

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
December 6, 2021 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday December 6, 2021 at **(Town Hall 93 Market Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

Mr. Duffy asked for a moment of silence in remembrance of the 80th anniversary of the Pearl Harbor attack.

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

4. ROLL CALL

Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Tokosh, Mr. Marz, Mr. Duffy – Present, Mr. Burbano arrived at 7:10. Mr. Gatto and Mr. Champy are absent. Also in attendance is Anthony Cialone sitting in for Stephen Pellino the Board Attorney, Anthony Kurus the Board Engineer and Gary Paparozzi the Board Planner.

5. NEW BUSINESS

A.) 40 Bella Vista Avenue, LLC, 7 Welcome Road, Block 502, Lot 2

Applicant requests an add-a-level that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today and it would be an expansion of a pre-existing, nonconforming structure in the B-2 (Secondary Business) zone.

Mr. Cialone reviews the noticing documents for this application and deems them to be in order and that the application may be heard.

Attorney John Ferraro is representing the applicant which is a single member LLC of which Mr. Rene Encalada is the single member. Mr. Ferraro tells the Board that English is Mr. Encalada's second language and that his wife is present should he need translation. He has Frank Sorisi from the design firm that did the plans and he will be testifying on behalf of the applicant.

Mr. Ferraro explains that the property is a single story single family home located in a B-2 Zone. They are seeking to expand on the preexisting nonconforming use. They would like to add a level to the property and keep it as a single family property. They have no issue submitting amended plans to show the property as a 2 story dwelling and that there will be a pull down to access the attic. The attic will be used for storage only. There was an issue about the office on the second floor the plan will be amended to show that as a master bedroom in response to the Planner's letter. They are seeking relief for lot coverage where 6500 is the code and they have 6247 square feet and lot width where 65 is the code and they are requesting 50 feet. They are preexisting conditions.

Frank Sorisi is sworn in and gives his address as 320 Seventh Street Jersey City.

Mr. Sorisi is giving lay testimony not expert testimony regarding the project. He works for Polar Green Architects and Engineering.

Mr. Ferraro asks Mr. Sorisi to describe the changes that they are requesting.

Mr. Sorisi – We are building a second story with a roof structure that will have an attic. No footprint is changing from existing. It is in a B-2 Business Zone and there are existing nonconforming setback issues. We are trying to be compliant with the R-A residential Zone. The add-a-level consists of 3 bedrooms and an office which will be changed to a Master Bedroom over the first floor which consists of a kitchen dining room and 2 bathrooms. He confirms that they will amend the plans to show the pull down door for the attic access and that the office will be a Master Bedroom.

Mr. Ferraro asks if the Board has any questions.

Mr. Tokosh asks the distance between the boundary and the garage.

Mr. Ferraro explains that it is a preexisting nonconformity and is not going to be changed.

The Board determines it is 5 feet to the property line.

Mr. Paparozzi explains that it is in a B-2 Zone and because of the use we are using the R-A bulk requirements. The 2 variances that are preexisting would be considered new variances because of the expansion of the building. There are 2 “C” variances minimum lot width and lot area.

There are no further questions.

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 this witness only. Having seen none.

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

There are no other witnesses but the owner is available if there are any questions.

Ms. Murray asks if this is a flip or does he intend to live there.

Mr. Encalada is sworn in and gives his address as 223 Forty Eighth Street Union City New Jersey.

Mr. Encalada says he will be selling it.

Ms. Murray asks if he will be taking down the tree in the back. He says he is not taking it down.

Mr. Duffy asks for a motion.

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

Mr. Duffy – The meeting is open for this witness. Having seen none.

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

Mr. Tokosh asks what the ceiling height in the basement is.

Mr. Sorisi says he does not know but it is existing and it will be added to the amended plans.

Mr. Duffy – There are no bilcos or outside entrance.

Mr. Sorisi says there is not.

Mr. Tokosh wants to know if it will be living area.

Mr. Sorisi says it is storage and a laundry area and boiler. There is no kitchen and it could be insulated and make a rec room but that would be it.

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 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. Schilp makes a motion to approve with the stipulations that the plans get updated for the office to be a Master Bedroom, the pull down stairs be added, showing the building to be a 2 story building, include the height of the basement.

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

B.) Curcio Realty, LLC, 156 Midland Avenue, Block 403, Lot 9

Applicant requests to convert six existing single-room occupancy units on the 2nd floor into 2 one-bedroom units in noncompliance with Township Code, Section 206, Schedule I, Attachment I, Schedule I, Part I.

Kimberly Bennett is representing the applicant to request a D-2 Use Variance expansion of a nonconforming use. She did obtain through an OPRA request a prior approval from the Board for the conversion of the tavern to two first floor apartments in order to show the Board how they came to be. It refers to the residential use as a preexisting nonconforming use on the property and they considered the

first floor apartments to be an expansion thereof. The second floor has a rooming house use that they would like to convert to apartments. The 6 single occupant resident units will be converted to 2 two bedroom apartments. We are going from 6 residents to a maximum of 4 residents on the second floor. It is our position that the applicant is decreasing the intensity of the residential use on the second floor.

Lawrence Parisi is representing the applicant as an expert Professional Planner. He was sworn in at the last meeting as an architect and is reminded he is still under oath. He gives his qualifications and the Board accepts him as an expert witness.

Ms. Bennett asks Mr. Parisi to remind the Board what this application is all about.

Mr. Parisi explains that they are converting 6 single room occupancy units to 2 one bedroom apartments on the second floor of the building. He says that it is particularly suited for this location and would be conforming to the rest of the building. It would benefit the community to have non transient occupants. There are residential units up and down the street and even adjacent to the building in question. The next street over is a Townhouse Zone. The existing first floor and third floor are apartments. There will be no increase in utilities or waste lines if anything it will be an improvement.

Ms. Bennett asks Mr. Parisi how this is particularly suited for the variance being requested. He explains that it is residential and that is what the rest of the building is.

Ms. Bennett directs Mr. Parisi and the Board to look at the site plan provided to show how the applicant will address the parking deficiency. She says the owner is willing to dedicate 5 parking spaces of a parking lot on another property that he owns in order to provide adequate parking for the residents of this building.

Mr. Duffy asks if there are any questions from the Board in regard to this.

Ms. Bennett says that Mr. Curcio the applicant is available to testify if need be.

Mr. Marz asks that the spaces be identified.

Ms. Bennett – We propose to not designate specific spaces because it is a shared parking lot for other buildings and employees so we do not want to have an enforcement war if someone parks in a particular space. We would like to leave it as a shared arrangement if the Board is amenable.

Mr. Duffy – It would be first come first served.

Ms. Bennett – Exactly.

Ms. Murray asks how many spots of the 19 available are assigned to other buildings as shared.

Ms. Bennett – I don't think there is a specific number dedicated there are just residents of another building similar to the one we are talking about tonight that use the lot as a first come first serve basis.

Mr. Duffy suggests that Mr. Curcio would need to be sworn in. Ms. Bennett asks if they would like to hear the rest of Mr. Parisi's testimony first and they agree he should finish his first.

Mr. Parisi gives the positive criteria as reducing the number of people occupying the building and unifying the building as a multi-family structure. We are matching the existing use and not expanding the conformity just leveling it out so that the second floor matches the use of the other two floors.

Mr. Duffy asks for the breakdown of each floor.

Mr. Parisi states that the second floor will be 2 one bedroom apartments the first floor is 2 two bedroom apartments and the third floor is 1 one bedroom apartment.

Ms. Bennett asks Mr. Parisi what the negative criteria is for the application.

Mr. Parisi says he does not see any negative criteria only an improvement.

Mr. Duffy asks if there are any questions for Mr. Parisi.

Mr. Tokosh asks if all the spaces in the parking lot are currently taken during the day.

Mr. Parisi says he was there today and there were plenty of spaces available and that it is a typical day being a Monday.

Mr. Paparozzi hands out some photos of the signage in front of the building stating that there are 2 apartments on the third floor. The photos are entered into evidence as exhibit A-1.

Ms. Bennett says that Mr. Curcio can testify to that and that Mr. Parisi had stated that there was only one apartment on the third floor.

There are no more questions for Mr. Parisi.

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. Having heard none.

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

Ms. Bennett calls up Michael Curcio to testify he is reminded that he is still under oath from the last meeting.

Ms. Bennett asks Mr. Curcio if he can identify the exhibit A-1 that Mr. Paparozzi entered into evidence.

Mr. Curcio – It looks like stickers on the mailbox of the tenants that would be in the building but I never made these. I think the tenants did this so I don't know who this one came from as far as 7A and 7B because there is only 1 tenant up there and he's been living there for over 25 years. He has been there by himself the whole time.

Ms. Bennett – You can confirm there is only 1 apartment on the third floor.

Mr. Curcio – Yes.

Ms. Bennett – You agree to revise whatever signage this is on the front of the building to conform with the plans that we are presenting to the Board tonight.

Mr. Curcio – Yes.

Mr. Mazzer – What happens in these cases sometimes is your tenant rents the other room now they both use the same kitchen and bathroom. You think there is only one tenant when there are really two. I see that all the time.

Mr. Curcio says that he knows that it happens but he has never seen anyone else up in that apartment.

Ms. Bennett – I know Ms. Murray had a question about the residential building that utilizes this shared parking lot. How many residential dwelling units are within that building known as 162 Midland Avenue?

Mr. Curcio – It's a two family house and the tenants can park in the driveway there. Sometimes it gets 2 cars stacked and the upper floor can't get out. There are two cars that are not dedicated but they had asked if they can park there and there is plenty of room for them to park.

Ms. Murray – So there may be 7 cars parking overnight if everyone from 156 parks there.

Ms. Bennett – That's why we would like to leave it as shared arrangement where we don't have specifically designated spaces.

Mr. Curcio says that 162 Midland Avenue has its own parking lot in back of the house.

Ms. Bennett – We think that 5 spaces would probably be used.

Mr. Curcio says that there are 10 to twelve spots used during the day by employees of his company.

Mr. Duffy – So it gets eaten up pretty quick then.

Mr. Curcio – There is always a couple of spots open there.

Mr. Duffy – There is always a spot now but there is nobody living on the second floor presently.

Mr. Curcio – No there is nobody there now.

Ms. Bennett – Has anybody from the second floor ever used the parking lot?

Mr. Curcio – They would use the road on Lanza or off-street.

Mr. Schilp asks if they could post signage stating parking for employees and tenants only by the entrance to the lot.

Mr. Curcio – Yes. I do have a sign now that says parking by permit only.

Ms. Bennett says that they will make sure it is properly signed.

Ms. Murray – How is the trash handled?

Mr. Curcio – 160 Midland Avenue has cans in the back. 156 I have a trash bin in the back and I have a big dumpster for the scrapyard that I dump the trash into.

Mr. Mazzer asks if any of the other houses in the area would need to use the parking lot.

Mr. Curcio says that they all have their own parking in the back of the houses.

Mr. Kurus – How many spaces are required for the site?

Mr. Schilp – We talked about it last time it is 9 spaces. If he puts 5 in the lot plus the ones in the back that comes up to 8 but he has the street parking on Lanza also.

Mr. Kurus – So we have 3 on Lanza and 2 behind the building and the remaining on the corner parking lot. That was my only question.

Mr. Paparozzi – Maybe in the resolution we could put that they can't sublet the rooms.

Ms. Bennett explains that it would be something that Mr. Curcio would have in his lease agreement and for him to enforce with his tenants.

Mr. Curcio – I wouldn't want anybody to sublet a room anyway.

Mr. Duffy brings up the 2004 resolution for the first floor conversion and as it reads it does not clearly specify the number of units on each floor. It says 6 combined on 2 floors you are eliminating 2 of the 6 what happened to the other 4.

Ms. Bennett assures the Board that the number of apartments will remain as it is outlined at this time. The new resolution will clearly layout the number and type of apartments on each floor and the new resolution will supersede the old one.

Ms. Bennett explains that the point of the 2004 resolution is to show that the tavern was properly converted to residential use through the Use Variance.

Mr. Duffy says that he just wants to make sure it is straight going forward.

Ms. Bennett – You'll see even in there they specifically stipulated that they weren't touching the second floor through this resolution but we're here tonight to talk about the second floor and to confirm what is existing in the entirety of the building.

Mr. Paparozzi restates his concern about the subletting of the apartments.

Ms. Bennett says that Mr. Curcio will submit a copy of the lease stating that there will not be any subletting allowed.

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

Mr. Duffy – The meeting is open for this witness. Having heard none.

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

Mr. Duffy asks if there are any other questions on this application. There are no other questions.

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 application. Having heard none.

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

Mr. Schilp makes a motion to approve the application and that he submit a copy of the lease saying you can't sublet any of the rooms in the apartments, that he is providing shared parking spaces in the lot and address the signage on the front to match the apartments. Ms. Murray seconds the motion.

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

C.) Fifth Street Associates, LLC, 77 North Fifth Street, Block 405, Lot 3

Applicant requests to construct a self-storage facility which is not a permitted use according to the zoning ordinance for the Township of Saddle Brook, as it exists today. The applicant is not seeking site plan approval at this time.

Christopher Botta from Ramsey New Jersey is the attorney representing the applicant.

Mr. Botta explains that this is an application for a Use Variance only. We have submitted sight plans but not sealed site plans and final architectural drawings because we would like to bifurcate the application so we can get a determination as to whether the Use Variance is going to be granted and then we would anticipate if the Board does grant that to submit a full site plan at a later date when they are completed. We are seeking an informal waiver to allow us to proceed that way we are only seeking a Use Variance tonight and a waiver for not submitting the full site plan. All of our notices are proper and have been submitted.

Mr. Cialone says that he has reviewed the noticing documents they are in order and the application may be heard.

Mr. Botta – This application is to transform 77 North Fifth Street from an industrial eyesore to a low impact improvement in the form of a self-storage facility. That is the overall genesis of our application. You will hear from Mike Guttuso the contract purchaser, our engineer, our traffic person and our planner. Our main focus will be on the planning aspect but we also have testimony on the current conditions and proposed improvements to the site. We believe you will agree that the proposed self-storage use is uniquely suitable to the site and the positive and negative criteria of the granting of the D-1 Variance have

been satisfied. You'll also hear testimony a unique thing about the Master Plan in Saddle Brook which identifies this property as ripe for redevelopment and enhancement. We will have Mike Guttuso explain about the plan.

Michael Guttuso is sworn in he states his name spells his last and gives his address as 168 Birch Road Franklin Lakes New Jersey. His local office is 250 Saddle River Road Saddle Brook and he owns Hudson Bay Realty and Development.

Mr. Botta – What is your relationship with the applicant?

Mr. Guttuso – I am the contract purchaser and we have been under contract for 7 or 8 years to buy this property. We are finally in a position to move forward.

Mr. Botta – Can you give us some history on the site.

Mr. Guttuso – I think the faces I am seeing here that everybody is painfully aware of the history of the Fifth Street site. It was the old Amloid toy manufacturing business. This property started in the 30's and there was a series of additions onto the building from the 30's right through the 60's. It was a family owned operation and the building wound up totaling 107,000 square feet but some of us might remember the front of that building was on Fifth Street beyond the right of way. It was built almost side yard to side yard in many areas. It was an overdevelopment of the site for the time. Back in 2002 the facility stopped producing toys and moved to Mexico. They had the disposition of the building and they had to go through their environmental process. Fast forward that building has been vacant for 21 years it's been under remediation for 20 of those 21 year. Not for any terrible reason other than it was mismanaged in the way the remediation went on. We have received all the approvals necessary from the DEP and the EPA to allow this property to be redeveloped as an industrial property. There was a fire during Hurricane Sandy that burned down 24,000 square feet. It was a transformer wire that blew off on Fifth Street hit the roof on the front section of the building and it went. The footings and foundation remain in place as the owner wanted to retain his grandfathered status as to what could be rebuilt. Then we decided to get involved move it forward and redevelop the site.

Mr. Botta – You are proposing to do self-storage on the site?

Mr. Guttuso – Yes.

Mr. Botta – Why do you think it's suitable for self-storage?

Mr. Guttuso – It became popular about 15 or 20 years ago. Nobody knew what it was it was called warehousing. We had one this Board approved in town about 7 or 8 years ago. The use is incredible it's a hybrid. You don't have commercial use in there for the most part its individuals. You don't have traffic, you don't have the tractor trailers, you don't have the parking requirements, you don't have imposition on the infrastructure, the water, the sewer, the schools and the like. There is a large stable ratable for the community with incredibly low use. The traffic expert would tell you if this was an industrial facility it could have 100 employees. There could be 100 cars in and out of there every day, tractor trailers, sprint vans. When you take a similar square footage for self-storage the number of people in the building is 2 a manager and an assistant manager. Parking requirements are negligible 10 or 15 spaces would be needed. We do have the room and we have provided about 96 spaces possible but it won't be needed.

Mr. Botta asks if Mr. Guttuso could walk them through the architectural renderings that he has with him. They are a series of architectural renderings of different views and elevations and he describes what each view is and from which direction you are looking at it from also in respect to the surrounding properties. The existing driveway would be the entrance to the site. There will be a small 9900 square foot building constructed in the front. Rental office and facility with some storage one story tall. The existing footprint of 57,000 square feet that will be slightly reduced but make it 2 stories 27.4 feet so you don't need a height variance. That will be about 98,000 square feet and 9900 square feet in the front building. The building does not move. There is an existing 2 story 13,000 square feet on 2 floors building will be removed and the new building will be where the new building will be. The view from Fifth Street will be of the new 1 story building and the larger 2 story structure will be hidden behind Unilux. He continues to describe and explain the images as he shows them to the Board. The exhibits are marked A1 – A9. He also explains how the changes will eliminate a 6 or 7 preexisting nonconformities rear yard

setback, side yard setback, lot area, height, reducing the FAR and lot coverage. We are increasing the green space with a 50 foot setback where 30 is allowed. We have a landscape plan to show you.

Mr. Duffy asks Mr. Guttuso if these elimination of setbacks and things are based on the rendition not on any solid plans at this point.

Mr. Guttuso says that the site plan that is being presented is 85% complete. This is what we are going to bring. The only reason I don't have a site plan is because we need architectural and drainage calculations and a few other items we have to include. I have a lighting plan, a landscape plan, a sealed survey, a schedule of variances which would be eliminated and the variances that we would be asking for.

Mr. Paparozzi asks if the date on the plan is 9/29/21.

Mr. Guttuso says he thinks there was a revision after that of 10/6/21 but he is not sure and the engineer will testify to it later.

He ends by explaining to the Board how his plan will help alleviate the flooding on Fifth Street. There is a 30 inch concrete drainage pipe that runs under one of the buildings to a double inlet which is a city structure. The pipe runs to a drainage ditch that runs south and there was never an easement to the Township for that facility but probably needed to be. The pump station that was added blocks the drainage ditch. We are proposing to put in a 17 horsepower sump pump that will pump the water out at a faster rate when it rains hard. We will provide that with the site plan when we come back.

Mr. Marz asks about office rentals and Mr. Guttuso clarifies by saying that the new smaller building will be where the office for the self-storage will be as well as 9,000 square feet of rental cubicles.

Mr. Burbano asks if they will be renting out parking spaces because there are a lot of spaces for a storage facility.

Mr. Guttuso replies by saying that they put them on to show that they are available but when they come back with the site plan there will probably be less because the requirement is only a dozen.

Mr. Burbano asked if it will be a managed property.

Mr. Guttuso says he is not sure yet.

There are no more questions from the Board.

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. Having heard none.

Rosemarie Colefield of 500 Victor Street steps forward to ask if the entrance and exit to the property is only going to be Fifth Street.

Mr. Guttuso says the plans all show entrance and exit from Fifth Street but it does have frontage on Urma Place. That frontage has to remain on the plan and we are considering coming back and showing it as an emergency egress. There is also an access easement to get to this building in the back. In any event there will be a guard or gate. There will be remote control access only. Nobody goes in or out unless they belong there. We know Urma Place is limited to personal vehicles and 4 ton weight limit.

Ms. Colefield is concerned about the lack of parking.

Mr. Duffy says it will be further addressed by the traffic study expert.

There are no more questions from the public.

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

Thomas Donohue of Donohue Engineering 210 Summit Avenue Montvale New Jersey is called as an expert witness in place of Bob Weissman who was unable to make the meeting.

Mr. Botta qualifies Mr. Donohue and he is accepted by the Board.

Mr. Botta asks Mr. Donohue to describe the current conditions.

Mr. Donohue – It is surrounded by industrial uses to the south and to the north. There are some residential to the east of the site and to the west is the New Jersey Transit tracks and Elmwood Park. The property is irregular in shape and about 3.6 acres in size. It has frontage on North Fifth Street and a small portion on Urma Place. The property contains an existing one story building about 56,000 square feet a two story building combined about 26,000 square feet and the hatched area is the existing foundation that remains from the prior building which was fire damaged and that's about 24,200 square feet. There is an existing 30 inch RCP pipe which come from 2 inlets at the entranceway and goes underneath a portion of the

existing building and discharges to the ditch in the rear of the property. The side yard requirement is 25 feet and the existing building has a 6 foot side yard. A rear yard requirement of 25 feet and existing is 7.7 feet. The lot coverage 35% is allowed and it is at 90.5%. The building height 25 feet is permitted and the existing building is 34 feet in height. The existing building is depicted in red the grey is the existing pavement so you can see the property is mostly building or pavement.

Mr. Botta – What are the proposed improvements?

Mr. Donohue – The applicant is proposing a self-storage facility. The existing 2 story building would be removed. The existing foundation of the existing building would also be removed and a portion of the 2 story building which is on top of the 30" RCP pipe will be removed. The applicant will then construct a second story over the existing 1 story building and construct a new 1 story building which would front onto North Fifth Street. Access to the property would only be from for users of the sight would be from North Fifth Street and it would be a one way in and a one way out. There is a means to circulate around the storage facility. The Urma Place access would most likely be a gate which would be locked and further described in the proposed site plan. The plan has 97 parking spaces and that will be revised on the site plan that will be submitted. It will most likely be less than what is shown. We were informed that this user would only require a 30' maximum box truck to access the site. The driveways are about 30' in width so that would provide sufficient turning movements for that size vehicle. The zoning information shown on this plan would remove the side yard variance, the rear yard variance, would reduce the lot coverage and also reduce the FAR along with the building height would be 27.4 feet from 34 feet as it is right now. There is a plan to assist in reducing some of the flooding conditions on North Fifth Street by placing a pump station at the end of the existing drainage ditch.

Mr. Botta – Tell us about the landscaping.

Mr. Donohue – The green area is increased the building is set back about 50 feet so there will be a large green area. Along North Fifth Street there will be some landscaping with trees and shrubs which would be planted. The landscape plan is A-10.

Mr. Botta – Are there any environmental impediments to the construction of these improvements?

Mr. Donohue – Not that I'm aware of.

Mr. Botta – We would be subject to the DEP for any environmental compliance is that correct?

Mr. Donohue – Yes.

Mr. Botta – Is a self-storage use less intensity than an industrial use?

Mr. Donohue – From my experience yes.

Mr. Botta – that's all we have on the site plan.

Mr. Duffy asks for Mr. Donohue to restate what he said about Urma Place.

Mr. Donohue – It will be gated. There will be a locked gate that would be for emergency access to this property. As the applicant mentioned there is a 20 foot easement to the rear building on lot 35 but it has nothing to do with our application so the owner is not proposing to use it as an access point.

Mr. Duffy – For emergency purposes gated?

Mr. Donohue – Emergency people would have a key to the gate to unlock it.

Mr. Duffy is skeptical about that.

Mr. Botta – That is something that could be worked out. There is no way we could cut off access to the roadway but we would like to restrict it as much as possible.

There is a discussion about the gating and different types of gates and access.

Ms. Murray mentions for housekeeping purposes that the block and lot are not correct on the existing conditions page of the site plan.

Mr. Paparozzi mentions that the bulk requirements sited are for the I industrial zone but the self-storage is permitted in the B-3 Zone so those requirements should be shown as per New Jersey case law and municipal land use law. If you are going to accept the B-3 Use you need to use the B-3 requirements. He also notes that the parking requirements are not sufficient and some of the marked spaces are blocking the loading zone. They would also need more loading docks for the size of the building. There is also no parking or loading space in a front yard and because there is a front yard on Urma that is a variance. Mr. Weissman does not show the size of the parking stalls. Assuming they are 9 x 18 that's a variance

because the code for Saddle Brook is either 9 x 20 or 10 x 18 so that would be a variance and 4 docks would be required and you show 3. The green area being proposed is covering a stream that Mr. Weissman shows on his site plan. I believe the site is well suited for what is proposed.

Mr. Kurus – I have a question about the circulation. What is the width of the driveway? You said the design vehicle was a 30 foot box truck. Is there room for a truck to turn around?

Mr. Donohue – We would show that on a site plan application.

Mr. Kurus – You would show radii striping.

Mr. Manzo – You mentioned a pump station?

Mr. Donohue – That would be shown on the site plan application.

Mr. Manzo – Who's going to maintain it?

Mr. Donohue – As far as I know the Township would maintain it.

Mr. Manzo – Okay.

Mr. Kurus – I think there would need to be onsite drainage as well. It can't be just a pump station.

There is a discussion about the direction and pitch of the existing drainage pipe and that there will have to be some work done with it moving forward.

There are no more questions for Mr. Donohue.

Mr. Duffy asks for a motion.

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

Mr. Duffy – The meeting is open for this witness. Having heard none.

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

Mr. Botta calls the traffic expert Matthew Seckler up to testify. He is sworn in and gives his address as Stonefield Engineering Designs 92 Park Avenue Rutherford New Jersey.

Mr. Seckler is qualified and the Board accepts his credentials.

Mr. Botta asks Mr. Seckler to talk about the traffic circulation and traffic issues in regard to self-storage facilities.

Mr. Seckler starts by saying self-storage facilities are one of his favorite uses to testify to because of the amount of traffic generated per square foot it is on the very low end. The only thing that is lower is a data center because it's just a bunch of computers. Most other uses such as industrial, manufacturing or warehouses generate between 4 and 10 times more traffic in an hour than this type of use. The types of vehicles are mainly work vans, sprint vans, personal vehicles, U-Haul type vehicles not tractor trailers. There is a very low trip generation. In terms of parking we typically have 1 parking space for every 10,000 square feet. A building like this around 10 or 11 parking spaces is what you probably need and an extra one for an even dozen. I have worked in a number of them in Bergen County and 1 per 10,000 square feet.

Mr. Botta asks if there is anything in terms of traffic flow onsite.

Mr. Seckler the site has proposed one entrance and one exit. I think the site has sufficient access aisle dimensions as well as the access to Fifth. The address is on Fifth and no one will be coming through Urma to go to a site like this.

Mr. Duffy asks the hours of operation.

Mr. Guttuso – Office space open 8:30 to 5:00. Remote access for customers 8 am to 10 at night.

Mr. Botta – Mr. Seckler as part of the site plan application you will be providing a report and actual trip counts and things like that correct.

Mr. Seckler – Absolutely.

Mr. Duffy – In your experience what is the peak hour?

Mr. Seckler – It depends on the area most of the time it's a Saturday. This type of use would maybe have 10 trips in or out on a weekend. Some other areas maybe it's a plumber who uses it to store extra equipment you may have a little bit of a morning during the weekday as a couple of small commercial users gather some supplies. Most of the time you are looking at no more than 10 cars an hour.

Ms. Murray – In a couple of places you call for full movement through Urma and yet the others are talking about a gate and not using Urma. That concerns me because you have put it in your report as full movement which means it's an open access.

Mr. Seckler – I think we were referring more toward the fact that the existing obviously it is separated by a concrete barrier but up until this point there's been no representation to Urma. You have heard the testimony and we can put on the record any condition that we would not have any access to Urma. There was no previous prohibition to access to Urma.

Ms. Murray – You did your study but did not use the Saddle Brook facility that is existing. I am curious why you did not use an existing Township facility in your study.

Mr. Seckler – These were sites we studied before engaging on this project. We had a quick turnaround to get this in for the application but we would be happy to study any local sites as part of a site plan submission. I'm confident that site would operate similar to other locations.

Mr. Duffy explains that there is a problem with Urma because the neighborhood has gotten used to the fact that you can't go through it's now become parking spaces and now what problem does that present to us. Access in and out of this complex is off of Fifth Street but they are going around the building and come all the way around the back to the west end of the larger building so then they have to turn around and come back out again.

Mr. Seckler explains that by making some of the changes to the parking layout they should be able to make it around the building to the exit.

Mr. Duffy asks about emergency vehicles and Mr. Schilp thinks they should be able to get around the building.

Mr. Burbano explains from his experience that most facilities want one way in and one way out so they would not want them to use Urma except for a fire exit. The other thing about the contractors using it you are not going to get many contractors because there are not many outside units. The contractors don't want to haul stuff down hallways so without the exterior units you probably won't have any of that just household or people storing stuff.

Mr. Marz asks about large tractor trailers and whether he has seen any of that.

Mr. Seckler says that they don't see tractor trailers as there isn't much room to turn. They would use a larger warehouse for storage.

There are no more questions for Mr. Seckler.

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 for this witness. Having heard none.

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

Mr. Botta calls Paul Grygiel the Planner he gives his credentials and is accepted by the Board as an expert witness.

Mr. Grygiel tells the Board that he has reviewed all the documents visited the site listened to the testimony reviewed the Township ordinance and the Master Plan.

Mr. Botta asks what he has concluded with regard to the proposed development and compliance with municipal ordinances.

Mr. Grygiel says that in his opinion the site is particularly suitable to accommodate the self-storage use. There is no substantial detriment to the public good or substantial impairment to the Master Plan or Zoning Ordinance. It is an industrial zone site over 3 and a half acres in size. With regard to the I Zone it permits a number of uses. For the record scientific engineering and research labs, office buildings, printing and publishing, warehousing you name it any type of industrial use is permitted. There are also a number of prohibited uses self-storage is not listed as one but it is not called out. That said with regard to the Master Plan I will quote a couple of things. The 2004 Master Plan set forth some objectives for improving industrial zones that was reaffirmed in 2014 trying to improve the appearance of these areas to take out where obsolete uses were and to provide newer uses that are better for economic development and notably there is reference made to defunct industrial properties being replaced by cleaner uses that are more compatible with the surrounding area. That describes self-storage to a T. More importantly in 2014 the reexamination report I'll quote the long term fire damaged structure which formerly housed the Amlroid Toy Factory on Fifth Street appears to satisfy several criteria for redevelopment area designation. So it recommends in that document this property for redevelopment.

We are essentially achieving the same objective by cleaning up the property putting in a low impact use. To tie up the loose ends and how it relates to the positive criteria. The suitability of the use relates to the fact that it is a low impact use in an industrial zone. We're reusing one of the existing buildings but also replacing the site improvements with ones more up to the current standards for drainage circulation etcetera. Adding lighting and landscaping we are providing a use that can fit between the industrial uses and the residential uses. I think for those reasons the site is particularly suitable. In terms of potential negative impacts this is the second lowest use out there in terms of trip generation and the parking demand. It is less than industrial uses or office uses or anything permitted in the zone. In terms of hours of operation we will deal with that at site plan stage. The questions about Urma Place and the drainage can be dealt with at that time. I don't think there are any substantial negative impacts. In the zoning plan and zoning ordinance it's called out as a property for redevelopment. The intention to redevelop this property is being met and we are happy to work with you if we get the use variance approval to make sure it's done in a way that adds to the area and does not have any negative impacts.

Mr. Botta asks if the positive and negative criteria required for a D-1 Variance have been met and Mr. Grygiel answers yes.

Mr. Paparozzi is in agreement that this is the best use of this site.

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

Mr. Duffy – The meeting is open for this witness. Having not seen any.

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

Mr. Botta wraps up and says they are done with their presentation.

Mr. Schilp – We really need to know where the water is going to go as far as seepage pits and so on.

I also would request that there is a hydrant put on the site because it may be a situation where we run out of hose.

Mr. Guttuso comes forward and says that the building will be fully sprinklered and he has no problem adding a hydrant. In regard to the drainage I know what is going on there and we will put in a 10 by 10 concrete vault with a pump. If we don't eliminate the problem it will be greatly reduced. He talks about how the area floods regularly and that he knows how important it is to correct it.

Mr. Botta gives his closing and asks that the Board approve the application.

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 application. Having heard none.

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

Mr. Cialone recommends that the Board make their motion of approval as specific as possible being that it is for the Use Variance only.

Mr. Schilp makes a motion to approve the application with the following stipulations. The existing condition survey needs to reflect the current block and lot. The B-3 zoning requirements added to the site plan. The applicant agreed to install a hydrant in the rear of the property. They did submit a conceptual site plan showing footprints that the buildings that they do construct conform to the footprints as well as the proposed floor area, total area and number of floors for each building. They showed conceptual architectural renderings that the actual buildings are substantially similar to what they provided.

Mr. Botta says it is perfectly reasonable.

Mr. Cialone notes that the Board retains jurisdiction for the site plan approval or any bulk variances.

Ms. Murray seconds the motion.

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

6. RESOLUTIONS

A.) Approval for Curcio Realty II, LLC, 416 Lanza Avenue, Block 403, Lot 8

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

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

7. MINUTES

Meeting of November 1, 2021 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board, 10/29/21

Anthony Kurus to the Zoning Board, 10/29/21

Gary Paparozzi to the Zoning Board, 10/31/21

Gary Paparozzi to the Zoning Board, 11/20/21

Stephen F. Pellino to Charles Sarlo, 11/02/21

Charles Sarlo to the Zoning Board acknowledging Mr. Pellino's correspondence, 11/04/21

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

9. VOUCHERS

Neglia Engineering Assoc., 11/08/21, Sita & Sons, 214-216 N. Midland, Block 101, Lot 3 \$210

Neglia Engineering Assoc., 11/08/21, Chefler Foods, 400 Lyster Avenue, Block 1009, Lot 9 \$370

Neglia Engineering Assoc., 11/08/21, 40 Bella Vista Ave, LLC, 7 Welcome Rd, Block 502, Lot 2 \$140

Neglia Engineering Assoc., 11/08/21, Fifth Street Assoc., LLC, 77 N. Fifth St., Block 405, Lot 3 \$557.50

Basile Birchwale & Pellino, 11/01/21, Chefler Foods, 400 Lyster Avenue, Block 1009, Lot 9 \$250

Basile Birchwale & Pellino, 11/01/21, Scaduto, 177 Wilson Street, Block 1703, Lot 24 \$250

Basile Birchwale & Pellino, 11/01/21, Breonte, 126 Nedellec Drive, Block 1511, Lot 2 \$250

Basile Birchwale & Pellino, 11/01/21, Fiore, 148 Platt Avenue, Block 506, Lot 3 \$250

Basile Birchwale & Pellino, 11/01/21, Sheppard, 34 Welcome Road, Block 503, Lot 4 \$250

Return of Unused Escrow, 11/01/21, J.J. Outdoors, LLC, 326 Route 46, Block 118, Lots 2 & 3 \$3243.84

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

All in favor – YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

Mr. Duffy – The meeting is now open to the public. Having seen none.

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

There is discussion regarding the RFQ's and who will review them as well as the proposed calendar for 2022.

Mr. Duffy brings up some of the ordinances that may need to be changed and the Board discusses some of the other issues with the website and particularly the zoning map which is in need of being updated.

The Board asks that Mr. Pellino send a letter to Council in order to try and achieve some of these goals.

11. ADJOURN

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