

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

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday August 2, 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. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Burbano, Mr. Duffy – Present. Mr. Gatto and Mr. Champy are absent. Also in attendance is Mr. Pellino the Board Attorney, Anthony Kurus 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 September 13, 2021 meeting)**

Mr. Duffy asks for the email from Glen Cannici regarding his request to be carried.

Mr. Duffy makes a motion to dismiss the application seconded by Ms. Murray based on the fact that he did not have good plans at his 2 prior appearances.

Mr. Duffy - I will open to any comments from the Board.

There is mention that he has a for sale sign on the property that he was coming to the Board for.

Mr. Tokosh asks if there is a rule as to how many times they can be carried.

Mr. Pellino explains that there is not a hard and fast rule and that it is at the discretion of the Board. The dismissal would be without prejudice which means he can refile but he has to start over again and file a new application re-notice pay the fees etcetera.

Mr. Duffy – Having a motion and a second can I have a roll call?

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

Mr. Duffy – The application for Cannici on 41 Woodward Street is dismissed without prejudice and the Board Secretary will notify him.

B.) Bruce Walker, 130 MacArthur Drive, Block 503, Lot 10

Applicant requests a rear and side addition and open front porch in noncompliance with Municipal Code #898, Section 206.

Mr. Duffy calls up Bruce Walker to present his application he has his architect with him to testify.

Mr. Pellino swears in Mr. Walker he states his name spells his last and gives his address as 130 MacArthur Drive Saddle Brook New Jersey.

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

Mr. Duffy asks Mr. Walker to explain what it is he would like to do.

Mr. Walker – I would like to add a porch to the front and we would like to add a side mud room and we are looking to expand the kitchen and the top of the home.

Mr. Duffy – So you are going to put a front porch in, a mud room, a back addition with a second story.

Mr. Walker – Yes.

Mr. Duffy asks if Mr. Walker would like to bring in his architect for testimony.

Mr. Pellino swears in Albert Zaccone he states his name spells his last and gives his address as 6 Casson Lane North Haledon New Jersey.

Mr. Pellino questions Mr. Zaccone to qualify him as an expert witness. He is licensed in New Jersey for over 40 years and has appeared before many Boards in New Jersey. Mr. Pellino recommends he be accepted as an expert witness in the field of architecture and the Board agrees.

Mr. Zaccone – We actually have some revised plans addressing some comments from Neglia Engineering and recalculating our coverages. The variances remain the same.

Mr. Zaccone hands out copies of the revised plans to the Board and enters them as an exhibit.

Mr. Zaccone – Basically what we have with this home as many homes in the area it's a small cape cod. It just doesn't suffice for the owners' needs at this point that's why we are looking to expand in back expand up and create a full second floor where it's only one and a half stories right now. We are looking to dress up the front of the house that's why we are proposing a front porch. The original drawings indicated that it would have needed a variance for the front porch so what we did was step it back a few inches and we no longer need that variance. What we have on the first floor is being able to expand the living room again these old cape cods are very small. It only had a couple of bedrooms living room and kitchen with a small bath no dining space. The garage is detached all the way at the back of the house and we wanted to be able to get some capability of getting into the house at the first floor off the driveway. The plan you have in front of you shows the covered porch has the first floor plan the new walls are a little heavier in their hatching so we are doing some renovations inside in order to create a powder room, full bathroom off a master bedroom. We have a master bedroom suite on the first floor and then a kitchen and breakfast area which will serve as dining. On the second floor we're creating 3 bedrooms and 2 baths.

Mr. Pellino – Mr. Chairman as you've alluded to the plan you've referenced Mr. Zaccone are the plans you prepared and updated 7/27/21 is that correct?

Mr. Zaccone – That's correct.

Mr. Pellino – That's one sheet?

Mr. Zaccone – One sheet.

Mr. Pellino – we are going to mark that as A1 with today's date.

Mr. Duffy – Before I go any further I had visited the property there is a third shed it is not on the drawing.

Mr. Walker – That one is not going to be there it's getting knocked down.

Mr. Walker – If I may it does show his vinyl shed on the side of the property but it is hidden because that is part of the addition it's covering where that shed is. You'll see that on the site plan on the right side.

Mr. Duffy – Okay. All of the sheds are going.

Mr. Zaccone – Correct.

Mr. Duffy – Do we have a distance from the addition to the garage?

Mr. Zaccone – I don't have that marked down I can give you an estimate.

Ms. Murray measures it on her plan and states that it is 24 feet.

Mr. Kurus – What were the updates that were made?

Mr. Zaccone – The calculations as far as the coverages. I have it bubbled out that the zoning information was broken down better to show what the coverages in each area is and the survey had been updated so we revised it to reflect the survey. It also showed the sheds in the back bubbled up as revision 2 and that they are being removed.

Mr. Kurus – What are the variances you're looking for?

Mr. Zaccone – the variances I have are on the side yard setback as a combined. We have an existing setback on the right side of the property that's only 4.7 feet. What we're doing because of the addition

that we are looking to step out and get a side entrance we have a setback of 11 feet on the left side where the existing is 15 foot 4.

Mr. Paparozzi states that it is not a variance.

Mr. Zaccone – I believe that the information given to us it was for a combined side yard.

Mr. Paparozzi – The combined side yard is 15 feet you are providing more than 15.

Mr. Zaccone – We were told it would be 20 but if it's 15 one less variance.

Mr. Paparozzi – It's not on the letter of denial that you have a variance for combined side yard additionally Mr. Chairman, Mr. Zaccone you revised your plan but you show front yard setback on the zone chart as 19.75 to the porch that's not right.

Mr. Zaccone – It is.

Mr. Paparozzi – You are showing 20 feet 3 inches and the zoning chart says 19.75.

Mr. Zaccone – I'm sorry yes it is 19.75 the original was set at 20 feet 3 inches you are correct and we are stepping it back another 6 inches in order to not have that front yard variance for the porch.

Mr. Paparozzi explains that if the setback is 19.75 that it will be a variance but if it is 20 feet 3 inches it will not. Mr. Zaccone realizes his error and says he will change his zoning chart accordingly.

Mr. Kurus – The porch setback is 20 feet 3 inches and the building setback is 25 feet 9 inches.

Mr. Zaccone – The building setback remains the same at 25 feet 9 inches.

Mr. Pellino – Mr. Chairman in my opinion the undersized lot the existing condition the lack of width are going to be exacerbated I don't think it makes a big deal but just so we are technically correct. If you have an undersized lot and outing more on it you are exacerbating the condition.

Mr. Kurus – The only other comment was in respect to the increase in impervious if the Board granted the variance you would need to see grade and drainage to address that added impervious.

Mr. Zaccone – The final drawings will properly address it.

Mr. Zaccone had also added a platform and steps from the breakfast area in back to the rear yard that were calculated in coverage to address comments from the engineer.

Mr. Mazzer suggests that the applicant change the side yard from 4.9 to 5 feet in order to avoid having to construct it with a fire rated wall in order to save some money.

Mr. Walker and Mr. Zaccone agree that it is a good idea.

Mr. Tokosh asks if there will be steps to the attic and Mr. Zaccone states that it will be pull down stairs.

Mr. Tokosh – On the addition is there going to be a crawl space there or 8 feet?

Mr. Zaccone – Full basement.

Mr. Tokosh – You don't intend to put a kitchen down there do you?

Mr. Zaccone – No I believe the owner's intent is to put what he has in the shed stored in the basement.

Mr. Schilp – Will there be any entry way from the outside into the basement?

Mr. Zaccone – No. We have the side entrance and there is an existing stair for the basement.

Mr. Duffy – The entrance to the basement is through the mudroom?

Mr. Walker – Correct.

Mr. Duffy – Mr. Pellino what were your concerns again.

Mr. Pellino explains that due to the lot width and square footage being undersized that would exacerbate pre-existing nonconformities.

Mr. Duffy – Are we missing anything as far as a variance is concerned?

Mr. Pellino – In my opinion I believe there would be additional variances for the lot area and the lot width condition.

Mr. Paparozzi – Along with those 2 if the applicant moves in the building 3 inches the minimum side yard would be eliminated and that would also reduce the maximum building coverage and the maximum lot coverage. You would have 2 variances and 2 expansions of a nonconformance.

Mr. Pellino – Following Gary's comments I think the applicant should decide would they want to do that and make it part of our approval and they should submit revised calculations subject to the engineers approval.

Mr. Paparozzi – they would need revised plans also.

Mr. Duffy – So your intention is to do that.

Mr. Walker and Mr. Zaccone both agree to do so.

Mr. Zaccone – If we are moving it in on the right side 3 inches I would move it in on the left side the same to remain symmetrical. Just the porch and that will further reduce the coverage.

Mr. Pellino – I think if I'm understanding correctly the applicant is amending this proposal to move the proposed addition in the rear in 3 inches and the porch 3 inches on either side and will submit revised plans and calculations to reflect those changes.

Mr. Duffy – Okay.

Mr. Zaccone – The approval may be subject to that submission.

Mr. Burbano asks if any of the dirt that is being removed to create the basement for the new addition will be used to change the grade of the property or is it going to be moved offsite.

Mr. Zaccone states that it will be moved offsite.

Mr. Kurus explains that is why he is asking for a grading and drainage plan in order to determine if there would be any adverse impacts to the neighbors.

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

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

All in favor – YES.

Mr. Duffy – Seeing none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public for this application.

All in favor – YES.

Mr. Schilp makes a motion seconded by Mr. Mazzer to approve the application with the following stipulations. The porch is going to be moved in on each side by 3 inches, grading and drainage calculations will be provided, the front setback will be 20 feet 3 inches, remove the sheds and move the addition in 3 inches on the right side if you are looking at the house.

Mr. Pellino – And applicant to submit revised plans reflecting that.

Mr. Duffy – Roll call.

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

6. RESOLUTIONS

A.) Approval for Michael & Regina Rocco, 393 Victor Street, Block 709, Lot 17

Ms. Murray makes a motion seconded by Mr. Schilp to approve the resolution for this application.

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

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

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

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

C.) Approval for Midland Commons of Saddle Brook, Van Bussum Ave, Block 402 Lots 1-5, Block 401 Lot 4

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

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

7. MINUTES

Meeting of July 12, 2021 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board, 6/23/21

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

All in favor – YES.

9. VOUCHERS

Neglia Engineering Assoc., 7/07/21, Brian T. Sheppard, 34 Welcome Road, Block 503, Lot 4 \$140

Neglia Engineering Assoc., 7/07/21, Bruce L. Walker, 130 MacArthur Drive, Block 503, Lot 10 \$140

Neglia Engineering Assoc., 7/07/21, JJ Outdoors, 326 Route 46, Block 118, Lots 2 & 3 \$1168.66

Neglia Engineering Assoc., 7/07/21, RPM Hospitality, LLC, 129 Pehle Ave, Block 1311, Lot 36 \$180

Mr. Schilp makes a motion seconded by Ms. Murray to pay them if the funds are available.

All in favor – YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

Mr. 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. All in favor – YES.