

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
January 10, 2022 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting immediately following the Reorganization Meeting on Monday January 10, 2022 at **(Town Hall 93 Market Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

Flag salute was not done because it was done earlier for the reorganization meeting.

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. Tokosh, Mr. Marz, Mr. Calvitti and Mr. Duffy – Present, Mr. Manzo, Mr. Burbano and Mr. Champy are absent. Also in attendance is Stephen Pellino the Board Attorney, Anthony Kurus the Board Engineer and Gary Paparozzi the Board Planner.

5. NEW BUSINESS

A.) Chefler Foods, LLC, 400 Lyster Avenue, Block 1009, Lot 9

Applicant requests to use the rear/east side of the property for truck parking with exterior improvements consisting of new timber curbing, gravel paving and landscaping. (Applicant was carried from the October 4th meeting and has asked to be adjourned until the February 7, 2022 meeting due to a scheduling conflict). **See letter enclosed.**

Mr. Duffy reads into the record the letter from Mr. Sarlo to the Board requesting an adjournment until the February 7th Zoning Board meeting due to a scheduling conflict.

Ms. Murray makes a motion seconded by Mr. Schilp to adjourn until the February 7th meeting with new notification.

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

B.) Usman Ahmed, 298 Nedellec Drive, Block 1408, Lot 3

Applicant requests an interior renovation and driveway expansion to convert an existing 1-family house to a 2-family house in an R-B (Two Family) Zone that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Mr. Ahmed is represented by attorney Gary Cohen.

Mr. Cohen begins by saying that it was recommended to his client to make the living room on the first floor another bedroom so that there would be 2 bedrooms on the first floor instead of one. He has copies of the plan to hand out to the Board and it is marked exhibit A-1.

Mr. Pellino identifies it as an architectural plan by Ed Chudzinski titled proposed interior renovation for Usman Ahmed 298 Nedellec Drive Saddle Brook New Jersey revision date January 10, 2022.

Mr. Cohen explains to the Board that the living room on the first floor has become bedroom number two. There was a closet or an alcove.

Mr. Duffy asks if the application has been properly noticed and Mr. Pellino states that it has and they may be heard.

Mr. Cohen – It was a 2 family house at one time it became a one and we are seeking to go back to a 2 family house. The only exterior change to the property is we are requesting an additional driveway parking area in front of the house which involves a curb cut 10 foot expansion. All the variances that were requested are based on preexisting conditions. There was lot area, lot width, single side yard, building coverage, maximum accessory coverage, total lot coverage but again they are all preexisting coverages. Some of the impervious increased because of the driveway but I think they are pavers.

Mr. Duffy asks that Mr. Ahmed be sworn in.

Mr. Pellino swears him in he states his name spells his last and gives his address as 298 Nedellec Drive Saddle Brook New Jersey.

Mr. Cohen questions Mr. Ahmed about the plans and what it is he asking to do. He says he wants to have 2 bedrooms on the first floor by changing the living room to a bedroom. He goes over the plans and explains to the Board what changes will be made.

The second floor has 3 bedrooms and he is changing the area where there is a bathroom with a washer and dryer and that will be a kitchen. The bathroom will be the living room and dining room area.

Mr. Cohen says they tried to have the architect be present but he was unable to appear and if the Board thinks that it is necessary he will come back another time with him to testify.

Mr. Paparozzi disagrees with Mr. Cohen on the preexisting variances saying that the minimum lot size for a one family in an RB zone is 6500 Square feet for a 2 family it's 7000 the number increased so it's an expansion of a nonconformity. The same thing with the minimum lot frontage on a 1 family in an RB zone its 65 feet on a 2 family it's 70 so again the number expanded. Also the maximum accessory coverage and the maximum total coverage increased by the use of the pavers. Those 4 are not preexisting variances but they should be considered as new variances. Mr. Pellino asks about the parking.

Mr. Paparozzi – RSIS requires 3. One bedroom is one and a half and 2 bedrooms is 2 it's 3 and a half which drops down to 3. He has 2 in the driveway and the paver would be the third one so the parking is fine.

The Board has some questions about the parking and Mr. Paparozzi explains that RSIS takes precedent and that if it is a half the number is rounded down.

Ms. Murray mentions that there is no parking in front of the house because of a fire hydrant.

Mr. Duffy asks if the curb cut extension is an issue with the fire hydrant location.

Mr. Schilp says he has seen them within a foot of the driveway that have been there for years.

Mr. Cohen says that there is no way to change the lot area but he is adding another parking spot onsite.

There was a question about how it became a one family. The previous owners had legally changed it to a one family. Mr. Pellino reminds the Board that it is in a 2 family zone and that they don't need the prior use to justify it. There are also all 2 family houses in that area.

Mr. Mazzer asks about the basement and Mr. Ahmed says there is a rec room and a mud room and laundry.

Mr. Mazzer asks about the access to the attic and he says that there are pull down stairs.

Mr. Duffy asks about the access to the basement.

Mr. Ahmed says that there is a door from the backyard to the basement and there is also an entrance from inside the house.

Mr. Tokosh points out that the plan shows a screen deck and says it is no longer a deck it is enclosed.

Mr. Ahmed explains that it was a screen deck when he bought it but his dog ripped up the screens so he put windows instead. There is no heat in that room.

Mr. Tokosh is questioning if it could be another bedroom.

Mr. Ahmed says it will not be a bedroom and it is where the dog sleeps.

Mr. Duffy wants to clarify the basement access.

Mr. Ahmed says there is an entrance from outside and from the kitchen inside. The outside entrance is not a bilco door it is a regular man door.

Ms. Murray asks how long he has been living there.

Mr. Ahmed says he bought it in August of 2020.

The Board recognizes that the outside access to the basement was preexisting.

Ms. Murray asks if he will be staying in the house and he says he will with his wife, son and dog.

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – If I understood Mr. Paparozzi had some differences on the variances that are needed.

Mr. Pellino agrees that Mr. Paparozzi is right in his finding that a two family requires a larger area and more frontage.

Mr. Schilp makes a motion to approve the application with the stipulations that the basement is not to be used for any sleeping quarters. Mr. Marz seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Calvitti,

Mr. Duffy – YES.

C.) Thomas & Lucy Cinquegrana, 73 Jamros Terrace, Block 1302, Lot 2

Applicant requests a 14 foot by 30 foot in ground pool with a patio extension and walks around the pool that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Mr. Pellino confirms that the notice is proper for this application and they may proceed.

Mr. Pellino swears in Lucy Cinquegrana she states her name spells her last and gives her address as 73 Jamros Terrace Saddle Brook New Jersey.

Mrs. Cinquegrana tells the Board she would like to request a variance for maximum accessory coverage to put in an in-ground pool 14'x30' with walks 3 feet on two sides and 6 and 7 on the other sides. She says the filter will be 6 feet off of the neighbor's property line in front of the shed. She says she is not sure what the Board wants her to do for drainage and what recommendations they have.

Mr. Pellino swears in Robert Costa he states his name spells his last and gives his address as 325 South River Street Hackensack New Jersey.

Mr. Duffy comments that Mr. Costa has been before the Board many times and does not need to be qualified.

Mr. Costa – The only thing required is an accessory structure variance. The total lot coverage she is under on that. The allowable is 44% and she is at 40.8%. She would require a variance for accessory coverage. The pool equipment will be off the property line by a minimum of 6 feet. There will be concrete around the pool if the Board requires pavers the coverage is reduced by 25%. We will put in drainage so none of the adjacent properties are affected.

Mr. Schilp asks about the walks around the pool where she said they would have 2 sixes and 2 threes the plan shows 3 threes and a six.

Mrs. Cinquegrana – Six, seven by lot one and then 3 and 3.

After a back and forth with the Board members and looking at the plan Mrs. Cinquegrana states that the one side is 7 feet off of the property line and 3 feet of cement. So it is three, three, three and six feet of concrete around the pool.

Mr. Kurus – If the Board grants the variance they should do a topo survey to show the grades existing and proposed. I'm guessing the soil is going to go away. Show on the plan that the grading and drainage will have no adverse impacts on any adjacent properties.

Mr. Pellino – As I understand it the applicant has agreed to meet the terms and conditions of the Board.

Mr. Duffy asks about the discharge from the pool filter.

Mrs. Cinquegrana – That will be in front of the shed.

Mr. Duffy – That's where the filter will go what about the discharge when you flush it out?

Mr. Costa – The seepage pit.

Mr. Duffy – You're going to have seepage pits?

Mrs. Cinquegrana says she will put it out to the curb.

Mr. Duffy – As long as it's not going next door to the neighbors.

Mr. Duffy asks for a motion to open.

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

All in favor – YES.

Mr. Duffy – Having seen none.

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

All in favor – YES.

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

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Calvitti,

Mr. Duffy – YES.

D.) Hufscape II, LLC, 326 Route 46/331 Tenth Street, Block 118, Lots 2 & 3

Applicant requests contractor offices and outside equipment and material storage that is not a permitted use and does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Attorney Allyson Kasetta from Prime & Tuvel is representing this applicant.

Mr. Pellino confirms that the notice was in order for this application and they may proceed.

Ms. Kasetta begins by explaining that the building was formerly occupied by the American Fence Company from about 1982 to 2005. It is currently unoccupied. The applicant is taking preliminary and final site plan approval with variance relief to use the existing building as a headquarters for its landscape company. There will be no changes to the building. They are proposing minor site

improvements to improve the functionality of the existing parking on lot 2 and then to incorporate lot 3 into its operation.

Ms. Kasetta has some photos to enter into evidence. There are 2 photos one is an aerial of both lots and the other a Google Street View.

Ms. Kasetta – You can see on the aerial the boundaries of lot 2 are in yellow and the boundaries of lot 3 are in that red dashed line. Our engineer will address this but there is a large grade change on lot 3. It is entirely undeveloped except for a flat area at the top near the end of Tenth Street. If you go to the street view photo you can see there is an existing fence there. It's sort of a gravel parking area that has been there for many years and encroaches into the right of way of Tenth Street which was never improved by the Township. It's not part of this application but we did submit a request to the Council to consider vacating that portion of Tenth Street that is unimproved. If that happens by law the applicants would get half of the width of the right of way it would be annexed to lot 3. In the future there is a potential that they could provide more parking up there but for the moment what we are proposing to do is use the portion of the flat area that is already part of the property for employee parking. We are trying to maximize the number of parking spaces that we can have. The applicant is not proposing any other improvements on lot 3 not proposing to clear anything but they would like to use part of the wooded area to store some materials in connection with their operation. You will hear more about it as part of the testimony. It's really using the existing site as it is today aside from some striping in the parking lot just improving the conditions as they are. A little history before this Board the prior owner around 1982 there was a variance granted for the existing free standing sign. Then in 1991 there was a Use Variance application to use a portion of the property for the assembly and sales of automobiles. That application was denied. Then 1992 there was another Use Variance application to use the property for auto repair. That one was approved but I don't believe the property was ever used that way so I'm not really sure what happened. I wanted the Board to have a full history of the prior applications. The variances that we are requesting tonight are a D-1 Variance for a non-permitted use because as I mentioned this is in the B-2 Zone and the contractor facility is not a permitted use. We do believe the applicants operation is very similar to that of the fence company that existed for many years and again you'll hear testimony on their operations. The Zoning Officer in reviewing this determined that the fence company had more of a retail operation whereas this is more of a contractor's facility. That is why we are seeking the Use Variance. Another variance for minimum parking spaces we have a requirement of 22 spaces 11 proposed again as I mentioned incorporating that flat area on lot 3. We have a variance for parking that's not located on the same lot as the principal use. It's not shown on the plan but the applicant is open to consolidating the lots which would take away that variance. We have parking within a front or side yard setback. This is a condition that already exists on lot 2 but we are also proposing it on lot 3 so it is a new variance. Finally the lot coverage on lot 2 you have a maximum of 50% permitted and 84.92% proposed. If we were to consolidate the lots that coverage total would go down because we would be incorporating more lot area. It would still be a variance but I think it is another condition we could improve by consolidating the lots. There are a few existing nonconformities which would not be impacted by the proposed improvements. They are lot area, lot width, side and rear yard setbacks and floor area ratio. We are not proposing to change any of those.

Mr. Pellino asks if Ms. Kasetta's client is the owner of the property.

Ms. Kasetta – Contract purchaser.

Mr. Pellino – How could you consolidate the lots?

Ms. Kasetta – Assuming the approval is granted it would be a condition and once the title is conveyed then they would do it.

Mr. Pellino swears in Jason Chamberlain he states his name spells his last and gives his address as 42 West Seventeenth Street in New York City.

Ms. Kasetta – Would you tell the Board what your title is with the applicant.

Mr. Chamberlain – Vice President.

Ms. Kasetta – you oversee the day to day operations correct.

Mr. Chamberlain – Yes.

Ms. Kasetta – Is this a family business?

Mr. Chamberlain – Yes.

Ms. Kasetta – How long has it been in operation?

Mr. Chamberlain – Since 1945 it was my grandfather's business.

Ms. Kasetta – You and your mom currently run the business correct.

Mr. Chamberlain – Yes.

Ms. Kasetta – How long have you been doing that?

Mr. Chamberlain – Since 1993.

Ms. Kasetta – Give the Board a general description of what the company does.

Mr. Chamberlain – We do landscape design work, construction, masonry, fencing, decking some turf maintenance about 20% of our business. Most of it is on the construction side.

Ms. Kasetta – Where is your current headquarters?

Mr. Chamberlain – In North Bergen.

Ms. Kasetta – How long have you been there?

Mr. Chamberlain – Over 20 years.

Ms. Kasetta – Because the company is successful you have outgrown that facility correct.

Mr. Chamberlain – Yes.

Ms. Kasetta – Where you are now do you keep all your trucks onsite?

Mr. Chamberlain – Yes.

Ms. Kasetta – How many employees do you have?

Mr. Chamberlain – On average about 20.

Ms. Kasetta – How do they arrive to work?

Mr. Chamberlain – Most of them carpool we have about 5 foremen that bring them they all live fairly close to each other.

Ms. Kasetta – So they do not arrive in their own cars separately to work.

Mr. Chamberlain – No there is usually about 5 cars in our shop during the day.

Ms. Kasetta – Do you intend to keep all of the employees once you move to Saddle Brook?

Mr. Chamberlain – Yes.

Ms. Kasetta – Do you have a plan to get them to work once they are not close to their homes anymore?

Mr. Chamberlain – The few that don't carpool I was potentially going to buy a work van with multiple rows of seating to bring staff from homes to the site also using that vehicle to bring them to construction sites.

Ms. Kasetta – So that would be a vehicle for your companies use not an outside vendor for a shuttle service.

Mr. Chamberlain – I would give it to one of my foreman to drive back and forth and they would park it at their house at night.

Ms. Kasetta – What are your days and hours of operation?

Mr. Chamberlain – Most often we are at work at 6:30 loading up vehicles and getting organized. Most of the guys start pulling out around 7 a.m. 7:30 the latest. Then they don't arrive back until about 4:30 to 6:30 at night depending on the time of year.

Ms. Kasetta – It's mainly a daytime business not in the evening.

Mr. Chamberlain – No it's hard to do this kind of business at night.

Ms. Kasetta – During the day does that mean there is not anybody at the building.

Mr. Chamberlain – Most often the office manager or myself will be there for a few hours during the day. Mostly it will be closed.

Ms. Kasetta – How many trucks do you have?

Mr. Chamberlain – Five.

Ms. Kasetta – Plus a trailer correct.

Mr. Chamberlain – Yeah we have a maintenance trailer and a smaller Bobcat trailer.

Ms. Kasetta – Have you figured out how to park the trucks overnight and keep them secure while the company is not open?

Mr. Chamberlain – Yes luckily the current place has a large gate and everything will be behind the gate.

Ms. Kasetta – How do you get your deliveries?

Mr. Chamberlain – Most often we get direct shipment to the job site. Smaller things that would come UPS or private smaller trucks would come to the shop.

Ms. Kasetta – Are the deliveries scheduled for when people will be there to accept them?

Mr. Chamberlain – I would leave someone on site they usually give a 5 hour window.

Ms. Kasetta – What about the outdoor storage.

Mr. Chamberlain – Its construction so there are wheelbarrows sometimes left over brick or pavers. It usually doesn't sit on site too long. I dispose of it.

Ms. Kasetta – You are not planning to store pesticides on site are you?

Mr. Chamberlain – I don't use fungicides, pesticides or herbicides in general but the few times you do have to apply it you purchase it that week and there is a small window to use it then it's gone.

Ms. Kasetta – How do you get rid of trash from your jobs.

Mr. Chamberlain – On larger days when we have a demolition of a deck or fencing of a house it usually goes onto our vehicle in front of their home and right to the dump facility in North Bergen. We have a small dump truck we fill up during the course of the week with smaller things and once it is full we dispose of it ourselves.

Ms. Kasetta – You have a haulers license correct.

Mr. Chamberlain – Yes.

Ms. Kasetta – You don't need a private hauler to come and empty any kind of receptacle on any regular basis.

Mr. Chamberlain – No.

Ms. Kasetta – How often do customers come to your headquarters now?

Mr. Chamberlain – Hardly ever if at all they would come to deliver a contract and say hi or a check. We usually go to their sites.

Ms. Kasetta – As for the signs can you confirm that you would like to replace what is there with signs of the same size or smaller.

Mr. Chamberlain – Nothing just some minor maintenance repair to the building and Hufnagel that's all. Most of our advertising is through the internet.

Ms. Kasetta – I would offer to the Board they would apply to the Building Department and if they comply they would be approved by permit and if not they would be back in front of the Board. That is all I have for Mr. Chamberlain.

Mr. Mazzer asked how long the building was vacant.

Ms. Kasetta believes that it's been vacant since October of last year and that the fence company had been leasing the property since they stopped using it years ago. The applicant is under contract to purchase the property.

Mr. Schilp asks if they will be repairing their equipment on site.

Mr. Chamberlain says they do some minor repairs to equipment.

Mr. Schilp – How big are the trailers.

Mr. Chamberlain – The maintenance trailer is 14 or 15 feet and the Bobcat trailer is about the same size. The maintenance trailer is enclosed and houses the equipment and the Bobcat trailer is empty because the Bobcat is usually on the job site.

Mr. Schilp asks about the regular trash on site.

Mr. Chamberlain – We dispose of it ourselves.

Mr. Paparozzi asks if the dumpster on site will be removed.

Mr. Chamberlain – Yes.

Mr. Paparozzi – Are you going to handle your own recycling.

Mr. Chamberlain – We try to but most often these places dump it together.

Mr. Paparozzi asks about outdoor materials being stored.

Mr. Chamberlain – Pallets of left over pavers or brick maybe some mulch.

Mr. Paparozzi – Is that going to be stored inside the building?

Mr. Chamberlain – I would love to sure.

Mr. Paparozzi – Then that would be another variance because there is no outdoor storage of material in any zone in Saddle Brook. If you are planning to do that you should specify that amount so that there is no issue in the future. I know Mr. Costa is coming up and for parking Mr. Costa has 22 and I have 24.

Mr. Duffy – If there are no other questions can I have a motion to open.

Ms. Murray makes a motion seconded by Mr. Schilp to open for Mr. Chamberlain.

All in favor – YES.

Ms. Uychich steps forward she gives her address as 326 Ninth Street Saddle Brook. She asks if they will be using Fifth Street and not Ninth Street as a means to access the property because that is what the fence company did and there are a lot of kids on Ninth Street.

Mr. Chamberlain – I don't plan on using any of the side streets.

Ms. Kasetta – It would make more sense to use Fifth Street because those other streets are very narrow.

Ms. Uychich asks if they have a drainage plan.

Ms. Kasetta – I don't think we do because we are not making any improvements.

Ms. Uychich shows some pictures on her phone.

Mr. Paparozzi describes to the Board that it is a picture of leader pipes coming from the building behind the building that the applicant is going to purchase and the water is running down the hill onto her property.

Ms. Uychich says she complained about it but nothing was done about it.

Mr. Duffy says she should call and complain to the Building Department.

The Board establishes that the water is not Mr. Chamberlain's to fix but that he is also being affected by the runoff.

Ms. Uychich asks about Tenth Street and what they are going to do with it and Ms. Kasetta explains that it was not completed by the Township and they are going to try and have it vacated because it will probably never be completed because of the change in grade and other issues.

Mr. Duffy asks if there are any other questions. There are none.

Ms. Murray makes a motion seconded by Mr. Schilp to close for Mr. Chamberlain.

All in favor – YES.

Ms. Kasetta calls Mr. Costa to testify as both planner and engineer.

Mr. Pellino swears him in.

Mr. Costa describes the location and topography of the property. There is a difference of about 30 feet in the elevation of one part of the property to the other part. He mentions the adjacent properties and what they are. Route 46 is the access in and out of the property. No improvements are contemplated for the site. There is an approved site plan from 1981 and it is how it currently exists. Ingress and egress is on Route 46. The DOT said they do not require any access or drainage permits from the state. Gary said 24 spaces are required based on the breakdown we said 22 we are proposing 11. The only issue is it would require a D Variance because the business zone does not allow it but it is not much different from what was there previously. If you look at the area in general there is very little impact on the neighbors. They want to build stairs from the top because of the grade change.

Ms. Kasetta – We have an aerial photo to enter into evidence as A-2 it shows the proposed stair location.

Mr. Costa – If the Board is so inclined to approve the application as a minimum requirement of the resolution they should because of the business they are in they can clean up the property as it is in disrepair. If the Mayor and Council decide to vacate this portion of the property the road will never go down to Route 46 because of the grade difference. It would be in the best interest of the town to vacate it so that they can get some revenue from it. To utilize the upper piece you have to build stairs to get from point A to point B.

Ms. Kasetta – Can you give an opinion on the outdoor storage in this area.

Mr. Costa – Very difficult everything falls off in 3 directions. You have a 30 foot difference in elevation between Route 46 to the area they are looking to use. The chances of Tenth coming through as a through street would never happen. The DOT would never approve it. The only improvements are aesthetic. The storage outside would be some excess material. The equipment will be stored inside with the exception of some trucks that would be stored at night. Everything will be fenced in. It is very wooded there it would be almost impossible to see any of the equipment from 46. If you want more decorative screening for the fence we could do that. Some ADA parking we could do that. I think Anthony requested some details be put on the plan we could certainly do that.

Mr. Duffy goes over the site plan with Mr. Costa to get a better idea of the layout of the property and where the stairwell will be.

Ms. Kasetta – You can see on the site plan there is a concrete path to the parking area and the steps come off of that. This is all so the employees that do drive to work can park up there and not have to walk down the shoulder of 46.

Mr. Duffy – So the plan is to make that a parking area.

Mr. Costa – Just the flat area. If you go out there today there is a plateau somebody years ago put in fill and tried to plateau it. Also at the end of Tenth they are using the public right of way and they have probably been doing that since 1981. Allyson put in paperwork to vacate it they would only get half of it then you could request from the DOT to get the rest of it. We should also

delete the lot line consolidate it into one lot and that would reduce the FAR. We can't do that yet but once he takes ownership we could do a reverse subdivision.

Mr. Paparozzi – The proposed improvements are the spaces 9, 10, 11 the sidewalk running along lot 3 and 4 and the stairs going down to the main building.

Mr. Kurus – Just to clarify the area to the west of the stairs is anything going on there or will it stay the way it is.

Mr. Costa – Stay as is except for cleaning it up. No hardscape improvements.

Mr. Kurus – Where is the storage occurring on your plan.

Mr. Costa – We are contemplating 3 parking spaces.

Mr. Paparozzi asks about the stairs and how they will be constructed. He says they will need to build a wall in order to complete it and then they would have to jump the wall to access the other area.

Mr. Costa agrees that they would have to use a ladder or something to get there unless you add another set of steps.

Mr. Chamberlain comes back up to speak. Mr. Costa tries to explain to Mr. Chamberlain the issue with the plan. He says maybe they could use a spiral staircase.

Mr. Schilp says why don't they make a landing so that they could walk off at that spot and then continue with more stairs.

Mr. Costa agrees that it would be a better plan and they will make those changes.

Ms. Kasetta – We will also be putting in lighting for the stairs actually in the steps and on a timer so they are not on all the time. We could do that on a revised plan for Mr. Kurus.

Mr. Schilp – I was out at the site and was on that platform and looking at the building there is a makeshift wall and if they are going to park vehicles up there on a regular basis the wall should be more structurally sound so it does not collapse over time.

Mr. Costa says that he will look at the wall and if it needs to be rebuilt they will do so. We will make sure it is safe.

Ms. Murray is concerned about the drainage coming off and maybe they could plant something that will help mitigate the runoff.

Mr. Costa – I will take a look at it and see if it can be fixed.

Ms. Murray suggests something to block the cars that will be parked up on top so they don't go down the hill.

Mr. Duffy mentions the recommendation from Mr. Seitz the Fire Official in regard to a fire zone being marked out.

Ms. Kasetta enters A-3 into evidence which is an aerial with the site plan overlaid showing the fire zone dated 1/10/2022. It is slightly smaller than what Mr. Seitz had recommended but she had exchanged emails with him and he was okay with the change that was made.

Mr. Schilp asks if there will be tractor trailers coming in and out of there.

Ms. Kasetta says the testimony was that the deliveries to the site are minimal because the bigger deliveries go right to the work site.

Mr. Duffy asks for a motion.

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

Mr. Duffy – Having seen none.

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

Ms. Kasetta gives her closing comments and asks for the Board to approve the application.

Mr. Pellino – For the shared parking to work you would have to do a lot consolidation or an easement that ties them together. If they consolidate the lots we have one lot there is not an

issue if not they can do a cross easement they go with the land forever. We could make it subject to the approval of this Board. Regarding the storage of materials this is for the Board's consideration is it open ended any types of materials and is it restricted to any part of the lot or is it the entire lot?

Mr. Schilp makes a motion to approve the application with stipulations that they put the stairs up and the wall is inspected and they use it as parking that the walls are safe and secure. There are stops to prevent a car from going over the edge. The outside storage could be restricted to the area along Route 46 edge. It shouldn't affect the parking spots that are there.

Ms. Kasetta – Just to be clear the storage would not be permitted on the side of the building it would only be permitted in the front?

Mr. Schilp – When you come in you make a left there's a fence right there on the other side of the fence along Route 46 for hardscape only.

Mr. Pellino – The applicant will submit a lighting plan subject to the approval of the engineer for the stairway. General agreement that the applicant clean up the lot overall and lot consolidation or easement.

Mr. Costa says he will do the lot consolidation and revise the plan accordingly and according to Anthony's letter. The construction details and will put an area where the storage can take place and stripe it accordingly this way everybody is on the same page.

Mr. Pellino – A revision to the stair plan to provide a landing for access to the lower portion. The fire zone will be on the revised site plan.

Ms. Murray seconds the motion.

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

6. RESOLUTIONS

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

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

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

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

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

7. MINUTES

Meeting of December 6, 2021 Regular Meeting

Mr. Schilp makes a motion seconded by Mr. Marz to read and file the minutes.

All in favor – YES.

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board, 11/24/21

Anthony Kurus to the Zoning Board, 12/01/21

Anthony Kurus to the Zoning Board, 12/03/21

Charles H. Sarlo to the Zoning Board, 12/17/21

Frank Barrale to the Zoning Board, 12/26/21

Michael Seitz Fire Official to the Zoning Board 12/30/21

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

9. VOUCHERS

Neglia Engineering Assoc.,12/16/21, Sita & Sons, 214-216 N. Midland, Block 101, Lot 3 \$185
Neglia Engineering Assoc.,12/16/21, Hufscape II, LLC, 326 Route 46, Block 118, Lots 2 & 3 \$1080
Neglia Engineering Assoc.,12/16/21, Curcio Realty, LLC, 156 Midland Avenue, Block 403, Lot 9 \$90
Neglia Engineering Assoc.,12/16/21, Curcio Realty II, LLC, 416 Lanza Ave., Block 403, Lot 8 \$90
Neglia Engineering Assoc.,12/16/21, RPM Hospitality Group, 129 Pehle Ave, Blk 1311, Lot 36 \$180
Neglia Engineering Assoc.,12/16/21, Midland Commons II, Van Bussum Ave, Blk 402, Lots 1-5 \$360
Neglia Engineering Assoc.,12/16/21, C.D.R. Realty, LLC, 435 President St., Block 120, Lot 23 \$350
Basile Birchwale & Pellino, 12/01/21, Curcio Realty, LLC, 156 Midland Avenue, Block 403, Lot 9 \$375
Basile Birchwale & Pellino, 12/01/21, Curcio Realty II, LLC, 416 Lanza Avenue, Block 403, Lot 8 \$1000
Basile Birchwale & Pellino, 12/01/21, Chefler Foods, 400 Lyster Avenue, Block 1009, Lot 9 \$125
Paparozzi Associates Inc., 12/09/21, Curcio Realty, LLC, 156 Midland Ave., Block 403, Lot 9 \$101.25
Paparozzi Associates Inc., 12/09/21, 5th Street Associates, 77 N. Fifth Street, Block 405, Lot 3 \$607.50
Paparozzi Associates Inc., 12/09/21, 40 Bella Vista Ave., LLC, 7 Welcome Rd., Block 502, Lot 2 \$326
Return of Unused Escrow, 12/22/21, Glen Cannici, 41 Woodward Street, Block 615, Lot 13 \$97.50

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

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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