TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
September 13, 2021 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday September 13, 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. Champy, Mr. Duffy – Present. Mr. Gatto and Mr. Burbano are absent. Also in attendance is Anthony Cialone filling in for Mr. Pellino the Board Attorney, John Dunlea filling in for Anthony Kurus the Board Engineer and Gary Paparozzi the Board Planner was not present.

5. NEW BUSINESS

A.) Suresh Patel, 31 Hutter Street, Block 1501, Lot 7
Applicant requests a rear sunroom addition in noncompliance with Municipal Code #898, Section 206.

Mr. Patel comes forward Mr. Cialone states that he saw the proof of service but not the affidavit of publication. The Board Secretary produces the affidavit and Mr. Cialone declares that the noticing was done properly and the Board may hear the application.
Mr. Patel has with him Brian Adams who works for New Jersey Sunrooms, the company that will construct the sunroom for him if he is approved. He is present to answer any questions about the construction.
Mr. Cialone swears in Suresh Patel he states his name spells his last and gives his address as 31 Hutter Street Saddle Brook New Jersey.

Mr. Duffy asks Mr. Patel what it is he would like to do.
Mr. Patel says that he wants to add a sunroom because Covid made him realize that he would use the sunroom more than vacations and that it helps the mental health.
Mr. Duffy – There is an existing porch there and you are going to remove this porch and the sunroom will take its place correct?
Mr. Patel – Correct.
Mr. Duffy – The shed is going to be removed?
Mr. Patel – Correct.
Mr. Duffy – I would like to open it up to members of the Board to see if anyone has any questions.
Mr. Schilp asks if there will be dirt under the porch.
Mr. Cialone swears in Brian Adams he states his name spells his last and gives his address as New Jersey Sunrooms and Additions 1177 Route 22 Mountainside New Jersey 07092.
Mr. Adams then answers Mr. Schilp's question by stating that it will be dirt and it will be pervious under the sunroom.
Mr. Tokosh wants to know if he will be putting any fencing around the bottom of the deck.
Mr. Adams says they could put lattice in that area.

There are no other questions from the Board. Mr. Duffy asks Mr. Dunlea if the calculations are correct and he says that they are.
Mr. Duffy – Do you have any other questions Mr. Dunlea?
Mr. Dunlea asks if there will be any impact on the existing easement in the rear of the yard.
Mr. Adams replies no there will not be.
Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.
Mr. Duffy – The meeting is open to the public for this application only. Having heard none.
Mr. Schilp makes a motion seconded by Ms. Murray to close to the public. All in favor –YES.
Mr. Duffy – Can we entertain a motion?
Mr. Schilp makes a motion seconded by Ms. Murray to approve the application without condition.
Mr. Duffy – Roll call.
Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Duffy – YES.
Mr. Duffy explains to Mr. Patel that the resolution will be voted on at the next meeting October 4th and after that he can apply for permits.

B.) CDR Realty, 435 President Street, Block 102, Lot 23

Applicant requests a side addition to house refrigeration equipment in noncompliance with Municipal Code #898, Section 206.

Gary Cohen is the attorney for this applicant CDR Realty of Saddle Brook Inc.
Mr. Cialone asks for the noticing documents and he reviews them. He gives his approval for the notice and is states that the Board has jurisdiction for this application.
Mr. Cohen – CDR Realty is owned by Don Lalama he has been a client for many years he is doing very well at the site and is happy that he is in Saddle Brook and would like to continue his operation here. He has been there for 22 years. He is in the wholesale flower business and has some refrigeration units but they are running all over the place. He is adding a refrigeration addition not to expand the business but to make the operation he has more efficient. We have Mr. Vince the Engineer and Mr. Evers the architect to testify. The plan is also to update the parking lot as it is old and needs to create new striping and other things.
Joseph Vince is sworn in he states his name spells his last and gives his address as Schwanewede Hals Engineering 9 Post Road Suite M-11 Oakland New Jersey.
Mr. Cohen Qualifies his witness. Mr. Vince gives the Board his credentials and he is accepted as an expert witness in the field of Engineering by the Board.
Mr. Vince – I have 2 exhibits to mark. A-1 is a colorized version of the survey. A-2 is a colorized version of the site plan. The property is known as 435 President Street it is approximately .78 acres. It is rectangular in shape with a little jog to the west. It's located in a TH-3 Zone which is the townhouse district. It is currently fully developed with an industrial type building. It is operating as Clifton Wholesale Florist. They get flowers and they sell them out wholesale. It's not a florist being used as a retail operation open to the public. The site is mostly paved there are some small areas of vegetation along the side. It currently has 22 striped parking spaces on the site. A lot of them are on the front where it is accessed off of President Street a few on the east side of the building then along the east side to the rear and a few along the west. Currently there is a trailer that is parked in the back by 2 loading bays that can accommodate a tractor trailer. There is a refrigeration truck parked there and that is what is being used as a refrigeration unit for the flowers. It is getting old and starting to break down a lot. It's not efficient to operate a business having to go in and out. What is being proposed here if we go to A-2 is a single story addition. We would be squaring off a portion of the existing building. That would be used as a single story cooler and the cooler truck in the back will be removed. We are merely taking the refrigeration unit that is already there as a temporary structure permanently on the site and just building a more formalized cooler that can be accessed from the inside and it would increase the efficiency of the business. We are also proposing to come into more compliance with the requirements of the zone to eliminate the spaces that are accessed from the public right of way and provide some landscaping there. We proposed to

restripe the parking lot to actually accommodate 32 vehicles. A total of 41 spaces is required for the zone. It is currently operating at 22 but we would be gaining 10 parking spaces. In addition we would be improving the site's circulation. We are proposing to repave and reconstruct the parking lot. We would be providing a sidewalk along President Street so that it is consistent with the properties on either side of us. That is generally the proposal. The warehouse and industrial use isn't permitted in the townhouse zone however it predates the zone. It's an existing nonconforming use. On paper it's an expansion of a pre-existing nonconforming use we are not proposing any expansion of the actual use of the business it's just an expansion of the structure that houses the business. We are reducing the lot coverage on the site 75% is the maximum permitted in the zone. There is now 94% we are going down to 90.2% so there is a small decrease in impervious coverage. That will reduce the amount of runoff on the site. We are proposing a small increase in structure coverage going from 18.6% to 20.9%. The zone permits 35% so we are well below the maximum permitted structure coverage. The landscape area 25% is required we have currently 6% we are going to 9.8% so we are increasing the landscaped area. There were some questions from the engineer about the circulation so I have another sheet this is a copy of what is included in your packets.
Mr. Cialone – We will mark that A-3 and can you give the title and the date.
Mr. Vince – Circulation Plans Block 102, Lot 23, 435 President Street Clifton Wholesale Florist Township of Saddle Brook Bergen County Prepared by Schwanawede Hals last revised April 19th 2021. We looked at 2 different trucks one being a typical box truck. Those are the type of trucks occurred while the business is open. There are no changes to the hours of operation. They operate 6:00 am to 2:00 pm Monday thru Friday and from 6:00 am to 10:30 am on Saturday. When customers come they either come with a box truck or a smaller vehicle like a cargo van. We examined the turning radius for the box truck and it was able to access the loading dock even with these parking spaces in operation so we believe the circulation is adequate for a box truck. Those are people coming and taking the flowers away. The way the flowers get there is with a trailer truck those come in the middle of the night. There is an enclosed fenced area inside the loading dock so when they come with the truck they have a key to get in and they are able to access a fenced in area where they can drop off the flowers while the business is closed. When the staff comes in the next morning they take the flowers and move them inside. There is adequate room for the WB50 trailer truck to get in and out of the loading docks providing these last 3 parking spaces are not occupied. Then they can exit out the western exit driveway. We feel it is adequate because the trucks will be coming at a time when cars aren't parked in those spaces. I don't think there are any changes to the amount of deliveries to the site. We think that with this cooler we may actually get less deliveries because we can store more product on site. We weren't proposing any changes to the lighting. We did go out with a light meter and found that there was light surrounding the perimeter of the sight and right now it is functioning adequately it is not over lit and spilling onto the neighbors. There is enough light for people coming at night to see.
Mr. Mazzer asks about the drainage.
Mr. Vince – We're not proposing to do anything because we are reducing the impervious coverage. A few of the roof leaders will be tied into the drainage system on the site.
Mr. Mazzer – Is there a storm tank on the site?
Mr. Vince – No I think there is a culvert I think the stream is piped under the site. We tried to open up these manholes and there are huge chambers that you can't even see down it. There is a 30 foot wide drainage easement coming through here. I think there is a brook or something that was piped out there.
Mr. Manzo – There used to be a brook there that they piped over.
Mr. Vince – If anything we would just have new roof drains with tie ins so that they don't go onto the parking lot.
Mr. Dunlea – Can you give some testimony with respect to the trash operation. I see you are relocating an existing trash enclosure. You are going to have trash pickups on some sort of basis and is the current setup adequate at this point in time?
Don Lalama the owner is sworn in. He states his name spells his last and gives his address as 751 Alps Road Wayne New Jersey.

Mr. Cohen asks Mr. Lalama about the trash pickup schedule.
Mr. Lalama – Its 3 or 4 days a week. I've increased it, it used to be 2 then we went to 3. I believe cardboard is 2 days a week and trash is 2 days a week so it's like 4 I believe.
Mr. Dunlea – We just want to be sure that any changes in your operation won't have an accumulation of trash building up and spilling into the parking area. That's not the case at this point.
Mr. Lalama – No not at all.
Mr. Dunlea – Understood.
Mr. Vince – Currently the dumpster is located out in the open we are proposing to tuck it away and build an enclosure.
Mr. Dunlea – I'm satisfied with that.
Mr. Dunlea – With respect to drainage there is a 30 foot wide drainage easement running through the property so we need to review the easement description to ensure there is no impact as a result of what you are proposing. That said you are essentially masking what's there nothing is really changing. The easement documents should be submitted. With respect to the drainage there is an existing inlet located in the rear of the site that will continue to be utilized are you aware of where that ties into.
Mr. Vince – I believe it's sitting on top of the piped brook because the easement is coming through in this direction then you have 2 manholes here in a straight line. We did try to go out there and some of the manholes are locked and because of what it is it wasn't that easy to access the structures and determine exactly what was going on.
Mr. Dunlea – Understood. We are noting that if there are existing pipes on site that those be cleaned and televised and inspected. Based on your testimony this inlet located in the rear yard appears to be tied into the culvert system. Other than the roof leader tie ins it's not apparent that there is a subsurface storm water conveyance system on site. To Mr. Vince's testimony it appears to be tied into a culvert system.
Mr. Vince agrees to televise the system not the culvert itself. Mr. Dunlea agrees.
Mr. Dunlea – in terms of a storm water mitigation standpoint based on the engineer's testimony the proposed impervious coverage is actually improving the site. Any impact with respect to utilities?
Mr. Vince – They are all existing and will serve the building as is unchanged.
Mr. Mazzer – No upgrade in electric.
Mr. Vince – I don't believe so.
Mr. Dunlea concludes his questioning.
Ms. Murray asks about the dumpsters.
Mr. Vince – We are moving all the dumpsters into a formalized trash enclosure area.
Ms. Murray questions whether there will be enough room for both dumpsters.
Mr. Lalama – They can go side by side together.
Mr. Vince – We'll make sure that it is sized adequately. The intent is to have all garbage in one area.
Mr. Tokosh – Now that there is more product going in there what size trailer would be used?
Mr. Vince – The reason we showed the turning movements because there are no parking spaces up there on the property line so the truck is able to go to the end of the lot. We showed on the plans that the truck will be able to make the turn.
Mr. Tokosh – So you're not going to change the size of the trucks coming in?
Mr. Vince – No that's not changing. I think now the trucks are backing out onto President Street in the middle of the night.
Mr. Lalama – They won't have to anymore they will be able to pull out front ways which will make it safer.
Mr. Vince – By removing this dumpster and reworking some of this area the trucks will be able to come in pull into the dock when they are done they will pull up again back up a little and pull out.
There are no more questions for Mr. Vince regarding engineering.
Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.
Mr. Duffy – The meeting is open for this witness regarding engineering only. Having heard none.
Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.
Mr. Cohen calls up the architect Mr. Evers.

James Evers is sworn in he states his name spells his last and gives his address as 376 Pennington Avenue Passaic Park New Jersey 07055.
Mr. Cohen questions Mr. Evers in order to qualify him. He is accepted by the Board as an expert witness.
Mr. Cohen asks Mr. Evers to discuss the architectural plans.
Mr. Evers presents exhibit A-4 the existing floor plans of the building which is sheet A1 of the architectural plans.
Mr. Evers – It's a one story addition structural insulated metal panels with a stucco finish on the outside prefabricated and with the refrigeration unit contained within the cooler itself mounted to the ceiling. It is connected through one opening to the existing space in the building. It's a 17x47 addition with a concrete block foundation. The floor will be level with the existing warehouse floor and no window openings because it is a refrigeration unit.
Mr. Duffy – You said the refrigeration is contained inside not on the roof.
Mr. Evers – At this point it is my understanding that there is enough of a slope to the roof to allow for the refrigeration be self-contained. There is a masonry wall there now and there is an opening that we can create a small 4 foot opening.
Mr. Cohen – Is it attached to the building?
Mr. Evers – It's attached to the existing building. The foundation wall exhibit A-5 which is drawing A2 is the front elevation of the proposed addition. The addition will be within the profile of the existing building as seen from the front elevation. From the side you see a stucco foundation wall and these are the wall panels and roof panels.
Mr. Cohen – From an aesthetic point of view is it going to fit in to the plan for the building.
Mr. Evers – It's not going to stick out past the existing building it blends in. It will have only interior access.
Mr. Duffy – So this is similar to a walk in box like you would see in a restaurant panels joined together and sealed it's built right into there.
Mr. Evers – Exactly. The finish is more durable than a regular cooler some of the coolers you see are silver metallic this is stucco finish so it is more attractive to blend with the existing building.
Mr. Dunlea asks about how the finish of the addition will match the rest of the building.
Mr. Evers – There are different finishes on different parts of the building. There are large stucco areas and there are areas with brick face. It wouldn't match the brick face but would match the stucco areas. The colors will match also.
Mr. Schilp asks if there are any forklifts used.
The answer is no there are none.
Mr. Duffy – Earlier they talked about a truck coming into the loading dock at night and then everything will be brought in and into the cooler.
Mr. Lalama – Nothing changes at all only the tractor trailer won't be there and there will be more access to get into the loading dock. They have access to come in open the door in the middle of the night put the flowers in the cooler and leave.
Mr. Duffy – I just want to make sure that this maintains as an interior entrance to it and not set up for outside.
Mr. Lalama – No not at all.
There are no further questions for this witness.
Mr. Schilp makes a motion seconded by Ms. Murray to open to the public. All in favor – YES.
Mr. Duffy – The meeting is open for this witness.
Jean Chahine steps forward to ask a question he resides at 305 First Street in Saddle Brook on the corner of First and President Streets.
Mr. Chahine is concerned about the drainage and what the impact will be.
Mr. Vince steps up to answer. He explains that the runoff is due to impervious coverage and that they are proposing to reduce the amount of it which will improve the conditions.
Mr. Chahine asks if it will easier for the trucks to get in and out.

Mr. Vince – The trucks will come in westerly along President Street they would come in pull to the back of the site back into the loading dock. When they're done they pull up back up and drive out the westerly side and go to Midland Avenue.
Mr. Duffy asks if this will be the case for all deliveries.
Mr. Vince assures that the drivers will be instructed to do that for all deliveries.
Mr. Duffy – Is there any discussion about lining the lot to facilitate that. Arrows?
Mr. Vince – We have an in arrow and a stop sign and out arrow. We could add another one if you like.
Mr. Duffy – Your concern is you don't want the trucks sitting alongside of your house or blocking the street.
Mr. Chahine - Correct. He then explains that there used to be yellow paint on the street and it is no longer there.
Mr. Duffy – We can ask them to line the parking lot in such a manner that the trucks will come in one way and out the other but we can't tell him to line the street in front of your house.
Mr. Chahine – I understand and I appreciate that thank you.
Mr. Schilp suggests to Mr. Chahine that he write a letter to the town requesting that the stripes be repainted.
Mr. Chahine – I will. My last question will the refrigeration unit be on the roof? I am concerned about the sound.
Mr. Evers steps back up to answer. He says that they will be on the roof with a visual screen around it.
Mr. Duffy – The refrigeration units will be on the roof.
Mr. Evers – Yes on the roof.
Mr. Lalama – That eliminates the sound incredibly.
Mr. Evers – Up higher with a screen around it.
Ms. Murray – On the main building that is what I think he's trying to get at.
Mr. Evers – It would be better on the roof of the main building and you won't hear it.
There are no more questions from the audience.
Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.
Mr. Duffy – There will be an amendment to the plan showing the refrigeration units.
Mr. Evers – Yes the size and the elevation.
Ms. Murray comments on the report from the Board Planner. It says the architect's plan has the wrong scale and needs to be revised, the architects plan needs to label all the rooms and put dimensions on his plans.
Mr. Evers – I don't know what he is referring to as far as the scale issue.
Ms. Murray – I believe it's related to the door to the cooler. On the door to the cooler you have quarter inch scale and it's showing the opening is like 2 feet. I think your drawing on page one is not quarter inch but eighth inch.
Mr. Evers agrees to make the corrections. Everything is existing the only change is the addition.
Ms. Murray – The only other concern from the planner is the 2 ADA parking spaces should be located closer to the front of the building.
There are no more questions for the architect.
Mr. Vince returns to testify on the planning aspect of this application as well as any engineering that may come up.
His qualifications are reviewed again for planning testimony and he is accepted as an expert witness.
Mr. Vince – Getting back to the ADA space currently there is a ramp in the back so the ADA code says that the ADA space has to be as close as possible to the entrance but the front of the building has steps.
Mr. Cohen asks Mr. Vince why this is good planning.
Mr. Vince – I prepared 2 exhibits that I would like to pass out. One is a package of site photographs taken by me today.
Mr. Cialone – How many photos?
Mr. Vince – Thirty one.
Mr. Cialone – We will mark those as A-6.

Mr. Vince – The other is a Google Earth aerial exhibit.
Mr. Cialone – Mark that as A-7.
Mr. Vince walks the Board through all of the photos describing what each one is of.
Mr. Schilp asks whose fence is shown in the rear of the site.
Mr. Vince states that it does not belong to property and continues to describe the rest of the photos.
Mr. Vince – We are here for an expansion of a preexisting nonconforming Use Variance a "D" Variance. The proof we have to show is that the site is particularly suited for this given the surrounding area and the fact the site has existed there for a long period of time. I would say it is particularly suited for this. The courts have shown that a project that does make the property more conforming to the zone then it currently is and also provides visual upgrades would be a way the special reasons can be met for granting the variance. In this case what we're proposing to do is make obvious visual upgrades to the site. We are proposing to remove all of the parking in the front of the property, landscape it, redo the parking lot but more importantly how this will make the property more conforming to the zone. In a townhouse 3 zone TH-3 the lot coverage is 75% maximum allowed. We're at 94% bringing it down to 90.2% so that reduction in lot coverage is bringing the property more in conforming with the zone. Same thing with the landscape area we are increasing the landscape area and adding more parking 10 more spaces. The property as a whole does further a few of the goals of the Municipal Land Use Law which would be the positive criteria issuing the variance. We would be encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare. This project will promote safety by eliminating parking that is directly accessed from the public street. We're going to be providing pedestrian sidewalk which is an enhancement to the area and would promote the general welfare. We're enhancing the circulation on the site so that the truck are no longer backing out onto President Street they'll be pulling out. That will improve the safety on the site. The fact that there are potholes and things that we are cleaning up is another safety enhancement. We will be providing adequate air, light and open space. The expansion of the building has been designed where it's tucked away in a nook within an existing building. It's not something that's a new protrusion we are simply matching the existing building lines so we would still be providing adequate air light and open space. We'll be encouraging the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight. Again we are improving the traffic circulation on this site with the tractor trailers and eliminating potential traffic hazard with people backing out onto President Street. We're also promoting a desirable visual environment through creative development techniques and good civic design and arrangement. We also will be promoting a couple of the goals of your Master Plan. Encourage the maintenance and upgrade of the business zones along Market Street and Route 46. While this is not in a business zone along Market Street they are one property in from Market Street and certainly a business zone in the Township even though it's not zoned for that at the time it was previously developed as a business industrial zone and those businesses can stay there and operate. What we're doing is cleaning that area up and we are maintaining and upgrading our business within that area. In addition goal 5 to maintain existing general business uses including local business activities local service activities office buildings and compact areas already substantially developed for such use to prevent and discourage the spreading of nonresidential uses into residential neighborhoods. Here where we do have a local business in an area that is substantially developed as a group of businesses and we are proposing to enhance that business and hopefully continue to operate for years to come. Furthering the goals of your Master Plan and the MLUL that satisfies the positive criteria of the statute for granting a Use Variance as far as the negative criteria I don't see any detriment to the public good. We're making the site look better as a whole so I think this is a positive thing for the neighborhood. I don't believe there are any substantial detriments. Although this is an expansion of the structure which houses a nonconforming use we are not proposing any major expansion to the business itself. I think the positives far outweigh any detriments. There will be no detriment to the public good or the zoning ordinance.

Mr. Duffy asks about the driveway that leads onto the property and who owns it. Mr. Vince explains that it's a vacated right of way and used to be part of First Street. Mr. Cialone explains that in that situation the property is split and divided between the two properties that share it.
Mr. Duffy wants to know how the lot will be upgraded.
Mr. Vince – We will go right down the property line. Right now I don't believe there is any agreement that it is shared but it is functioning as it is. There are some commercial industrial operations that are accessed from President Street our site is accessed from President Street and then the cluster of industrial uses behind us come in off of Midland Avenue over the tracks.
Mr. Vince – We do have a couple of "C" Variances lot coverage and landscape area but they are being improved over the existing nonconforming condition. The parking is going from 22 to 32 spaces while 41 spaces are required. We are operating okay with 22 but the fact that we are restriping the lot we figured we would take advantage of the situation and do the best we can. Although they are variances on paper they are nonconforming conditions that are being improved and any "C" Variance associated with this application can be subsumed into the "D" Use Variance.
Mr. Tokosh – Just to be clear this road is shared with companies back here they come down here and make a right.
Mr. Vince – Yes.
Mr. Tokosh – What about snow removal do they share the cost?
Mr. Vince – They have something worked out right now and I believe it's working.
Mr. Dunlea asks about the ramp shown in one of the pictures and if it is ADA compliant.
Mr. Vince – I don't know we didn't check it because I don't believe we have to make the building ADA compliant. We are just obligated to do the parking lot at this time.
The Board agrees that it is not ADA compliant from looking at the pictures.
Mr. Dunlea agrees that the best spot for the ADA parking is in near the ramp even though it is not ADA compliant.
Mr. Mazzer asks about the sewer under the property and if it is a forced main. Mr. Manzo states that it is not a forced main but a culvert that used to be a brook.
Mr. Marz asks if they can mark the 3 spots that the trailers need to make the turn with "No Parking Overnight" signs in case an employee decide to leave a car overnight in one of those spots.
Mr. Duffy – Which spots are we talking about as they are numbered.
Mr. Vince – Seventeen, eighteen and nineteen.
Mr. Duffy – Make that specific on there.
Mr. Duffy asks for a motion.
Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.
Mr. Duffy – The meeting is open to the public for Mr. Vince as a planner. Having heard none.
Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.
Mr. Cohen asks if anyone has any questions for Mr. Lalama and there are no questions.
Mr. Duffy asks for a motion.
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 for this application. Having heard none.
Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.
Mr. Cohen makes a closing statement that the application is about trying to make this site look better it's not for operational increase it's not a business increase if anything it will lower the intensity of the use by having a cooler that's more accessible and operationally better so there might be fewer deliveries. The parking on the site will add some spaces so that will be helpful. The setup with the truck delivery at night will become safer and better and more efficient. It sounds also that listening to the neighbor this is a better setup for them also. Mr. Lalama has been there for 20 plus years and it is a preexisting nonconforming use. The fact is if you don't do anything to make it look better it gets more rundown and becomes an eyesore and that is what he does not want to have happen. We presented the merits and ask for approval of the application.
Mr. Duffy asks for a motion.

Mr. Schilp makes a motion to approve the application with 5 stipulations.
1. “No Parking” signs put up for 4 spots across the back no parking from 10 pm to 6 am. Spots 17 - 20.
2. The engineer asked for an easement document.
3. That you were going to clean the gutters from the roof and televise them.
4. Show where the refrigeration is going to be installed on the roof of the existing building with screening. Also want to see the piping on the plan.
5. Correct the scale on the architect’s plan.

Mr. Duffy – The architectural plans need to be dimensioned and the rooms labeled. We also asked for additional directional arrows added to the lot to direct the trucks to enter on the east side and exit on the west side.
Motion is seconded by Ms. Murray.
Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Duffy – YES.

6. RESOLUTIONS
A.) Approval for Bruce Walker, 130 MacArthur Drive, Block 503, Lot 10

Ms. Murray makes a motion seconded by Mr. Schilp to approve the resolution.
Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Duffy – YES.

7. MINUTES
Meeting of August 2, 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, 2/08/21
Anthony Kurus to the Zoning Board, 7/06/21
Anthony Kurus to the Zoning Board, 8/19/21
Gary Paparozzi to the Zoning Board, 7/24/21
Glenn Cannici to the Zoning Board, 8/25/21

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

9. VOUCHERS
Neglia Engineering Assoc., 8/11/21, Midland Commons 2, Van Bussum Ave,Block 402, Lot 1-5 $697.50
Neglia Engineering Assoc., 8/11/21, CDR Realty, 435 President Street, Block 120, Lot 23 $487.50
Neglia Engineering Assoc., 8/11/21, Sita & Sons, LLC, 214-216 Midland Ave, Block 101, Lot 3 $405
Basile Birchwale & Pellino, 8/02/21, Bennett, 129 Cambridge Avenue, Block 1506, Lot 28 $250
Basile Birchwale & Pellino, 8/02/21, Michael Rocco, 393 Victor Street, Block 709, Lot 17 $250
Basile Birchwale & Pellino, 8/02/21, Midland Commons 2,Van Bussum Ave,Block 402,Lot 1-5 $1812.50
Basile Birchwale & Pellino, 8/02/21, Sita & Sons, LLC, 214-216 Midland Ave, Block 101, Lot 3 $1000
Basile Birchwale & Pellino, 9/01/21, Walker, 130 MacArthur Drive, Block 503, Lot 10 $250
Paparozzi Associates Inc., 8/05/21, Midland Commons 2,Van Bussum Ave, Blk 402, Lots 1-5 $101.25
Paparozzi Associates Inc., 8/05/21, CDR Realty, 435 President Street, Block 120, Lot 23 $472.50
Paparozzi Associates Inc., 8/05/21, Sita & Sons, LLC, 214-216 Midland Ave, Block 101, Lot 3 $67.50
Return of Unused Escrow, Maryann Tawadros, 276 John Ochs Drive, Block 1405, Lot 2 $93
Return of Unused Escrow, Giovanni Spinella, 306 Nedellec Drive, Block 1408, Lot 1 $31
Return of Unused Escrow, Francesca Carmeci, 247 South Street, Block 513, Lot 9 $123.67

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

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

11. ADJOURN

Ms. Murray makes a motion.
Mr. Tokosh mentions the previous meeting and how the Board voted not to permit the applicant to be carried a third time without noticing again and starting over. He would like there to be something in writing regarding that scenario. He is concerned that it may be a legal issue if there is no documented law or ordinance that covers this. The Board discusses it at length and comes to the conclusion that each case that comes up is an individual situation to be decided on its own merits and it would not be practical for the Board to be limited to a specific time limit on carrying applications without further noticing. The Board also agrees that the application was dismissed fairly and the applicant has the ability to come back and apply again if they so choose.
Mr. Schilp brings up the end of the year report to the Town Council and says that he would like the Council President and one other member to come to a meeting and talk to them about changes that should be made in the zoning ordinances.
The Board discusses this and are in agreement that it should be something that they can try to do maybe after the New Year when the Board may be a little slower with applications.
Mr. Duffy asks that the members put something together and submit it to him before the November meeting and he will contact the Council and invite the President of the Council and one other to come.
Mr. Schilp seconds the motion to adjourn. All in favor – YES.