

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, March 20, 2023 at 7:30 p.m.

Chairman Maniscalco called the meeting to order.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Hickey, Mr. LaGuardia, Councilman Accomando, Mr. Cook, Mr. Maniscalco, Mr. Camporeale and Mr. Mazzone - PRESENT
Mr. Compitello, Mayor White and Ms. Barrale - ABSENT
Also present were Anthony Cialone, acting Board attorney, James Zembur, acting Board engineer and Gary Paparozzi, Board Planner.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. SWEAR IN NEW MEMBERS

Mr. Cialone swore in Dominick Mazzone as the mayor's alternate.

5. NEW BUSINESS

Wal-Mart Real Estate Business Trust, Inc. 189 Route 46, Block 123, Lot 1

Mr. Ambrogio, Mr. Hickey and Mr. Camporeale recused themselves.
Steve Melona, attorney for the applicant came forward.

Mr. Melona – We're here to present a preliminary and final site plan.

Mr. Cialone – Applicant has made proper notice, as required.

Mr. Melona called his first witness.

Andrew O'Malley, engineer for the applicant was sworn in.

Mr. O'Malley – We are in the B2 (Secondary Business) Zone. Exhibit A-1, Existing Conditions, last revised 01/09/23. The lot is approximately 25 acres. It is bordered to the north and west by residential uses, to the east a cemetery and to the south, Route 46. The site is accessed from Route 46 only. Exhibit A-2, dated 03/09/23, Site Layout Plan which shows the doorway area. Our area of improvement is a little under 1,000 square feet. Walmart would like to increase their operation at the back of the building. Currently there is a small concrete stoop. In order to get deliveries out of that door, Walmart is looking to install a ramp with handrails there. It will meet all ADA regulations. This area will be serviced by 3 LED wall mounted lights to provide safe loading and unloading conditions to those areas. The area of the improvement is at the rear loading area on the north west side of the building and includes existing loading operations for larger tractor trailers that back up to loading bays; 2 on the north side of the building. The first approval was in 2001. It was originally Bradlees. There were two bulk variances granted: maximum lot coverage (allowed 50%; 72.3% approved) and minimum parking (allowed 1,413 spaces; 844 approved). All bulk criteria will not be modified by this application.

Mr. Mazzone – What time do you start with the trucks in the morning?

Mr. Melona – There is one tractor trailer that will be there between 11:00 p.m. and 1:00 a.m. and we are requesting to have the delivery vans start at 5:00 a.m.

Mr. Mazzone – The houses in that area are very close. It would be better if you started at 8:00 a.m. and no Saturdays or Sundays.

Mr. Melona – They're definitely not looking for Sundays.

Mr. Mazzone – It would be nice to have bushes to screen the neighbors, so they don't have to see or hear them.

Mr. O'Malley – We can provide a screen.

Mr. Maniscalco – A sound study should be the first step. The noise is bad now. I'm not sure trees would work. Possibly a sound wall would be an option.

Councilman Accomando – This is a 21 hour a day operation, with noise the residents should not have to listen to.

Mr. Melona – It's literally one delivery (tractor trailer) truck. The reason they're doing this is to get the online orders out to local customers quickly. Currently the deliveries are starting the fulfillment center with a lot more trucks. Part of the proposal is to cut down on the number of trucks on the roads and the number of hours that the trucks are emitting the gas fumes into the neighborhoods and to get the packages to customers more efficiently.

Councilman Accomando – A wall of arborvitae will be a haven for more garbage and animals.

Mr. O'Malley – We will go back to Walmart to ask them to amend the hours.

Mr. Maniscalco – How many vans come and go?

Mr. Melona – Deliveries coming in will be on a single tractor trailer. There is a total of up to 5 vans loading once and then leaving.

Mr. LaGuardia – The application says you want to update to a ramp, but that's a fire exit and that door leads to the bathroom and employee area. You would be loading vans in the parking lot at the bottom of the ramp. I thought this was to make it ADA compliant.

Mr. O'Malley – It will be ADA compliant. Loading and unloading from vans will happen from the same new bay door. It is a paved area, not a parking lot.

Mr. Maniscalco – Are there any architectural plans or interior changes needed.

Mr. O'Malley – I don't believe there are any interior changes proposed.

Mr. LaGuardia – There's also about 8 C boxes that are at the edge of the pavement.

Mr. Paparozzi – The C boxes that are there are prohibited. Also, the 5 vans are going to be parked overnight, so we need to see striping. Lastly, there's a variance for the proposed loading dock. The town requires it to be a minimum of 10' x 35'. The site plan shows less than that. The architect's plan is different than the site plan, which is also less than what is required. You may need to request a variance.

Mr. O'Malley – We can add that to the plans.

Mr. Paparozzi – The architectural plans were not signed and sealed, so we can't rely on them.

Mr. Browne made a motion; seconded by Councilman Accomando to open the meeting to the public for questions for Mr. O'Malley. All in Favor – YES

Alan Mangini, 260 S. Lanza Ct. – I have trees. Trees are not the answer.

Kevin Hickey, 270 Madison Ave. – Walmart picks up garbage at 5:00 a.m., not 8:00 a.m., as promised. What kind of lights are you going to put there?

Mr. O'Malley – They are wall mounted lights that are angled down.

Mr. Hickey – Are you adding another cardboard presser? The other one there runs day and night. What time will garbage be picked up?

Mr. O'Malley – There will be no cardboard presser.

Mr. Hickey – Will vehicles block the fire hydrant?

Mr. O'Malley – No.

Mr. Hickey – Are they refrigerated items? Will trucks be left running all night?

Mr. Melona – They are not refrigerated items.

Mr. Hickey – What time will the lights go on?

Mr. O'Malley – By ordinance, no light can spill onto neighboring property.

Mr. Zembur – I think it would be a good idea for the applicant to provide a lighting plan with foot candles to address some of the concerns of the public.

Anthony Ambrogio, 274 S. Lanza Ct. – The proximity to the residents is too close. You testified that you're doing this while the store is closed. Why can't you do this in the front parking lot?

Mr. O'Malley – We don't want loading and unloading operations occurring near the public.

Mr. Ambrogio – Between 5:00 – 8:00 a.m., no public is there.

Mr. O'Malley – I will go back to Walmart to discuss the idea of using the existing parking lot.

Bob DePeola, 192 N. 7th St. – Would tractor trailers be delivering at night?

Mr. Melona – Yes, between 11:00 p.m. and 1:00 a.m.

Ed Tedesco, 250 S. Lanza Ct. – There are several trailers there now. Will any of this stuff be stored in the lot?

Mr. Melona – I don't know what's stored in those, but the purpose of this application is not to store anything outside. Also, there's garbage back there.

Mr. Melona – I will bring that to Walmart's attention. It is not the purpose of this application to store things in those areas.

Sylvia Zottarelli, 236 Lanza Ave. – You've acknowledged that these containers are not allowed. What are you going to do to make this public believe you will follow through?

Mr. Melona – I promise to bring this to Walmart's attention.

Joe Cutrona, 254 S. Lanza Ct. – You say 11:00-1:00, but will the times be extended during the holidays?

Mr. Melona – We're going to have to go back and discuss the hours of operation with Walmart.

Mr. Browne made a motion; seconded by Councilman Accomando to close the meeting to the public. All in Favor – YES

Mr. Mazzone – I would like you to revise these plans with regard to everything said tonight.

Mr. Accomando – If they come back, maybe they could bring a representative from Walmart.

Mr. Melona – I could ask for the store manager to attend next time.

Mr. O'Malley – We empathize with everyone here and we will do our best to come back with what you want to see.

Mr. LaGuardia – There are two loading docks for the tractor trailers. Wouldn't you want the ramp closer to where the tractor trailer unloads? There's a double door back there already. It's a much bigger green area back there.

Mr. O'Malley – The internal workings are complicated. We'll check with Walmart to see if there's another option to move that.

Mr. Maniscalco – You will have to come back. We would like the following items: a photometric lighting plan, a sound study, landscaping or sound wall in the back, relocate to an open area, address the C boxes, signed and sealed architectural plans, showing striping and interior layout (not to interfere with fire exits), loading dock sizes (site plan and architectural plan should match), review hours and include holiday hours, and bring a Walmart representative.

Mr. Melona – Would bringing this to the front of the store alleviate the noise issues?

Mr. Maniscalco – I don't believe so. There are some houses along there on the drive side. Our building official, planner and engineer would have to look at that.

Councilman Accomando made a motion; seconded by Mr. Browne to open the meeting to the public for comments. All in Favor – YES

Alan Mangini, 260 S. Lanza Ct. was sworn in.

Mr. Mangini presented Exhibit O-1, consisting of 3 photos and Exhibit O-2 (5 pages of noise information). He played a sound recording of a tractor trailer idling at the site at 3:00 a.m. with a noise level of 87 dB (measured on Niosh App), taken from his deck.

Mr. Mangini - The pictures show a small sign on the approach road to Walmart that states you cannot park or idle an engine. There are no signs by the loading berths for idling or parking. I also submitted in that package, a reading from their forklift, which is also above the decibel limit permitted by article 360 table 1. No one enforces noise control or garbage/property control.

They bring a load in at night, park, run the cab until 6 a.m. when they unload. Sometimes they'll drop the trailer off and then you'll hear a pallet jack in a cargo trailer going at 3:00 or 4:00 in the morning. I'd like to see no truck traffic after 9:30 p.m. My trees do not deter the noise or hide the unsightly manner that they keep that place.

Kevin Hickey, 270 Madison Ave., was sworn in.

Mr. Hickey – Refrigerator trucks run all night long. Garbage is all over. I have a problem with rats. Dumpsters for all the stores should be fenced in. Garbage is collected at 4:00 a.m. The cardboard machine is also very noisy. Maybe a sound wall would work.

Kathy Ann Johnson, 288 South Blvd., was sworn in.

Ms. Johnson – Why bother us? Why can't Walmart do this at Teterboro or Garfield? Will we get new notices when the new meeting will take place?

Mr. Maniscalco – Yes.

Sylvia Zottarelli, 236 Lanza Ave., was sworn in.

Ms. Zottarelli – Besides trucking issues, we have racing. We have truckers who get out of their cars and blast their radios and play soccer while they're waiting to load and unload. I'm asking you, no matter what amendments they make, to say no because nothing has been done about the other issues and I don't believe anything will be done about these.

Lucy Camporeale, 304 South Blvd., was sworn in.

Ms. Camporeale – The lights are unbelievable. There was a period of time when they were so strong I had to close my shades because it went from the front to the back of my house. The noise from trucks and garbage pickup is awful. In the springtime I can't open my windows. They shouldn't be allowed to do anything more. They should have to fix the problems that are there now.

Mr. Browne made a motion; seconded by Councilman Accomando to close the meeting to the public. All in Favor – YES

Councilman Accomando made a motion; seconded by Mr. Browne to adjourn this application to the May 15, 2023 meeting. The applicant must provide new notice to the newspaper and to all on the Tax Collector's radius search list.

VOTE: Mr. Browne, Mr. LaGuardia, Councilman Accomando, Mr. Cook, Mr. Maniscalco and Mr. Mazzone - YES

APPLICATION CARRIED WITH NEW NOTICE TO BE PROVIDED BY APPLICANT

6. MINUTES

Mr. Browne made a motion; seconded by Councilman Accomando to approve the minutes of the February 21, 2023 meeting. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Hickey, Mr. LaGuardia, Councilman Accomando, and Mr. Cook - YES

7. CORRESPONDENCE

Mr. Browne made a motion; seconded by Councilman Accomando to accept and file the correspondence. All in Favor - YES

8. VOUCHERS

Mr. Cook made a motion; seconded by Mr. Browne to pay the following vouchers, provided funds are available:

Carroll Engineering, 02/21/23, Gold Star Realty Group, \$164

Carroll Engineering, 02/21/23, Wal-Mart Real Estate Business Trust, Inc., \$838

Carroll Engineering, 02/21/23, BT Newyo, LLC, \$164

All in Favor - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Browne a motion; seconded by Councilman Accomando to open the meeting to the public.

All in Favor - YES

No public participation.

Mr. Browne made a motion; seconded by Councilman Accomando to close the meeting to the public.

All in Favor – YES

10. ADJOURN

Councilman Accomando made a motion; seconded by Mr. Browne to adjourn the meeting.

All in Favor - YES

Meeting adjourned 9:24 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary