everything along and right now prior to the pandemic about 7% of McDonalds customers were drive-thru customers. During the pandemic that's obviously increased but even prior to the pandemic the trend was for drive-thru customers. The side by side is really the new standard for drive-thrus at a fast food restaurant not just McDonalds.
Mr. Micelli - And that improves site circulation?

Mr. Swaggard – It gets customers in and out faster so it decreases wait times and gets them through the process faster.
Mr. Micelli - Makes the site safer because things are more efficient.
Mr. Swaggard – Makes it safer you know you're not waiting around the cars aren't backing up into the parking area just everything can process faster.
Mr. Micelli – Can you describe to the Board the improvements besides the dual lanes the exact improvements that are associated with that dual lane.
Mr. Swaggard – To be clear you're referring to what we're in for now with this application.
Mr. Micelli – Correct yes.
Mr. Swaggard – So basically we are reconfiguring what they call a primary drive-thru lane which is the inside drive-thru lane and then we have an island on the outside that houses the second menu board, pre-route board, canopy and that's about it. A couple of additional signs we are obviously doing the drive-thru lane will be paved in concrete because it's more durable. That's really all that's going on with this application everything else was approved with the first application.
Mr. Micelli - Is there an island between the drive-thru lanes.
Mr. Swaggard – Yes there is an island between the drive-thru lanes so we are adding about another 450 square feet of landscape area of pervious coverage.
Mr. Schilp – How are you adding everything's paved over already?
Mr. Swaggard – well with the first project we were adding a lot of landscaping on the side of the building so that was going to result in I think 1900 feet of additional landscaping and we are adding a landscape island where there is paving now so that will result in another about 450 square foot of landscaping.
Mr. Micelli – Are there any changes to the lighting or drainage that was previously approved?
Mr. Swaggard – No.
Mr. Micelli – There was a question I believe in the engineer's report about circulation of various trucks can you take us through that.
Mr. Swaggard – I think they just wanted us to confirm that everything was still going to work so we did run a truck turn analysis just to confirm that. This has not been submitted yet so I will mark this as A2. This will go back in when we submit for resolution compliance.
Mr. Micelli - Can you just describe that?
Mr. Swaggard – This is just an exhibit where we modeled fire truck and delivery truck circulation these are the large trucks that would be entering the site just to show that they can still make it around very easily the new drive-thru and enter the site without having issues.
Mr. Micelli – This was prepared by your office under your supervision?
Mr. Swaggard – Yes.
Mr. Pellino – Do you have a date on it Mr. Swaggard?
Mr. Swaggard – It's dated 2/11/21 but it hasn't been submitted to the Township yet.
Mr. Pellino – Understood I just want to write it down.
Mr. Micelli - So all manner of vehicles can move safely throughout the site with no issue correct?
Mr. Swaggard – Yes.
Mr. Micelli – So based on those changes can we just tell the Board what the benefits of the project are I know you mentioned site efficiency and safety. The improvement in landscaping what does that result in?
Mr. Swaggard – It's always better to have more landscaping. It's better for site reductions storm water runoff just better to have more landscaping on site where there is a lot of paving out there now. Drive-thru efficiency is probably the biggest improvement here. Like I said during the peak hours breakfast, lunch and dinner hours get a lot of traffic moving through here it just gets people in and out in a more efficient manner. It's really going to be a benefit to the owner this helps the owner stay competitive with other fast food restaurants. This is the standard for fast food restaurants the side by side drive-thru. You can easily accommodate this at this site because it is a wide open area we've got plenty of room to have that feature behind the building.
Mr. Micelli – In your professional opinion any detriment impacts to the site or to any adjacent properties?

Mr. Swaggard – No impacts to adjacent neighbors.
Mr. Micelli – Thank you. You remember seeing a report from Neglia Engineering dated February 8, 2021?
Mr. Swaggard – Yes.
Mr. Micelli – Are there any issues in that report that we need to talk about or did we pretty much satisfy all of it.
Mr. Swaggard – We did satisfy all the comments they did ask us to give testimony regarding some pedestrian safety features that were approved the first application and we are giving testimony that is going to be installed as was approved previously.
Mr. Micelli – Are you in receipt of a report by the planner Mr. Paparozzi dated March 13, 2021?
Mr. Swaggard – Yes.
Mr. Micelli – Any issues with anything raised in that report?
Mr. Swaggard – No there was a question about having a we do show I think there was a question about the do not enter pavement markings that we have near the side by side and whether that would be better than having signage do not enter signs. We are actually proposing both so I would just keep it that way with the pavement marking saying do not enter and the do not enter signs.
Mr. Micelli - That will conclude my questioning of Mr. Swaggard.
Mr. Schilp - Gary do you have anything?
Mr. Paparozzi – Mr. Swaggard you said that there are a capability of fourteen cars in the queue for the drive-thru. How do you limit that?
Mr. Swaggard – How do I limit that?
Mr. Paparozzi – Yeah how do you know there aren't going to be eighteen cars just an example. I've been there and I think the old drive-thru had fourteen cars several times that I've been there at that site.
Mr. Swaggard – What I'm saying is as you see on this exhibit you can fit fourteen cars before they start in the front. That would be the amount of cars you can fit in there until they were stacked up back to the parking spaces.
Mr. Paparozzi – Actually the parking to the east only gives you about fifteen feet to be in car fourteen which is probably not enough to back up. Would it be a good idea to maybe make two or three of those spaces employee only so that the employees park there and this way it's long term and won't have any issues with people backing up into cars that are waiting?
Mr. Swaggard – I don't think that should be an issue.
Mr. Paparozzi – Okay.
Mr. Pellino – How do we identify those spots Gary?
Mr. Paparozzi – Well they're not numbered he has a seven for seven cars that are parked there but they're to the east of space number 14. There's two or three that would interfere with car number 14 that was queued in the waiting line. Either two or three of those spaces if you mark them it would clear that issue.
Mr. Swaggard – I would say that would be the north end of the eastern most parking area. Two spaces at that end.
Mr. Paparozzi – That's all I had Mr. Chairman.
Mr. Kurus – I think the majority of my questions were answered. We'll get a copy of that plan you said you would submit to us at some point.
Mr. Swaggard – Yes.
Mr. Kurus –This is really truncated to focus on just the drive-thru portion.
Mr. Swaggard – Correct.
Mr. Kurus – You testified that everything that was on that prior set the guard rail the safety measures that's all going to remain the same.
Mr. Swaggard – Correct. They almost wanted to treat that almost like it was an existing condition. The plan is to they want to build it as fast as possible. They want it to be one project and move forward with what they're getting permits for now and hopefully get the permits for the other stuff and do that right after it's done.
Mr. Kurus – That's all I have.

Mr. Mazzer – I'm good.
Mr. Tokosh – I was at the facility and I drove past. Let's say for arguments sake that one of the cars got a call from his wife or somebody and they want to get out of the line and go around. On the right hand side if you have a double line over here is there enough room if somebody changes their mind to go around all the cars.
Mr. Swaggard – I would say from here there is plenty of room if somebody wanted to pull out of the line.
Mr. Tokosh – I'm talking about the curve up there.
Mr. Swaggard – Oh up here.
Mr. Tokosh – Yeah.
Mr. Swaggard – There is a curb here there is an island now so they wouldn't be able to get out. Once you get to here you're ordering. You pull up to about four cars in to get out but once you're on this inside lane it's curbing on both sides.
Mr. Tokosh – So somebody cannot get out of that line even if they wanted to at that point.
Mr. Swaggard – At this point but what I would say is that they process the orders very fast and they probably get the ordering point and say I'm not going to order and they just once this car moves up they're out.
Mr. Gatto – Would there be any conflict of two cars coming in and this day and age everybody has a short fuse.
Mr. Swaggard – I've had that question before you're talking about when they hit the merge point here. It's basically like a stop sign so whoever gets to that merge point first has the priority but there aren't any known issues with accidents.
Mr. Gatto – Is this in operation now in other places?
Mr. Swaggard – Yeah they're all over.
Mr. Gatto – They haven't had any problems?
Mr. Swaggard – No they work very smoothly.
Mr. Gatto – I'm good.
Mr. Schilp – There is still only going to be one pay window and one pickup window?
Mr. Swaggard – Just one pay window and one pickup window.
There are no other questions from the Board.
Mr. Schilp – Do I have a motion to open to the public?
Ms. Murray makes a motion seconded by Mr. Gatto to open to the public for this witness.
All in favor – YES.
Mr. Schilp – Anyone from the public have any questions. Nobody here do I have a motion?
Mr. Gatto makes a motion seconded by Ms. Murray to close to the public for this witness.
All in favor – YES.
Mr. Micelli - This will be our final witness Mr. Tom Mcdonough.
Mr. Pellino swears in planner John McDonough he states his name spells his last and gives his business address as 101 Gibraltar Drive Parsippany New Jersey.
Mr. Micelli asks Mr. McDonough to give the Board his qualifications as an expert in the field of Municipal Planning. He gives his qualifications and Mr. Pellino recommends the Board accept him as an expert witness. The Board accepts him as an expert witness.
Mr. McDonough – I have some pictures to hand out.
Mr. Micelli – For the record can you tell us what you are handing out and we'll enter it as an exhibit.
Mr. McDonough – This is going to be an exhibit of about seven or eight pictures and maps. It's a series of maps and photographs of the subject property. It shows the subject property outlined in yellow on the maps. This was prepared by me.
Mr. Pellino – I see it has a date of May 29, 2020.
Mr. McDonough – That's correct.
Mr. Pellino – This will be exhibit Mr. Micelli A3.
Mr. McDonough – Let me walk you through it seven pages there's not a lot to it three tax lots block 123 lots 1 and 1.01 it's a developed shopping center McDonalds is that little in parcel in the shopping center.

Then block 120 lot 1 which contains a roadside sign for McDonalds so it's all part of one integrated development. If you look at the developed condition of the property you can see where the McDonalds sits as a pad site in the middle of that L shaped shopping center. Everything that you see here is basically the way it is now that hasn't substantially changed. You'll see when we get on the ground level that there's been some changes in terms of the tenancy there but for the most part what you see is what you get. The third page is a color coding of the various land use categories red is nonresidential yellow or gold is residential. The key thing about this exhibit is that this site is remote from residential it's nicely framed by the shopping center and it's not anywhere near any of those nearby residences. It's far away well buffered by the cemetery by the pool store the office supply as well. Fourth frame takes us on the ground this is what we saw almost a year ago only thing you can see that's different is that Modells is gone now in the background there. Either a victim of the national economy or the Covid one or the other. The McDonalds itself is there but the good news about this application is this was a repurposing that you approved before a reimaging and upgrading and everything you approved before is what you are going to get with that added benefit of the operational efficiency of the side by side drive-thru. Number five takes us on the ground level again just spins you around to the backside where you used to have that play center. This is the queue area if you will for the stacking for the drive-thru. Mr. Paparozzi made a great point about making those last two spaces employee so if there ever is a longer backup there you've got the employees that are not going to be impacted. The last two pages show the condition of the property again it's a shopping center and this is an integral component of that shopping center sort of off by itself over there so that the operational aspects of this will not interfere with the circulation on the property right now.
Mr. Micelli - Mr. McDonough you've been retained to perform a zoning analysis for this amended application.
Mr. McDonough – Yes I was.
Mr. Micelli – Can you take us through your analysis?
Mr. McDonough – Sure not a lot to this one. This is in the B2 zone district it is a commerce oriented district it allows for a wide range of uses. The zoning characteristics have not changed from what the Board approved before and the finding that this was actually a pre-existing non-conforming use. You have a good legal letter now that Mike's team has put together that gives the Board not only the lawful aspect of the use but it buttresses it with a lot of factual basis as well to clearly show that this building and this use was there in 1975. Ordinances that would prohibit it did not come in until about 1985 or so and then there is a whole bunch of documents that we gave you to show that this was actually recognized over and over as a pre-existing non-conforming use. It's been out there in the public eye this is not something that's been hidden in the back of an industrial site it's clearly evident that this has been there for a long time. So you've got the legal basis now to reinforce what you found last time. This is not a question of whether the use belonged in the first place but really whenever we're dealing with D2 it's a question of we're making that use better. As you just heard from Martin's testimony there is going to be improved operational efficiencies here. That choke point that you get at the order point that's really the I'll say the slow part in the operation it's going to speed that up and get those cars to move more quickly. A 40% increase in the operations the increase in the car capacity here or the queueing capacity and everything else about the operation pretty much stays the same. The look the feel everything about what you have previously approved you'll still get with that enhanced operational amenity. That all goes to towards the positive criteria or the site betterments this is going to take the land use that is aimed at convenience and customer service moving people through quickly and that's going to be enhanced even better now with the faster processing the less wait time and the overall operational efficiencies. That ties to the land use law purpose "A" the promotion of the general welfare. Purpose "G" would provide for a variety of uses and appropriate locations. Purpose "M" the efficient use of land and then to a certain extent purpose "I" in that we are greening up the site and anytime we can break up a parking lot which is what they are doing here that's a good thing as well. On the negative side no substantially detrimental impacts associated with this from a functional standpoint from a visual standpoint this is going to make the site operate even better and integrate better with the shopping center. I would say move it closer to conformance with the zone scheme by making this non-conforming use even better. Inter related to that

is going to be the impact on the zone plan no substantially adverse impacts on the zone plan or the ordinance. As I said this is going to reduce the non-conforming aspect of it going to quicker processing and it does go toward the planning goal for business retention economic development it provides first time jobs especially for our youth. That all goes towards the Master Plan goal. That goes toward the D2 relief there's some inter related signage relief now that we're having that second lane we've incorporated two more signs. We've got the preorder sign and then you have the menu sign. The preorder sign is similar to what's out there now it's about ten square feet. If you look at that board on the easel that's about six square feet so double that is about the size of the preorder board. The actual menu board is twenty square feet which is let's say three of those boards right there. Not a very large impactful structure it's more informational than advertising and it just follows that second lane so it helps move things along. All said that's justifiable on the flexible "C" the benefits substantially outweigh the detriments and they all tie together so based on the evidence you've been given I think the statutory criteria are met and approval is warranted here unless you want me to tack anything else on.
Mr. Micelli – Just a couple of questions. Just to be clear the zone it's not just this zone it's every zone that prohibits fast food and drive in restaurants right?
Mr. McDonough – That's a great point yes this is a town wide prohibition.
Mr. Micelli – Can you discuss site suitability and how what we're proposing makes the non-conformity more acceptable in its setting.
Mr. McDonough – Towards the positive end of site suitability that's justifiable by virtue of the condition and the context of the property. Condition wise it is there in the middle of an established retail center remote from the center itself in terms of the overall functionality and contextually this is a site that sits in a bowl relative to those land uses that are on the other side and also remote from the residential. I think again condition wise and contextually the site is particularly suitable. With respect to the impact on the zone plan was that the question or the non-conformity.
Mr. Micelli – Yes.
Mr. McDonough – To the extent that one of the reasons where you may not want to have a drive-thru is because it can create traffic congestion. This is doing the exact opposite in moving vehicles more efficiently and effectively through the site.
Mr. Micelli – Just to circle back to the bulks. You mentioned that there is free standing signs the menu boards we're only adding approximately 30 square feet for a total of 225.2 square feet.
Mr. McDonough – Yes and remember the menu boards that are going in are half the size of the menu board that's out there now. I think we're about 43 square feet and we're going down to 20 square feet.
Mr. Micelli – Last time you were approved for 195.2 square feet right?
Mr. McDonough – Yes.
Mr. Micelli – So it's a very minimal increase for that second lane only.
Mr. McDonough – Thirty square feet that's it.
Mr. Micelli – The pylon sign that you mentioned that roadside sign that's an existing non-conforming we're not changing anything about that sign correct?
Mr. McDonough – That's part of the local landscape here yes that's staying.
Mr. Micelli – There were prior variances that were granted for a number of wall signs the sign package all together can you just tell us the benefits of the sign package?
Mr. McDonough – It's a very tasteful sign package modernization here. This is going to be consistent with customer expectations for this land use and promoting brand familiarity. It's simply the arch logo which nicely embeds with this new café style theme it's a more contemporary theme. Then of course the word mark not large in the context and certainly softer than what they had.
Mr. Micelli – What purposes would you peg this to?
Mr. McDonough – For the sign package that would go toward purpose "A" promotion of the general welfare by providing clear and safe identification of the site. Purpose "I" again for a desirable visual environment and aesthetics and "M" efficient use of land. This is not over branding or visual sign clutter.
Mr. Micelli – You don't think this does any harm to the public good?

Mr. McDonough – No the sign package the Board approved before it stays intact and with these two additional signs it's not going to hit what I believe is a tipping point that would now render it as creating a substantial adverse condition.
Mr. Micelli - It doesn't affect the zoning ordinance?
Mr. McDonough – No the zoning ordinance is not impaired it relates to a specific piece of property.
Mr. Micelli – There was one other variance that was granted last time parking stall size. That's all staying the same we're not changing anything.
Mr. McDonough – Yep 9 by 18 versus 9 by 20 or 10 by 18 I believe you can pick but again 9 by 18 is appropriate and is something that has long standing existence on this site.
Mr. Micelli – Would we just ask the Board to carry that through?
Mr. McDonough – Matches and continues the existing condition yes.
Mr. Micelli – That will conclude my questioning of Mr. McDonough.
Mr. Schilp – Gary?
Mr. Paparozzi – Mr. Chairman I agree with Mr. McDonough that there is no negative impact with the additional lane actually Mr. Mazzer alluded to it is quite common in the fast food industry. It's not only on McDonalds but it's common on most of the where you drive-thru and pickup. It's actually a face lift to modernize the McDonalds to be up to date with all the other fast food and other McDonalds that are out there. I think it's a win win for McDonalds and it will move things quicker.
Mr. Schilp asks around the room if anyone has any questions for Mr. McDonough and there are none.
Mr. Schilp – Can we open to the public for the planner?
Ms. Murray makes a motion seconded by Mr. Manzo to open to the public for this witness.
All in favor – YES.
Mr. Schilp – Anyone like to talk to the planner? Motion to close?
Mr. Gatto makes a motion seconded by Ms. Murray to close to the public. All in favor – YES.
Mr. Pellino – Would you like to sum up?
Mr. Micelli - Just very quickly you approved something that was going to make McDonalds better last time this is going to improve upon that. It's going to give you the best layout you can get. This is the modern McDonalds that everyone wants. If you're going to have a McDonalds this is the way you want it. You've got everything now for this site and I would ask that the Board approve this application.
Ms. Murray makes a motion to approve the application.
Mr. Pellino – just if I may Mr. Chairman I think there were some suggestions along the way which in my mind may rise to the point of being conditions. I think Gary had made the suggestion in terms of the employee only parking I don't know if it was 2 or 3 spaces Gary but on the north end of the eastern most drive aisle.
Mr. Paparozzi – Two would probably cover it just to not interfere with the cars and the queuing in line in case there is another backup due to efficiency but backup to a lot of people going in line.
Mr. Pellino – I think the applicant agreed they would meet all of the comments of both Neglia and Paparozzi comment letters. Number three turning template to be submitted following the hearing as part of the package. No changes to the prior site plan the applicant is going to go through with all of the changes and conditions that were previously imposed on the prior site plan. I think again it's up to Ms. Murray.
Ms. Murray makes a motion to approve with all of the stipulations stated by Mr. Pellino seconded by Mr. Manzo.
Roll Call - Ms. Murray, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Burbano – YES.
Mr. Duffy returns to his seat as Chairman.

6. RESOLUTIONS

A.) Approval for Anderson Rosario, 300 Grace Avenue, Block 411, Lot 3
B.) Approval for 124-128 Market Street, LLC, 124-128 Market Street, Block 614, Lot 1
Ms. Murray makes a motion seconded by Mr. Manzo to approve the resolutions.
Roll Call - Ms. Murray, Mr. Mazzer, Mr. Manzo, Mr. Burbano, Mr. Duffy – YES.

7. MINUTES
Meeting of March 1, 2021 Regular Meeting

Mr. Mazzer makes a motion seconded by Ms. Murray to approve the minutes.
Roll Call - Ms. Murray, Mr. Mazzer, Mr. Manzo, Mr. Burbano, Mr. Duffy – YES.
Mr. Schilp asks Mr. Pellino if he misses a meeting and wants to vote on an application that he was not present for if reading the minutes is good enough or does he have to listen to the recording. Mr. Pellino says he would need to listen to the recording.

8. COMMUNICATIONS
Anthony Kurus to the Zoning Board, 2/08/21
Anthony Kurus to the Zoning Board, 2/08/21
Anthony Kurus to the Zoning Board, 2/26/21
Anthony Kurus to the Zoning Board, 3/02/21
Anthony Kurus to the Zoning Board, 3/05/21
Gary Paparozzi to the Zoning Board, 3/13/21

Mr. Schilp makes a motion seconded by Mr. Mazzer to read and file the communications.
All in favor – YES.

9. VOUCHERS
Return of Unused Escrow, Mark & Tracy Nafash, 31 Strathmore Terrace, Block 1808, Lot 24 $21.43
Return of Unused Escrow, Alan & Nicole Costa, 1 Leonhardt Drive, Block 1402, Lot 5 $84.93
Return of Unused Escrow, Sebastian Tyburski, 280 Evans Place, Block 1713, Lot 1 $100.86
Return of Unused Escrow, Jayesh Patel, 55 Strathmore Terrace, Block 1808, Lot 30 $39.43
Return of Unused Escrow, Kanwar Abdul, 440 North Midland Avenue, Block 1402, Lot 51 $1537.10
Paparozzi Associates Inc., 2/10/21, Midland Commons 2,Van Bussum Ave, Blk 402, Lots 1-5 $540
Paparozzi Associates Inc., 2/09/21, 124-128 Market St, LLC,124-128 Market St, Blk 614, Lot 1 $236.25
Paparozzi Associates Inc., 3/17/21, 124-128 Market St, LLC,124-128 Market St, Blk 614, Lot 1 $67.50
Paparozzi Associates Inc., 3/17/21, Midland Commons 2,Van Bussum Ave, Blk 402, Lots 1-5 $118.12
Paparozzi Associates Inc., 3/17/21, McDonald's Corp, 189 Route 46, Block 120, Lot 1 $270
Basile Birchwale & Pellino, 2/01/21, Castro, 301 Floral Lane, Block 1716, Lot 19 $250
Basile Birchwale & Pellino, 2/01/21, RPM Hospitality Group, 129 Pehle Ave, Blk 1311, Lot 36 $1187.50
Neglia Engineering Assoc., 2/11/21, 124-128 Market St, LLC, 124-128 Market St, Block 614, Lot 1 $925
Neglia Engineering Assoc., 2/11/21, Midland Commons 2,Van Bussum Ave, Blk 402, Lots 1-5 $1372.50
Neglia Engineering Assoc., 2/11/21, McDonald's Corp, 189 Route 46, Block 120, Lot 1 $837.50
Neglia Engineering Assoc., 3/15/21, McDonald's Corp, 189 Route 46, Block 120, Lot 1 $1392.50
Neglia Engineering Assoc., 3/15/21, CDR Realty, 435 President Street, Block 120, Lot 23 $1162.50
Neglia Engineering Assoc., 3/15/21, Ronny Pena, 82 Kuhn Drive, Block 1204, Lot 8 $92.50
Neglia Engineering Assoc., 3/15/21, Humbert, 61 Ackerman Avenue, Block 606, Lot 22 $92.50

Mr. Schilp makes a motion seconded by Ms. Murray to pay the vouchers if the money is available as well as return unused escrow. All in favor – YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC
Mr. Schilp makes a motion seconded by Ms. Murray to open to the public. All in favor – YES.
Mr. Gatto makes a motion seconded by Ms. Murray to close to the public. All in favor – YES.

11. ADJOURN
Mr. Gatto makes a motion seconded by Mr. Schilp to adjourn the meeting. All in favor – YES.