

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, April 17, 2023 at 7:30 p.m.

1. FLAG SALUTE

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

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. NEW BUSINESS

A.) Review and Recommend Ordinance #1729-23

Mr. Cialone – This ordinance deals with 1.) the amendment of Chapter 87, setting forth various fees for new lead paint inspections that are required by NJ law. It also sets forth fees for the testing and performing inspections on new and altered elevators and yearly inspections.

Mr. Maniscalco – Do we hire an independent consultant for elevators?

Mayor White – We hired someone.

Mr. Compitello made a motion; seconded by Mr. Browne to recommend ordinance #1729-23 as consistent with the Master Plan and to authorize Mr. Cialone to send a letter to the mayor and Council, recommending the adoption of the ordinance.

VOTE - Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Accomando, Mr. Cook, Mr. Maniscalco and Mayor White - YES

B.). Review and Recommend Ordinance #1730-23

Mr. Maniscalco – This ordinance is for no parking on any unsurfaced grass or dirt area by vehicles in the Township of Saddle Brook.

Mayor White – The town was receiving quite a few complaints about vehicles parked on unsurfaced areas.

Mr. Maniscalco – Does this include during the winter?

Mayor White – There is an exemption for snow emergencies.

Mr. Compitello made a motion; seconded by Mr. Browne to recommend ordinance #1730-23 as consistent with the Master Plan and to authorize Mr. Cialone to send a letter to the mayor and Council, recommending the adoption of the ordinance.

VOTE - Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Accomando, Mr. Cook, Mr. Maniscalco and Mayor White – YES

5. MINUTES

Councilman Accomando made a motion; seconded by Mr. Browne to approve the minutes of the March 20, 2023 meeting. All in Favor – YES

6. CORRESPONDENCE

Mr. Compitello made a motion; seconded by Mr. Browne to receive and file the correspondence. All in Favor – YES

7. VOUCHERS

Mr. Compitello made a motion; seconded by Mr. Browne to pay the vouchers provided the funds are available.

Paparozzi Associates, Inc., 03/22/23, Wal-Mart, \$690

Basile Birchwale & Pellino, LLP, 04/10/23, Wal-Mart Real Estate Business Trust, Inc., \$250
All in Favor - YES

8. OLD BUSINESS

Preliminary and Final Site Plan Application

BT Newyo LLC, 280 N. Midland Ave., Block 1202, Lots 27, 28 and 29

Luke Pontier, attorney for the applicant came forward.

Mr. Pontier – The applicant is the owner of the property. This property is located in the I and EP districts. This is a continuation of the hearing of December 19, 2022. At that hearing, the Board heard testimony from the engineer and a representative of UPS. The property is approximately 17.3 acres. The facility is 149,130 square feet. The applicant is seeking site plan approval to replace an approximately 900 square foot mobile distribution modular center. It has 14 loading docks. It will be affixed to the building to be used by brown package cars. They will use the conveying system within the existing building, which will connect to the mobile distribution center. The applicant is also seeking approvals to construct a sound wall along portions of the property line, nearest to the adjacent residential properties. The wall ranges from 8' to 16', with the portion closest to the loading areas and the residential properties being 16'. Lastly, the applicant is seeking approval to add solar panels in part of the existing parking lot and for the existing 35' x 14' pallet dock site. There are 2 variances that are being requested as part of this application: 1.) height of loading docks (they are a few inches short of what is required due to servicing package cars, not large trailers.); and 2.) height of the 16' portion of the sound wall (8' maximum permitted). We submitted a report by Norman Dotti, dated March 31, 2023, about how the sound wall is affective to reduce sound levels.

Mr. Cialone – I think the Board would like to hear about the issue of the notice.

Mr. Pontier – The notice that went out identified the Market Street location for tonight's hearing. To remedy that, there was a sign posted on the door of the old Municipal Building, directing anyone who showed up to this location. Also, our firm has an attorney located at the site to guide them to this location with printed directions.

Mr. Cialone – You understand that if you do proceed, you are proceeding at your own risk?

Mr. Pontier – We understand that, yes.

Norman Dotti, acoustical engineer, was sworn in.

Mr. Dotti – I did a report on the issue of sound barriers. I was asked what's the effectiveness of the barrier at 8' high and 16' high. I had been out to the site multiple times, mostly at night, observing and measuring truck operations. The motivation was the complaints from the neighborhood. I was investigating the sound that Bergen County gave a violation for. I recommended 16' along Rugby Rd. The 8' barrier was discussed for the Colonial Ave. side. My letter of March 31, 2023 answers the question, what is the effectiveness of an 8' versus a 16' barrier? Barriers work by casting what's called an acoustical shadow. The barrier has to be tall enough to block the line of site. Depending on where the source is relative to the barrier, and where the receiver is relative to the barrier, the distance is affected. It comes down to the angle. The closer the source is to the barrier and the closer the receiver is to the barrier the more sound reduction you get out of the barrier. The amount of sound reduction varies by the different spacing. Frequency is a function in the barrier. Low frequency sound has a big wave length. High frequency has a small wave length. Low frequency sound has a wavelength of 10 times as much as high frequency does. So the effectiveness of the barrier depends on the frequency. Calculations were done based on a formula for barrier effectiveness, which looks at distances, heights, frequencies and from that I came up with the table in the report. For the 8'

height barrier, the dBA reduction is 7.8-9.3. For the taller barrier, the dBA reduction will be 14.6-17.1. DBA is a single number that describes how loud sound is to a person. Two people talking to each other in normal conversational level, at a normal speaking distance apart you're making it to each other's ear at about 65 dBA. Background sounds in a relatively quiet office would be 50 dBA. The state limit during the day is 65 dBA and 50 dBA at night. A 5 decibel change is audible. 10 dBA change is perceived as doubling or halving of loudness, definitely a noticeable change. With an 8' wall, with a 7.8-9.3 sound reduction, there will be a noticeable change in the sound level. Similarly, at the 16' height, a 14.6-17.1 dBA sound reduction, will half the sound. We are not going to remove all the sound. The state doesn't call for that.

Mr. Hickey – Did you bring a sample of the wall?

Mr. Dotti – No.

Mr. Hickey – When you took the reading, was it from an engine on a truck? Did you get the sound of the tailgate opening and closing and the sound of the trucks backing up?

Mr. Dotti – Yes. I was there, just the one night, for about four hours. The readings include all different sounds.

Mr. Zembur – We would like to see that the wall can bring the decibel levels down to what is compliant with both the municipal and state codes. We don't have the starting point of how many decibels they're at now.

Mr. Dotti – You're starting with the decibels on the citation.

Mr. Zembur – That was at a specific location, on a specific day, with specifics conditions.

Mr. Maniscalco – I thought we said we wanted a study with meters around the site for one month. That way we'd know where we're at.

Mr. LaGuardia – The noise comes from a lot of different sources, including radios blasting, the pallet operation and engines racing. People are not respectful. A lot of the noise could be reduced with better management by UPS. The wall won't stop all of the sound.

Mr. Pontier – The applicant will agree to post rules on the site. We'll work to improve enforcement, but the wall is an important aspect of the ultimate reduction and to bring the site into noise compliance. Based on the report that was done, we see the most active spot is where the loading docks are. This is where the county cited the violation. Based on the report, there is a significant reduction in dBA based on the installation of these walls.

Mr. Hickey – If a tree falls on the wall, how long will it take to repair the sound barrier?

Mr. LaGuardia – If you go by Rugby Rd. now, there are trees collapsed on the fence that have been there for years. There's also trash there along the chain link fence.

Mr. Cook - Mr. Dotti, what were your measurements?

Mr. Dotti – It depends where I was. I was outside and inside the property. When I was between 2 brown trucks starting up, it may have been 80 dBA.

Mr. Cook – I don't think we have enough knowledge to make a decision at this time.

Mr. Maniscalco – There should be monitors set up for a month, so you can sample sounds at different times, on different days so you can capture all different types of noise.

Mr. Pontier – The use itself and the distribution facility is permitted at this site. The application is for accessory structures that are also permitted on the site. We are seeking approval for certain variances, but the height of the wall and the wall itself is to address the concerns of public. The operations are permitted, as determined by the Zoning Board last year. We are not expanding the use. The wall is proposed as a way to bring the noise down into compliance with the state noise regulations. The testimony is saying that the dBA will be reduced by a much larger number than would be required, based on the study that was done. If we were relying solely on the county's report of 56 dBA, we would barely need a sound wall.

Mr. Dotti explained what the county does to measure sound when responding to a complaint.

Mr. Hickey – Why don't you put a 16' wall at the north end of the property too?

Mr. Pontier – That area is farther away from the noise.

Mr. Paparozzi – Mr. Dotti, would it matter what material was used, as far as results go?

Mr. Dotti – Of course, to a point. The ALL sound wall is about 3.5” wide and 10” high, tongue and groove and about ¼” thick on each side. It’s much thicker than a typical landscaping fence. Then it has stuffing inside of it for sound absorption.

Mr. Paparozzi – Did you base your report on the wall that was proposed?

Mr. Dotti – Yes.

Mayor White – Mr. Dotti, are you saying that the noise officer position got turned over to the county. Does it have to be someone from the county or the state? I don’t believe the police department in the municipality is allowed to have a noise officer.

Mr. Dotti – In order for a municipality to have its own noise ordinance, it has to be approved by the state. If you go to the DEP website, they will give you a templet. You submit it to NJDEP, they will approve it and you will enforce your own noise ordinance. People would then have to be trained. In my opinion, it has down sides. You have a county that is good at it.

Mayor White – I want the residents to understand that we have to make a decision whether to grant these variances, but it is a permitted use. We can’t stop them from operating there. If they do have violations, we will have to make sure it’s enforced.

Mr. Cialone – Correct, even if their application is denied, they are permitted to continue to operate what’s existing. We can impose reasonable conditions with an approval. They do need a variance for height for the wall they are proposing, but they are proposing it to reduce the noise. If we deny the application, we have no barrier.

Mayor White – I would propose that we do the wall now and then come back for the variance. If it works, we’ll give it to you. Based on what I’ve heard here, I don’t think this Board is going to approve this variance and loading dock. We want to know if the wall is going to work.

Mr. LaGuardia – The loading docks are being replaced the same size, with the same number of docks?

Mr. Pontier – Yes.

Mr. LaGuardia – The other part is the solar panels.

Mr. Maniscalco – And the pallet operation, which we talked about moving.

Mr. LaGuardia – Did they get permits to put that there? It’s right at the fence.

Mr. Maniscalco – No.

Mr. Pontier – That’s part of this application. The applicant is looking into relocating the docks to a leased site in the town. It is looking into a permanent solution, but It has potentially secured a temporary solution.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Dotti. All in Favor – YES

Glenn Leone, 202 Colonial Ave. – I’m on the north side. We have tremendous noise: engines revving, dropping trailers, we have it all. Our house is higher than the parking lot at UPS. An 8’ fence barely blocks the living level of my house. The second story of anyone who has a two level house, will be looking over that wall. There will be no effect on the sound level. We need 16’ on the Colonial Ave. side also.

Steven LaBue, 1 Susan Lane - You mentioned only cars would be using the mobile distribution center. I’ve lived there since 2003. I can tell you that I see tractor trailers. I had to replace my pool tile, due to vibrations. What will the wall do to help with vibration? Mr. LaBue explained the operation he sees going on at the site.

Mr. Dotti – The wall does nothing for vibration.

Carmelo Lana, 105 Jamros Terrace – You mentioned adding solar to the loading dock. The loading dock that the pallets are being loaded from are probably 4-6 feet above the pavement. Are you looking to put solar on top of a structure that’s going to sit even higher? What does that do for sound? Is that going to be allowed, being this was never permitted to be built?

Mr. Pontier – Solar panels are not proposed on top of the loading dock.

Denise Dougherty, 218 Colonial Ave. – Where does the wall end?

Mr. Pontier – It goes all the way down Rugby Rd. and across to the edge of the UPS property.

Ms. Dougherty – The edge of the UPS property is the middle of our back yard.

Mr. Pontier – UPS cannot propose a sound wall to go beyond their property line.

Mr. Pallotta, 320 Rugby Rd. – What about the noise from my second story window?

Mr. Dotti – I would need to see dimensions.

Karen Nobile, 186 Colonial Ave. – I have two sounds: cars and trucks. Are you saying that the banging of a truck is high frequency or low frequency?

Mr. Dotti – Relatively speaking, it's more low frequency.

Ms. Nobile – You propose that the wall should be closer to the trucks to be effective,

Mr. Dotti – The sound wall does not have to be close to the trucks (sound source) to be effective. It will still do things. It's just the amount of sound reduction varies when you move a wall closer or farther away.

Ms. Nobile – I'm concerned about the location. I need to know how effective the wall will be.

Mr. Pontier – The wall cannot be located closer to the loading operations than that property line because of the use of the parking lot that is in between.

Mr. LoBue – Was the type of wall proposed tonight?

Mr. Dotti – It's in the plans and I based my report on it, but I did not mention a specific wall in my report.

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

Mr. Pappozzi – I believe the proposed mobile distribution center is larger than the existing one.

Mr. Pontier – The proposal is to replace the same size mobile distribution center that's on the site now and with the same number of bays.

Sean Moronski, planner for the applicant, was sworn in.

Mr. Moronski – There are two variances proposed. One is for maximum wall height. No specific requirement is outlined for the EP district, we are basing the need for a variance on the 8' requirement for the I district. The proposed wall will be 8' high on the Colonial Ave. side and 16' on the Rugby Rd. side. The 16' wall requires a variance. The benefits (noise reduction) outweigh the detriments, by granting the variance. The applicant is seeking to minimize the noise to meet the maximum standards in the state ordinance – 65 dBA during the day and 50 dBA 11:00 pm – 7:00 am. We're also requesting a variance for the minimum loading dock size for the mobile distribution center. The ordinance requires a 14' height minimum. We're proposing 13'2". The dock height of the mdc is designed for the brown package cars; not for trailers. The mdc is going to be the same size as the one it will replace. It's an extension of the distribution center operations, including conveyors to transport packages to the mdc to put the parcels in the brown cars. I believe that can be granted under the C2 also. With regard to the variances, we have outlined how it satisfies the purposes of the zoning and municipal land use law. Purpose A – encouraging action to promote public health, safety and welfare. The relief for the wall height addresses the neighbors concern about noise. The dock height contributes to more efficient operations on site. Purpose G – providing sufficient space and appropriate locations to meet the needs of New Jersey citizens. It allows the replacement of the mdc. The wall locations with sufficient setbacks allow us to minimize the noise, while the variance for the MDC dock height allows for more efficient operations. Purpose N – promote the use of renewable natural resources. Part of the package we're proposing is for solar panels over the parking area, which is part of the green energy initiative. With respect to the negative criteria with any of these variances, there is no substantial detriment to the public good. The wall height on the Colonial Ave. side is at least 21-22' away from the property line and 17' at the southeast corner of the site at Rugby Rd. These distances are greater than the proposed height along Rugby Rd. and Colonial Ave. In addition, there will be existing vegetation to remain between the sound wall and the lot line. This property will be maintained. The permanent mobile distribution

center on the south end of the site allows for efficient operation of the brown cars. What is being proposed are accessory uses and does not increase the capacity or intensity of operations. There will be no new employees, additional traffic or expansion of operational work. No substantial impairment to the intents and purpose of the zone plan. It is a permitted use. It reaffirms Objective 1 of the Master Plan, to protect established residential neighborhoods, as the sound wall addresses noise concerns.

Mr. Maniscalco – The site plan shows an increase to the mobile distribution center size.

Mr. Pontier – We are aware of that. I spoke to my client, who assured me that it will be the same exact size, if this application is approved.

Mr. Maniscalco – Are you making the pallet dock larger? If so, doesn't that mean you are making the pallet operation larger?

Mr. Pontier – I don't know that it's larger. It is more confirming what is there. It's part of the overall operation. We're not adding any more trucks or extending the building. I wouldn't say it substantially increases the intensity of the use.

Mr. Hickey – Are you opposed to doing a 16' wall on Colonial?

Mr. Pontier – The 16' wall was responsive to the violation. The 8' wall is more precautionary.

Mayor White – Willing you be willing to extend the wall to the end of Ms. Dougherty's property line if she allows you to put it on her property?

Mr. Moronski – A potential solution is to extend the wall at the corner and move it in toward our property along our lot line (Amy Way) to close off the noise. Showed on the site plan page EX-1.

Ms. Dougherty – I don't know if that will correct the problem. When I look out, I don't want to see half wall and half chain link fence. You could put the wall on my property line.

Mr. Moronski – The wall is set back 17-18' from the property line, so it's not so simple to put it on your property line.

Mr. Compitello – For the solar, will there be any battery storage?

Mr. Pontier – No.

Mr. Maniscalco – We didn't discuss the history of the pallet dock. You talked about possibly doing it off site. Is it still going to be part of the application?

Mr. Pontier – It is currently part of the application. It is a permitted accessory structure for this use. The applicant has pursued a few options to relocate and will continue to do so.

Mr. Cialone – I wasn't here in December, but I think what the chairman is getting at is that we haven't heard any testimony about how this is set up and how it operates.

Mr. Pontier – There was substantial testimony, both from the UPS operations manager and the engineer in December about this.

Mr. Maniscalco – The pallet operation is probably most of the noise. If it was up to me it would be taken off of the application.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Moronski. All in Favor – YES

Mr. LoBue – Is the existing mobile distribution center being used now?

Mr. Moronski – I believe it is. The idea is that they have to replace it because its condition is not as efficient as the new one. It's become obsolete.

Mr. LoBue – Where is it on the property?

Mr. Moronski showed it at the top right of page A-1.

Glenn Leone – What is the height of the solar?

Mr. Moronski – 14'-17'

Mr. Leone – Does it have to be that tall?

Mr. Moronski – I am not an expert on the construction of solar structures, but part of it is clearance and also, they want to have sufficient height to maximize the efficiency of the solar panels.

Gary Garbarino – 193 Colonial Ave. floods. If the panels drain to your storm drain and back up, we will get flooded.

Ms. Nobile – Can you revisit putting the solar panels on the roof?

Mr. Moronski – I can't speak to the structural integrity of the roof.

Joy Devane, 202 Colonial Ave. – Why is no one saying they'll put a 16' fence behind our house?

Mr. Moronski – I would have to consult with my client.

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

Mr. Hickey – Is the 16' wall something you can do?

Mr. Pontier – The applicant's preference would that we be adjourned to the next hearing. This will give us time to make a decision on what the final proposal will be.

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

Steven LoBue, 1 Susan Lane, was sworn in.

Mr. LoBue – I appreciate the effort UPS is making to listen to the residents and take our comments into consideration. I do think a wall will be good for the residents, if it's done properly. The fence and landscaping that's there now looks awful. Trucks are parking 30-40' from my property line. I don't see where you were approved to park anything other than employee cars along Rugby Rd. It's a nuisance. I can't enjoy my back yard. Truck traffic and the hours have changed. They've increased their operation. Maybe an onsite manager would help control the noise. Can the tractor trailers be parked on the Colonial side where it's farther from the property line? Can trucks go back to exiting toward the Parkway?

Mr. Maniscalco – I believe the reason for the box trucks and tractor trailers being parked there is to have them act as a buffer because of complaints. At the last meeting, we asked them to restripe.

Mr. LoBue – They double park there. They start them up between 3:00-6:00. They pull in and drop the trailers. How do you know what the noise level really is?

Glenn Leone, 202 Colonial Ave. was sworn in.

Mr. Leone – This application has been added to since the start of the application. It was for a loading dock. Now we have the loading dock, the solar panels, the walls, and the pallet dock. The worst part of this whole thing is the pallet dock. It should never be approved.

Carmelo Lana, 105 Jamros Terrace, was sworn in.

Mr. Lana – If a town resident did something without a variance or permit and someone complained, they would be told to take it down or get fined. Why is UPS not having to stop using this. Why aren't they being fined?

Dawn Pallotta, 320 Rugby Road was sworn in.

Ms. Pallotta – Raising children on Rugby Rd. is challenging. Workers are on the platform using bad language. When we sit out on our deck, we hear music blasting. At night, you see bright lights. When they bang the skids and drag them across the road, my whole house shakes.

Why is that pallet dock there?

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

Mr. Maniscalco asked the board members for their comments.

Mr. Hickey – I'd like the 16' wall on both sides. If you plant some ivy on it, it will be a decent looking wall. I'm not happy with the pallet dock. Maybe it shouldn't be there or maybe it should be on the Parkway side.

Mr. LaGuardia – The mobile dock is just a replacement and is a permitted use. Solar is everywhere now. The pallet dock bothers me because it's right against the fence. There should be some sort of a set back there. The wall has to be maintained on both sides to keep it clean.

Mr. Browne – The employees should be made to be respectful of the neighbors.

Mr. Maniscalco – I don't agree with the pallet operation. Either they should bring it indoors or find another spot for it. I'm okay with the sound wall. I'd like you to show us a sample or picture of what it's going to look like when you come back. The light towers need to be addressed, unless the walls will block them. We talked about striping to get rid of parking along Rugby Rd. I think we should take a month out to do a sound study at the perimeters.

Mr. Compitello – Everything has been covered. We're going to take a good look at the pallet dock. The portable lights should be repositioned. The other noise and language is a management problem, so they should be out there controlling their people. The solar panels are surface area. Whether surface area is on the ground or on the panels, water runoff is the same. I agree with the 16' wall on both sides.

Mr. Cook – I don't have a problem with the mobile distribution center or solar panels. I'd like to see you upgrade to a higher quality sound wall, the Tuff Barrier Plus. I have a problem with the pallet dock too.

Councilman Accomando – I agree that the wall should be 16'. I also agree with Mr. LoBue that the plan of exit should go back to the way it was, so that the Parkway has to deal with the traffic, and not the residents.

Mayor White – My priority is that 16' sound barrier on Colonial, as well as Rugby. We want it to be a high grade barrier. I'm not happy with this pallet structure there. There was never any approval for it. It should be dropped from the application. You should look at putting it across the street, where it won't bother anybody. There should be security cameras and security guards to help control the employees in the lot.

Mr. Compitello made a motion; seconded by Mr. Browne to carry the application with new notice to the May 15, 2023 meeting. VOTE: Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Accomando, Mr. Cook, Mr. Maniscalco and Mayor White - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public.

All in Favor - YES

No public participation.

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

All in Favor – YES

10. ADJOURN

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

All in Favor - YES

Meeting adjourned 10:53 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary