

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
July 12, 2021 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday July 12, 2021 at **(Town Hall 93 Market Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

3. OPEN PUBLIC MEETING ACT: adequate notice of this meeting has been sent to all members of the Zoning Board and to all legal newspapers in Accordance with all the Provisions of the "Open Meetings Act", Chapter 231, P.L. 1975.

4. ROLL CALL

Ms. Murray, Mr. Gatto, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Champy, Mr. Duffy – Present. Mr. Burbano is absent. Also in attendance is Anthony Cialone filling in for Mr. Pellino as the Board Attorney, John Dunlea is filling in for Anthony Kurus as the Board Engineer and Gary Paparozzi the Board Planner.

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. **(Applicant would like to be carried to the August 2, 2021 meeting)**

Mr. Duffy tells the Board that Mr. Cannici has requested that his application be adjourned until the August 2nd meeting.

Mr. Cialone inquires when the application was deemed complete and recommends that the Board make the motion conditioned upon the applicant waiving the time period for the Board to act.

Mr. Schilp makes a motion seconded by Ms. Murray that the applicant be carried to August 2nd without requiring further notice and that he waves the 120 day stipulation. All in favor – YES.

Mr. Duffy makes the announcement that the application will be carried to the August 2nd meeting without requiring further noticing and that it will be held here at the Council Chamber on Monday August 2, 2021 at 7:00 pm.

B.) 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. Cialone announces that his office had reviewed the notice and found it adequate but had not seen the affidavits of publication or the mailing. The Board Secretary gives Mr. Cialone the noticing documents for review. He reviews the documents and asks Mr. Rocco if the ones that have signatures were hand delivered.

Mr. Rocco says yes and is then sworn in. Mr. Cialone asks if the ones with the signatures were delivered more than 10 days before the date of the meeting. He says yes and tells the Board that they were delivered on June 27th. Mr. Cialone finds that the applicant has given adequate notice.

Mr. Duffy – Tell us what you would like to do.

Mr. Rocco says he would like to extend his existing six-foot privacy fence on the Hickey Terrace side of his corner lot. He wants to go around the one a/c unit and it will come out 20 feet from the house and 23 feet from the existing fence. The current fence has lattice at the top.

Ms. Murray asks if the lattice will be on the new fencing as well and where it will be in regards to the A/C units the tree and the window.

Mr. Rocco says that the new fence will be the same as the existing and that it will go past the window and as close as he can to the first A/C unit.

There are no other questions.

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

Mr. Duffy – This meeting is open to the public for this application.

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

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

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

Mr. Duffy explains to Mr. Rocco that the resolution will be voted on at the next meeting which is August 2nd and after that he may begin his work.

C.) Sita & Sons, LLC, 214-216 Midland Avenue, Block 103, Lot 3

Applicant is proposing exterior improvements to the property consisting of construction of a parking area for trucks and passenger vehicles on the vacant south side of the property in noncompliance with Municipal Code #898, Section 206.

Mr. Mazzer has to recuse himself as he was on the 200-foot list and was noticed by the applicant.

Mr. Marz steps up to fill his seat.

Mr. John Conte, Jr. Esq. gives his business address as 1 Paragon Drive, Suite 240, Montvale, NJ is representing the applicant.

Mr. Conte – This is a simple application. There is an existing building that has parking in front for retail and there is warehousing in the back. On the south side of the property there is a gravel lot that my client is looking to park box trucks. The intention is to park box trucks that belong to delivery men in the lot. They will enter the site in the morning and park in the spaces close to North Midland Avenue. They will be transition spaces as you could not park a car in there until the trucks pull out. The intention is car number 1 can pull in truck number one can pull out and so on. Once 3 or 4 trucks pull out then there is room for passenger vehicles to park. The trucks would leave in the morning and come back in the evening. They won't generate a lot of traffic on the site or on North Midland Avenue.

Mr. Conte - Our engineer Bill Stimmel will testify to the site improvements the drainage the proposed landscaping and he is also a traffic expert so I will ask if he can be qualified as a traffic expert on a limited basis. We also have our planner Brigitte Bogart to testify on our use variance. There are 4 bulk variances and they are all existing. None are exacerbated by the application they are minimum width, side yard they are what they are because of the existing building.

Mr. Conte marks the site plan he has displayed as A1 with today's date.

Mr. Cialone swears in Mr. Stimmel he states his name spells his last and gives his business address as P.O. Box 280 Rutherford New Jersey.

Mr. Stimmel gives his credentials and is accepted by the Board as an expert witness in the field of engineering.

Mr. Conte asks Mr. Stimmel to explain to the Board the intention of the applicant.

Mr. Stimmel – This is a relatively simple application. There is an existing retail building on the northern portion of the site which will not be touched. The building will remain the same the tenants will remain the same the parking area in the rear will remain the same. There is a utility and access easement that runs down the center of the property to the south of that is an existing gravel area which had been used without authorization to park trucks. The applicant is trying to rectify that by providing a paved parking area on

that southern portion of the site. He intends to park 8 box trucks no more than 40 feet in length on that portion of the site. In addition to paving the parking area they are going to install a curb that runs along the southern end of the parking area and comes up along the eastern end of the parking area. By maintaining the existing grading in that area which generally flows from the west to the east along that portion of the site storm water runoff from this area will be collected in a new inlet and be conveyed through underground pipe to 3 seepage pits located on the southeastern portion of the site. In order to screen the property from the neighbors to the south Mr. Stearns had proposed an arborvitae hedge along the southern property line. Other improvements include striped parking spaces at the southwestern corner of the site those are labeled as transition spaces on the plan. The purpose for those is when the drivers arrive at the site they will park their personal vehicle in one of those spaces and pull out their truck and then pull their personal vehicle into the truck space and leave the site. There will be low turnover in terms of the vehicles they are not operating a warehouse on the site there is no delivery service. They will leave in the morning and come back in the afternoon. I reviewed the comments in the Neglia Letter from May 28, 2021. To provide some more clarification the parking spaces on the plan are striped to be 50 feet the clients' trucks are going to be no more than 40 feet so the striping could be cut back 10 feet. With that in mind there is adequate maneuvering area for trucks to pull out of the parking spaces into that central corridor and then safely out to Midland Avenue. I looked at the transitional spaces for maneuvering of passenger cars a typical vehicle can safely pull into the site or out of the site via Midland Avenue. It is possible if there was a truck parked in the western most parking space if you had a large vehicle you may have to make a K turn. I believe there is adequate maneuvering area for safe access for passenger vehicles in that location. The zoning table on the right side of the plan sheet as Mr. Conte had noted there are 4 existing nonconformities related to the application minimum lot area, minimum lot width, minimum front yard and side yard. The front and side yard relate to the existing retail building and again none of those are being impacted by the development.

Mr. Conte – Could you explain to the Board what impact the new drainage system will have on the site and the surrounding area?

Mr. Stimmel – The existing storm water on the site just sheet flows following the existing drainage pattern from the west to the east. With the change from gravel to asphalt there will be an increase in runoff but to offset the increase we are proposing a drainage inlet at the southeast corner of the site which runs to the 3 seepage pits which will mitigate the increase in runoff. There were some technical comments in the Neglia review letter that we would comply with.

Mr. Conte asks Mr. Stimmel about the irrigation for the plantings mentioned in the Neglia Review Letter. Mr. Stimmel – Generally speaking our client is willing to comply with everything in the Neglia and Paparozzi review letters. The Neglia review recommends a permanent irrigation system be provided for the proposed landscaping. Because of the location of the easement relative to the existing building there is no water or electrical service on that portion of the site so in lieu of providing irrigation we would suggest drought tolerant planting instead. The applicant would agree to review the plantings in say a year and replace any bushes that have died.

Mr. Conte – What would be a recommended plant that is drought resistant? The recommendation was for arborvitae.

Mr. Stimmel – I am not a landscape architect but I would say something like a sumac or a juniper doesn't require as much water.

Mr. Conte – Our client would concur with any recommendation by the Board Engineer with respect to those plantings.

Mr. Duffy – Do any of the professionals have any questions?

Mr. Dunlea – We would ask that a selection be made and submitted to our office so our internal landscape architect could review it and make a determination as to whether that planting would work.

Mr. Conte states that his client will do that.

Mr. Dunlea – In respect to the seepage pits we will require percolation tests in advance of the installation of the seepage pits and that our office be notified 48 hours in advance of that so we can be on site to

witness the test. Is the existing drop curb going to continue to be utilized as access onto and off of the site?

Mr. Stimmel – It is shown to be maintained and it does provide easier circulation in and out of that area. I think your concern is cars backing out onto Midland Avenue we would not foster that type of maneuver. Most likely people would pull head in from Midland Avenue and make a U-turn and come out through the easement.

Mr. Dunlea – I would just note that Midland Avenue is a county road so the applicant would be responsible for determining if any approvals from Bergen County are required prior to construction and if they are required they have to be provided to the Board and our office for review.

Mr. Conte – Understood.

Mr. Paparozzi – Mr. Stimmel just for the record the plan from GB is dated.

Mr. Stimmel – October 24, 2020.

Mr. Paparozzi – His utility is not noted as an access easement even though it is so he should note that on his plan. Since this is all one lot the lot needs to be restriped. In addition, the Zoning Chart aside from a use variance there is no front parking allowed and the transition spaces are in the front yard. The minimum size space is 10 by 18 or 9 by 20 and the proposal is for 9 by 18. Two small C variances are required front yard parking and the size of the space along with the use variance.

Mr. Conte – Mr. Stimmel with respect to the parking size spaces the ordinance requires a larger space than has been provided. How is that mitigated by this plan?

Mr. Stimmel – The existing spaces will remain as is the plan can be revised to make the transitional spaces 9 by 20.

Mr. Conte – My client will stipulate the spaces being restriped to 9 by 20.

Mr. Cialone – Those are the transition spaces correct?

Mr. Conte – Correct.

Mr. Paparozzi – And all spaces have to be restriped.

Mr. Conte – My client will also stipulate to restriping the whole site.

Mr. Duffy – The spaces behind the Krausers and the building behind correct.

Mr. Conte – That's the warehouse. The warehouse is not owned by my client. All the parking on lot 3.

Mr. Duffy – Just so I'm clear the property is the existing retail stores that are on the northern part of the property which includes the lot in the back where there are several parking spaces. Then to the right is that other spot. Beyond that which would be east that's not your client's property.

Mr. Stimmel – As I understand it lots 2 and 4 are separate ownership.

Mr. Duffy – Okay.

Mr. Dunlea – Mr. Chairman our letter recommends for the sake of pavement quality on the site that the parking lot in its entirety be resurfaced. Does the applicant agree to resurface the parking lot or does that become an issue with lots that are under 2 separate ownerships?

Mr. Conte – What's here is owned by my client and will be repaved. These spots will be restriped as well as whatever is behind the building.

Mr. Dunlea – Got it. We are recommending that the parking lot be resurfaced as well to maintain consistent paving quality on site.

Mr. Conte – My client will stipulate to repave the whole area in front of the one story masonry building and the rear. What we didn't discuss is the macadam driveway. You are also requesting that it be paved also it's a pretty big area.

Mr. Dunlea – Yes I am recommending that.

Mr. Conte consults with his client.

Mr. Paparozzi – Mr. Conte there may be an agreement with the easement where maintaining it can be shared with the people who use it in the back as well. You may want to look into that. I'm sure because of snow removal and other issues you may want to look into that.

Mr. Conte – My client also stipulates that he would pave the macadam driveway with the hope that once I review the easement document there is some contribution by the easement holder. That's not for the Board.

Mr. Duffy – I just want to be clear that the building on the south side where the seepage pits are that's a separate owner?

Mr. Conte – Correct.

Mr. Duffy – The building that has the parking and the trucks over there they are 3 separate owners.

Mr. Conte – Correct.

Mr. Tokosh – I was there and there was a tractor trailer parked against the building and it was there for 30 or 40 minutes waiting to get into a loading bay. It looks like it was pretty routine do you condone that? Is that your property is or is that a common thoroughfare?

Mr. Conte – I should have my client sworn to answer.

Mr. Cialone swears in Larry Patel he states his name spells his last and gives his address as 514 Steinway Road Saddle Brook New Jersey.

Mr. Patel – The part you are concerned about is Mixteca and they are probably waiting to make deliveries. They go to the food store to pick up soda or cigarettes.

Mr. Tokosh states that he saw the truck waiting to make deliveries and it was there for some time.

Mr. Patel says that he will have to let them know that they can't wait on our property they have to use the easement.

Mr. Patel shows the Board on the displayed site plan where they park and wait.

Mr. Tokosh asks if the trucks he will have parking on his property will be loading and unloading merchandise.

Mr. Patel states that there will be no loading, unloading or warehousing on his site. The trucks will just be parked there and they will come at night and park the trucks and come in the morning and leave with the trucks. Just a parking space.

Mr. Duffy – What is the purpose?

Mr. Patel – There are a lot of truck owners and they need a place to park their trucks.

Mr. Duffy – You're renting these spaces.

Mr. Patel – Correct.

Mr. Tokosh questions Mr. Patel about the size of the trucks and spaces. He also asks about how many trucks there will be parked there on a regular basis.

Mr. Patel confirms that he will limit the parking to a total of 8 trucks.

Mr. Conte says they will stipulate as part of the resolution to limit the number to 8 trucks.

Mr. Schilp – What stops me from parking in one of those transitional spots?

Mr. Patel – we will mark it reserved.

Mr. Schilp asks how many people every day park in handicapped spots without stickers knowing that there is a fine involved.

Mr. Conte states that it would be a trespassing issue.

Mr. Schilp asks Mr. Paparozzi about the width of the easement if it's 30 feet.

Mr. Paparozzi says it is and that it is a utility easement and a right of way.

Mr. Schilp – Would it be considered a fire lane because if there is a tractor trailer parked there it would be difficult to get a fire truck back there.

Mr. Paparozzi – The easement is not for parking only for access and utility. They are not supposed to park there. I would not recommend painting a fire lane because it is 30 feet wide and it goes back 200 feet so it would be an eyesore.

Mr. Schilp asks if they could paint a box a few feet off the wall against the building that says no parking.

Mr. Conte – We could stipulate that. He then asks Mr. Stimmel for some input as to the width of the boxed area and the size of the signage on the building.

Mr. Stimmel – Five feet seems right to me and the signs could be the size of a no parking or speed limit sign.

Mr. Conte asks Mr. Paparozzi for some suggestions.

Mr. Paparozzi – Five feet by 200 feet may be excessive maybe a sign on the building saying no parking in the easement and fire lane. It would probably be best for Mr. Patel to police it on his own and put a sign on the building.

There is a discussion about the length of the parking spaces that are going to be striped for the trucks. They are striped for 50 feet on the plan but the striping is going into the easement so it is recommended that they be cut down to 40 feet and that the size of the trucks cannot exceed 40 feet in length. Mr. Conte agrees to that stipulation.

There are no more questions for this witness. Mr. Duffy asks for a motion.

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

All in favor – YES.

Mr. Schilp makes a motion seconded by Mr. Gatto to close to the public for this witness.

All in favor – YES.

Mr. Conte calls their planner up to be credentialed and sworn in.

Mr. Cialone swears in Brigitte Bogart she states her name spells her last and gives her address as 205 Franklin Avenue Wyckoff New Jersey.

Ms. Bogart gives her credentials and qualifications and the Board accepts her as an expert witness in the field of Professional Planning.

Mr. Conte asks Ms. Bogart to give her opinion of the variances specifically the use variance.

Ms. Bogart describes the characteristics of the lot in question and lists the existing nonconformities.

Ms. Bogart – The lot is 31,000 square feet and the zone requires 200,000 square feet. We have a 30-foot easement and my client is looking to park box trucks. In order to get a D variance, we have to prove that we are advancing the Municipal Land Use Law. We are furthering purpose D and G.

She goes through the positive and negative criteria of the application. We have a vacant site that is currently not contributing to the welfare of the neighborhood. What we intend will contribute economic viability to the site. Parking and storage already exists along Midland Avenue and we will be consistent with that. There is no impairment to the Zone Plan or Master Plan. We have to prove the Medici Criteria that we improve the public good and I believe we do that. For those reasons I think this should be approved.

Mr. Conte – Do you think the site is particularly suited under the Medici Standards?

Ms. Bogart – I do.

Mr. Conte – I have nothing further.

Mr. Paparozzi – The existing nonconformities are for the Townhouse District and this is a nonconforming use. Those requirements are existing for the Townhouse District but are not applicable to this application. The use that Mr. Patel has the lot is being underutilized. I don't think the impact of 8 trucks would have a negative impact and Mr. Patel would be utilizing his lot.

There are no other questions from the Board.

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

All in favor – YES.

Mr. Gatto makes a motion seconded by Mr. Schilp to close to the public for this witness.

All in favor – YES.

Mr. Conte concludes his presentation.

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

Mr. Duffy - Seeing no one.

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

Mr. Schilp makes a motion seconded by Ms. Murray to approve the application with the following stipulations. The entire area restriped, a maximum of 8 trucks each no more than 40 feet in length, pave the lot, the spaces that are marked 12 by 50 will be 12 by 40, there will be signage saying no parking against the building.

Mr. Duffy asks if there is anything else.

Mr. Cialone – The transition spaces will be 9 by 20.

Mr. Paparozzi – Added access to the utility easement on the site plan.

Mr. Duffy – Did we cover everything?

Mr. Cialone – Mr. Conte are we in agreement?

Mr. Conte – My client is in agreement with all stipulations indicated on the record.

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

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.

Carmine Alampi the attorney for this applicant begins by recapping the previous appearances before the Zoning Board for this application. This application was previously before the Board March 1, 2021 and May 3, 2021. At the May 3rd meeting Mr. Alampi had requested to have the application carried until the July 12th meeting in order for his client and their professionals to make revisions to the plan that they felt the Board would be amenable to.

Mr. Alampi explains the changes to the plan which include a reduction in the number of units from 60 to 40. He tells the Board that his client had listened to the concerns about traffic on the site and on Midland Avenue. He tells the Board that the purpose for the application is to receive a Use Variance as the property is zoned as a commercial business zone and they are seeking a residential use. The on-site parking number is now reduced because of the reduction in units. The traffic engineer had done a new traffic study and new turning templates. All of the witnesses that are going to testify had been placed under oath in prior appearances and they are reminded they are still under oath and have been qualified. Mr. Duffy tells the Board that Mr. Tokosh needs to recuse himself and that Mr. Marz will sit for him. The witnesses to be recalled are the architect Mr. Virgona and the traffic engineer Mr. Klein and the site engineer Mr. Costa. The exhibits were up to A7 which is the Traffic Engineering Valuation Report and the Traffic Engineering plans. New exhibits will start with A8 the architect's plans. Mr. Klein's new turning template will be A9 and Mr. Costa's plan will be A10. Updated drainage reports were provided. There was a cover letter provide outlining the changes to the plan.

The new architectural plan is A8 and is dated 6/24/2021.

Mr. Alampi asks Mr. Virgona if there are any changes to the plan other than the reduction in units.

Mr. Virgona – Some units are reconfigured because of the shape of the building changed. The width of the building has been reduced by almost 80 feet. The length is almost the same because we are trying to retain the recreation terrace over the garage which is also a retaining wall against Route 46. The change in the building shape resulted in a reconfiguration of some of the units many are the same some are different.

Mr. Virgona displays the front elevation to the Board. This has been shortened on the left side. It reduced the floor area and provided more open outdoor space. He goes through all of the elevations and describes to the Board what each one is. The building has been reduced and so has the garage area. Mr. Alampi asks for the building dimensions.

Mr. Virgona – I believe 150 to 160 feet wide.

Mr. Paparozzi says it is 155.

Mr. Virgona explains that there is more open space and the parking is easier to accommodate because of the building being smaller and the reduction of living spaces. The parking and maneuverability have been enhanced. The setback has been reduced on the railroad side. He points to SK4 the first residential floor and he shows the Board the outdoor terrace. It is both an amenity and a partial retaining wall for Route 46 which has a much higher elevation. Where there was a double corridor there is now a single corridor on one wing of the building. The front section is close to what it was but is reduced in width because the building was moved to the right. General circulation the elevator core the trash have remained the same. Two fire stairs in the same location an elevator at the center and trash room in the center. We have a trash room with a trash chute leading to a compactor room on the garage level. We go to SK3 the revised ground floor plan. The lobby is in the same location as it was and also the amenity room. The building wall on the left moved inward so the number of spaces in the garage is 43. The storage areas on the ground floor are fewer. There is surface parking in the front of the building and garage parking. There are 43 spaces in the garage and the rest are outdoors. There are 3 residential

floors and a ground floor with garage and lobby. There are no apartments on the ground floor. There are slight variations of the floor plan on each level based on the makeup of units. On SK5 which is a typical floor above the terrace level which is residential floors 2 and 3. The units are reconfigured to make up the affordable housing mix they are obligated to have a minimum of 20% 3 bedrooms and a maximum of 20% 1 bedroom with the balance being 2 bedroom affordable. There are 15% set aside for affordable which is 6 units. They consist of two 3 bedrooms one 1 bedroom and three 2 bedrooms. On SK5 the chart shows the dimension and affordable unit makeup. We have a total of fifteen 1 bedroom units, five 1 bedroom units with dens, fourteen 2 bedrooms, one 1 bedroom affordable, three 2 bedroom affordables and two three bedroom affordables. Each floor has 13 units with the upper floor having 14. The smallest one bedrooms are in the low 700 square foot range the two bedroom vary but they are in the 1100 to 1200 square foot range. The 3 bedroom affordable is 1155 square feet the one bedroom is 690 square feet and the two bedroom is roughly 948 square feet. The layout is pretty much the same it is an L shaped corridor, the core and stairs are where they were, the building will have matching materials to the 2 existing buildings. This building will match the other 2 buildings that are already there. The height of the building is 44 feet 11 inches which is the height of the 2 existing buildings. The same as Phase 1.

Mr. Paparozzi points out that Mr. Costa's engineering plan has the building at 41.344 feet.

Mr. Alampi says that he is aware of it and it is incorrect.

Mr. Paparozzi requests that Mr. Costa make the appropriate revision and Mr. Alampi agrees.

Mr. Alampi tells the Chair that he is done with Mr. Virgona's testimony.

Mr. Dunlea asks if the mechanicals have remained the same as the prior submission and Mr. Virgona confirms that they are the same. There will be one RTU that will be hidden by a parapet nothing will be visible from the exterior.

Mr. Paparozzi asks what the size of the size of the compactor room and if it is big enough to store the cardboard for recycling that will not fit down the garbage chute.

Mr. Virgona says that the room is a generous size but does not give the dimensions.

Mr. Paparozzi asks if it is the same as the other 2 buildings and he replies that he thinks it is.

Mr. Paparozzi – Is it working in Phase 1?

Mr. Virgona - I don't know. I believe it is. These things have to be tended to.

Mr. Paparozzi – That's my other point if the room is undersized and doesn't handle the recyclable cardboard it has to be serviced or maintenance has to see to it daily.

Mr. Alampi says that this is the third building and the maintenance people know and they will be more rigorous in the scheduling of the disposal on site.

Ms. Murray has some house cleaning comments about the architectural drawings SK3 does not show the stairs going up to the patio. There are gas meters on the side and there are windows on the elevations in the same location.

Mr. Virgona explains that they are recessed panels not windows.

Ms. Murray notes on SK4 that there are windows showing for the elevation that appear to be in the bathroom and bedroom by the staircase and none of the rooms show windows on the floor plan.

Mr. Virgona agrees it needs to be corrected.

Ms. Murray also notes that on SK2 the second window in from the right side should be a door. The floor plan shows it as a window.

Mr. Schilp asks how you get the garbage that is 100 feet in out of there.

Mr. Virgona says it is about 30 to 35 feet from the compactor room to the garage door and that the trash will be put into a container and wheeled out where the truck will pick it up.

Mr. Schilp – How long before they pick it up?

Mr. Virgona – The same as the other buildings.

Mr. Alampi states that they will have a private service and agrees that it will be heavy to move.

Mr. Schilp – Just a point that somebody is going to have to move this thing.

Mr. Duffy – Is that same issue in the other buildings also?

Mr. Alampi suggests to call his client Mr. Puccio to testify after this witness is done.

Mr. Duffy – Mr. Virgona designed it so my question is to him. Is this the same design as far as the garbage is concerned?

Mr. Virgona says it is the same. It is compacted into plastic bags. There is a generous compactor room under the building.

Mr. Schilp – The other building has a good size room I'm just wondering how they get it out of there.

Mr. Virgona – It's about a 17 by 17 room here which is comparable.

Mr. Duffy – Do you want to bring Mr. Puccio in on this?

Mr. Alampi – If you will.

Mr. Duffy – Does anyone else have any questions for Mr. Virgona?

There are no other questions for him.

Mr. Alampi calls up Mr. Puccio he is sworn in and states his name spells his last and gives his address as 212 Erie Court Piermont New York.

Mr. Alampi establishes that Mr. Puccio and his family own and operate many commercial and residential properties and own property in Saddle Brook and nearby communities.

Mr. Alampi asks Mr. Puccio if he is familiar with the maintenance and upkeep of these buildings.

Mr. Puccio says he is involved on a day to day basis.

Mr. Alampi asks Mr. Puccio about the janitors, property managers and maintenance personnel for all of their properties and whether they have a full staff to address these issues.

Mr. Puccio says that he does.

Mr. Alampi asks how they are handling the trash at the existing Phase 1 buildings.

Mr. Puccio explains that the trash is located centralized in the building it is a large room into which a chute brings the trash down from the building. The trash goes into a 2 yard container which is picked up every other day. There are 2 guys on the truck they come into the building they roll the container out empty it and then roll it back in. It is a private company Interstate Waste.

Mr. Alampi asks if the new building will have the same scheduling as the other buildings. He confirms that it will and that it was designed the same way because it works very well.

Mr. Alampi asks if there are any complaints from the Health Department or the tenants. He replies no.

Mr. Alampi – You will maintain the same high standards of maintenance, upkeep, landscaping, irrigation, snow plowing and trash removal like you do in all your properties.

Mr. Puccio – Yes correct.

Mr. Alampi has nothing further for the witness.

Mr. Duffy asks if everyone is satisfied. There are no questions. He then asks Mr. Virgona to come back up and where the building was reduced in size what is in place of that is it open or parking spaces?

Mr. Virgona replies yes. He displays the old drawing next to the new drawing and points out where it has been changed. He then shows that the patio area is the same size and says that there was a double loaded corridor and a projecting wing on the left side of the building. The wing is lesser projected but the entire rear wing is single loaded so we moved this side of the building inward to the right. It reduces the floor area and the number of units. The area is now surface parking where it used to be garage space.

Mr. Paparozzi points out that there is also now a dog park in part of that area.

Mr. Duffy asks if the parking configuration is the same.

Mr. Virgona says that it is close and there are now more spaces outside and fewer inside.

Mr. Alampi marks in A10 which is an engineering plan done by Costa Engineering dated 6/21/21.

Mr. Virgona points out that the building wall was moved and that some area was designated for a dog park.

Mr. Alampi asks Mr. Virgona if by cutting back the building more surface parking is available on the railroad side the east side. On the west side some parking was eliminated because the number of units was reduced so the parking requirement was reduced.

Mr. Virgona – Yes.

There are no other question for Mr. Virgona.

Ms. Murray makes a motion to open for this witness seconded by Mr. Schilp. All in favor – YES.

No one comes forward.

Ms. Murray makes a motion to close for this witness seconded by Mr. Gatto. All in favor – YES.

Mr. Alampi calls up Mr. Lee Klein the Traffic expert who is already sworn in and credentialed.

He has provided new turning templates.

Mr. Alampi refers to the previous appearance before the Board and that there was an issue with the turning maneuvers and the ceiling height under the building. Mr. Klein has now redesigned his template and it is marked A9 dated 6/23/21 Exhibit A is garbage truck and Exhibit B is fire truck they are a set.

Mr. Alampi asks Mr. Klein to explain what has changed regarding traffic since the building and units have been reduced.

Mr. Klein refers to the Exhibits A and B that he has displayed. There are 3 entrances into the building for vehicles to come in and maneuver through the parking areas. On Exhibit A there is a garbage truck that comes in from the north does a K turn in the northern driveway entrance to the garage. The garbage will be brought out loaded into the truck and be put back. The truck will do a K turn and leave the site.

Mr. Alampi points out that there will be surface parking where the building used to be.

Mr. Klein says that the distance for the truck to turn is about 50 feet and that it is sufficient for the truck to perform its turn. It would be performed in the first drive aisle where the container is. The size of the vehicle in Exhibit A is 38 foot single unit garbage truck. A typical residential garbage truck.

Mr. Klein displays Exhibit B the fire truck template. He explains that because there is additional parking with the reduction in the number of units we were able to remove some parking spaces at the end of the drive aisle along the railroad so the fire truck can make the K turn in there without being impeded by parked vehicles.

Mr. Alampi asks if the Fire Chief was consulted. Mr. Klein says that he did and he got the information about the size of the truck from him for the pumper truck which was used in the template.

Mr. Alampi asks for Mr. Klein to speak about the ingress egress and circulation on the site.

Mr. Klein refers to his previous testimony regarding trip generation based on the Institute of Transportation Engineers 10th Edition Trip Generation Manual. The manual provided the numbers for the 60 units as well as the 40 units that are currently in discussion. He explains how the manual gives pretty reliable numbers and that he was asked to do some actual counts. He went out on Tuesday May 18th between 4 and 6 pm, Wednesday May 19th between 7 and 9 am and Thursday May 20th between 8 and 9 am. He did traffic counts on Midland and Van Bussum ha describes the method of counting that he used and concludes that the numbers he counted were within 10% of what the ITE said were the numbers for 77 occupied units.

Mr. Alampi asks if there was any information he gathered in regards to the Plauderville Train Station which is on Midland Avenue in Garfield close to the site. Mr. Klein states that when they were doing their counts he was able to observe the train coming by and that the cars were not queued to the point where it would affect either the on ramp to Route 46 or the site of the proposed project.

Mr. Alampi asks if this has altered his opinion with regard to the sufficiency of the parking and the ingress egress points of the property.

Mr. Klein says that it has solidified his opinion that he had testified to in May and the numbers that he observed when he did his traffic counts. He believes that 60 units would have worked fine and that anything less would work better.

Mr. Alampi asks about deliveries to the building and if there was a delivery area in the site plan.

Mr. Klein says that because they reduced the number of units they were able to remove some parking spaces and there are 4 parking spaces off of the lobby for deliveries. That would be for Uber, Lyft, Door Dash, Amazon and any kind of delivery.

Mr. Alampi – Do you recommend they be signed to say 10 minute parking as you see now at restaurants with the Covid Protocol?

Mr. Klein – Right now it says reserved for deliveries.

Mr. Alampi – Would you agree to put a time limitation?

Mr. Klein – Yes 10 to 15 minute time limit would be fine.

Mr. Klein is finished with his testimony.

Mr. Dunlea – We would recommend that the fire truck turning be submitted to the Saddle Brook Fire Department for review. It looks like the fire truck is conflicting with some of the parking spaces back there so if you could amend that drawing it's a minor conflict.

Mr. Duffy – Where do you see a conflict?

Mr. Dunlea – The 4 on the bottom if there is a car hanging out a little bit it will conflict with the car.

Mr. Klein- They are 18 foot long spaces with a curb overhang so it would have to be a 20 something foot long car but that's fine.

Mr. Dunlea – If you could provide a traffic memorandum with some of the findings that we could review internally if the Board has no objection to that but I find the testimony to be acceptable.

Mr. Klein says they can put together a letter.

Mr. Mazzer asks if they did a count on Midland Avenue and what that count was.

Mr. Klein – Between 8 and 9 on Wednesday the 19th we had a little over 400 traveling south. We had closer to 500 northbound during that time.

Mr. Mazzer comments on how it gets backed up due to people wanting to make the left to get onto Route 46. He asks about the five o'clock time period.

Mr. Klein – Between 5 and 6 southbound was closer to 600 and northbound was close to 600 as well.

Mr. Mazzer says that it a lot of cars.

Mr. Alampi asks about the level of service which is the degree of patience a car must have before flowing into the traffic coming out of the property and Mr. Klein states that it was anywhere from a C to a D to an E. The analysis is conservative and I didn't notice anyone waiting 50 seconds to get out but that's what the analysis states.

Mr. Duffy asks Mr. Klein how much of a reduction in trip generation there was because of the reduction in units.

Mr. Klein states it is about a third in the reduction of trips.

Mr. Duffy – Most people were waiting 20 maybe 30 seconds to get out?

Mr. Klein – Correct.

Mr. Gatto asks if the fire pits may set off the smoke alarms in the apartments.

Mr. Klein says that they are gas fired so there is no smoke involved.

There are no more questions for Mr. Klein.

Mr. Gatto makes a motion to open for this witness seconded by Ms. Murray. All in favor – YES.

Mr. Duffy – Seeing none.

Mr. Gatto makes a motion to close for this witness seconded by Ms. Murray. All in favor – YES.

Mr. Alampi tells the Board that their planner Ms. Gregory is present and available if the Board has any questions for her. He tells the Board that her testimony will not be changing.

Mr. Duffy asks the Board if anyone has any questions.

No one has any questions.

Mr. Alampi tells the Board that Mr. Klein who is also an engineer and collaborated with Mr. Costa will be explaining the changes to the engineer's plan Exhibit A10 dated 6/21/21.

Mr. Klein – Number one the number of parking spaces went from 114 to 78 and all parking spaces are located within Phase 2. Previously there were some that were shared with the Phase 1 site. The proposed parking along the railroad tracks on Phase 1 are no longer needed. Phase 1 lost 11 parking spaces to create the entrance to the proposed Phase 2 building. We reserved 4 parking spaces for deliveries adjacent to the lobby entrance. Phase 1 had 170 parking spaces now they have 159 the required number of spaces for Phase 1 is 155 so 159 is greater than 155 so we comply with the RSIS for Phase 1. The dog park is also added.

Mr. Alampi has no other questions for Mr. Klein and asks to move the A10 into evidence.

Mr. Duffy – Do any Board members have any questions?

Ms. Murray asks if the drainage has stayed the same.

Mr. Klein – I believe so because the impervious coverage hasn't changed.

Mr. Dunlea – The drainage has remained the same just for the Board's knowledge there are still some outstanding technical related items that Mr. Costa through our office will work through about the drainage design. Other than that we have no further comment at this point.

Mr. Alampi – We have reviewed your July 6, 2021 report and the few comments that are open we can comply with those.

Mr. Paparozzi – Mr. Costa has to change the proposed height on his plan to the 45 from 41 that he has on his plan.

Mr. Alampi – We will make that revision. Chairman that concludes our presentation.

There are no other questions.

Ms. Murray makes a motion to open for this witness seconded by Mr. Schilp. All in favor – YES.

Mr. Duffy – Having seen none.

Mr. Gatto makes a motion to close for this witness seconded by Mr. Marz. All in favor – YES.

Mr. Alampi closes by telling the Zoning Board that they had prior approval from the Planning Board to build a 144,000 square foot self-storage building which was to be mounted into the slope of Route 46 and accessible from Route 46 to the front of that building and the back would be accessed through a series of easements. This is a superior plan it completes the entire triangular shape of the original property that the Puccio family spent over 2 million dollars to remediate the environmental contamination. They installed a linked system water course at the request of the Township and the Fire Department and made massive improvements. Then they sent a cleaning crew to assist the DPW with dredging the brook underneath the railroad tracks. It protects their investment and also helps their neighbors and the community. He says that this residential use is more fitting and with the testimony given by the experts we have provided more than ample proof to support the special reasons to grant the D Variance. The proportionality now through your guidance is appropriate and I hope you would approve it. We recognize that we need 5 affirmative votes for approval.

Mr. Duffy – I need to open to the public one last time before we make any motions.

Ms. Murray makes a motion to open for this application seconded by Mr. Marz. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion to close for this application seconded by Mr. Marz. All in favor – YES.

Mr. Duffy asks the Board if they want to make a motion.

Mr. Mazzer makes a motion to approve the application.

Mr. Duffy asks if there are any stipulations to be included in the motion.

Mr. Cialone – There were some discussions not stipulations about some revisions to the architect's plan on the floor plan some windows were missing, the stairs missing and the ground floor showed a window instead of a door.

Mr. Alampi agrees to have the plans corrected.

Mr. Cialone – There was also going to be a time limit for the designated delivery parking spaces. It may be necessary to reconfigure some of the spaces for the fire truck to make its turn may need to shorten some of the spaces.

Mr. Alampi – We think there is 3 or 4 that have to be pushed down about 5 feet.

Mr. Cialone – There was going to be a written summary from the traffic engineer with his technical findings for the Board's Engineer. The engineer's plan needs to correct the height of the building and the applicant would comply with the remaining open issues that the Board Engineer had mentioned.

Mr. Duffy – Those are not necessarily stipulations.

Mr. Cialone – Conditions on approval.

Mr. Alampi – We will make those revisions before you memorialize the resolution.

Mr. Schilp – All the floors and stairwells are going to be marked with the floors numbers and a floor plan of which apartments are there.

Mr. Alampi – For the fire responders.

Mr. Schilp – So we know which rooms are which direction.

Mr. Alampi – Its signage apartments 101 to 106 the arrow is that way that's what they want.

Mr. Cialone – Is that correct?

Mr. Schilp – That's fine or just the basic when you go to the door it shows where the rooms are and where the exits are and that the exit

Mr. Duffy – An emergency evacuation plan.

Mr. Schilp – That the exit doorways are accessible from the outside to the Fire Department. We went out and they weren't accessible in the other buildings.

Mr. Duffy – Before we move I want to get it on the record the way it needs to be. Mr. Mazzer made a motion to approve the application with the following conditions.

Mr. Cialone – The architect will revise his plans to show missing windows and also the window that should be a door. There will be a time limit for the parking in the delivery spaces of 10 minutes. The traffic engineer is going to submit a summary of his technical findings to the Board Engineer. The applicant's traffic engineer and the Board Engineer will look at possibly reconfiguring the spaces for the fire truck to turn around. The applicant will comply with the open issues in the Board Engineer's report. The engineer will correct the height of the building on the site plan. The applicant's going to install signage indicating the location of the apartments on each floor that will be in the stairwell. The Fire Department will be provided access to the stairwells from the outside of the building.

Mr. Duffy – I would like to add that the parking spaces in question that we don't use the word possibly that they are moved back not possibly.

Mr. Alampi – We will move them.

Mr. Duffy – To 5 feet as discussed. Do we have a second?

Ms. Murray seconds the motion.

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

6. RESOLUTIONS

A.) Approval for Joseph & Lori Bennett, 129 Cambridge Avenue, Block 1506, Lot 28

Mr. Mazzer makes a motion seconded by Mr. Manzo to approve the resolution.

Roll call – Mr. Mazzer, Mr. Tokosh, Mr. Champy, Mr. Duffy – YES.

7. MINUTES

Meeting of June 2, 2021 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board, 5/28/21

Gary Paparozzi to the Zoning Board, 6/13/21

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

9. VOUCHERS

Basile Birchwale & Pellino, 6/01/21, Midland Commons 2, Van Bussum Ave, Block 402, Lot 1-5 \$312.50

Basile Birchwale & Pellino, 7/01/21, Glen Cannici, 41 Woodward Street, Block 615, Lot 13 \$187.50

Neglia Engineering Assoc., 6/16/21, McDonald's Corp, 189 Route 46, Block 120, Lot 1 \$510

Neglia Engineering Assoc., 6/16/21, Midland Commons 2, Van Bussum Ave, Block 402, Lot 1-5 \$540

Neglia Engineering Assoc., 6/16/21, Sita & Sons, LLC, 214-216 N. Midland Ave, Block 101, Lot 3 \$913.66

Neglia Engineering Assoc., 6/16/21, Joe & Lori Bennett, 129 Cambridge Ave, Block 1506, Lot 28 \$140

Neglia Engineering Assoc., 6/16/21, Michael Rocco, 393 Victor Street, Block 709, Lot 17 \$70

Return of Unused Escrow, Jason Mazzer, 238 Market Street, Block 513, Lot 2, \$4817.30

Mr. Gatto makes a motion to pay them if the funds are available seconded by Mr. Schilp. All in favor – YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC

Ms. Murray makes a motion to open to the public seconded by Mr. Schilp. All in favor – YES.
Mr. Duffy – Seeing none.

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

11. ADJOURN

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