

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
November 7, 2022 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday November 7, 2022 at **(Saddle Brook 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, and Mr. Duffy – Present. Mr. Champy and Mr. Burbano are absent. Mr. Pellino the Board Attorney, Anthony Kurus the Board Engineer and Gary Paparozzi the Board Planner are also in attendance.

5. NEW BUSINESS

A.) Monzer Khalil, 279 John Ochs Drive, Block 1403, Lot 35

Applicant requests a 14' by 26' deck with a roof over it that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Mr. Tokosh recuses himself because this applicant is his neighbor.

Mr. Pellino confirms that the notice is in order and that they may proceed.

Mr. Pellino swears in Monzer Khalil and Najwah Ramadan.

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

Ms. Ramadan explains that they would like to have a deck with a roof over it for convenience and so they can enjoy their yard because they like to sit outside.

Mr. Duffy – There are a couple of issues that need to be clarified. Your survey doesn't reflect what is going on at the property right now.

Ms. Ramadan asks what he means by that.

Mr. Duffy explains that the survey was done prior to the renovations that were done on the house which differs in the following ways. The garage is no longer there, the driveway is just grass where it shows asphalt on the survey and the house is now a two story house where the survey shows a one and a half story building.

Mr. Khalil says he would also like to pave and extend the driveway in order to accommodate the five cars that they have.

There is some discussion between the Board and the applicants and it is determined by the Board that they would need to get a new survey for the Board to accurately assess the application and make a decision.

The survey was done for the previous owner that was a construction company which had completely renovated the house and property. The applicants did not get an as-built survey when they bought the house as they paid for it in cash.

Mr. Duffy asks for a motion to have the application carried.

Mr. Schilp makes a motion seconded by Ms. Murray to carry the application to December 5th without further notice.

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

Mr. Duffy announces that their application will be carried to the December 5th meeting without further notice.

B.) Domenico Galluzzo, 576 Spruce Avenue, Block 1705, Lot 12

Applicant requests a 14' by 24' in ground 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 in order and that they may proceed.

Domenic Galluzzo of 145 Nedellec Drive and Domenico Galluzzo of 576 Spruce Avenue are both sworn in.

Domenic Galluzzo explains what it is the applicant wants to do. You have the survey that shows the pavers that are there now all the pavers will be taken up and stored and once we put the pool in we will put the pavers back around the pool. You're counting the pool as 50% lot coverage and the pavers are 75% the lot coverage doesn't change that much. The drainage all the green would be grass on those three sides the water would be running off we will only put an inch pitch. On the house side when we built the house he had a fire and we anticipated a pool so on the whole back of the house is a four inch drain and all the leaders and gutters are connected into the drain which goes out to the street. You can see where we are putting the filter and heater if you're looking at the house on the right side to the back end I'll be teeing off that four inch pipe to connect the backwash so that will go in the street as well.

Mr. Mazzer – When you backwash you're going to put it out and it will run out to the curb?

Mr. Domenic Galluzzo – Yeah we will connect it to the pipe underground and run it out to the curb.

Ms. Murray – When you came in, in 2018 you got approvals for 26.5% coverage it didn't have the pavers it had a garage.

Mr. Domenic Galluzzo – which we took down.

Ms. Murray – You were approved with no pavers the garage and that other stuff and you only have 26.52% you now have an existing according to the calculations from the Town as 29.4% so you made some changes without approvals. You also put a shed up on the side which is right on the property line things that weren't on your original variance. This is not what we approved in 2018.

Mr. Domenic Galluzzo – The shed is a Rubbermaid shed that will be coming down. As far as the garage we got all approvals for that because we had to get a demo permit.

Ms. Murray – It was part of the variance that we gave you the 26.52% you kept the garage up.

Mr. Duffy – There wasn't anything in the solution as far as the garage being taken down. The garage was having a fire rating because of proximity.

Mr. Domenic Galluzzo – Right.

Mr. Duffy – You took a permit out to demolish the garage that's your prerogative.

Mr. Domenic Galluzzo – Which is lot coverage and then I did the pavers.

Ms. Murray – The pavers put you over what the approval was and you should have been back for the pavers because we had 26.52% your current now is 29.4%. There is a difference in what you were approved for and what you have now in order to start again to do the next.

Mr. Domenic Galluzzo – When we went to put the pavers in why weren't we questioned about that?

Ms. Murray – I don't know did you get a permit for those I have no idea I'm not in the building department.

Mr. Domenic Galluzzo – It's all on the as-built. The final as-built before we got the CO had the pavers in there.

Ms. Murray – They weren't on the plans we approved. I know what we approved and the pavers were not there. I also remember you talking about the pool and saying I probably should just put the pool on the property in the drawing I know she's going to want it so might as well do it now. When you took the garage down you did get green but when you put the pavers you were over there should have been something calculated.

Mr. Domenic Galluzzo – Maybe the demolition of the garage made up for the pavers but I do know we did get the survey done after the house was built. We did get a final CO so he could move in and we eliminated a lot of the driveway.

Ms. Murray – I'm just saying the calculations that we approved and the current that's there don't jive.

Mr. Domenic Galluzzo – Now everything will jive you have the as-built Mr. Ambrogio did the measurements and from what I see here maximum lot coverage proposed is 55% existing is 53.1% right now.

Mr. Duffy – The existing is based on what?

Mr. Domenic Galluzzo – Based on what you see now.

Mr. Duffy – So the garage gone the pavers all that.

Ms. Murray – If Mr. Ambrogio did his calculations on this and he is fine with them its fine.

Mr. Tokosh – The backwash you said is going to a 4 inch pipe where is it coming out in the street by the telephone pole?

Mr. Domenic Galluzzo – No on the other side. There is a 4 inch pipe that runs alongside this house all the way down so we'll dig down to it tee it off and put the backwash in there so it goes out to the curb.

Mr. Tokosh – Okay.

Mr. Domenic Galluzzo – The back of the house has a 4 inch drain so any water coming down is going to drain into the street and it's been like that since we built the house.

Mr. Tokosh – What about the electric?

Mr. Domenic Galluzzo – The electric is already there in the crawlspace of the addition that we got the variance for. The electric and the gas is stubbed not outside yet we left it inside.

Mr. Tokosh – Its ground faulted right?

Mr. Domenic Galluzzo –its ground faulted and approved electrically in the main panel box in the house. The wire is there we just have to bring the wire out to the subpanel box. Same thing with the gas.

Mr. Paparozzi – The code for filter and pool equipment is less than 6 feet to the property line has to be enclosed.

Mr. Domenic Galluzzo – Enclosed how?

Mr. Paparozzi – The code says a shed so I guess four sides and something over the top because of the noise.

Mr. Domenic Galluzzo – If the air conditioners don't have to be enclosed the pool pump is a lot quieter.

Mr. Paparozzi – I'm just telling you what the code is.

Mr. Domenic Galluzzo – I know what the code is but I think right now we're showing seven and a half feet there I believe the pool equipment to the property line will be at five feet.

Mr. Paparozzi – Mr. Ambrogio said four and you said he did all the calculations correctly.

Mr. Domenic Galluzzo – Yes he put it at four and I tried to explain to him we're only going to stay two and a half feet off the house which is going to give us four feet. Mr. Ambrogio felt we're going to take three feet from the house which we're not.

Mr. Paparozzi – It's less than six and the code says it has to be enclosed I'm just letting the Board know.

Mr. Mazzer – You can put one of those Rubbermaid sheds over it.

Mr. Domenic Galluzzo – The problem is the carbon monoxide if we put any kind of roof on it we have to run a double flue pipe through the roof with a rain vent.

Mr. Schilp – You have to run it all the way to the roof of the house.

Mr. Domenic Galluzzo – A lot of things have been going on in this Town that I don't understand you remember that pool for Minimi 2 months ago the Fire Marshall made me put two bright yellow bollards in front of her heater which I never saw before. You don't even have bollards in front of your fire hydrants which is code. I think putting a 4 foot PVC fence but without a roof because believe me when I tell you these motors today are ten times quieter than an air conditioner.

Mr. Duffy – The code says pumps and filtration systems it doesn't say anything about heating systems so why can't he just enclose the filter system then he won't have the issue with the heating system.

Mr. Paparozzi – I checked it today and it's still in effect.

Mr. Pellino – That's not a zoning code right.

Mr. Paparozzi – No it's a building code.

Mr. Schilp – Like Mr. Duffy says you can enclose the filter.

Mr. Domenic Galluzzo – That's not a problem.

Mr. Duffy – I don't see us making him put something there that the code doesn't say he has to. I mean we could but we're creating another issue.

Mr. Paparozzi – I would say just enclose with a fence without a roof that'll help muffle any noise it doesn't have to be a shed since there is a fence around the property I think that may work again the Board can grant that.

Mr. Duffy – I don't know if we can alter something as far as the code is concerned.

Mr. Pellino – We can only alter a zoning regulation this is not a zoning regulation.

Mr. Duffy – He can put a shed around the pump.

Mr. Mazzer – Put a fence around it no roof.

Mr. Domenic Galluzzo – A four foot fence that's what we do on most of the jobs.

Mr. Schilp – The thing to do is enclose the pump and you don't have to worry about the heater because it doesn't reference the heater in there.

Mr. Domenic Galluzzo – You're talking about the pump itself that's what makes the noise not the filter. What they came out with is an enclosure just for the pump it bolts onto what the pump bolts on and encloses the pump. That's what the noise is the pump not the filter.

Mr. Duffy – I'm reading the code it states all pumps and filtration systems shall be kept a minimum distance from all property lines and should be at least six feet from the property line or enclosed in a shed. We don't have the authority to change that we can't tell you to put a pump cover or anything like that this is what the code says.

Mr. Domenic Galluzzo – We can put a shed around the filter if you want with a hinge where you can open it up.

Mr. Duffy – That's all you need you don't have to put a cover over the heater. That will be something for the Building Inspector to decide.

There are no other questions and Mr. Duffy asks for a motion to open to the public.

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

Mr. Duffy – 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 the application with the following stipulations that he enclose the filter and pump and when he gets done he has the survey with the square footage of coverage.

Mr. Duffy – We put in this motion that the calculations be correct and then there's a grading and drainage plan to be provided to the Township Engineer.

Mr. Mazzer seconds the motion.

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

C.) Nicholas Senedzuk, 78 Kuhn Drive, Block 1302, Lot 43

Applicant requests a rear and 2nd floor addition 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 in order for this application.

Nicholas Senedzuk comes forward and Mr. Pellino swears him in he gives his address as 78 Kuhn Drive.

Mr. Duffy – Can you walk us through what is going on.

Mr. Senedzuk – My wife and I are looking to add an addition onto the house go up and add a master suite on above the main floor and also go out the back of the house four feet to the deck and put a covering over the deck.

Mr. Paparozzi – If you look at sheet 1 of 4 the site plan to the left where the survey is superimposed it says line of the third floor. Then if you look at sheet 4 of 4 it says upper and third level floor plan. If you look at the west elevation it looks like three floors the code is two and a half I know these hand drawn

plans are a little difficult to read but it looks like three floors to me. If it's not three it should not be calling a third floor level.

Mr. Duffy – Can you answer that question?

Mr. Senedzuk – The house is a split level you come into the main floor there's a few stairs up to the bedrooms and bathroom and then the master suite addition would be up another set of steps to where the master suite would be which is currently the attic.

Mr. Paparozzi – To me it looks like three floors if you look at the left side elevation that clearly looks like three floors to me. If it's not it should not be called a third floor level.

Mr. Pellino – How is the height overall?

Mr. Paparozzi – Mr. Kurus took some numbers the number of twenty six and a half goes to a mean but it doesn't look like it's the mean because it doesn't show the hip on the roof.

Mr. Kurus – You're going up over the main level?

Mr. Senedzuk – Yes over which would be the living room dining room.

Mr. Kurus – Are you doing anything over the other side?

Mr. Senedzuk – It would just be redoing the roof level.

The Board members debate over whether it is a third floor or not and what would constitute it being a third floor being that it's a split level house.

Mr. Paparozzi – If it is not three floors then the architect should not call it a third floor.

Mr. Mazzer – He should have just said it's a two and a half story structure it's under the height limit.

Mr. Schilp – It's actually a two story building with a half a story on the other side.

Mr. Duffy – Looking at his drawing I see his point. His front elevation the left and the right elevation give it an appearance that there's a third floor.

Mr. Kurus – What's happening over the left side there's a big mass there is that living space?

Mr. Senedzuk – It's just going to be an attic area.

Mr. Kurus – This stuff on the left side over the existing two bedrooms that's attic?

Mr. Senedzuk – Yes.

Mr. Duffy – So it's two and a half stories. The access to the attic is going to be?

Mr. Senedzuk – A set of drop down stairs.

The Board is in agreement that it is not three stories but the plans need to be changed so as not to describe it as such. The height does not exceed what the code allows.

Mr. Paparozzi – I would suggest an elevation survey on the as-built to the mean and that will answer it. There is more debate on the height as the number is less than what the code allows but the drawing does not look as if the height is taken to the mean.

Ms. Murray – The front elevation you need the mean to the left side and to the right side because you have a little higher roof there so you need to make sure you don't exceed the limit.

Mr. Senedzuk – Understood.

Mr. Mazzer – You could lower that attic a little bit that's going to be a big attic.

Mr. Duffy – What's the height of the attic inside?

Mr. Senedzuk – I don't know what the height will be.

Mr. Duffy – It looks like I could stand up in there.

Mr. Senedzuk – No that was not the plan.

Ms. Murray – That's why we need the dimensions on the plan.

Mr. Senedzuk – Okay.

Mr. Mazzer – Have the architect put in something that'll say two and a half stories because when you go to three stories in a residential you're changing all of your building. Stay with the two and a half.

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

Mr. Duffy – Having heard none.

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

Mr. Pellino – Mr. Chairman how do we deal with the issue of the height?

Mr. Duffy – I was just thinking about that.

Mr. Paparozzi – Aside from a foundation survey we do a framing elevation survey showing the height to the mean when it's framed this way it's only framed and if there has to be some reduction it's only wood.

Mr. Duffy – Framed not sheathed so it's just lowering the ridge if you have to.

Mr. Paparozzi – Right if they do it at that time it's before the finished product and not after the fact.

Mr. Pellino – We're approving up to the limit of 28 feet is that what the ordinance says?

Mr. Paparozzi – That's right as long as you're under 28 feet you're fine but in order to ensure that a survey to the mean after it's framed.

Mr. Duffy makes a motion to approve the application with the stipulation that the height not exceed 28 feet to the mean.

Mr. Schilp seconds the motion.

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

D.) Budz Prime, LLC, 249 Route 46, Block 120, Lot 5

Applicant is proposing a class 1 adult use cannabis cultivation facility and a class 5 adult use cannabis retail facility, which would be separate from each other with no interior connection and 2 separate outdoor entrances and does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today. **(This application was carried from the September 12, 2022 Meeting to the October 3, 2022 Zoning Board Meeting and carried again to this meeting without further notice.)**

Attorney Daniel Lagana comes forward to represent the applicant. He distributes reduced size 11 x 17 architectural and site plan they are copies without raised seal and are entered into the record as exhibits A1 is the architectural renderings and A2 is the preliminary and final minor site plan.

Mr. Duffy – I was reviewing things and I came across something that caught my interest about the requirements of parking. It was 1.25 spaces based upon the consumption area. I started looking at this and I am confused. This is a class 5 license on the retail.

Mr. Lagana – Correct.

Mr. Duffy – A class 5 license has a provision for interior and or exterior consumption so you can have an area where the cannabis can be consumed.

Mr. Lagana – There are no consumption areas proposed as part of this application and my understanding was that the Borough code did not permit a consumption area.

Mr. Duffy – The borough code does allow it the state on the other hand has a prohibition in one area of it but allows for an application to be granted to have consumption. I went back and read Mr. Catania's testimony where he stated it was a big violation like you can't consume in here. Then everything else I read told me that there are provisions that this is allowable and then something says it's not so if it is allowable then the retail space is not set up appropriately for it. It calls for a demising wall with no windows and so you can enter and then be led into an area and that's where consumption can take place and any of the consumption that does take place the person that does consume you can't leave any residue. The establishment has to dispose of it or the person takes it out. My confusion comes in is what law is being applied here that tells me I can or can't do this so can you clarify this for me. I can't just go on the premise oh we're not going to do that I need something so I can get my head wrapped around this.

Mr. Lagana examines the Township code for information.

Mr. Duffy – On page one it gives you the definition on page eight under consumption areas.

Mr. Lagana – I see that.

Mr. Duffy – The ordinance provides guidance on that.

Mr. Lagana – My understanding of the way the state law is currently that consumption areas are not permitted in the state. I can't speak to that because I've not researched that as part of this application because we were not proposing any consumption areas and that has been the testimony consistent throughout. My understanding is the state law does not allow for consumption areas or for lounges which where cannabis is permitted to be consumed.

Mr. Duffy – This Town ordinance and it's backed up by the state it shows how the ventilation can be set up according to the same parameters that a cigar lounge uses so they can get around the New Jersey Smoke Free Air Act.

Mr. Lagana – Correct and my understanding with the cigar lounge is it's virtually impossible unless you've been grandfathered in to open a new cigar lounge because of the Smoke Free Air Act so unless you have before I think 2004 before the Smoke Free Air Act was adopted It's my understanding that it's virtually impossible for somebody in the State of New Jersey to open a new cigar lounge based on current State Law.

Mr. Pellino – I think there is something.

Mr. Lagana – A very minor exception I know social clubs are one because it's technically a private type of facility but I know unless there's a grandfather type situation. I'm not familiar with this section I apologize Mr. Chairman we have no intention of having a consumption area on the premise.

Mr. Pellino – We could make it a condition of any approval.

Mr. Lagana – That would be fine because the intention was never and you heard the testimony of Mr. Catania with the operations this is strictly a retail store in the front and he talked about the holding area simply to allow a cattling of people into the retail section and then the layout of the cultivation is strictly prohibited from public use.

Mr. Duffy – Even what I read I agree with that the separation is absolute. It was interesting the way your setup is that you had this large area there. I didn't know what the intention is and Mr. Pellino is correct we could make this part of it. This is all new. Who is that gentleman?

Mr. Lagana – That's a client he's saying that there is a separate license required for that we don't have it we're not applying for it

Mr. Duffy – Here's what's driving this. This is all new so the whole key to this is if this is to go forward it has to be done right and that's why I struggled with some of these things and read about it and I'm thinking to myself what happens if there is consumption we didn't you know and there's provisions on how it's supposed to be done. You have to be legal age in fact the definition in the ordinance calls for the fact that the employees can partake. I'm very concerned that we don't screw this up.

Mr. Mazzer – We could make it a condition.

Mr. Pellino – Yeah make it as a condition.

Mr. Lagana – We'll agree to that Mr. Chairman that was never the intent I didn't offer a witness to that effect our operations did not provide testimony to that effect it was never an intention. We would agree wholeheartedly to that condition of approval.

Mr. Duffy – I'm good with that for now.

Mr. Lagana – If I may we were last here on October 3rd 2022 we were able to present witnesses in architecture and operations and we reserve this evening we have our site engineer Mr. Matt Wilder who is going to provide testimony regarding the revisions the Board Members and the applicant are trying to clean up some issues with the site and he's going to provide testimony as to the revisions. We also have a traffic engineer here and a planner and I would like to call Mr. Wilder he was previously sworn at the first meeting on September 12th.

Mr. Pellino – I'll just admonish Mr. Wilder he remains under oath I'm sure he understands that.

Mr. Wilder – Yes sir.

Mr. Lagana – Since we were here in October the Board made good suggestions that resulted in specific modifications to the plans correct.

Mr. Wilder – Yes.

Mr. Lagana – Can you discuss and show the Board the modifications that were made.

Mr. Wilder – This is the site plan you have in front of you. The most significant change was we expanded the parking area. When we here in September we had opined that there were no lease agreements that we were aware of between the property to the east and the subject property. It turns out we were incorrect the owner advised us there's 18 leased parking spaces for this property to the south on this subject property so we increased our parking count to 69 parking spaces which accommodates 51 for our proposed development which meets code and the 18 parking spaces leased to the adjacent property.

The expansion has gone into the partially wooded area that exists on the east side of the property. The most significant change was regarding pedestrian accessibility to the front of the building. We relocated a loading zone to the northwest corner of the property previously it was on the right side of the building so by relocating it to the top of the building we were able to incorporate a sidewalk that is entirely up against the building so they're not crossing any drive aisles or anything like that. They are staying against the building and walking to the front of the site.

Mr. Lagana – what is the size of the loading dock?

Mr. Wilder – The size exceeds the Township requirement at its narrowest it's 15.4 feet and it actually spans 35 feet at that width but you'll notice it extends all the way to the row of parking spaces that have 12 parking spaces in it. On sheet six it shows the circulation plan. The biggest delivery vehicle this site will accommodate are like delivery vans so the middle truck circulation diagram shows the delivery van accessing the loading zone. It can do it one of two ways. It can pull head in to the loading zone and park take out the material to go into the store and backup and leave. The alternative would be they could turn towards the top of the plan and backup against the building.

Mr. Lagana – You testified the loading zone is now in excess of what the code requires.

Mr. Wilder – That's correct.

Mr. Lagana – Mr. Chairman there was testimony by the operations that the size of the delivery vehicles would be a sprinter van size and that would accommodate the proposed loading zone. Before we get off the parking what is the parking aisle width at the new area?

Mr. Wilder – The parking aisle was proposed at 26 feet. At the meeting in September we talked about aisle width and parking stall size and we do need some relief on several in this area mostly because we're getting squished a little bit in this area on the right side of the building. Anywhere we were able to provide the deeper parking spaces and the wider drive aisles we did provide that.

Mr. Lagana – Could you point out the areas that are compliant. Here we have 19 foot parking spaces 26 for the drive aisle so this whole area is compliant with respect to aisle size and parking space size. These areas are not compliant where you have 24 foot with adjoining 18 foot drive aisles. The industry standard is acceptable but again because of the fact we had the existing building to the right that we're contending with and our existing building so in those areas we did need some relief.

Mr. Lagana – What are the parking space sizes?

Mr. Wilder – We have 9 by 19 proposed in the rear and then 9 by 18 on the side of the building.

Mr. Lagana – The code requires 9 by 18 is that correct?

Mr. Wilder – That's correct.

Mr. Lagana – So we have some spaces that are oversized.

Mr. Wilder – The code requires 9 by 19.

Mr. Paparozzi – 9 by 20 or 10 by 18.

Mr. Wilder – The intent is not to request any relief for the parking spaces in the rear. My review had 9 by 19 but we'll confirm that and if it is 9 by 20 or 10 by 20 we certainly have the room in the rear of the property to accommodate the larger size.

Mr. Lagana – We did request a waiver for the 9 by 18 spaces originally and I did recall the parking chart for the zone required 9 by 18 but I can confirm that but we did request originally a waiver for that.

Mr. Wilder – That waiver would still apply because again the parking spaces on the right side of the building are 9 by 18.

Mr. Lagana – We talked about the additional parking spaces, we talked about the loading revision, and we talked about the pedestrian sidewalk that connects to the front. We also made changes to the ADA parking spaces correct.

Mr. Wilder – That's correct we previously had two ADA parking spaces in the rear of the building and one in the front seeing that the retail facility is in the front we relocated the ADA spaces so we have two in the front and one in the rear.

Mr. Lagana – That was at the suggestion of the Board Engineer correct?

Mr. Wilder – It was.

Mr. Paparozzi reiterates the parking sizes for the Township which are for non-residential 9 by 20 or 10 by 18 which is 180 square feet.

Mr. Pellino – That's in the site plan ordinance?

Mr. Paparozzi – Yes.

Mr. Lagana – It is and it's my fault I read it as a minimum of 18 but it was 180 square feet. We are still requesting the waiver.

Mr. Paparozzi – I mentioned it my report.

Mr. Lagana – Mr. Wilder we talked about the ADA parking to the front now we are also providing the curb stops for the cars correct.

Mr. Wilder – Correct we spent some time at the September meeting talking about vehicle safety as well as installation of concrete curbs and I had expressed a concern related to drainage. The property sheet flows from right to left now and my concern was if we introduced curbs it would impact the drainage. What we've done is incorporate concrete wheel stops to prevent vehicles from driving into areas where they should not be. With the expansion what we've done is try to incorporate curbs wherever we could where it wouldn't impact drainage. In the rear of the site you'll see an island that is broken up into three separate little islands. The purpose of the breaks in the island is to allow water through. What we've done is provide some landscaped island to direct traffic and provide some barriers but we did break the curbs in various locations to make sure that water is able to get through without ponding or anything like that. Any spaces up against the building and up against the right side of the property have concrete wheel stops to protect the buildings.

Mr. Lagana – We also made some modifications to the dumpster area because of the ingress egress to the rear of the building. There was a comment of one of the Board Members to ensure that access is adequate to the rear of the FT Mobility building can you go over some of the revisions in that area as well.

Mr. Wilder – Right now we are proposing side by side dumpsters one for general trash and one for recyclables. Right now they are behind the shed on the FT Mobility site which is the property to the right they have drive aisles and storage areas behind the building. What we've done is relocated the trash enclosure to the rear of that access to ensure that FT Mobility has access to the rear of their building. We're leaving this area open and we added some cross directional arrows showing they can go between the two properties but we didn't want to block off their access to the rear of the building.

Mr. Lagana – There was a comment by one of the Board Members regarding the generator. Can you point out to where on the plans we located the generator and the HVAC system?

Mr. Wilder – On the left side of the building on the top left we're proposing a 22 foot by 4 foot concrete pad to house all the ground mounted mechanical equipment.

Mr. Lagana – That exacerbated an existing nonconformity correct.

Mr. Wilder – Correct the pad is proposed to be five and a half feet from the property line.

Mr. Lagana – What was the original setback encroachment?

Mr. Wilder – That was ten and a half feet.

Mr. Lagana – We have a preexisting nonconforming condition on that corner and we're making it a few feet worse because of the generator location correct.

Mr. Wilder – Correct and I'll note that the generator although it does produce some sound it's ground mounted equipment so it's not as impactful as the building would be.

Mr. Lagana – Can you tell the Board what is along that property line on the adjacent lot?

Mr. Wilder – I have an aerial exhibit to make it easier to reference.

Mr. Lagana – Was this previously submitted?

Mr. Wilder – No.

Mr. Lagana – Can we mark this as A4 counselor.

Mr. Wilder – This is different in that the prior one had the site plan line work laid underneath it and this is just straight aerials and does not show any of the striping or anything like that.

Mr. Duffy – that's the only difference?

Mr. Wilder – That's correct. This is the area we're discussing so really what it abuts is a little bit of landscaping but it abuts the side of an existing building. It's not going to create a nuisance to any of the adjacent properties.

Mr. Duffy – So the Board knows this picture the only difference between the two is the one we originally had, had the parking lines.

Mr. Wilder – That's correct.

Mr. Pellino – if I can jump in if I understand correctly what was previously marked as A1 and A2 are A2 and A3.

Mr. Lagana – That's correct counselor. There were some comments regarding site circulation for emergency vehicles. There were comments about the Township having a larger fire truck than what was originally depicted in the circulation plan. Can you go through what modifications we made based on comments received?

Mr. Wilder – Originally we had a fire truck circulation plan using a 43 foot fire truck we realized at the recommendation of the Board that Saddle Brook has a larger fire truck and that showed 46 foot so we revised the circulation to the 46 foot fire truck and we ran the trucks through the property. It got a little easier due to the site modification with the expanded parking area. Circulation got easier for the fire truck and also for the garbage truck because they have more room in the rear. The one on the left is the revised fire truck. The one in the middle is the revised delivery vehicle. The one on the right is the fire truck and it was modified to account for pushing the trash enclosure more to the rear of the property.

Mr. Lagana – Are you aware of any comments by the Fire Chief?

Mr. Wilder – I have not seen any prior to this meeting.

Mr. Lagana – Another point I want to make is the circulation is showing the lot lines as depicted, especially in the front. I want to draw the Board's attention to the front of the lot that lot line on the easterly side is that an actual line is there any physical barrier to those vehicles.

Mr. Wilder – There is not Route 46 in this area is one gigantic curb cut so aside from the fact that a vehicle would be turning onto someone else's property this is sort of open and clear. We're showing vehicles turning in and then going back to the right because of the fact that we're showing them occupying the subject property but there is no obstruction preventing them from using the area in front of the FT Mobility Center.

Mr. Lagana – Mr. Chairman I can represent to this Board that the applicant has secured a lease agreement with the landlord who is also the owner of the FT Mobility building to use the curb cut in front of the FT Mobility building as part of the operations to the site so we're actually provided three curb cuts and opening up that front area. The circulation as depicted in the drawing where you see the lot line this line here is not an actual barrier it's open and we have access to use that drop curb so there will be three entrances to the site.

Mr. Paparozzi – Was a copy of that agreement given to Mr. Pellino?

Mr. Lagana – No but I can as a condition of approval we do have it signed and memorialized and I'll be happy to give that to Mr. Pellino to be part of the record.

Mr. Duffy – Where is that line again?

Mr. Wilder – It's easier to see on the aerial. The red line is the property line the property line is bisected by asphalt on both sides. There is a utility pole in this area so my truck circulation shows the vehicles coming down Route 46 turning around that utility pole and coming into the rear of the property. We have the ability to use the portion of the property in front of the FT Mobility site which makes it a much straighter shot. Instead of turning in and going up here you can turn in sort of in front of the utility pole and there is a much straighter shot. Worst case scenario we depicted it using the subject property which the trucks can all circumnavigate.

Mr. Duffy – Provided there's nothing in there.

Mr. Lagana – Correct but there is a drop curb with a drive aisle there so the intent was to create a more direct path because the real choke point is between the two buildings not between the property lines. It's all open asphalt so the idea is we allow use of the other curb cut the vehicles will have a straight shot to that drive aisle as opposed to kind of turning. It creates a better condition.

Mr. Duffy – The landlord has that property too and he's allowing use of that.

Mr. Lagana – Yes sir.

Mr. Duffy – For as long as he owns that property?

Mr. Lagana – Its part of our lease agreement.

Mr. Duffy – Kind of like the same problem that came the other way with the parking.

Mr. Lagana – It is a situation that is trying to make the existing conditions better and safer for vehicular traffic.

Mr. Duffy – For you not necessarily the other tenants.

Mr. Lagana – I respectfully suggest that the reconfiguration of that parking area in the front would benefit both the FT Mobility site and ours.

Mr. Duffy – in your opinion.

Mr. Lagana – Yes.

Mr. Duffy – I just don't want to be causing a problem.

Mr. Lagana – I have no further questions for Mr. Wilder.

Mr. Paparozzi – On the 18 spaces leased to FT Mobility are they going to be designated or labeled? Did you have a plan to say these are your 18 spots?

Mr. Lagana – We did not but we can that back parking area was dedicated for those additional spaces if the Board feels that those are appropriate to be reserved for FT Mobility we don't have a problem doing it.

Mr. Wilder – My understanding is the rear of the property.

Mr. Duffy – I don't think we have that right to tell them which ones to dedicate. They might have it already established.

Mr. Pellino – The question is does the lease provide its exclusive where only FT Mobility can use it.

Mr. Lagana – Yes it was 18 spaces 4 along the building and then 14 in the parking field which is not defined in terms of spaces and location it's kind of a free for all so we have no problem providing the 4 spaces along the building and then reserve 14 spaces in the rear parking area for FT Mobility if the Board so chooses.

Mr. Tokosh – Is there a time requirement on the lease?

Mr. Lagana – I don't have the lease agreement in front of me on FT Mobility's lease?

Mr. Tokosh – Yes.

Mr. Lagana – Off the top of my head I believe it was two years remaining on the lease.

Mr. Pellino – I wouldn't make them in two years it's going to be.

Mr. Duffy – Going to be a different fight.

Mr. Kurus – With respect to the access you have submitted to the DOT for a letter of no interest.

Mr. Wilder – Yes.

Mr. Kurus – If you make any changes will you have to resubmit to them?

Mr. Wilder – We would I have had some correspondence with the DOT a couple of weeks ago they're a little bit slow.

Mr. Kurus – It's hard to get an answer.

Mr. Wilder – It is and I had asked for an update as to if everything checked the box for the letter of no interest. Based on the trips and the site I do think they will issue a letter of no interest but obviously if we make any changes to the access points that necessitate DOT approval we would have to obtain that but at this moment I believe the state will hopefully in the next couple of weeks issue a letter of no interest.

Mr. Kurus – So DOT has jurisdiction over the access so if they're okay with it then we're okay with it.

Mr. Duffy – That's by FT Mobility the secondary property line.

Mr. Kurus – Yeah they're going to be looking at their access our access whether one impacts the other provided they get the final latest plan.

Mr. Wilder – As far as the plan that they have it did not have the extended parking in the rear but it did have the same configuration in the front. We have not been proposing any modifications to the state highway and part of the reason is we did not want to deal with the DOT they sort of look past existing driveways that don't meet their current standard and Route 46 in this area nothing meets their standard

because it's such a like one gigantic curb cut. To start trying to mix and match and make a compliant access point makes it a little bit tricky on this property.

Mr. Kurus – As long you get us a copy of whatever their response is and keep us in the loop if they do request a change then we have to do what they ask.

Mr. Wilder – Of course.

Mr. Kurus – The curb stops can those be pre cast concrete hammered into the ground?

Mr. Mazzer – Yeah anchored.

Mr. Wilder – Sure absolutely.

Mr. Kurus – I guess with respect to the new parking area I know you talked a little bit about drainage any storm water management for that additional impervious?

Mr. Wilder – At the moment we're continuing to sheet flow the runoff the way it does now. The development does not meet the definition of a major development so the New Jersey storm water regulations regulate anything that increases impervious surfaces by a quarter acre or more which we're not doing or it disturbs one or more acres of land. We did want to try and do with the expanded parking area we did want to try to sheet flow it over green area which is sort of the reason why the expansion utilized more of the rear of the property then on the left side of the property to allow this portion of runoff from the new impervious areas to sheet flow over a green space. We're not proposing any storm water measures at this time but we did want to try to get it into green space provide a little bit of treatment and also to allow it to recharge into the ground.

Mr. Kurus – I agree with you you're not a major development but I just looked at your percentages it looks like you're 12% increase in impervious which is about 7,000 square feet of new impervious. What's the surface there now in the back? Isn't that the wooded area?

Mr. Wilder – There is a wooded area yes.

Mr. Kurus – I know you don't meet the major development requirements but I think we're going to need something rather than just sheeting into the neighboring property because that's a complaint waiting to happen.

Mr. Wilder – Understood we could add some infrastructure there may be an underground recharge system.

Mr. Kurus – Something.

Mr. Wilder – Sure we would have no issue with that and I'll say I probably knew that comment was coming but you can't blame a guy for trying.

Mr. Lagana – Can that green area be utilized for any green infrastructure?

Mr. Wilder – Maybe like a small rain garden which is essentially you create a puddle and you plant the bottom of it and you plant the bottom of it with plants that are really wet tolerant so they suck up all of the water. You could turn it into an architectural or landscape feature by planting it and it's relatively low maintenance so it looks good it's low maintenance and it does provide some water quality benefits.

Mr. Kurus – Okay. Last question did you go over the lighting plan?

Mr. Wilder – I did not review the lighting plan.

Mr. Kurus – We were just paging through it and it looks a little dim in the back of the site. It doesn't look like you had any lights in the back.

Mr. Wilder – we haven't added any lights in the back and the thought behind that was those are the spaces leased by FT Mobility so we could add a light somewhere I'd have to take a look at where we could put it.

Mr. Mazzer – Your lighting right now just comes off the building.

Mr. Wilder – That's correct.

Mr. Mazzer – You've got to put some kind of maybe a pole or two in the back just to brighten it up.

Mr. Wilder – I think we could put a double headed fixture to illuminate the entire area.

Mr. Lagana – We could do like a typical LED.

Mr. Kurus – LED with fast light control those are good.

Mr. Wilder – Yeah we could do that. We would have to talk to FT Mobility about putting them on a timer. More light is part and parcel for safety on a site. The better illuminated the safer it is.

Mr. Kurus – Your client would probably like that as well. That's all I have.

Mr. Mazzer – The stops being anchored is a good suggestion because I know they move all over the place so if they're anchored it almost serves like a curb. The lighting you put a double pole in the back I think you're good there's no houses back there there's nothing back there that's it.

Ms. Murray – The lighting mainly because of the hours if you're going to stay open until 10 pm you have customers that may be parked back there. It's not exactly especially if they know what somebody is buying. I think you have to do whatever the code shows for lighting.

Mr. Tokosh – After ten o'clock I think you're going to be shutting down correct. After that time will there be police patrolling that area to make sure no one is back there? We don't know what's going to go on back there especially if you have cannabis.

Mr. Duffy – My understanding is there is a security system cameras all around the building that the Police Department will have access to so they will be able to view twenty four seven.

Mr. Lagana – That's a great point.

Mr. Duffy – That is in the ordinance.

Mr. Lagana – Correct.

Mr. Duffy – I believe the ordinance calls for communication as to when it closes and so forth it's not like they lock the door and they go home and the Police Department doesn't know about it there's provisions in the ordinance that requires these things done. What's the total number of parking spaces now?

Mr. Wilder – Sixty nine fifty one for the proposed use and eighteen for the adjacent property.

Mr. Pellino – Are you required to put EV chargers in under the new statute?

Mr. Wilder – I believe we're required to so the easy answer is yes we'll comply with the state code for EV parking.

Mr. Lagana – Which will actually give us a credit and reduce our parking requirement.

Mr. Duffy – Explain that please.

Mr. Pellino – The state statute says in certain circumstances you have to put in a percentage of EV charging stations and it doesn't make any sense that for every charging station you put in you count that not as one space but two spaces.

Mr. Duffy – Okay.

Mr. Lagana – we are not seeking the credit.

Mr. Pellino – You don't need it.

Mr. Paparozzi – The credit's only 10% so if you need some it's based on 51 so the credits only 5.

Mr. Wilder – It's very controversial in residential applications where you have high density and you might be getting another dozen units. Commercial developments like this it's not always so problematic to deal with and the requirement for residential is much higher it's 15% need to be EV ready where this would only require 2 EV stations.

Mr. Duffy – Judging from Mr. Catania's timing turnaround if I recall initially it starts out at fifteen minutes and their goal was to have turnaround in seven minutes. You're not plugging in and charging anything in seven minutes.

Mr. Wilder – Maybe an employee and there's no restrictions as to who can use them so I think that's probably the most common occurrence is you'd see an employee using it.

Mr. Schilp – are you planning on putting in a couple of these?

Mr. Wilder – We're required to by law. The state statute normally when the state adopts or local ordinances there is usually a mechanism to get an out you can request a variance or waiver the state statute does not provide an out in that requirement.

Mr. Schilp – Where do you intend on putting them?

Mr. Wilder – they probably go in the back of the property. We would pick the one that makes the most sense. Not up against the building for the hot turnover spots but somewhere where it's still accessible enough where someone can plug in. There is no requirement ADA spaces need to be the closest accessible there is no requirement for the EV it's at the developers discretion.

Mr. Schilp – Put it far away.

Mr. Wilder – Yeah but you're running primary electric to it.

Mr. Schilp – We've been looking at this for the Fire department and it's turning into a nightmare. You can't fight the fires.

Mr. Lagana – Under buildings has been a problem.

Mr. Schilp – When they put the solar panels in they're putting them in garages in the basements and it's the same unit that's in the cars.

Mr. Wilder – We've done quite a few parking garages where there's a lot of them.

Mr. Duffy – Did you say those spaces are open to anybody?

Mr. Wilder – They are. In a residential setting they're typically access to the garage is restricted those spaces would be restricted but you cannot restrict the proposed EV spaces from customers to employees. Could the general public come and plug in their car and then go somewhere I guess they could if they wanted to but the speed at which these cars charge unless you're doing a Tesla super charger it's a little I don't think someone would just come unknowingly and they don't show up on any of the maps. Tesla has a whole infrastructure map showing where all the chargers are these wouldn't show up on that mapping. I did a job in Hackensack where we got twelve extra units by putting in EV parking spaces.

Mr. Paparozzi – The maximum is 15% but you can only get a 10% credit.

Mr. Wilder – It's a very controversial statute that was passed.

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

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

Mr. Duffy – Having heard none.

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

Mr. Lagana calls up his Traffic Engineer Matthew Seckler who is also their Professional Planner.

Mr. Pellino swears in Mr. Seckler with Stonefield Engineering Design 92 Park Avenue Rutherford New Jersey.

Mr. Lagana has Mr. Seckler give his credentials to be qualified as a witness for both traffic and planning. The Board accepts him as an expert witness.

Mr. Seckler – We did varied traffic analysis one of the things that is important is that it's on Route 46. You've heard from your Board Engineer we're in the process of getting a letter of no interest from the DOT which to get that we need to show that we're doing no improvements within the DOT right of way and we're not increasing the level of traffic in a significant amount and I'll go through how we concluded that. This project is along Route 46 westbound it's nature is that you have this free flow section and you hit a traffic light free flow section then a traffic light so this location maybe a quarter mile from Westminster Avenue we're at any of these shopping centers along this corridor you are relying on the light to turn red then about ten seconds later further down the line is their chance to get in and out of these developments or side streets. We looked at the traffic volumes and found during the busiest hours you're getting about 2000 vehicles an hour coming down Route 46 in this direction more so westbound in the evening in the morning you have more traffic heading eastbound. We looked at that volume on the roadway the aspect of the traffic lights on either end you go in and out of the site to get an understanding of how much traffic will change with this development. This is not a virgin site that hasn't had traffic in the past there's been traffic from the previous tenant that we are refilling or the other tenants that share the driveways that we have that generate traffic today. We're trying to clue in on how much traffic this business would generate. You have two aspects the cultivation area we heard there are six employees so at most if everybody decides to show up at the same time you got six people coming in and in the evening six people coming out. You don't staff all six people show up at the same time but worst case you got six people coming in an hour to the site again one car every ten minutes or so to the back half of the site the cultivation facility not a very intense use especially per square foot. The dispensary sees a lot more come and go they have a plan in place to turn the site over and I think you heard the Chairman talk about once every twelve minutes or fifteen minutes working down to seven minutes. To come up with the trip generation the ITE which is the publication that we use to project traffic. They do have trip generation rates for dispensaries a new land use that wasn't around fifteen years ago but we've seen sites open in Massachusetts and Colorado those were the sites that were studied in the ITE book. We've also worked on myself on projects in Rochelle Park that site that's been open slightly different in terms of the size but we've got an

understanding of how much traffic a site like this would generate. We'd expect about one customer every minute during the busiest hours. Now overtime that will probably decrease as more towns adopt the ordinances people move in you won't have everyone from ten miles going to a site you may have everyone from five miles going to the site. Right now we are looking at one car every minute during the busiest hours. Not every person that comes to the site is a brand new car on Route 46. What we see is if you think about pharmacies, convenience stores things like that a lot of them are on roadways because someone's coming home and they're like I need to pick up my blank that's convenient on my path to travel I'll pick that up. The same thing on Saturdays when you're leaving house in the morning to run your errands you're trying to think of how many stops can you hit before you have to come back home. The same thing happens with this type of use. When it's brand new the day it opens you don't have an existing customer base they'll be new traffic but as it normalizes we expect about fifty percent of the customers are coming here on their way to someplace else. About fifty percent of the customers are not going out of their way to the site they're the 2000 cars on Route 46 just happen to turn to here instead of turning into the gas station convenience store or wherever else they're travelling along the way. We're looking at new cars on Route 46 about 30 new cars an hour. You got sixty customers half of them are on Route 46 anyway thirty are new to the area on Route 46. One new car every two minutes on Route 46 is a drop in the bucket for the traffic here. This is similar to how we are working with the DOT to have them conclude in their case they look at a hundred trips are you creating a hundred new trips an hour less than that they don't deem needing a new permit. That's the offsite discussion you've heard discussion about the onsite plan. I'll get to this a little bit in the planning I just want to emphasize you're getting a parking lot that's newly striped defined much better than you see today. You have a much safer path for people that are parked in the back to get to the front. You heard about the drive aisle widths parking spaces they are all fairly standard for commercial developments. I would say the pinch point is a virtual pinch point it's the property line in which no one driving on the site will have any idea that the property line that is less than eighteen feet they're going to be taking up all twenty three feet that you have when you go beyond the property line. Parking you meet the requirements you have an appropriately sized loading zone for the type of deliveries we experience and you heard discussion about the design vehicles garbage truck fire truck and their ability to access the site. I think this site meets the industry standards and has been designed appropriately.

Mr. Duffy – How many cars an hour?

Mr. Seckler – In terms of cars for customers we expect about sixty customers. The customers have to get in and out so it's a hundred and twenty trips but its sixty cars that'll come in an hour sixty cars that go out an hour.

Mr. Duffy – Is that peak or off peak?

Mr. Seckler – That's peak.

Mr. Duffy – What time again?

Mr. Seckler – Saturday is probably your peak it's similar to other retail uses it's probably a little busier on Saturday during the day a little bit more in the evening at ride home that tends to be when people would be picking up their goods at this site.

Mr. Duffy – How did Rochelle Park fair with it?

Mr. Seckler – Their numbers are right around about one per minute. Their site is much larger what they did is when they opened they opened medical only to start. They were open before the recreational use. When the recreational opened they went on line only ordering for the first three or four weeks. You would schedule your time to come so they wouldn't be overwhelmed then once it became normalized they were the only one in Bergen County open for recreational. Like when Sonic opened and Chick Fil A opens in New Jersey it was like that but they went on line only ordering or make an appointment so you can schedule and that's when you would be let in and right now they're at that one per minute or less.

Mr. Duffy – Sonic was a mess.

Mr. Seckler – Sonic was a mess yes. When Sonic opened up it was a mess and then eight months to a year later it went back to normal and now I don't know if I ever see a car going in and out of Sonic so I wonder how the business is doing. As these sites when it becomes as opposed to the one store for twenty

five miles it becomes one store for ten miles then one store for five miles all of a sudden it becomes you're not bringing in people from New York City to Rochelle Park because it's the closest place you can get the product all of a sudden you've got five locations. I know in my head all the sites that are potential in Paramus and Maywood and so as you add more and more in Bergen County it's not going to be this is the only place to get it. I think that is the normalization you'll see with this type of product.

Mr. Lagana – So it's your testimony that eventually this is going to become more of a localized use as opposed to a regional use.

Mr. Seckler – It's honestly going to be more like your local pharmacy or your local convenience store that you're going to end up going to because this will be the one for the three or four towns around until they open up their own.

Mr. Schilp – I pass by Rochelle Park all the time and there's nothing there. I pass by from nine in the morning until four or five in the afternoon. When they first opened it was a mess but the cops did a good job of it. It calmed down I would say within thirty days and now it's nothing.

Mr. Seckler – It's like any other retail store.

Mr. Lagana – If I'm not mistaken that was the first class five dispensary in the state not just Bergen County.

Mr. Schilp – Yes it was.

Mr. Duffy – They opened up in phases.

Mr. Seckler – They were opened for medical for a year and a half two years and they were the first ones to get the state recreational license. Then I think there's one down south and then.

Mr. Duffy – Where exactly I have not gone by there.

Mr. Seckler – Route 17 northbound.

Mr. Schilp – By Longhorn.

Mr. Seckler – Yeah Longhorn Steakhouse Starbucks in that kind of shopping center.

Mr. Duffy – Slightly different corridor than what we have here in Saddle Brook. It's wider a wider shoulder. We have a similar situation with the shoulder that Sonic had in Hasbrouck Heights. So your peak hours were what time?

Mr. Seckler – Typically Saturday middle of the day and then pm rush hour coming home.

Mr. Duffy – Then pm four to seven four to six.

Mr. Seckler – Yes. Also one of the benefits on this site is the majority of the parking is in the rear. When you have a site that you can pull the people into the site and pull to the back is beneficial then people getting stopped behind cars that are trying to pull in and out. We do have eight spaces up front but most people are going to see those things occupied most of the time when the site is active. What you're going to have is people that are going to pull right to the back and it helps bring the traffic off the highway. You don't want to be getting traffic that backs up the highway when they're trying to wait for a car to get out of a space twenty feet from the curb line and that I think is a benefit of this site. Whether there needs to be signage that says additional parking or whatever I think it's something we could work with the Board to try and draw those people deep into the site so they're not waiting out front.

Mr. Duffy – Coming down from that overpass when you come down from Westminster one of the dangers is everybody uses the shoulder because the traffic is all backed up because there's two lights that affect it Fifth Street and the exit out of where Walmart is. Those two are never in sync so it screws that all up and backs it all up. Just to go to Staples is tough but it becomes very dangerous because people fly up over that. You will get out of New York because if you look at Walmart's parking lot and look at the license plates there it draws.

Mr. Schilp – Right now you wind up with three curb cuts because you're going to get permission to use the most easterly one you got the second one is there any thought about making the third one the most west one exit only?

Mr. Seckler – I think it generally functions that way although it may not be signed that way again I wasn't party to the discussions with the Department of Transportation the issue you normally have is if you change the allowable movements the DOT may look for improvements altogether. They may want to curb

it differently and stripe it differently and then that triggers them getting involved a lot more than I think everyone wants.

Mr. Schilp – No problem I understand.

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 on traffic only. Having heard none.

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

Mr. Lagana – We qualified Mr. Seckler as a planner as well. Mr. Seckler we have a couple of variances we have a D3 variance for based on a conditional use with regard to the residential units that are on the property. We have a de minimis D5 FAR that is a preexisting nonconformity that's not being exacerbated and we have two bulk variances. Can you give the Board the benefit of your planning expertise with regard to each of the variances?

Mr. Seckler – This is an application which came about due to the Governing Body's creation of an ordinance that allowed for this type of use to be created in certain zones and districts. As part of the allowance of both these uses because really we have two different types of cannabis uses here they both have different standards or were outlined differently. One was the cultivation in the rear the other is the retail in the front. They both have a set of conditional use standards and looking at the various revisions that were made to the ordinance I think one of the things that was clear was that there were certain provisions in place to help protect the general health, safety and welfare for anyone around. I think one of the most important ones was the proximity condition which was you needed to be a certain distance away from certain use which I would consider to be more sensitive uses things like schools and daycares and residential zones and this is a site that satisfies all of those conditions as it relates to proximity to those sensitive areas and having sufficient distance away. We also meet a number of conditions that relate to cultivation things that I'd say is looking at the health, safety and welfare of those around making sure that there's proper ventilation, no odors, the way that things are enclosed in the building all those items I think as reasonable conditions that are being met as part of this application. One of the things we are hampered with, with this project is the fact there are existing residential uses within the building itself. There are two apartments upstairs I don't know the age of the apartments I don't know how they came to be but we did provide the floor plans so the Board saw how those units are laid out on the second floor. In a B2 District which is your secondary business zone those residential uses are not permitted. What we're putting in place the cannabis dispensary the cannabis cultivation that is what is in line and thought of to be a proper use in the B2 District. The thing we're changing in and out that's permitted through the conditions we are satisfying but the existing use that's been up there for X amount of years is not and that's what we're seeking this Use Variance form this Board for. I look at this type of use and try and reconcile how is the use upstairs appropriate with the use that we're proposing downstairs and it's important to remember that there are a number of B2 uses that I would say would more negatively the preexisting nonconformity upstairs more than this. You could have a tavern open until two in the morning people coming in and out all night long people bringing the glass out to the recycling bin all that is permitted in the B2 District. We have a use that is highly regulated. We have regulations related to ventilation and odors and noise coming from downstairs so the way that the Governing Body has framed out the conditions for this use protects any other use even more than what exists there today where there's no restrictions. You could run taverns until two in the morning in New Jersey without restrictions of noise and things like that. I think the preexisting use fits better with the new uses that are coming into this building. I think that is a benefit of the project and when you're trying to balance that use variance aspect again no change in the use that's preexisting it's just changing out the permitted use that's in the ground floor. The other variances we have the floor area ratio .25 is permitted the building as it exists today is .256 so what likely happened is that it was permitted at .25 when they went to build it some wall got moved a fraction of an inch we survey it and you're off by .006 no change in FAR I don't see any negative impact with keeping the building FAR the same way it is today. There's been no impact on the traveling public or anybody on the property that you're over by .006.

Mr. Lagana – We're talking six one hundredths of a point.

Mr. Seckler – Yes on the FAR calculation.

Mr. Lagana – The FAR and the D3 variance have a similar burden of proof correct.

Mr. Seckler – Yes it's can the site support this deviation so can the site support the .006 percent additional floor area it's supported it since this buildings been up so clearly the circulation the parking the impact to neighbors aren't changing at all. Its de minimis relief we're seeking and it's an existing condition.

Mr. Lagana – The burden of proof is a little less for the D3 variance correct?

Mr. Seckler – Yes.

Mr. Lagana – As opposed to a D1 use variance where we're determining site suitability.

Mr. Seckler – If we came in and said hey guys I think it's a great idea let's put residential above that's a whole different standard then a residential above that's been existing a nonconformity through time. It would be a whole different case the Medici standards we talk about site suitability because it exists today it's existed with B2 uses downstairs with the rim shop and the vape shop it's always existed with those type of uses downstairs that the threshold we need to seek is not as high. Those are the two D variances that we're seeking. I'll talk about the C variances then I'll get through reconciling the positive and negative criteria. In terms of the two bulk variances we're seeking one is related to the side yard setback that's preexisting at 8.7 feet for the structure itself. We do have the generator that is being placed in the side yard and you heard that from the site engineer in fact where it's located is not seen by any of the traveling public it's not going to be seen by people on 46 and it's tucked between a spot where it backs up to other commercial properties and really has no negative effect on any of the neighboring properties. Last is the impervious coverage which we discussed again by creating additional parking spaces we need that impervious coverage variance to make sure that we satisfy the parking standards the Township has established. You heard from the site engineer that we would be willing to provide the necessary improvements to storm water management to offset that impervious coverage that we are seeking a variance for. I think there's benefits to adding this impervious coverage because you are going to have a well-organized parking field. Out there today if you go in the back it is just cars and vans and everything back there now every car will have its place. When the back parking lot was assigned to the next door neighbor they'll have their place for vehicles to be located our customers will have its place our employees will have their place it'll be well organized with the variance should this Board see fit to give the impervious coverage variance. I think you clearly get a benefit to site circulation by allowing the impervious coverage variance I don't see a negative because we're offsetting the environmental impacts by providing storm water management improvements with that case.

Mr. Paparozzi – Mr. Seckler the 9 by 20 parking is another variance.

Mr. Seckler – Yes and the drive aisle width is a waiver thank you. The parking space dimension you heard the dimensions we are proposing here I know they are slightly smaller than what is permitted by Township code however they are pretty standard for other commercial businesses. We have a mix of 9 by 19 some 9 by 18 mainly limited because of the property lines but we are also providing curb stops to help keep cars from extending into drive aisles but 9 by 18 is pretty standard parking dimension. The average car even an Escalade that's about 16 and $\frac{3}{4}$'s feet so clearly I can fit within an 18 foot space. We are seeking relief for that because we are one foot shy in length. The drive aisle dimensions is a waiver and I think the site engineer provided the necessary testimony in the fact that it's reasonable and appropriate for this location. The recent reexamination of the Master Plan which was in 2014 talked about residential developments not indicative to this development we're talking about multi-family developments two families in one family zones things of that nature we're not proposing any of that. I do want to highlight goals related to goal number three was to maintain and upgrade businesses along Route 46. This is a chance to put in a modern business one of the largest growth industries in the State of New Jersey is dispensaries and the ability to grow and create this type of use. I do think we are advancing goal number three. They also speak to the fact they want to keep businesses away from residential areas and again this is away from residential areas. No residential on our side of the street for a good deal. We have the cemetery behind us that doesn't care what's going on, on our property and also goal number five which was to maintain and attract local businesses and discouraging the spread of nonresidential uses into residential neighborhoods. This is not a chain I think people will be happy about it's a relatively local business. It's the farm to table version of this type of use where you're growing in the back and you got

used in the front I think that advances number five. I think the Governing Body has sought to bring this type of business to the Township by creating a recent ordinance to allow this so I do believe we can reconcile the negative criteria in saying there's no significant impact from a negative standpoint. In terms of the positives I think we're cleaning up this parking lot we're seeing an advancement from the visual environment of this property. You're going to see the building you saw the architectural provided at the last hearing in terms of the cleanup of the site and the building that's being advanced as part of this application as well as providing a use that to many people although this is a recreational use to many people will also get the benefits from a medical standpoint although you don't need a medical card here there are many people who use this type of product to help them in a medical environment. I think that will help advance purpose (A) health, safety and welfare. Overall I think this is an application which has limited variances but can be granted due to the balancing of the positive and negative criteria and the fact that the two D Variances we have here are both preexisting residential use and FAR which we're not changing at all. All we're doing is replacing a tenant with another one that is permitted per the ordinance requirements.

Mr. Lagana – With regard to the bulk variances do you believe the positive criteria with regard to the C1 variances are met?

Mr. Seckler – Yeah C1 as it relates to hardship there are some hardships related to this property because it exists. The building can't get smaller it exists on the property it'd be a hardship to have to take down the wall and move it slightly so we do meet from that standpoint as well as the C2 flexible criteria and the fact that overall I think this project is having a large number of better playing principles that are outweighing any of the negative aspects of having a variance.

Mr. Lagana – You also mentioned some revisions to the Township ordinance isn't it true that the Township actually called out the B2 zone and this block and lot as a potential site for the retail?

Mr. Seckler – In the ordinance they put targets on certain properties and this was one of them so clearly the Governing Body saw this type of property these preexisting issues the FAR the residential use on the second floor but still identified this as an appropriate location for this use.

Mr. Lagana – Mr. Chairman I have nothing further.

Mr. Pellino – I thought I heard your engineer say that as to the parking spaces in the rear you could make them comply?

Mr. Lagana – I believe they were 9 by 19.

Mr. Pellino – I thought he said that there was room to make them comply.

Mr. Paparozzi – You might make the aisle width smaller then because you need two feet you need on the tandem parking where you have 9 by 19 you would need one and one so the two feet might affect the aisle width or the lot coverage. It's probably easier to grant the C variance for the 9 by 19 you don't expect box trucks and that kind of customer to go to the site so the 9 by 19 and 9 by 18 should suffice in my opinion.

Mr. Duffy – There were questions originally back and I don't know if we have to bring Mr. Wilder back up. As far as the life safety plan on the drawings there were a number of questions as far as egress the 100 feet.

Mr. Schilp – I discussed that with the Fire Inspector and it just makes everything.

Mr. Duffy – It looks like there's an additional door because originally there was only one in the back in that long corridor coming out of the flower rooms. Originally the plan only had the one so you answered this nobody's addressed this.

Mr. Lagana – We do have our architect here if you would like.

Mr. Duffy – If anybody doesn't have any questions for the planner. We'll conclude with the planner then I just want to bring up the architect again and go over that.

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 on the planning aspect. Having heard none.

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

Mr. Lagana – I will recall the architect and this was questions regarding the fire egress?

Mr. Duffy – Yes there were some questions on that.

Mr. Pellino reminds Mr. Petric that he is still under oath.

Mr. Lagana – You prepared the revised architectural plans that were submitted to the Board correct?

Mr. Petric – That is correct.

Mr. Lagana – At the last meeting there was some conversation regarding fire exits and fire rated walls did you have an opportunity to look at that for this meeting?

Mr. Petric – Yes and if you reference sheet EC02 which I have here.

Mr. Lagana suggest the Board look at the larger set of plans as the chart for the smaller copy is hard to read because of the size.

Mr. Petric – This is the reference from the code which explains requirements for separation between mixed occupancies in buildings like this. I have added this floor plan here which shows the areas surrounding the proposed micro and dispensary. For this type of a building separation between occupancies is allowed not to be fire rated. I also identified the demising walls here on this plan.

Mr. Lagana – You reviewed the code with regard to the fire safety requirements?

Mr. Petric – That is correct.

Mr. Lagana – Your opinion is that we are compliant with the code?

Mr. Petric – We are compliant with the code with existing building and proposed use.

Mr. Lagana – Is there any reason if the Board should want is there any reason why we couldn't add a fire egress along the westerly wall?

Mr. Petric – We could add an additional single door as a second egress but it's not necessary we are covered with the code because it's not based on the occupancy alone but travel and use and we are in compliance with that. For non-sprinklered buildings such as this one the travel is a hundred linear feet if the occupancy is less than thirty which is the case here.

Mr. Schilp – That whole wall goes into another building.

Mr. Lagana – That's outside. The testimony is that we are complying with the code.

Mr. Schilp – I sat down with the Fire Inspector who went over all this and I meant to bring the paperwork he had given me and it all meets code.

Mr. Lagana – That's the testimony and again if the Board would feel more comfortable we have an exit for the warehouse we could also put an exit on this westerly wall as well. It's up to the Board we will agree to it as a condition but the testimony is that we are compliant and a Board Member has confirmed that.

Mr. Pellino – We have to be careful we don't have jurisdiction to mess with fire codes right?

Mr. Schilp – Well we can ask them to put more you can't take away.

Mr. Pellino – I don't know if that would be reasonable I think we could certainly ask.

Mr. Lagana – We didn't receive any comments from the Fire Official with regard to this.

Mr. Schilp – I've been talking to the Fire Official I see him all over and it meets all codes.

Mr. Duffy – The codes are minimums so I see no reason why we couldn't ask for an additional one. I would prefer that we upgrade that would be my recommendation.

Mr. Pellino – The applicant is okay with that?

Mr. Lagana – Yes.

Mr. Duffy – That's the retail spot?

Mr. Petric – That's correct.

Mr. Duffy – There were some questions in the growing room where the product is grown. I want to make sure we address that.

Mr. Petric – We have actually three exit areas from this area here two on the end of the corridors and the travel distance is satisfied.

Mr. Duffy – This doesn't have to be sprinklered?

Mr. Petric – No.

Mr. Duffy – Any questions for the architect? Can I have a motion to open to the public?

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – The sewer and water demand report did anybody have any questions regarding that or testimony required for this?

Mr. Wilder – My office prepared those reports and worked with the applicant's designer I must admit I hadn't prepared a sewer and water demand report for a cannabis dispensary or micro grow operation previously but essentially for all intents and purposes we're matching what's existing from a demand perspective. There's de minimis change I think the sewer demand is being slightly decreased and the water demand is being slightly increased but generally speaking we are in line with the demand for the existing facility.

Mr. Duffy – Mr. Kurus?

Mr. Kurus – I don't have any other questions.

Mr. Duffy – Any Board Members? Thank you for coming back up. Anything else before I ask Mr. Lagana for a closing statement?

Ms. Murray – I had asked about the electric loads and how much it would affect the surrounding neighborhoods is there any from other sites? I know it's a different type of operation but it does have lighting does it pull a lot of electric are you using LED's?

Mr. Lagana – The testimony at least for the lighting on the exterior are LED's.

Ms. Murray – Inside, I'm just saying the load from the entire property is it going to affect something a transformer someplace?

Mr. Duffy – If I remember Mr. Catania's testimony there's a lot of times you regulate the lighting to be dim.

Mr. Lagana – The testimony if I recall especially for the cultivation it's not ongoing all the time because of the various grow seasons but in terms of an engineer to provide testimony I don't have anything like that.

Mr. Kurus – That would come out as part of their construction documents. Once their electrical engineer does his electrical design for the building if they need to upgrade their service they would coordinate that with PSE&G. The electrical engineer will determine whether the existing service is adequate or whether or not they need to put in and electric service inquiry for a service upgrade.

Mr. Duffy – No other questions?

Mr. Marz – Are they going to be over the leases for the upstairs apartments at some point?

Mr. Duffy – The leases are separate and this has no bearing on the vape shop?

Mr. Lagana – No the leased space shown on the architectural plans is what the applicant is leasing. It's not affecting Sammy's Rims, the Vape Shop, the apartments or FT Mobility.

Mr. Duffy – There hasn't been any discussion if one of the tenants vacates to expand the retail?

Mr. Lagana – No sir the testimony is that the footprint as provided here before the Board is the footprint of the retail shop and the cultivation.

Mr. Paparozzi – They would have to come back here.

Mr. Lagana – That's correct.

Mr. Tokosh – People that buy the cannabis are they permitted to consume it in the lot?

Mr. Lagana – No.

Mr. Tokosh – No one will be consuming that hopefully until they go home.

Mr. Lagana – Correct again it would be as if you were opening a bottle of whiskey in your car and drinking it the same parameters apply and I'm sure the applicant would monitor that because they don't want that occurring.

Mr. Tokosh – In Colorado people that consumed it and started to drive accidents went up 128% and fatalities went up substantially over 29%. If there's no consumption at the business and they have to do it at home I have no issue with it.

Mr. Lagana – That's the intent it is illegal to consume cannabis and get behind the wheel of a car. The idea is to prohibit the onsite consumption what people do offsite whether or not they go onto Route 46 and use the product is against the law.

Mr. Duffy – Then they're in violation of federal law because they're on a State Highway.

Mr. Lagana – The idea is no onsite consumption.

Mr. Tokosh – Are you going to have signs stating that?

Mr. Lagana – We can put signs up.

Mr. Duffy – I think you have to put a sign up on the consumption if you don't.

Mr. Lagana – We have no problem with that.

Mr. Duffy – Would you like to make a closing statement?

Mr. Lagana – I thank the Board I know this has been a few meetings that we've done this and I thank the Board because this is how the process should work. We come in with an application and we think we have it down pat and you guys give us some great ideas and we go back to the drawing board and we did that. We now I think created a site that is improved from its current condition for years to come. The existing site is outdated it's tired it doesn't work well and what we're doing is bringing it into and giving it new life. It's an existing odd configuration on this 46 there are no two ways about it. You heard the planning testimony with how the site is organized we really did try to eliminate as much of the impacts as we can. I believe we did that and I just thank the Board for its attention here and its great comments and considerations and that's all I have Mr. Chairman.

Mr. Duffy – Can I have a motion to open to the public?

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – Before anybody says anything Mr. Pellino can you give us some guidance as far as what's being requested?

Mr. Pellino – What maybe I should do is go over some of the conditions the Board expressed concern about.

First of all no consumption on the premises and the applicant to post signage to that affect.

Number two the lease with FT Mobility for the curb cut to be sent to me for approval.

Number three the curb stops to be pre cast concrete and be anchored.

Number four applicant to submit a drainage plan reasonably satisfactory to the Board Engineer.

Number five applicant submit a lighting plan to the reasonable satisfaction of the Board Engineer.

To add the additional exit for the retail part of the store.

The big picture the applicant is requesting two D Variances a D3 which is a Conditional Use Variance and D5 which is a technical FAR they really aren't affecting the FAR at all and it's de minimis but technically still a variance. The planner went over what the test is for those it's a lesser test than you would have to meet for a D1 or a D2 variance the thinking being at least with a conditional use the Town has indicated by ordinance that this use is appropriate at this site just subject to certain conditions and the question as the planner stated for us is whether the use can successfully function given the nonconformity and that is the residential use that are there. These being both D Variances they both would require five affirmative votes from the Board to pass and then you've also got the bulk variances a side yard variance not overwhelming and then a variance for the impervious coverage where the applicant is adding to the impervious coverage with the idea of providing more parking and that's the tradeoff. I think the planner testified to both I think the more appropriate test is for those variances is what we call the C2 the flexible variance where the benefits outweigh the detriments from the deviations and then of course they have to meet the bulk variances both the D Variances and the C Variances have to meet the negative test and that is that there be no substantial detrimental impact to the public good or the Master Plan as the Zoning Board thinks. The bulk variances don't require a super majority.

Mr. Paparozzi – And the parking size.

Mr. Pellino – The parking I think are waivers I'm going to get to those. The parking stall size is part of our site plan ordinance and the drive aisle those are what we call waivers a little bit different than a variance and the test there is whether the site can function sufficiently well given the deviation so I think that cuts everything in the application. You also have a site plan component to this given the layout the circulation etcetera so that would be another part of the approval if the Board is so inclined.

Mr. Duffy – I've got two questions a class five license permits the sale of cannabis and cannabis related products is it a safe assumption to say that's rolling papers pipes and therefore.

Mr. Lagana – I believe the definition.

Mr. Duffy – It says cannabis related products.

Mr. Mazzer – It could be gummies or oil or stuff like that.

Mr. Lagana – It's actually not defined but.

Mr. Duffy – It's not it says cannabis related products I can come up with a list of related products aluminum foil to make a homemade hash pipe.

Mr. Lagana – I think oils smoking paraphernalia.

Mr. Duffy – No one is allowed in there under the age of twenty one.

Mr. Lagana – That's correct.

Mr. Duffy – Is that in the law?

Mr. Lagana – State law requires a minimum age of twenty one.

Mr. Duffy – To even enter.

Mr. Lagana – That's correct it is a hard standard that my client would jeopardize their State license if they sold underage and that is not clearly allowed.

Mr. Duffy – They can't even permit them in there unless they're accompanied by an adult?

Mr. Lagana – No cannot even accompanied by an adult. It is twenty one with proper ID.

Mr. Duffy – These are two entities if this was to be approved this is approving both entities at one time or the entire piece of?

Mr. Pellino – The approvals run with the land.

Mr. Duffy – One is a retail and the back end is a separate structure.

Mr. Pellino – Are there two separate owners?

Mr. Lagana – Yes there are two separate owners.

Mr. Pellino – If we give the approval the approval runs with the land they could sell that tomorrow to XYZ Company.

Mr. Duffy – So Company A could still run the retail and they could sell to a different company.

Mr. Pellino – They'd have to be approved by the State and be licensed but the approvals run with the land who the owner is, is not important.

Mr. Duffy – It's not two units it's the whole building I just want to be clear on that.

Mr. Pellino – We're approving two separate functions for two different parts of the building.

Mr. Duffy – Right because the other two are rented out already Sammy's and the Vape Shop.

Mr. Pellino – Since the retail is nonconforming any expansion of that would have to come back to the Board later.

Mr. Lagana – I believe your ordinance requires any change of use would require site plan so if anything is done different.

Mr. Pellino – You'd even expanding the nonconforming use which would require another variance.

Mr. Lagana – Even if we're not expanding I think you still have to come back for site plan and since you have original jurisdiction I believe a site plan application would still come back here so I think anything that's changing from here which we are not proposing would have to come back for Board review.

Mr. Duffy – I know I sound like I'm beating a dead horse here but this is all new ground and we're doing something important. I just want to make sure we have all our bases covered and do this correctly. I will make a motion that we approve this application pursuant to the requirements that Mr. Pellino has laid out for us and we covered every one of them correct?

Mr. Pellino – I believe so.

Mr. Duffy – I'm not going to list them all again do we have a second?

Mr. Mazzer seconds the motion.

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

6. RESOLUTIONS

- A.) Approval for Robert & Theresa West, 514 Saddle River Road, Block 1309, Lot 4
- B.) Approval for Tomasz & Katarzyna Makowski, 266 Third Street, Block 107, Lot 18
- C.) Approval for William & Suzanne Gorgone, 94 Kuhn Drive, Block 1204, Lot 11
- D.) Approval for Chefler Foods, LLC, 400 Lyster Avenue, Block 1009, Lot 9

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

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

7. MINUTES

Meeting of October 3, 2022 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board, 6/30/22 (576 Spruce Avenue)

Anthony Kurus to the Zoning Board, 9/02/22 (78 Kuhn Drive)

Anthony Kurus to the Zoning Board, 10/14/22 (279 John Ochs Drive)

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

9. VOUCHERS

Basile Birchwale & Pellino, 10/03/22, Tracey Hart, 75 Wilson Street, Block 1801, Lot 13 \$250

Basile Birchwale & Pellino, 10/03/22, Marjorie Miller, 110 Graham Terrace, Block 1509, Lot 8 \$250

Basile Birchwale & Pellino, 10/03/22, Budz Prime, 249 Route 46, Block 102, Lot 5 \$250

Basile Birchwale & Pellino, 10/03/22, Chefler Foods, 400 Lyster Avenue, Block 1009, Lot 9 \$937.50

Neglia Engineering Assoc., 10/11/22, Chefler Foods, 400 Lyster Avenue, Block 1009, Lot 9 \$277.50

Neglia Engineering Assoc., 10/11/22, Senedzuk, 78 Kuhn Drive, Block 1302, Lot 43 \$150

Neglia Engineering Assoc., 10/11/22, Budz Prime, 243-253 Route 46, Block 120, Lot 5 \$747.50

Neglia Engineering Assoc., 10/11/22, Makowski, 266 Third Street, Block 107, Lot 18 \$150

Neglia Engineering Assoc., 10/11/22, Logerfo, 20 Miller Street, Block 517, Lot 11 \$150

Neglia Engineering Assoc., 10/11/22, Gorgone, 94 Kuhn Drive, Block 1204, Lot 11 \$75

Paparozzi Associates Inc., 10/05/22, Budz Prime, LLC, 249 Route 46, Block 120, Lot 5 \$1187.50

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. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard 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 seconded by Mr. Schilp to adjourn. All in favor – YES.