

**TOWNSHIP OF SADDLE BROOK**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**June 2, 2021 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Wednesday June 2, 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**

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

**5. NEW BUSINESS**

**C.) Michael & Regina Rocco, 393 Victor Street, Block 709, Lot 17**

Applicant requests to build a 6-foot solid fence in the front yard (corner lot) in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino informs Mr. Rocco and the Board that the noticing for this application was not in order because the variances being requested were not stated clearly in the wording of the notice. Mr. Rocco will have to renotice and appear at the July 12<sup>th</sup> meeting.

**D.) 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.

**Applicant Requests an Adjournment until the July 12<sup>th</sup> Meeting.**

Mr. Mazzer makes a motion to allow the applicant to be carried to the Monday July 12<sup>th</sup> meeting seconded by Mr. Burbano. All in favor – YES.

Mr. Pellino announces that the applicant will be carried and that the next meeting will be held at Town Hall 93 Market Street on Monday July 12<sup>th</sup> at 7:00.

**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. Cannici who previously appeared at the May 3<sup>rd</sup> meeting has returned with a modified drawing as requested by the Board.

Mr. Pellino informs Mr. Cannici that he is still under oath from the previous meeting. He also makes Mr. Cannici aware that due to the height of the building he would need to request a "D" variance and if he chooses to proceed he will need all 5 of the members in attendance to vote yes in order to be approved.

Mr. Cannici says he understands and is willing to proceed. He does however dispute that it is necessary because the height is 28 feet to the mean and that is what the town ordinance states.

Mr. Duffy – Where did you take the measurement from?

Mr. Cannici – The average grade of the property.

Mr. Duffy – The average from the front and side of the house?

Mr. Cannici – Correct. I actually did lower it from last time so we are below 28 feet to the mean.

Mr. Duffy and Mr. Cannici debate the height of each level of the proposed construction.

Mr. Duffy – This is the confusing part for me. If we had some formalized plans that showed all these elevations this would be clearer.

Mr. Cannici – I did work on getting them but it wasn't working out and it was costing a lot of money. I didn't see anything in the town ordinance about me drawing them myself so I drew them for zoning and I didn't get kicked back for height but I know it was a concern.

Mr. Cannici assures the Board that the height to the mean will not exceed the 28 foot requirement.

Mr. Duffy expresses to Mr. Cannici that he and the Board are not comfortable with the fact that they do not have a clearly defined set of plans that accurately explain what is being requested.

Mr. Duffy tells Mr. Cannici that the new sketch does not look any different than what was presented at the last meeting and that he is inclined to deny the application but offers to allow him to get a proper set of drawings and come back to the next meeting and present them to the Board.

Mr. Cannici strongly disagrees with the Board that the drawing does show his intentions and that he is not here for a height variance only lot coverage and setbacks.

Mr. Duffy and the other Board Members try to persuade Mr. Cannici that it would be in his interest to come back with better drawings but he is reluctant to do so and would like the Board to take a vote.

Mr. Duffy asks for a motion to open to the public.

Mr. Tokosh makes a motion to open to the public seconded by Mr. Burbano. All in favor – YES.

Mr. Tokosh makes a motion seconded by Mr. Champy to close to the public. All in favor – YES.

Mr. Duffy asks for a motion from the Board on this application. Nobody makes a motion.

The Board members again ask Mr. Cannici to reconsider and come back next month with more comprehensive plans. After a back and forth between Mr. Cannici and the Board Members he finally agrees to get better drawings and have his application carried to the July 12<sup>th</sup> meeting.

### **B.) Joseph & Lori Bennett, 129 Cambridge Avenue, Block 1506, Lot 28**

Applicant requests to build a 12' x 18' in ground pool with associated pavers in noncompliance with Municipal Code #898, Section 206.

Mr. Pellino swears in Joseph Bennett he states his name spells his last and gives his address as 129 Cambridge Avenue Saddle Brook New Jersey.

Mr. Pellino confirms that the notice was in order for this application.

Mr. Duffy – Mr. Bennett could you explain what you would like to do.

Mr. Bennett explains that he would like to put in a built in metal frame pool. He says that it is 12 to 18 inches above grade and he is going with this type of pool because his property gets a lot of water.

Mr. Bennett tells the Board that everything will be done to code and that there will be separate lines and breakers for the pool. The frame of the pool is 8 feet by 14 feet.

Mr. Champy asks if there will be drainage between the pavers and concrete.

Mr. Bennett says that it naturally slopes away from the property and that they will keep it from pooling in the yard. He tells the Board that this is his best type of option for an in ground pool because it would be difficult to get a backhoe in the yard. He says that his yard is fenced in but needs to change the gate swing to meet code.

Mr. Mazzer tells him he needs it to be self-closing and self-latching.

Mr. Tokosh asks where the backwash from the filter will be going.

Mr. Bennett – It will go out to the curb.

Nobody has any other questions.

Mr. Tokosh makes a motion to open and close to the public seconded by Mr. Mazzer. All in favor – YES.  
Mr. Mazzer makes a motion seconded by Mr. Burbano to approve the application.  
Roll call - Mr. Mazzer, Mr. Tokosh, Mr. Burbano, Mr. Champy, Mr. Duffy – YES.

## **6. MINUTES**

Meeting of May 3, 2021 Regular Meeting

Mr. Burbano makes a motion seconded by Mr. Tokosh to approve the minutes. All in favor –YES.

## **7. COMMUNICATIONS**

Anthony Kurus to the Zoning Board, 5/20/21

Anthony Kurus to the Zoning Board, 5/20/21

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

## **8. VOUCHERS**

Basile Birchwale & Pellino, 5/03/21, 124-128 Market Street, LLC, Block 614, Lot 1 \$62.50

Basile Birchwale & Pellino, 5/03/21, McDonald, 270 Nedellec Drive, Block 1408, Lot 10 \$250

Basile Birchwale & Pellino, 5/03/21, Humbert, 61 Ackerman Avenue, Block 606, Lot 22 \$250

Basile Birchwale & Pellino, 5/03/21, Pena, 82 Kuhn Drive, Block 1204, Lot 8 \$250

Basile Birchwale & Pellino, 5/03/21, Staine, 47 William Street, Block 522, Lot 3 \$250

Basile Birchwale & Pellino, 5/03/21, McDonalds Corp,189 Rt 46,BI 123,Lot 1&1.01,BI 120,Lot 1 \$968.75

Neglia Engineering Assoc., 5/18/21, McDonald's Corp, 189 Route 46, Block 120, Lot 1 \$555

Paparozzi Associates Inc., 5/12/21, Midland Commons 2, Van Bussum Ave, Block 402, Lot 1-5 \$157.25

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

## **9. OPEN AND CLOSE MEETING TO THE PUBLIC**

Mr. Burbano makes a motion seconded by Mr. Mazzer to open to the public. All in favor – YES.

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

## **10. ADJOURN**

Mr. Mazzer makes a motion seconded by Mr. Tokosh to adjourn the meeting. All in favor – YES.