

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
May 3, 2021 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday May 3, 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. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz. Mr. Duffy – PRESENT, Mr. Gatto, Mr. Burbano, Mr. Champy - ABSENT. Board Attorney Stephen Pellino, Board Planner Gary Paporozzi and Board Engineer Anthony Kurus also in attendance.

Mr. Duffy discusses with Mr. Alampi about whether or not they wish to proceed being that they need 5 yes votes in order for their application to be approved and there are only 5 members in attendance that were at the March 1st meeting in which they began their application. The discussion continues with input from Mr. Pellino as to how the members that are not present can listen to the testimony that they missed in order for them to be able to vote on the application. Ms. Murray states that she is not able to attend the June 2nd meeting if they plan on continuing at that meeting. Mr. Schilp says he will listen to the March meeting so that he may participate at the next meeting that they attend. Mr. Alampi says they are willing to proceed with the testimony this evening but requests that they do not take a vote on it this evening so that members not in attendance can listen to the recording of their testimony. The Board agrees to Mr. Alampi’s request. There is discussion about the next meeting date which was changed from June 7th to June 2nd due to a conflict with the primary election. Mr. Schilp wants to clarification as to whether or not he can ask questions tonight as long as he listens to testimony from the March 1st meeting and it is decided he may do so.

5. NEW BUSINESS

A.) Glen Cannici, 41 Woodward Street, Block 615, Lot 13

Applicant requests a front porch and second floor addition in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in Glen Cannici he states his name spells his last and gives his address as 41 Woodward Street Saddle Brook, NJ.

Ms. Murray lets the Chair know that Mr. Cannici’s company has done work for the company she works for and Mr. Pellino says that it is not a conflict of interest and that she may participate for this application.

Mr. Pellino lets the Board know that the notice is in order for this application.

Mr. Duffy – Mr. Cannici walk us through what your plans are.

Mr. Cannici – We want to do an add-a-level we have a growing family and we need more room. We want to put a second floor on so we have more rooms and a front porch.

Mr. Duffy – You submitted schematics and I would like you to walk us through a little bit as far as a little explanation as to option one option two option three so everyone on the Board has an understanding.

Mr. Cannici – The options on there were really for aesthetic looks. They are all the same as far as height they come to 28 feet at the mean as it says in the ordinance. That's really the only reason for the options on there. I guess in order to go up we need to get uh existing non-conforming in the front and on the side. I had an engineer go over it you have an existing survey and a proposed survey. He did the calculations and where the carport is now is going to get taken out and along with that a section of asphalt too. With that we should be according to the calculations we should be good as far as lot coverage.

Mr. Duffy – I'd like to start with our Planner.

Mr. Paparozzi – Mr. Chairman the only thing I saw was other than Mr. Kurus's report was there is a basement and we have no plans for the basement.

Mr. Cannici – We don't plan on doing anything to the basement.

Mr. Paparozzi – Is it finished?

Mr. Cannici – Unfinished basement yeah it gets water so there's not much I can do down there. We have the washing machine down there.

Mr. Paparozzi – Is there any reason for the wrap around porch going toward South Street? Why not end it at Woodward and eliminate the variance.

Mr. Cannici – Well I mean that's something I can cut back with. I mean just for the look of the roof wrapping around there and access to the side yard there.

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

Mr. Duffy – Mr. Kurus.

Mr. Kurus asks about the accessory coverage.

Mr. Cannici – There is a carport off the garage now and there is asphalt there so it goes right underneath the carport so by getting rid of the carport and the asphalt should give us what we need.

Mr. Duffy – So the garage is according to these calculations 443 square feet and that includes the metal roofing right there.

Mr. Cannici – I'm not sure if it includes that.

Mr. Duffy – The playhouse is another 48 square feet. The garage is going to drop say down to 230 square feet.

Mr. Paparozzi – 237.

Mr. Duffy – That's what it will be after that.

Ms. Murray – Mr. Cannici you have your attic floor at 19 feet 1 inch and then you have a mean at 28. That means you have 9 feet between that and that and then you have another 9 feet to the peak so that's pretty tall. Did you understand what the mean meant when you put it on the drawing?

Mr. Cannici – I did yes. Half way up the roof there the average. The reason we have it going up so high is the basement takes on a lot of water I can't store anything down there so just to have some storage space.

Ms. Murray – I understand storage space would be fine in the attic but you're looking at a peak that is going to be somewhere around 9 feet more than at least 8 feet more. The mean means it's halfway so 19'1" from 28' is 8 foot 11 and if that's the mean the other half on top of that is going to be another 8 feet 11 that's a high peak so that's why I'm asking did you understand what that meant or not because that's a very high peak.

Mr. Cannici – I did understand it and we want to keep it at that.

Ms. Murray – Do you know that you cannot have living space or anything on the third floor?

Mr. Cannici – Yes.

Ms. Murray – Because you have some windows there.

Mr. Cannici – Yes I understand.

Ms. Murray – That's all for me.

Mr. Schilp – What do you do to access the attic?

Mr. Cannici – I have a staircase you look at the plans here there is a staircase stacked on top of the existing staircase now.

Mr. Schilp – It's not a pulldown?

Mr. Cannici – It's not a pulldown.

Mr. Schilp – That's inviting bedrooms or anything else upstairs and it's extremely dangerous you need a fire escape. If you use it for anything else but storage you make a playroom for your kids anybody that goes up there.

Mr. Cannici – We don't plan on finishing it up there at all just storage.

Mr. Schilp – I don't like the idea of regular stairs instead of pulldown stairs. I can see maybe not you but in the future somebody's going to move stuff up there.

Mr. Duffy – The code says two and a half stories correct?

Mr. Paparozzi – Yes.

Mr. Duffy – And it's 28 to the mean?

Mr. Paparozzi – Yes.

Mr. Duffy – If that calculation is right Mr. Cannici is proposing then this is a three story structure.

Mr. Paparozzi – It's considered two and a half because of the pitch of the roof but in light of the fact that there is no wiggle room there might be a need for a topography to ensure before the work is complete that it doesn't exceed. There is no wiggle room he goes an inch above where he is supposed to be it's a violation.

Mr. Mazzer – How come we didn't get a set of plans.

Mr. Duffy – Yeah that's what complicates a lot of it.

Mr. Cannici – You don't have this set here?

Mr. Mazzer – Yeah but they're not the best you should have had an architect draw these things. I'm not happy with the steps going upstairs and you've got stuff on here you got a master bathroom a relocated bathroom. On a regular set of plans if an architect does it he's got your grades he puts down where it's relocated from or what he's doing. These are shaky at best.

Mr. Cannici – What are you missing off this plan?

Mr. Mazzer – I want to see an architect's plan and look at it because the ground level the topo on it even the stuff with the heights you're right to the inch.

Mr. Cannici – There is no topo on it.

Mr. Mazzer – I know but you're coming before a Board you get an architect to draw it.

Mr. Tokosh – When I'm looking at these plans you have 18.6 inches from the curb to where you are right now but you're going to be extending that out towards the curb. What's the new distance between the curb and the steps you have going up to the porch?

Mr. Cannici – The new distance? The front of the house is going to stay 18.6 and the deck will come out 5 feet.

Mr. Paparozzi – That's to the property line not to the curb. Those dimensions 13 feet 13.6 from the proposed roof covered porch to the property line and the existing count is 18.6 to the property line not the curb. The curb is approximately 8 feet to the property line.

Mr. Tokosh – It's consistent with the neighborhood. I noticed that houses across the street they built out in the front also. I think house number 56 on the left hand side two houses down. It looked alright but it's not consistent with the town rules.

Mr. Cannici – If you look on the survey you'll see the corner of the house right next to me also on the existing survey.

Mr. Duffy – The difficulty is the plans. What I'm hearing from the Board is that it's hard to it's almost as if you're looking to see what you can do as opposed to telling us this is what I'm going to do.

Mr. Cannici – this is what I'm going to do with approval. I know what I want here.

Mr. Duffy – You'll take away the wrap around on the right side when you're facing the house?

Mr. Cannici – Yes.

Mr. Duffy – Okay. There is a level of discomfort with those stairs going up because that puts it right into a third floor.

Mr. Cannici – What can we do here can we get rid of the staircase?

Mr. Duffy – If we get rid of the staircase and we have a pull down now we have an attic.

Mr. Cannici – That's what it is that's what my purpose is to use it for storage.

Mr. Schilp – We've had people come before the Board before and say no we're not going to put anything up there it's for storage and you go back after they're done and you see lights on and kids running around upstairs. It wound up being a kid's room. Third floor kid's room supposed to have a fire escape. I'm a fireman in town for 49 years I'd hate to see it because God forbid something happens the kids are trapped up there. It could be adults whatever.

Mr. Cannici – I understand that and that's not what I'm looking to do up there.

Mr. Schilp – I have people stand here and swear on the Bible that they're going to do the same thing.

Mr. Cannici – I believe that.

Mr. Duffy – What happens if a year later you sell the house and now there's a three story house. That's what we're facing.

Mr. Cannici – I'm not opposed to putting a pull down up it was just walking up a flight of stairs or a ladder the stairs are more desirable to walk up they're easier. If that's going to get us through here that is something I can do.

Mr. Duffy – With a full set of drawings some of these questions would have been maybe dealt with prior. Does anybody have any other questions?

Ms. Murray – I'm just concerned over the height. It's going to tower over the house that are there. It's quite high if you look from the inside of the attic to the peak it's 18 feet. It's too high for the neighborhood if you bring that down I would be a little happier with it. We passed houses that are like 32 feet so when the mean is actually 28 feet you're only going up four feet.

Mr. Cannici – There are houses in the neighborhood that are up there. I'm not asking to pass that 28 foot mean I want to stay conforming to that. That's something I will pay attention to.

Mr. Paparozzi – Mr. Cannici what the Board is saying is that before the attic the peak is 18 feet that's almost two stories do you understand?

Mr. Cannici – I do no it's not 19 foot in there.

Ms. Murray – It is. That's why I asked before if this is what it's really going to be. If you calculate from the attic floor it's 19 feet 1. To the mean is 8 foot 11 inches and then from the mean to the peak is another 8 foot 11 so it's 8 foot 11 plus 8 foot 11 to the peak.

Mr. Cannici – I'm not sure on the peak elevation here I could scale it. I could scale it out and show you.

Mr. Duffy – It's going to go up 28 and up another 8 feet.

Mr. Mazzer – Maybe we should just come back with another set of plans. Lower the ceiling put the pull down steps show the property a little bit better.

Ms. Murray – I just want you to understand when you go from the attic floor to the mean the other half is going to be equal to the attic floor to the mean and the mean to the peak. That's why I'm saying it's 8 foot 11 and another 8 foot 11 is very tall. If you were going to tell me it's only 5 foot to the mean then I know it's 5 feet and 5 feet that' 10 feet it's different.

Mr. Cannici – This wouldn't be open here it would be closed off.

Ms. Murray – It doesn't matter your peak is still going to be that much taller than the neighbors.

Mr. Cannici – The peak will be taller.

Mr. Pellino – The Board is allowed to impose reasonable conditions in connection with granting variances.

Mr. Duffy – I would like to entertain a motion to open to the public.

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

Mr. Duffy – The meeting is open to the public on this application. Having heard none.

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

Mr. Duffy – The meeting is closed on this application to the public. Does any member of the Board have any further comments?

Mr. Tokosh – I would just like to see a better set of drawings.

Mr. Duffy – I think there's some unexplained but not necessarily unanswered but unexplained questions that would make the Board a little more comfortable in understanding what's going to happen here. I am in agreement with other members of the Board that the attic space does present a bit of an issue and if

we can get it in a better set of plans. I know everybody tries to do a little something to save a few dollars but we would like to see what this is going to look like. Right now we really don't have an idea of what one side might look like and then we have a little idea of what the inside would look like but we're kind of short on true measurements. That 18 feet when we look at the floor to the attic to the mean is a bit drastic.

Mr. Cannici – So we could get rid of the stairs and put a drop down door there and lower the peak. What do you guys want to lower it to let's compromise. It's not non-conforming but to make it comfortable for the neighborhood where would that need to be?

Mr. Duffy – I would like to see it on a plan.

Mr. Cannici – I'll draw it on the plan.

Mr. Duffy – You can't sit here and draw it.

Mr. Cannici – I'm not going to draw it now but I will draw and resubmit a plan for it. I want to know what is acceptable here for the height.

Mr. Duffy – I think we've kind of given you some direction.

Mr. Cannici – I got it the directions but I want to make sure you're happy.

Mr. Duffy – Mr. Cannici I can't say you have to make this four foot three and a half inches I can't do that. You understand the parameters that you have to work with. That's what would make this Board a little bit more understanding and be able to take a look at this. Then you remove the stairs and you do something with the height of the attic and there would be assurances at that point that this is not a third floor. I know it's two and a half I know it's close to what the code says however when I look at it I see a full swing.

Mr. Cannici – We have to come back and schedule another meeting.

Mr. Pellino – Just so we're clear we're hearing from the Chairman and the other Board Members that they're uncomfortable with some aspects of the plan. If you wanted to go ahead tonight you can do that the Board could take a vote I think you have an idea of how it might go. The suggestion to you is you are free to come back at the next meeting if that's convenient with revised drawings. We can't tell you exactly what is going to be approved but I think you've gotten a flavor of how the Board feels.

Mr. Cannici agrees to come back for the next meeting with revised plans.

Mr. Duffy – We're going to adjourn this and give him the opportunity to provide another set of plans and at this point we don't see any reason to renote. We will put you on for the June 2nd meeting.

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.

Mr. Duffy – Mr. Alampi at the onset of the meeting we told you of our situation have you and your client come to a decision?

Mr. Alampi – Yes Chairman I have two witnesses tonight the traffic consultant and the planner. I did bring the architect back because we did submit a revision to the floor plan so the architect will be here to verify it then we'll go to traffic and planning. I understand that the next meeting will be June 2nd which is a Wednesday instead of a Monday. It was Monday June 7th.

Note: The date was changed because the room had to be set up for the primary the next day on Tuesday the 8th.

Mr. Alampi – The problem I have is that my planner will not be available on June 2nd and July 12th so I do need to proceed with her I can order a transcript but we won't take a vote tonight we'll just present 2 witnesses and order a transcript.

Mr. Duffy – To the Board what we'll be doing tonight is Mr. Alampi will present his witnesses. Mr. Schilp can sit in on it even though he wasn't here on the first presentation at the March meeting. He is going to listen to the tapes he does have the right to ask questions as he'll be part of the record. We won't be taking a vote so that won't matter. Mr. Tokosh is recusing himself. Mr. Marz you are in for Mr. Gatto Mr. Manzo, Ms. Murray and myself so that presents us with five and the reason why we are going to take testimony tonight and we'll present our vote at the June 2nd meeting. We will make sure at that point that we have a body that can do it.

Mr. Alampi – Chairman if that for some reason doesn't happen we will consent to extend the time for the Board to review this application I will use a July 30th date. Not that I expect it to go on forever but at least put it on the record now that the applicant is extending the time for review until July 30th. That will give us the opportunity to reappear for a review and vote on June 2nd. If that doesn't happen because members are missing we'll cover the July 12th date as well. I'm extending it rather than doing it 30 days at a time it's for the Board's protection and ours. With that Mr. Ray Virgona is the architect that testified at the last meeting. Just to remind the Board we were at the March meeting and I requested that you bypass the April meeting since I was away for a few days. Mr. Virgona completed his testimony as did the engineer and we had a set of plans that were brought to my attention when he reviewed the notes of the engineer and the apartments and everything else. When it came to the affordable housing units he did not actually show three bedroom units. The state regulation when it comes to affordable housing is you have to have a mix of one, two and three bedrooms. In order to incorporate the three bedrooms he had to adjust some of the walls. There will be no change in the number of units, the size of the building or the height of the building we have Mr. Virgona just to certify the plans. They were submitted more than 10 days before the meeting.

Mr. Pellino reminds Mr. Virgona that he is still under oath.

Mr. Alampi – Ray you asked me to submit the modification to the floor plan based upon the affordable housing requirement.

Mr. Virgona – That's correct.

Mr. Alampi – I think originally with the affordable housing it did show three one bedrooms and the rest of them were two bedrooms.

Mr. Virgona – That's correct we did not have the three bedrooms drawn out. In an attempt to clarify that we submitted drawings SK-4 and 5 which are the floor plan layouts which show the affordable units that conform now to the requirements and the site plan.

Mr. Pellino – Is there a date on that revision?

Mr. Virgona – Yes it is March 9th 2021.

Mr. Alampi – Those units we previously marked your exhibit so we're going to mark this as A-5 with today's date and the revision date March 9, 2021.

Mr. Virgona – That's correct.

Mr. Alampi – So SK-4 and SK-5 are revised March 9th 2021 and that was to illustrate the three bedroom units.

Mr. Virgona – That's correct and if you want to locate them on this plan it is the unit just below the elevators. It's marked "A" it's indicated to be 1155 square feet 3 bedroom affordable. The affordable units are now the three units nearest to the elevator on the bottom of the drawing. Then one which is the "F" unit which is in the left hand corner of the drawing.

Mr. Alampi – How many affordable units are there?

Mr. Virgona – There are four affordable units on each floor for a total of 12.

Mr. Duffy – So the original layout we had was different.

Mr. Virgona – It's strictly an interior change the exterior has not changed. Everything will remain as it was with the exception of the interior layout.

Mr. Alampi – I have nothing further for Mr. Virgona.

Mr. Pappozzi – Mr. Virgona can you give the breakdown now how many one bedrooms?

Mr. Virgona – We have 3 one bedroom, 3 three bedrooms and 6 two bedrooms. Total of 12.

Mr. Pappozzi – How many bedrooms with a den?

Mr. Virgona – We talking only affordable?

Mr. Pappozzi – No I'm trying to see where we lost the square footage to add a den.

Mr. Virgona – I see. There are 20 units per floor we have three of the one bedroom.

Mr. Pappozzi – How many total one bedroom?

Mr. Virgona – On SK-5 that's the breakdown. We have a total of 15 one bedroom, 12 one bedroom with a den, 21 two bedroom, 3 one bedroom affordables, 6 two bedroom affordables and 3 three bedroom affordables.

Mr. Papparozzi – Thank you.

Mr. Duffy – Was your question answered?

Mr. Papparozzi – What happened was the 2 bedrooms were reduced from 10 to 7 on each floor and that made the additional room for the 3 bedrooms. We still have the one bedrooms with a den and the dens have closets which is a concern of mine. You have a den with a closet and you change it from den to bedroom it's the same thing. It is a concern and the only concern would be it would create a variance. You call it a bedroom it would create a variance. Quite frankly I call them bedrooms.

Mr. Virgona – Just to clarify with the exception of one unit they're all interior and they all are open. There are no doors into these spaces they are open with wide openings. As I said earlier in the last meeting we do not intend to market it as bedrooms. They are work at home spaces.

Mr. Schilp – What's the size of the doorway on these?

Mr. Virgona – It varies a little bit. It looks like the majority of them were 4 or 5 feet wide.

Mr. Duffy – The majority of the openings into the den are 4 or 5 feet wide?

Mr. Virgona – Yes for instance you look at an "E" unit which is on the left hand side of the drawing you'll see the dens interior has quite a wide opening probably 5 to 6 feet wide.

Mr. Duffy – Then I look at an "M" and an "M" is the width of the hallway which is 46 inches.

Mr. Virgona – That's right because of the configuration that was 42 inches.

Mr. Duffy – That would be 42 inches.

Mr. Virgona – Yes. The other one which is the end unit has a 4 foot wide opening into it.

Mr. Duffy – The end one actually looks like it has the framing for a doorway. Look at the end coming from the living room past the bathroom.

Mr. Virgona – Oh yes. We can remove those.

Mr. Duffy – It looks like a door.

Mr. Virgona – It's too wide for a door we would not show that as a door obviously. We can remove those. The last one the "R" unit which is on the far right that does have a smaller opening but has no closet.

Mr. Duffy – That's one that actually resembles more of a den than anything else.

Mr. Virgona – We could widen that opening too.

Mr. Mazzer – There are an awful lot of rooms in there you packed them in like sardines.

Mr. Schilp – The stairs that you have there at the emergency stairwells the doors that go outside are they going to be two way doors or are they going to be only doors leading out and you can't get back in?

Mr. Virgona – Generally they are exit doors only.

Mr. Schilp – How does the firemen get back in. They go down to get outside and the firemen want to go in so they can fight the fire how do they get in if they can't go in the door?

Mr. Virgona – They don't have to be one way.

Mr. Schilp – I'm asking you how does the firemen go into the building.

Mr. Virgona – You have a good point and it's something we could correct in the plan. We could provide two way exits.

Mr. Schilp – You put a Knox box next to it?

Mr. Virgona – That's a possibility.

Mr. Schilp – They can use the Knox box to get in and out.

Mr. Virgona – Yes.

Mr. Schilp – We had an incident in the existing building and we couldn't get into the building. That's why I want to make sure this building has it.

Mr. Alampi – I didn't realize they had just installed them in the existing buildings. We would agree to of course to have that done.

Mr. Schilp – The other thing is with the numbering system you guys used created a problem. When the firemen go in there the first floor is the first floor second floor is the second floor third floor third floor the garage is the garage and so on. I would request that they number a descent size number on the door or next to the door so when somebody goes up the stairs or down the stairs normal people think the first floor is the first floor so if they come down and get out on the first floor.

Mr. Alampi – You would post that in the stairwell and outside the stairwell?

Mr. Schilp – Inside the stairwell at least. Outside that's fine too. The other thing I would ask is when you go in the hotel room there are usually placards that show where the exits are and what the room numbers are. They could leave one in the stairwell so when they go up the stairs and look they know that room 102 is this way or that way or what have you. It would make it 100% easier for us when we have to do something especially in a panic situation.

Mr. Alampi – I'm amazed that it's not required by code.

Mr. Schilp – You're not the only one.

Mr. Alampi – Hear about fire rating like we had with the Avalon project in Edgewater and the sprinkler and the size of the service forgetting all of that it's just common sense.

Mr. Schilp – The problem is there is no common sense anymore.

Mr. Duffy – Those buildings were required to have an EAP. Emergency Action Plan and that would be part of the plan.

Mr. Schilp – It doesn't tell you that you have to put placards or numbers or anything on the stairs. They are doing it at the other two buildings and I want to make sure it is carried over to this building

Mr. Alampi – We have no reason not to do it. We'll agree if this application moves forward that will be stipulated in the details.

Mr. Duffy – At this time I would like to entertain a motion to open to the public for this witness.

Mr. Schilp makes a motion seconded by Ms. Murray to open the meeting to the public. All in favor- YES.

Mr. Duffy – Having seen none.

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

Mr. Alampi – My next witness is Mr. Lee Klein our traffic consultant. We did submit plans and preliminary reports from Mr. Klein. His plans included vehicle turning templates and engineering evaluation.

Mr. Pellino swears in Mr. Klein he states his name spells his last and gives his address as 156 Walker Road West Orange New Jersey.

Mr. Klein gives his credentials to the Board and he is accepted as an expert witness.

Mr. Alampi – Mr. Klein I see that you had prepared a traffic engineering evaluation report dated September 9th 2020 correct?

Mr. Klein – Correct.

Mr. Alampi – The plans have been around for a while and there have been some modifications and changes but each time those plans were adjusted or modified you were consulted weren't you?

Mr. Klein – That's correct.

Mr. Alampi – You were part of the development team meetings and reviewed with the civil engineer and the architect a lot of the details regarding ingress, egress, driveways positions of parking spaces things like that along the way over the past year.

Mr. Klein – That's correct.

Mr. Alampi – There was no need to update or change your September 9th report because those things never changed.

Mr. Klein – That's correct.

Mr. Alampi – With regard to the plans that were presented tonight by Mr. Virgona where he articulated with clarity the measurements and such. That didn't change your report as far as traffic safety, maneuvering, internal circulation, ingress, egress, sharing of easements did that change at all?

Mr. Klein – No it did not.

Mr. Alampi – Now before you go into detail on your report I think you also prepared a circulation exhibit as well. We're going to mark it collectively tell us about the evaluation

Mr. Klein – if I could go over the traffic engineering report first.

Mr. Alampi – We will mark this A-6 the traffic engineering evaluation which is dated September 9th 2020 and then we're going to your circulation plan and this plan includes a turning template things of that nature.

Mr. Klein – It's a set of four drawings exhibits 1A, B as in boy C as in Charlie D as in David. Do you want to name it A-7? The date of the drawing is September 8th 2020.

Mr. Klein – As Mr. Alampi said I prepared a traffic engineering evaluation report dated September 9th 2020 and the first thing I did when I got the assignment was to look at the trip generation for 60 multifamily midrise units in a general urban suburban area with no rail transit within a mile and I calculated the trip generation to be 21 trips in the morning peak hour. That would be 5 trips entering and 16 trips exiting. The pm peak hour 27 total trips 16 entering and 11 exiting. Then we look at the Institute of Transportation Engineers Transportation Impact Analysis for site development.

Mr. Alampi – I am just going ask you to explain so it's on the record what is meant by trip generation.

Mr. Klein – So 21 trips 5 trips entering 16 trips exiting in the am peak hour and during the pm peak hour 27 total trips 16 entering and 11 trips exiting. Trip generation is vehicle trips based on the Institute of Transportation Engineers tenth edition of the trip generation for a multifamily midrise housing development in a general suburban urban area.

Mr. Paparozzi – Mr. Klein just a quick question. Was the trip generation did that include the Phase 1 I think because aren't they using the same entrance and exit?

Mr. Klein – I didn't do the traffic impact study or traffic engineering evaluation for the first phase.

Mr. Paparozzi – I know but shouldn't it be combined I mean they come in and go out the same way.

Mr. Klein – I have those numbers next. The transportation impact analysis for site development by ITE tells us that developments with less than 100 peak hour trips are not a significant increase. The DOT tells us the same thing less than 100 peak hour trips is not a significant increase in traffic therefore I didn't do a full traffic impact study counts and analysis. Phase 1 is 80 units I didn't do the traffic impact study for that but just to let you know what the trip generation would be for the 80 units. You are looking at 7 trips entering in the am peak hour and 21 exiting in the am peak hour for a total of 28. Then 22 trips entering in the pm peak hour and 14 exiting for a total of 36. When you add up the am peak hour trips for the 60 plus the 80 Phase 1 and Phase 2 we're looking at 12 trips entering in the morning peak hour 37 trips exiting in the am peak hour for a total of 49. Then 38 trips entering in the pm peak hour and 25 trips exiting in the pm peak hour for a total of 63 trips. Those trips are less than 100 peak hour trips and so therefore based on ITE and NJDOT we don't do a full blown traffic impact analysis.

Mr. Paparozzi – What is the peak hour or hours?

Mr. Klein – One hour between 7 to 9 am and one hour between 4 and 6 pm.

Mr. Paparozzi – Thank you.

Mr. Schilp – Even though it's two hours it's only one of them.

Mr. Klein – It's the peak of the peak so it's the one hour in that am peak hour. When you look at the numbers you say there's only 21 trips coming in and out there's 60 units. That's because some people leave before the peak hour some people leave during the peak hour and some people leave after the peak hour so it's spread out. Some people leave at 6 in the morning to go to work some people leave at 9 in the morning some people stay home and work.

Mr. Mazzer – So there's 140 units.

Mr. Klein – Correct.

Mr. Mazzer – There's how many trips going in and out.

Mr. Paparozzi – Thirty seven going out in the morning.

Mr. Mazzer – Thirty seven what about the rest of the people they are all going different times?

Mr. Klein – Correct.

Mr. Mazzer – I don't think so.

Mr. Klein – Again these numbers are based on actual counts taken at different similar types of developments. The ITE compiles all of that into the tenth edition of the trip generation. I can say that I've done some spot counts at developments after they're built and the numbers are very close within 5 or 10 percent of those numbers. We're looking at anywhere from 45 to 55 entering or exiting in the morning and anywhere from 60 to 67 entering or exiting in the evening hours. My point is we are generating less than 100 peak hour trips in and out.

Mr. Duffy – That was for 140 units?

Mr. Klein – For the total of 140 units even though my analysis is just on the 60 units that are being added. We also looked at mass transit options in the area. There's the 160 bus that provides service on Midland

Avenue between Elmwood Park and the Port Authority bus terminal in New York City. There's also the 758 bus with service between Passaic bus terminal and Paramus Park Mall. Then there is the Plauderville Train Station which is about a 13 minute .6 mile walk from the subject site to the train station. I did not take any reduction for any possible mass transit trips where people walking to the train station or walking to the bus. Those trip generation numbers I would say would be conservative. Then we looked at the parking numbers as you know we meet for the overall development of Phase 1 Phase 2 we meet the requirement. The numbers I have may or may not be correct at this moment but I believe we are proposing 275 parking spaces and we require 269 parking spaces so we are about 6 greater than we require. I also looked at the Institute of Transportation Engineers parking generation and again for a general urban suburban setting with no rail transit within a half a mile Monday thru Friday from 10 pm until 5 am the overnight hours for residential parking. The average demand is .75 parked cars per bed. With a total of 93 bedrooms and again our numbers may be slightly off but in that range we're looking at anywhere from 70 a couple of more than that. I believe for this phase we're proposing 114 parking spaces so we exceed the average demand for parking per bedroom 70 with 114 parking spaces.

Mr. Paparozzi – Then I will also note Mr. Klein that the RSIS says you need 114. Some argue the RSIS in these areas could be low too especially when you don't have mass transit to offset the parking within a half mile.

Mr. Klein – That's why when I did my calculations for the parking generation I chose general and suburban setting without the train being within a half mile. These are the average numbers the 85th percentile which means 85 percent of the samples that were taken at various similar types of uses the 85th percentile parking demand was .87 per bedroom or in this case 81 parked cars and again less than the 114 which is what we provide which is what is required. I just want to show that there is a little bit of comfort level that we have more than enough parking because the ordinance as well as the other data that's provided by us. That's it for traffic engineering evaluation and parking do you want to stop there and ask questions about that first?

Mr. Duffy – Mr. Paparozzi do you have any further questions on this?

Mr. Paparozzi – Mr. Chairman I understand that these numbers are given by state code and in reality some work and some do not work but they're a number that is punched in for them to use for just analysis purposes. When you have 140 units and between 7 and 9 only 37 are exiting I'm going to disagree in this area because I lived in this area all my life. I have to disagree although it's a code that is used just like there is a code that they use for number of cars in a household that's just done by a census. People don't answer a census when they are talking about bodies let alone cars but there's a number that's plugged in that traffic experts use to make an analysis and sometimes it works and sometimes it doesn't. Mr. Klein's analysis is by code but you have to remember you got 37 people exiting according to his analysis out of 140 between 7 and 9 I'm going to think that number is on the very low end. Although the parking analysis for RSIS is at 114 some of the parking for Phase 2 is in Phase 1 and it's guest parking so if guest parking parks there now people in Phase 2 are going to have to park in front of Phase 1 and walk 200 feet to their unit. That all has to do with density and that's where I have a difference of opinion then Mr. Klein and I understand his numbers but I'm just going based on one that I'm sure most of you lived here all your life and I have too. That's all I have.

Mr. Kurus – You say you've done counts in similar residential facilities this facility is Phase 1 fully occupied?

Mr. Klein – I'm told it's 95% occupied.

Mr. Kurus – Do you have counts or could you do some to back up these numbers?

Mr. Klein – What I'm saying is that even if these numbers are off by 10% instead of 49 trips in and out 37 trips out in the morning you are still not getting close to that 100 number. You study the worst hour in the morning and the worst hour in the evening and if you can get that to work then the shoulders of that are less. There's less traffic on Midland Avenue and less traffic coming in and out of the compound.

Mr. Kurus – What is the overall out in morning including the peak hour?

Mr. Klein – I think I have the daily number.

Mr. Kurus – I think we're getting hung up on the peak hour.

Mr. Klein – As traffic engineers that's what we do we study the highest hour in the morning and the highest hour in the evening. I don't care about 6 to 7 if that's not peak hour. I don't care about 8:30 to 9:30 if that's not peak if it's 7:30 to 8:30 after I do counts or analysis then I do that one hour. The trip generation that I quoted are numbers from the Institute of Transportation Engineers that calculate the highest hour between 7 and 9 in the morning and the highest hour between 4 and 6.

Mr. Kurus – In the absence of being able to get an accurate count that's really all you can do.

Mr. Klein – Correct and that's what we do even if I did traffic counts I still would use these as my projections for the trips that are coming in and out of the site. If I were able to get some numbers on Midland Avenue I could do a quick analysis of it but it would have to be a 1000 cars in each direction for to be 37 cars coming out in one hour a car every 45 seconds.

Mr. Kurus – Would you ever count just to see what the actual count is on peak hour?

Mr. Klein – I don't know that I do again because of the way it's been for the past year we're relying on this 100 trip threshold. If we're below that then we talk about quality to do it in a quantitative way I'd have to get counts and use projections and again use this analysis we still end up with no traffic effect.

Mr. Kurus – Do you think you would be above or below 27?

Mr. Klein – Thirty seven. I've done some spot counts at different locations after they were developed as like a post let's look at it 6 months after it's been fully occupied and again they are within 5 to 10 percent of the number depending on which day of the week. Even sometimes when I do the counts on the street we projected out 4 or 5 years even those numbers were 5 or 10 percent so we actually know what we're doing in traffic engineering.

Mr. Duffy – So you referenced that you've viewed other projects of a similar type.

Mr. Klein – Yeah other residential developments.

Mr. Duffy – Such as?

Mr. Klein – In Hillside it's called the Hillside Club in Livingston it's on Northfield Avenue. I had to go out there 3 or 4 years ago probably and I did traffic counts to see what it was like how it generated because I think there might have been an issue back at the resolution. One of the conditions of the approval was let's look at this 6 months out and see what the local service were. We did our counts again the counts came out within 5 to 10 percent of what we projected and then everything was fine.

Mr. Duffy – Did that area of Livingston look resemble anything like Midland Avenue on the border of Saddle Brook and Garfield?

Mr. Klein – I'm never going to find a place exactly like Midland Avenue in Saddle Brook.

Mr. Duffy – I fully understand that.

Mr. Klein – My point is that we look at the Institute Transportation Engineers data which is a compilation of sites in Omaha Nebraska and upstate New York and Florida California all over the place. Compile that together and you get a graph you get a formula which is what I use and it gets you on this curve and then you pick the number of unit and it'll tell you what the number of trips are and usually like I said within 5 to 10 percent.

Mr. Duffy – Some of the impact from living here all my life Plauderville Station starting roughly 6:30 or 6:20 in the morning the north corridor is every 20 minutes.

Mr. Klein – The train?

Mr. Duffy – The train, both ways. So it goes down 10 minutes later the next one comes so that backs up and that has an impact on the traffic flow on Midland Avenue at the peak times so that raises a concern. As we've seen in other projects on Midland Avenue go all the way up towards the other end of Midland Avenue when UPS goes out in the morning and we have the brown highway that we call it because you just got this line of UPS trucks. This is just 2 ends of the same street and I'm just trying to see a visual. When you brought up Livingston it doesn't look like well some parts might on one end of the town but I didn't see it that's what I'm looking for something more like that.

Mr. Klein – Okay so if Midland Avenue carried 500 cars total in both directions. I think that's a pretty low number but if it did we'd be generating 10 percent additional traffic. Typically when you look at traffic counts on a Tuesday and a Wednesday and Thursday at the same street the traffic volumes going to vary more than 10 percent from day to day. What my point is that if this site generates 50 cars in and out

morning peak hour and Midland Avenue will only generate 500 which I believe is probably higher we're looking at a 10 percent increase in trips on Midland Avenue. I don't think that somebody one end or the other end of Midland Avenue would notice it a lot heavier today 10 percent more traffic. I don't think the typical driver would notice an addition of 10 percent higher traffic.

Mr. Duffy – I beg to differ on that. Just the other day just to get from on a Saturday afternoon just to get down at 1:00 in the afternoon to get through Plauderville by the train station down Outwater Lane which I could have walked in less time than it took me to drive. Take that same scenario and add into it the peak time which the even worse time is the afternoon peak hours coupled with the only access to Route 46 is that little overpass that you're right next to. The numbers do concern me. I know your numbers come from studies but I'm just looking at it from living here and seeing what goes on. I did just raise this with Gary that you're are a little on the low end just from living here.

Mr. Klein – We're looking at one additional trip every minute either in or out in the pm peak hour. With Phase 1 which is 95% occupied so now we're looking at the additional trips from this.

Mr. Duffy – That's if all the residents follow the same pattern.

Mr. Klein – That's based on traffic data collected at numerous different locations. You've had traffic engineers here before.

Mr. Duffy – Mr. Klein I get where you're coming from and I'm looking at this from a layman's standpoint where I couldn't tell a traffic study from a bag of potato chips and so I'm trusting you to give me your opinion so I can get a visual and that's what I'm trying to accomplish here. That's what I want the Board to do is be able to see what we're looking at here. We're all looking at plans and nice cars coming here and over here but when it all comes down to it it's exactly what's going to impact on this when that happens. What I'm asking is for your experience to give me a better visual.

Mr. Klein – I'm saying that the amount of traffic that we're generating for both Phases 1 and 2 which again Phase 1 is 95% occupied so the additional trips of the 60 plus the other 4 units that are not occupied is going to be less than a 10% increase on Midland Avenue and again when you say traffic is bad on a Saturday it's bad on a Saturday. Thirty more trips added to that 600 cars in one hour is not going to be noticed. Because it's such a small percentage.

Mr. Duffy – I understand where you're coming from I do.

Mr. Schilp – What's on the other side of Route 46?

Mr. Klein – Now when we do traffic study even if it's not a 100 trips.

Mr. Schilp – I asked what's on the other side of Route 46?

Mr. Klein – I couldn't tell you right now.

Mr. Schilp – The Verizon or whatever it is. In the morning what time do they go out? Peak hours it's like half the trucks go north out of UPS and the other half go south. I drive that road at 8:00 in the morning every day and it's a disaster and you're saying only 30 more cars I'm sorry. What's next to that it's Curcio's junk yard which has trucks and cars in and out the entire 8 or 9 hours they're open. That's a constant over there. They open at 8 in the morning and there's usually guys sitting there waiting to get in. Nobody looks on the other side to see what's over there. There's a couple of big businesses with a lot of people coming and going. As Mr. Duffy said Midland Avenue is a disaster.

Mr. Paparozzi – The problem is there's only two lanes most of the way.

Mr. Schilp – The only way they opened it up a little bit is when they're by traffic lights. Nothing against your calculations but I agree with Gary. You think calculations as you stated comes from North Dakota South Dakota Wisconsin they are not like Saddle Brook where there's a tremendous amount of cars.

Mr. Klein – We're talking about the type of people that live in a midrise apartment that need to get to work so they need to leave their apartment at 7:30, 7:35, 7:40.

Mr. Schilp – During that two hour period I'll bet more than 100 cars in and out of there. That is going to cause a big impact when you close the road down every 20 minutes. The problem is when the train stops it's across Midland Avenue.

Mr. Klein – Right so you can't get across.

Mr. Schilp – Even though the train comes up those gates stay down for three four five minutes sometimes and you're exacerbating a problem that's going on right now.

Mr. Duffy – The mass transportation issue was to help alleviate that right is that how it's viewed?

Mr. Klein – No I'm just saying there are options for people if they live here they can either take the bus that runs up and down Midland Avenue or they could walk six tenths of a mile to the Plauderville Station to take the train. I didn't do any kind of a discount in the amount of trips. Those are the vehicle trips if anything they're a little bit conservative.

Mr. Duffy – What are the two buses?

Mr. Klein – The 160 and the 758 the 160 is between Elmwood Park and the Port Authority bus terminal and the 758 is between the Passaic bus terminal and the Paramus Park Mall.

Mr. Duffy – The one that goes from Elmwood Park to the Port Authority would not be a local that would go down Market Street and jump off. I'm just trying to see if you live there and you were going to shop to get food and everything like that this is not an area known for public transportation to go to the Acme.

Mr. Klein – Correct and I'm just stating the fact that the train station is six tenths of a mile away. There are 2 buses that run down Midland Avenue. I'm not saying people will use them I'm just saying they're there.

Mr. Alampi – We have A-7 which is a traffic plan that you put together. Of course over the course of time he participated with the development team and the integration of Phase 1 and Phase 2.

Mr. Klein – Correct.

Mr. Alampi – So there may be some adjustments to be made. So let's go through each sheet and you can express to the Board what changes were shown.

Mr. Klein – So exhibit A-1 was an old plan that showed a parked car in a tight corner and I believe that that corner that's A-1 if you flip back to I'm sorry 1-A if you flip back to 1-D I think that other one which is on the angle that also I think those parking spaces I don't think that exists anymore so I don't know that 1-A and 1-D are even relevant but at the time they were. Let's go to 1-B so 1-B is a little more generic because it's the garbage truck entering the site. What we have on 1-B is a circulation exhibit of a rear loading garbage truck a little over 38 feet long with a wheel base of 22 feet. We use Auto turn, AutoCAD has something called Auto turn and up in the upper right hand corner you see the turning specifications for that vehicle with that wheel base. We bring that truck down into the site from Phase 1 into Phase 2 the truck pulls up and backs into the site. The compactor recycling area they pull up to that with a rear load they throw the compacted bags into the truck and then the truck is able to make its way out. We've got 24 foot wide two way drive aisles and the garage door opening and that vehicle is able to back into that space and pull out forward with all of the garbage. Then 1-C is a fire truck so if a pumper truck needed to come in it would pull in to the back of the site. It could back up and turn around inside the garage and then pull out and exit. Because we've got the 24 foot wide drive aisle the ability for that truck to be able to make that turn. It wouldn't circulate completely around the building but from the input I got from different fire departments we know that they don't like to be within the collapse zone which is anywhere from the height of the building to one and a half times the height of the building. I don't know that we want to be this close to the building but again I show that this dead end we'll call it truck is able to back up turn into the garage and pull out.

Mr. Schilp – How high is the garage door?

Mr. Klein – That's a good question let me ask the architect.

Mr. Virgona – The doors are approximately 8 foot 6 high.

Mr. Schilp – You're not going to put a 13 foot firetruck so you show them going back into the building unless you take the top of the building off or you take the top of the truck off.

Mr. Klein – We'll work on a different turning test.

Mr. Schilp – The truck is going to have to back all the way out.

Mr. Klein – Correct.

Mr. Schilp – If he has a ladder truck it's even worse.

Mr. Duffy – That's entering off of Midland Ave coming down and pulling to the left is that right?

Mr. Klein – Up against the railroad tracks.

Mr. Duffy – So they're coming in left and backing down. You better hope you guys can come one at a time with a span of a couple of minutes in between. In an emergency that cavalry is coming down and

that turning ratio is not going to work. They'd have to stop wait for someone to go up back down stop wait and go up and we're dealing with a fire.

Mr. Schilp – More than likely they wouldn't back down there they would drive it.

Mr. Duffy – If I understand this correctly that's what they have to do.

Mr. Schilp – Drive down forward and back up several hundred feet.

Mr. Klein – It's less than 200 feet.

Mr. Schilp – You drive a 30 foot firetruck backwards I drive all the time. I got 49 years in the Fire Department and I've been driving since 6 months on. I know what it is to drive the trucks and position them.

Mr. Klein – Would you drive down this aisle I'm just curious.

Mr. Schilp – Would I drive down it, I would go halfway down because like you said you got the collapse zone you have to contend with and stuff like that.

Ms. Murray – What's the height of a garbage truck?

Mr. Klein – About the height of a fire truck.

Ms. Murray – Then it's not going to make those doors either is it?

Mr. Klein – No.

Mr. Duffy – This turning plan is based on a firetruck?

Mr. Klein – It's based on a 24 foot long pumper truck with a 24 foot wheelbase. If you have different specifications you want to provide.

Mr. Duffy – No I'm saying that's one truck.

Mr. Klein – Right.

Mr. Duffy – How often do you come with one truck?

Mr. Schilp – It's just you show us turning around in an area that you're not going to turn around in.

Mr. Paparozzi – He has to revise it he said.

Mr. Klein – I am going to revise it yes but you're saying you wouldn't come necessarily all the way down.

Mr. Schilp – Probably not it depends. I'm looking at a drawing and it shows 24 feet from whatever this edge is here near the end down here.

Mr. Klein – Right.

Mr. Paparozzi – That's an aisle.

Mr. Klein – The aisle width is 24 feet.

Mr. Schilp – That the truck is on.

Mr. Klein – Correct.

Mr. Schilp – What's the distance from the building to the road? If that's 24 feet you're 10 feet away from the building. That's why I said I wouldn't drive down there.

Mr. Klein – So I guess I need to speak to you about where would you take the truck so I can do the turning template to show you that it works.

Mr. Schilp – Show me where you can turn you can't there is no turn you don't turn around. You would have to come in and back all the way back out. When you're talking about a ladder truck that's 45 or 50 feet long you have to come down and back all the way out.

Mr. Klein – Wait you just have to back out to this drive aisle then you could turn around.

Mr. Schilp – Yes.

Mr. Klein – I mean the drive aisles are all 24 foot wide.

Mr. Schilp – Easier said than done.

Mr. Duffy – From a practical standpoint the firemen that drive these trucks have to be trained and practiced so that in the event that this happened they could accomplish this task.

Mr. Schilp – We've been down around both buildings that are there now. There's no access to the entire back of the building unless you go on Route 46.

Mr. Klein – Does it matter that the building is fully sprinkled does that make a difference?

Mr. Schilp – I'll show you fully sprinkled buildings that burned to the ground.

Mr. Klein – Okay.

Mr. Schilp – What are the sprinkler pipes made of? Are they all plastic?

Mr. Duffy – Some are plastic some are not.

Mr. Klein – That doesn't make sense.

Mr. Schilp – It doesn't make sense. You get a decent fire going the sprinkler goes off it gets up to the pipes and then you have no sprinklers. I didn't make the rule there's no common sense in this country.

Mr. Klein – I looked on the site plan the first one 1-A and 1-D don't apply anymore because we don't have those weird configurations in the parking spaces. It's really the emergency vehicles B and C and I'll have to come back with another turning template not using the garage.

Mr. Duffy – Didn't the garbage truck have the same issue?

Mr. Klein – Yes.

Mr. Alampi – Chairman Mr. Klein will revise 1-B and 1-C which are the turning templates for the trucks and we'll submit that.

Mr. Duffy – Will he have to appear again to add to that?

Mr. Alampi – Yes.

Ms. Murray – I know you say it doesn't count but it really does when you're coming out of that bottom driveway from the garage doors and in and out at the same time cross paths. I don't know how you'd stop people from going in and out when they're in a rush and they don't look so I'm concerned about that kind of thing.

Mr. Klein – Then I'll redo 1-A 1-B and 1-D if there are any choke points or tight areas.

Ms. Murray – If you have less parking spots like proposed lot 201 where there is 12 spots and now there's only 11 that makes a difference in the turning radius so I understand where you're getting the extra space from that other one. The danger of going in and out at this angle on this bottom driveway concerns me because unless there's a stop sign someplace that tells people to stop and look before you go you're going to have people going out and someone's going to come in.

Mr. Klein – There's only 13 parking spaces in that area so the chances of somebody coming in and out at the same time are pretty low.

Ms. Murray – Still a possibility.

Mr. Klein – It's a 24 foot wide two way cut.

Ms. Murray – I think it's the distance you have from the parked cars that shortens it. It just makes it seem like they could come by that swing space so that bottom going out crosses over anyone coming in.

Mr. Klein – Which one 1-A?

Ms. Murray – 1-A yes.

Mr. Klein – Okay we'll look at that.

Ms. Murray – Could he make sure his parking layout matches the architect because they are a little different so the numbers don't match. It makes a difference when you do your turning radius. That the lines are correct so you can see exactly where everything is.

Mr. Klein – Will do.

Mr. Schilp – I think we're putting a tremendous amount of building in a very small spot. The parking the driving getting around the building entering and exiting. Way too big.

Mr. Klein – From a traffic and parking perspective we meet the requirements.

Mr. Schilp – I know what you're saying. I been driving this town for over 50 years and I know what it's like.

Mr. Klein – All of our parking spaces are industry standard sizes. We've accounted for the columns so they are not taking up a space the column is a separate space. We've got 24 foot wide drive aisles throughout the site.

Mr. Duffy – You do have to make some modifications.

Mr. Klein – Oh yeah.

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

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

Mr. Duffy – Hearing none.

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

Mr. Duffy – We'll take a five minute break.

Mr. Duffy – Mr. Alampi.

Mr. Alampi – Chairman I'm calling Kathryn Gregory Planning Consultant for the Midland Commons project.

Mr. Pellino swears in Ms. Gregory she states her name spells her last and gives her business address as 96 Linwood Plaza #350 Fort Lee New Jersey.

Mr. Alampi asks Ms. Gregory to give the Board her credentials to establish her as an expert witness. The Board accepts her as a witness.

Mr. Alampi – Ms. Gregory could you briefly tell us what documents were provided to you by the applicant and what you reviewed such as the engineering site plan the architectural plan things of that nature.

Ms. Gregory – I reviewed the engineering plans and the architectural plans. I have also reviewed the reports from the Board Professionals. I've also done a site inspection and I've reviewed the Master Plan and also the zoning ordinances for the Township of Saddle Brook.

Mr. Alampi – In reviewing all of that the application tonight before the Board for this element we call Phase 2 triggers a use variance?

Ms. Gregory – That is correct.

Mr. Alampi – Could you detail for us what zone we're in and what we're requesting. Focus just on the use variance primarily and then you can take on the other variances.

Ms. Gregory – This particular piece of property was actually in the B-3 Highway business zone. The adjacent property that has been talked about in prior hearings which contains a multi-family building is the Affordable Housing 3 zone so we are in fact in a different zone so we need a D-1 use variance. I believe that your planner brought up we needed a D-2 variance which would be great because that's less of a burden for us. I think that what it is, is that it assimilates to a D-2 because of the adjacent use and the symbiotic relationship between the two. Technically I would advocate that we need a D-1 variance I would like to be conservative of that and the reason in case there happens to be if there's approval an appeal etcetera we would like to cross our t's and dot our i's. Technically multi-family is not permitted in the B-3 highway zone and that would make sense. Why would you want a multi-family building on the side of a highway. With that said I do know that this site had a prior approval for a self-storage facility. As I understand it the access was at the top of the self-storage facility not to the first level or the ground level because of the access from 46 because there is such a grade change from Route 46 to the properties. It became economically infeasible to construct that project. That's why we're back here today but with that said in terms of a use variance we have to prove that the site is particularly suited or that there is inherently beneficial use. What's interesting about this is that I feel that the site is particularly suited because of a few reasons. One would be the symbiotic relationship with the multi-family that happens to be next door. Our access is going to be through that property so you're not adding more access through Route 46. Also I would advocate to say that this would be a partially inherently beneficial use because we are providing affordable housing on site. We are providing 12 units which is actually a 20% set aside which actually exceeds the requirement for rental which would be 15%. Therefore we are providing more affordable housing on site than what would be required by COA and the like. I think for those reasons the site is particularly suitable. Do you want me to talk about just the criteria for the D-1 or can I start talking about the D-6?

Mr. Alampi – You can.

Ms. Gregory – Okay I also don't think that we need a D-5 variance because the use isn't permitted in the zone we don't actually have a density in the zone.

Mr. Alampi – Would you articulate for the Board what a D-5 variance is.

Ms. Gregory – A D-5 would be a density variance. Technically we don't need one but it needs to be a consideration within the application itself. What would be permitted in a residential zone is 15 dwellings units per acre. Your Planner has identified the R-M zone and the adjacent zone the AH-3 zone also requires 15 dwelling units an acre which would allow us to have 20 dwelling units on the site where we are proposing the 60. We have to talk about what are the impacts of those additional units. I know that our traffic engineer was up here talking about the fact that he does not believe there is going to be significant impact to the surrounding roads. It seemed some of the Board Members aren't really jiving

with that testimony but this is the facts. We only have a certain amount of data that is available to us number one number two I think that what I really need to bring up is the reason that we're wearing all these masks today Covid. Everyone's been working from home for a year the fact is I don't believe everyone is going to be returning to their jobs every day of the week and everyone is going to be going in between 7 and 9. I just don't think that is going to happen and I'm going to use an example of myself. I've been working from home for eleven and a half years. I don't leave the house in the morning I leave it at night to come here so I think that I'm a really good example of a work from home aspect. I think we're probably going to go to a hybrid type of situation where people are going to only be in the office a couple of days a week. We've obviously had much more flexible schedules we've all mastered the Zoom calls so I don't think the traffic numbers that we're talking about our engineer talked about how he thought they were conservative. I think those numbers are going to change after the impact of Covid and I think that anyone could really realize that. You can remember when everybody stayed home there was nobody on the roads. It was like a ghost town everywhere that was kind of eerie. I do understand that traffic is back for sure but people have much more flexible schedules now as well. When we talk about the fact that we have the 37 out trips that was for 140 units and we're actually adding 60 units so we're not a full 37 more we're less than that. I think that to talk about those numbers I think that that's going to really change and those numbers are going to actually be lower. We're finding that believe it or not the younger people they don't want cars as much as we did. We liked our independence with the cars but now they interface on Facebook and they do their own Facetiming and Zoom calls. They don't socialize the way that other people do we also have a lot less of going out for retail shopping. You order so much stuff online that you don't have as much of a need to go out shopping other than maybe food but you can order even that online if you wanted to. I think we're going to see a lot of those numbers changing in terms of the traffic so I hope that the Board would just be open to that and think about that in terms of the density of this project. In terms of the D-6 variance this is the height variance 40 feet is permitted for the zone and we're proposing 44.84 feet. That happens to be approximately 5 feet over a little bit less than that. There is a case that guides the D-6 variance which is Grasso vs Spring Lake Heights and it said that special reasons could be proven if the applicant could persuade a Board with a taller structure than permitted by ordinance would nonetheless be consistent with the surrounding neighborhood. It just so happens that the building that was located adjacent is 44 feet 11 inches. We're at the same height we're mimicking the building that happens to be next door. Just as well we talk about what are the impacts of the height well we're also way below Route 46. The impact is going to be less. I don't think that it's going to be discernable to the surrounding neighborhood because we have Route 46 and the Railroad. I think that the D-6 height variance would be warranted. In the case of a use variance there is the Puleo case and that says that all your bulk variances are subsumed within the use variance so you really have to look at the site plan. I know that there's going to be more testimony with regards to turning radiuses and the like but with that said we do have a couple of bulk variances again being conservative that we're going to ask for this evening. We can granted in the case of a hardship or the purpose of the zoning would be advanced and the benefits outweigh the detriments. One of which would be the side yard setback 12 feet is required and 7.55 is proposed. It's actually at the covered overhang of the entrance which goes to the next property so they kind of work together so it's almost like a technical variance. I would advocate that it could be granted. The other thing would be the buffer. We're required to have a buffer adjacent to a residential use but we are a residential use so that would be kind of weird to have a buffer right in the middle of the projects that actually work together. With that said I'd like to go into some of the positive criteria. Purpose "A" talks about promotion of the public health, safety and general welfare. I talked before about the fact that this use is inherently beneficial. I think that we provide adequate light and open space. I don't believe that the height or any of the bulk variances would impact adequate light, air and open space on this or adjacent properties. I also believe we are providing a desirable visual environment. The sites cleaned up and vacant where there used to be a junkyard. In the terms of the negative criteria I don't believe there is any substantial detriment to the public good. I think that the proposal works in that symbiotic relationship with the multi-family next door. In terms of the second prong there's no substantial impairment to the intent and purpose of the zone plan and zoning ordinance. Under a D-1 variance we have to reconcile

the omission of this use from this zone but what's interesting is that in 2019 a housing element was adopted and it recommended that this specific piece of property be rezoned for affordable housing. The zoning ordinance hasn't caught up with that rezoning but it was recommended to meet your unmet need. I would like to discuss that with the Board. You're probably familiar with the fact that every town in the state of New Jersey has an obligation to provide affordable housing. In that a settlement was came to with the Fair Share Housing Center. That total obligation of the number of affordable housing units was 418 units for the Township. We're not going to talk about the fact that maybe that's a ridiculous number but with that said that was the obligation that was cited for the town. What you can do when you're looking at the land that's available anything that can be actually zoned what's called a Realistic Development Potential. It was found that 36 units could actually be zoned for and there is 23 surplus credits that come over from the last round. With that said if you subtract the 36 from the 418 you have an unmet need of 382 units. Then you would take away the 23 surplus credits you come up with an obligation of 359 units. So that's usually accomplished through overlay zoning. So 359 units are accomplished through overlay zoning but what we're presenting here to the Board is that we are going to be providing 20 of that 359 units of actual affordable units not just unmet need. Which actually makes you look a whole lot better when it comes to the next round which is in 2025 which is around the corner. So we are providing based on our project a significant amount because we really as rental project 15% is required we're providing 20. We are also eating away at this total obligation that the town has. I definitely do not see that there is any substantial impairment to the intent and purpose of the zone plan and zoning ordinance because we are actually advocating for that master plan and advocating for that housing element. I do believe the benefits outweigh the detriments with granting all of the variances. The D-1 variance, the D-6 variance, and bulk variances and again technically I don't believe that we need a density variance because there is no density in the zone.

Mr. Alampi – Thank you Ms. Gregory. You're referral to the settlement of the Fair Share Housing and Saddle Brook that was a litigation to settle the issue of affordable housing apartments.

Ms. Gregory – That is correct.

Mr. Alampi – You were able to review those documents?

Ms. Gregory – Not all the documents but I did review the housing elements.

Mr. Alampi – You didn't review 1500 pages but you reviewed the major documents of importance.

Ms. Gregory – Yes.

Mr. Alampi – So your testimony is that this project because it has a slightly more generous set aside of affordable housing units he is at least to some degree beneficial.

Ms. Gregory – Yes I did say that I did say partially beneficial but I also believe that the site is particularly suited for this use.

Mr. Alampi – With regard to the affordable housing it's good planning and design in your opinion that a Board when reviewing and request seeing a development project that enhances or furthers a mandate.

Ms. Gregory – Yes.

Mr. Alampi – Backup a basis for relief?

Ms. Gregory – Yes.

Mr. Alampi – Now going to the suitability of the site was the configuration of the property and the difference in elevation of Route 46 and other factors tell us why this is particularly suited for residential multiple dwelling as opposed to commercial.

Ms. Gregory – I did discuss that briefly with the approval of the application for the self-storage. It's not reasonable for a retail use because of the type of access that it is coming onto the top of the building versus coming in at grade because there is such a topographical difference between Route 46 and the site.

Mr. Alampi – It's better that the orientation of the development be at grade level as opposed to entering from Route 46 in your opinion.

Ms. Gregory – Yes.

Mr. Alampi – The development to be accessed at Route 46 would have to be commercial as a residential development should not have access from Route 46.

Ms. Gregory – I know that they do exist.

Mr. Alampi – You're saying that we have specifically addressed the residential component with a superior planning concept.

Ms. Gregory – Specifically on this location based on the property and the unique addresses of the property yes.

Mr. Alampi – I have nothing further.

Mr. Paparozzi – I have a few things Mr. Chairman. I agree with Ms. Gregory on a few items but I disagree with her on a lot.

Mr. Duffy – Can I have your agreements first. That list appears to be short.

Mr. Paparozzi – I agree that it is suitable for residential only because of Phase 1. Because of Phase 1 is already constructed Phase 2 would have to go through Phase 1. To make it something different from residential would create a different atmosphere different traffic. Retail would be almost impossible. I'm assuming you could do storage but that would involve trucks for delivery and so forth. I agree with her on that aspect but pretty much everything else I disagree. Ms. Gregory alluded to the Puleo vs North Brunswick Township where you accept the use you have to accept the bulk requirements that are in that use. If you're going to accept the use of residential R-M zone not call in the bulk requirements for an R-M zone. You cannot like Ms. Gregory did she gave all the requirements for the business district which is retail and you're not putting retail there. Aside from case law and even municipal land use law it just doesn't make sense. If you go to build a gas station you're not going to use residential requirements for the gas station and that's what most of the case law says. I want to start with the "D" Variance the reason I went with the D-2 was because the application called for Phase 2. I wasn't here for Phase 1 so I am assuming that was the intention. It could be a D-1 but I just assumed that they were planning the residential plan they did Phase 1 that's why they called it Phase 2. If that was not the case which I was not here for it is a D-1. That's why I called it a D-2. In the R-M zone which is where they are putting up there is a density and that's a "D" variance a D-5. The density that they are asking for here is 3 times greater than what is allowed. That has to do with everyone here is familiar with Midland Avenues so if you're going to put even 10 more cars onto a negative impact you're going to increase your negative impact and there's going to be more than 10 but whatever you do to that situation is going to make the negative impact greater. Though there is a density where because you're going 3 times greater you're going to have a greater traffic problem. I disagreed with Mr. Klein for the same reason. The D-6 variance for height in the R-M zone is 30 feet not 40. If you're going to put up a retail building it's 40 unless the applicant wants to change the application to a retail building 40 is not the number 30 is the number. That becomes a "D" variance because you're 10 feet more than what is permitted. I understand everyone is working from home because of the pandemic but we have to assume it's going to end sometime soon and people are going to get back to normal. Now a lot of people do work from home but you do need cars not only to go shopping food shopping visiting but you need cars in the this case to get to mass transit. It's over half a mile to the train station so you need your car to get to the mass transit. That number is not going to change. In the R-M zone there is no side setback is 20 feet and your providing 35 so there is no variance for that. I have some small "C" variances for minimum lot area and front yard but I think that impact is negative. Where you have now this is going back to density the maximum lot coverage permitted in the R-M zone which they are asking for you to accept is 25% they're proposing 71% so what they are doing in essence is covering up more space putting in more units 3 times as much as allowed in the R-M zone. Which is going to add to the traffic which is going to add to the situation with garbage collection fire other emergency services and just the maneuverability on the site. Those issues all come into play and that's based on that same case law that Ms. Gregory alluded to with the Puleo versus North Brunswick that's the most common one that is used by most professionals because it's almost in black and white. They say that you're going to ask for a high rise you got to use a high rise bulk requirement. You can't use retail bulk requirements if you're going to put up a high rise forget about law it just doesn't make any sense for common people it doesn't make sense. You can't put up a hospital where only one story gas stations are permitted. The case says these "C" Variances and all the bulk variances have to be consumed in your application. I think in my opinion the maneuverability the impact on traffic and the

impact on density has some additional negative impact to the site and to the neighborhood. That's why I disagree with Ms. Gregory.

Mr. Kurus – I just have one question it goes back to the circulation. She mentioned a lot more Amazon deliveries Uber Eats those type of deliveries is there a spot on site for that with this site plan. I don't know if we heard about that during the traffic testimony. Where are the deliveries move in move out, Uber Eats, loading, unloading, Amazon is there a space for that on site?

Mr. Pellino recognizes Mr. Klein to answer the question and reminds him he is still under oath.

Mr. Klein – I think that we indicated that there were some spaces in the front near the lobby for Uber, Lyft deliveries that sort of thing.

Mr. Kurus – Are those counting toward the parking plan?

Mr. Paporozzi – Those are parking spaces. Those are not designated loading unloading delivery if those are the parking spaces we're talking about.

Mr. Klein – What was the question?

Mr. Paporozzi – The areas for Amazon loading unloading deliveries.

Mr. Klein – I thought that when Mr. Costa was here last time he said we were going to take I think we have 5 or 6 parking spaces extra.

Mr. Paporozzi – No you don't you have 114 and RSIS says you need 114 and you're actually using some from Phase 1. That's where you're pointing to. Those are spaces for the RSIS requirement.

Mr. Kurus – If you're going to redo the turning movements we probably want to see the delivery, unloading move in, move out those types of things as well.

Mr. Alampi – Mr. Chairman it appears that Mr. Kurus' questions dealing with deliveries and other areas and again we all know people that are living in these type of buildings are usually younger they don't have large families I've seen it with my own children. They'll order Door Dash for a cup of coffee and I don't get it but it's what they do. Without getting off the couch. I think that the engineering plan and Mr. Costa is not here the engineering plan may not delineate with specificity those type of recurring moves through the day. We may look at the opportunity to embellish that plan since we're not going to finish today anyway. My suggestion is that we'll the answer the question as best we can but then we'll take a look at our engineering site plan and again if there's not enough room maybe we have to sacrifice some parking spaces which could mean we have to take a look at our room count. I have no problem addressing the question but I think we're going to see it on a plan as well. I think that it's clear we are not going to complete tonight.

Mr. Duffy – No but I would like to know did this impact Ms. Gregory's testimony does she need to come back?

Mr. Alampi – No the impacts on her testimony regarding the suitability of the site because of it's location the zone that it's in the elevation and I think Mr. Paporozzi agrees given that Phase 1 exists it almost compels the multiple dwelling unit. Nobody here thinks anything but a multiple dwelling should go back there. You're not going to put retail you'll fail. It would be hard to get to and then you bring the truck traffic through a residential community. We all know we have the right use the question is the density. Even the height I believe will be well articulated given the elevation difference between Route 46 and the building in front. The parking, the parking layout, the deliveries and the adjustment that Mr. Klein has to make on his plans might compel us to make some other adjustments as well.

Mr. Duffy – Ms. Gregory will not be coming back?

Mr. Alampi – I don't think you need her but we always bring our witnesses back.

Mr. Duffy – I would like to give the other Board Members the opportunity to at least raise any concerns or ask any questions.

Ms. Murray – Ms. Gregory you kept quoting 20.

Ms. Gregory – The twenty percent.

Ms. Murray – What you did was you subtracted and with your calculations you took 20 off.

Ms. Gregory – Sorry I meant twenty percent.

Ms. Murray – You said it twice and I didn't hear you say percent because it's only 12 and I'm using the term only 12.

Ms. Murray – You did bring up another point when you said that there's less cars and you could work from home but there's more of an increase. There's an increase in traffic that maybe the traffic consultant hadn't considered the Ubers the deliveries and everything else that is going in and out of that property. If you don't have a car you're still trying to get someplace so what they take Ubers, Lyfts, taxis whatever your choice is and you have more deliveries which is going to increase the inbound and outbound traffic. Your testimony brought out that maybe the traffic study has also considering that there's these spots to wait for someone. For me it does seem a little dense it seems like packing a lot of stuff in a small area. I can see that the variance that you're asking for but when you talk about 3 times the density that's a toughie. I just want to bring those two points up so that it is 20% or 12 units.

Ms. Gregory – I apologize I just went too fast.

Ms. Murray – They might want to consider what you said in your testimony to be considered with the traffic study as well when you come back.

Mr. Marz – We're about 3 times over what's been studied so we should have 50 units instead of 140.

Mr. Paparozzi – It's just Phase 2 Mr. Marz there are supposed to be 20 units there and there are 60.

Mr. Marz – Okay.

Mr. Pellino – That's using the standards from the R-M zone right.

Mr. Paparozzi – Right.

Ms. Gregory – That actually if I may so your Planner talked about the R-M zone but the AH-3 zone in terms of the height and the use talking about the 30 feet. Thirty feet and the 25% coverage is really for a garden apartment. That's not what this is and that's not what's next door. They are permitted to have 40 feet next door and they have more they have 44 feet 11 inches. I just want to make sure that we're comparing apples to apples because it would be kind of silly to have a garden apartment next to this building in this location. No one builds garden apartments anymore. I wanted to bring that out. We don't meet all of the requirements for the AH-3 either I'm not saying that we do but I feel like there should be another column because we're really similar to what the AH-3 zone is because we are right next to it.

Mr. Duffy – What would you call this then?

Ms. Gregory – This would be marked into the AH-3 zone.

Mr. Duffy – No as far as you didn't call it a garden apartment you don't throw around high rise what would this be considered?

Ms. Gregory – It's definitely not a high rise. It's technically called a low rise. That's based on the RSIS standards.

Mr. Paparozzi – The only standard we have to go by is that. If you want to use the affordable housing for a 1.4 acre trap the maximum units is 15 not 20 so your density is more than 3 times as much. We can't take a zone from another town this is what we have to work with. Multi family is what I took.

Mr. Duffy – Fifteen per acre.

Mr. Paparozzi – Right but the affordable housing 1 is 1.4 acres per trap which is lot size and you're only allowed in that 15 units.

Mr. Duffy – It's 15 units per acre so this is 1.37 acres.

Mr. Paparozzi – Yeah so it's 20.

Ms. Gregory – Density is the same for the RM and the AH-3 zone. The height is different the coverage is different the setbacks are different and it has a 2 acre minimum lot area requirement which obviously we don't need. It was specifically written for the parcel that is to the north of us. That's why we don't need it. If it was all together one lot and one zone we would absolutely meet all of the requirements.

Mr. Paparozzi – It's not a D-2 a continuation.

Ms. Gregory – No it's not.

Mr. Paparozzi – So you have to use the multi-family RH because it has nothing to do with Phase 1 then by your own admission.

Mr. Alampi – No we're not admitting that you have to let the witness finish. I think she was about to articulate her disagreement with you how the RM zone requirement is being transposed onto the site.

Ms. Gregory – This may be something for the attorneys to battle out but my understanding of the Puleo case is that when I talked about the bulk variances being subsumed that means that bulk variances that

are requirements for retail when you have residential you can't reapply them. That statement is absolutely true but you can compare it to a residential zone but those are not actually variances because they're a zone that doesn't apply to this specific piece of property. Then basically what your planner is saying is that now that you guys are rezoning that property to an RM zone and those are the variances we're asking for. Does that make sense? So now that we don't technically need a density variance you could use the comparison absolutely and that's what I thought that I was trying to say in the beginning of my testimony. I was talking about the density but we don't actually need a density variance. You can absolutely consider that in all of your deliberations but the use variance itself and the height variance but I don't actually believe that we need a density variance because there is no standard in the commercial zone. There is no density standard and there's no FAR standard. We would actually if there was an FAR standard we would and we didn't need it we would also need an FAR variance. We don't because there's no standard.

Mr. Alampi – Ms. Gregory I think Mr. Pellino needs to advise the Board on the law. The case law is that you don't just transpose bulk requirements from one zone to the other although intellectually you can do that in order to justify development or to disqualify but legally you don't just transpose it correct?

Ms. Gregory – Yes.

Mr. Alampi – For example if I had a townhouse in a local community and I was in a 1 family zone, I have a large property and I want to build 6 townhouses would it be a use variance? I couldn't take the townhouse criteria and transpose that you can't do it. The law is very clear on that but intellectually all of us have a brain you would say well gee if you're going to build townhouses we have a townhouse zone we want you meet the fixtures of the townhouse but you're not permitted to take that bulk requirement and transfer it into that zone. What Ms. Gregory is saying and what I'm advocating is the RM zone doesn't automatically become affordable. The B-3 zone criteria is the zone but we are deviating we are asking for variances and then we're asking for 60 units where you're accustomed to seeing a ratio of 15 units per acre. Only you can determine given the configuration of the site the elevation of Route 46 the fact that there's a railroad track behind us and the embankment of Route 46 whether to be more generous in the scale of the project or not. Having said that I think Mr. Pellino seems to want to address this.

Mr. Paparozzi – Before Mr. Pellino goes I just want to make a point that I disagree with Mr. Alampi's assessment and because I'm going to read a statement from the Puleo case. If you're going to accept the use that's being required you have to compare it to a use that is being asked for and that's why the density does come in. I'm going to read one sentence from the Puleo case. It says for example an application for a gasoline service station in a residential zone should not be held to the bulk requirements of the residential zone. You have a business zone here for retail so if they're putting up a multi-family they should not be held to the business retail bulk requirements. Aside from that being spelled out you just heard me read it word for word. I have it highlighted here for those who want to read it but It's just common sense. Furthermore on a use variance you have a lot of flexibility and if you feel that that's what is needed certainly that would make more credence to my case. While I don't have an issue with the D-6 variance for height and the D-1 variance for use there is an issue for D-5 the density. I have that and I'm willing to back that up. I've been on and I'm sure Ms. Gregory has too that the applicants come and they hold to those requirements when they are asking for a use to accompany the use that they're asking for.

Mr. Alampi – I'm going to tell you what you just did is a great and a mortal sin for attorneys to take a case as complex as the Puleo case and site one sentence out of it which could be taken out of context and distort the ruling and the holding of the case. Many an attorney will take a headnote out of the case and then be embarrassed by the result of reading of the case. I'm not saying you're doing that, what I'm saying is that you can't just pick one sentence and it's not the law.

Mr. Duffy – I'd like to hear from our attorney because I'd like to have some other guidance and not have this debate which could continue for quite a long time.

Mr. Pellino – The Puleo case that Gary spoke about does stand for the proposition that in most cases not every case when you apply for a "D" variance the bulk variances are sometimes subsumed in that "D" variance and the example or the factual pattern of the Puleo. You had a gas station in a residential zone

is really pretty easy to figure out right. You got setback requirements for a residential zone that make no sense for a gas station. You've got other factors the impervious coverage which gas stations might have a lot of it and clearly wouldn't be permitted in a residential zone. I think what we have here this case is a situation where what the applicant is asking for doesn't fit into any of the zones that we have. I think clearly this doesn't fit in what an RM zone was intended for and I think what the applicant is proposing and asking for is something that's not contained or analogous to any zone that we have. We've got to figure it out ourselves but I don't think that there's a standard that we can apply from another zone or a density.

Mr. Papparozzi – Mr. Chairman if I could one closing argument. When the Master Plan is revisited that's when it is rezoned multi-family to conform with it so it's not a non-conforming use.

Mr. Pellino – The Master Plan doesn't rezone anything you can do all the Master Planning you want but you've got to clear zoning ordinances.

Mr. Papparozzi – Exactly that's what I'm saying yes hand in hand

Mr. Pellino – I'm not saying that this is rezoned what I'm saying is the applicant is asking for a type of use that really is not analogous to any zone that we have in Saddle Brook so we have to kind of figure that out on our own and density clearly has a consideration but I don't think you can say this is 3 times more dense than what would be permitted.

Mr. Mazzer – When you look at this like you said as an individual site I mean nothing fits.

Mr. Pellino – That may be.

Mr. Mazzer – The trucks don't fit nothing fits so we're just basing what we're looking on 15 per acre.

Okay if it's low or not low but that's what we're looking at. If it was 15 an acre everything would fit garbage trucks, fire trucks, delivery guys everything would fit. I know you have to take each case separately but.

Mr. Pellino – Just understand what I'm saying. I'm not saying that you have to accept it that's for the Board.

Mr. Mazzer – That's what I thought you were saying.

Mr. Pellino – All I'm saying is you can't necessarily use 15 an acre as the standard.

Mr. Mazzer – You're right yes.

Mr. Pellino – You still have to be satisfied that it's not too dense.

Mr. Alampi – Now there is a density discussion and you're making a decision on the ultimate density but I'm happy Mr. Pellino could articulate it better than I could. You're not bound to it you're not married to it. It doesn't exist in this zone so it could be 5 units per acre it may never get to 60 units. You may get to another number but you're not obligated to number like 15 units per acre. All we accomplished tonight was to bring to your attention that you're not committed to hold us to that standard but you will ultimately determine the sweet spot.

Mr. Papparozzi – That's what I'm saying too Mr. Alampi.

Mr. Alampi – That 15 units per acre is not the guideline but 60 units to the acre 92 is too much to ask on the site we don't think it is but you might.

Mr. Duffy – You had mentioned prior to my opening up for more discussion that you wanted to come back with some adjustments.

Mr. Alampi – Of course now we're talking about refining plans and who knows when we do that and we articulating spaces maybe we have to eliminate living area and such.

Mr. Duffy – I would suggest it at this point because one of the main purposes of this proceeding is so we all can put up our facts find out what works and what doesn't work. My main concern is that these Board Members are given as much information as possible so they can render a decision. If there is a change in that you're going to present then I would absolutely welcome it. Procedurally I would like to conclude with a couple of things. Before we decide how this will go forward at this point if anybody doesn't have any other questions for Ms. Gregory I would entertain a motion to open to the public.

Mr. Schilp – He uses 20 Gary used 15.

Ms. Gregory – The difference 20 units per acre versus the total number. It's 15 units per acre equals 20 whole units on the site. We are going for 60 units so our density is greater than 15 per acre.

Mr. Schilp – The thing is it's very dense there right now and now we're going to exacerbate this by maybe 3 times the amount. As I said before when we talked about the cars going in and out there was no deliveries in there it was not taken into consideration. It looks good he's trying to sell it to us but I think putting this much stuff in this little envelope doesn't work.

Mr. Duffy – Again I ask for a motion.

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public for this witness.

All in favor - YES

Mr. Duffy – Having heard no one.

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

All in favor - YES

Mr. Duffy – I don't have any questions I just know there was a discussion about lifestyle and how things have changed and people working from home. There's been some interesting studies that have been done by companies that did revamp. Verizon did it Novartis and they changed their entire structure on their campus because they thought this would be the new way they cut the cubicles. They got rid of all this stuff then they went to open floor plans actually nobody had a desk wherever you stopped that's where you worked. Then they did a study and they found productivity went right down the tubes. So after spending millions of dollars to do their campus in Basking Ridge Verizon turned around and put back the cubicles because they found privacy and cubicles works and productivity went back up. This is going on in campuses all over and what that means in relation to this is that yes we've seen a pandemic we've seen this shift to working from home but that shift I don't believe is going to stay. We as human beings are a social creature and we are not going to be able to withstand it so that argument really doesn't fly with me. I look back at when the pandemic hit the Garden State Parkway and Route 80 looked like a ghost town. Then after a while people became accustomed to it and the rules kind of lapsed a little bit and all of a sudden the traffic came back up and now you're back on the Parkway and you can get hit in traffic again. I think initially you have a valid point but I don't think it's a long term. It's going to change and the other aspect about the way the younger generation views things. There is a cultural artistic element to the areas they live in that brings them to it. Hoboken, Jersey City, going into North Bergen they have things that pull them in. I don't see we're pulling anybody in on Midland Avenue on the border of Saddle Brook and Garfield. There's no theater there's no arts they're not walking to distances I don't see it. It could happen 10 years from now I don't know but this is the dilemma we are looking at. That just my take on a couple of your comments. To go back to my other point with Mr. Alampi is I think that we need to sum up what we are going to do. There's not going to be a motion for a vote tonight we agreed on that in the beginning. We don't have to your benefit the votes aren't here. One of the reasons why I wanted the clarity in who was testifying was there are other members that will listen to the testimony and we will take every measure we can to make sure they are prepared for the next meeting on June 2nd. What is it that you are going to propose are you going to change any plans are you going to do anything that we're going to see.

Mr. Alampi – I will notify your Board Secretary after I consult with the clients but I believe that number one we're committed to have Mr. Klein return with revisions to his plans. We're talking about these other issues so I will consult with the site engineer because it could make some changes to parking the number we need. The delivery zone which is something that would be advantageous for Amazon, Uber, Door Dash it's a very common practice and multiple trips daily. We will probably have to discuss this over a few days and any direction we will always contact your Board in advance. That's why I agreed to extend the time to review this application through July 30th because it may be that there will be some changes to the plans and that would be digested. Hopefully we can file for the June 2nd meeting which means I have to do everything in two weeks that may not happen and I'll notify you that we'll be at the July meeting not June. Our goal is to return in June with at least Mr. Klein but if it becomes more extensive then maybe the July meeting with revisions to the plans.

Mr. Pellino – I think we should make an announcement if anyone is here in the public that at this point this matter will continue at the June 2nd meeting at this location at 7 pm. They should stay tuned and

check the website because as Mr. Alampi said it may well be that the applicant will want to be carried to the July meeting.

Mr. Alampi – Without further notice. Chairman today in the New Jersey Lawyers Journal there was an appellate division case not yet approved for publication so it means it's a higher court ruling about the notice being posted on the door because they couldn't convene a meeting and it was adjourned two cycles so the last adjournment they just posted on the door and the appellate court upheld it.

Mr. Duffy – I did it in the snowstorm I walked from my house.

Mr. Alampi – We'll all agree that that's not the preferred practice.

Mr. Duffy – We will carry this application over to the June 2nd meeting provided that Mr. Alampi's client provide in a prescribed fashion the items that will be changed and anything we need to do 10 days prior to the meeting. With the possibility this could be extended to the July 12th meeting with no further notification.

6. RESOLUTIONS

A.) Approval for Ronny Pena, 82 Kuhn Drive, Block 1204, Lot 8

B.) Approval for Michele McDonald, 270 Nedellec Drive, Block 1408, Lot 10

C.) Approval for Kathleen & Raymond Humbert, 61 Ackerman Avenue, Block 606, Lot 22

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

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolutions A thru D.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Duffy – YES.

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

Ms. Murray makes a motion seconded by Mr. Manzo to approve resolution E.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh – YES.

7. MINUTES

Meeting of April 5, 2021 Regular Meeting

Mr. Duffy – I thought about this the last time. These minutes can be used as part of evidence they're in discovery then we get sued so if there's something in those minutes that you didn't say or wasn't right you got to fix it. That's why I asked if you took the time to read it.

Mr. Manzo makes a motion seconded by Ms. Murray to approve the minutes of April 5, 2021.

All in favor - YES

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board, 3/19/20

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

All in favor - YES

9. VOUCHERS

Basile Birchwale & Pellino, 4/01/21, 124-128 Market Street, LLC, Block 614, Lot 1 \$875

Basile Birchwale & Pellino, 4/01/21, Rosario, 300 Grace Avenue, Block 411, Lot 3 \$250

Neglia Engineering Assoc., 4/13/21, Midland Commons 2, Van Bussum Ave, Block 402, Lots 1-5 \$360

Neglia Engineering Assoc., 4/13/21, 124-128 Market St, LLC, 124-128 Market St, Blk 614, Lot 1 \$92.50

Neglia Engineering Assoc., 4/13/21, Jason Staine, 47 William Street, Block 522, Lot 3 \$92.50

Neglia Engineering Assoc., 4/13/21, Michele McDonald, 270 Nedellec Drive, Block 1408, Lot 10 \$92.50

Neglia Engineering Assoc., 4/13/21, Glen Cannici, 41 Woodward Street, Block 615, Lot 3 \$140

Paparozzi Associates Inc., 4/15/21, McDonald's Corp, 189 Route 46, Block 120, Lot 1 \$67.50

Mr. Schilp 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

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

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

11. ADJOURN

Mr. Schilp makes a motion seconded by Ms. Murray to adjourn the meeting. All in favor - YES