

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, May 15, 2023 at 7:30 p.m.

1. FLAG SALUTE

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

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. OLD BUSINESS

Preliminary and Final Site Plan Application

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

Mr. Cialone stated he reviewed the notice given. The Board has jurisdiction to hear this application.

Craig Gianetti, attorney for the applicant came forward.

Mr. Gianetti – This is a continued application for preliminary and final major site plan approval. We first appeared before you on December 19, 2022 and presented testimony from Paul Bendixon from UPS, as well as Matthew Welch, civil engineer. On April 17, 2023, there was additional testimony from Norman Dotti, acoustical engineer and Sean Moronski, professional planner. The applicant is seeking approval for 1.) the replacement of the approximately 900 square foot mobile distribution center, 2.) a solar structure in the employee parking lot on the NW side of the property, 3.) a sound wall along Rugby Rd. and the Colonial Ave. sides, and 4.) the existing pallet dock that did not receive prior approval, but is a permitted accessory use and conforms with all bulk requirements. We heard requests from the Board to seek alternate locations. The only other feasible location would be closer to Colonial Ave. We decided to raise the proposed sound wall to 16 feet along Colonial Ave. and keep the pallet dock in its current location. We are seeking relief for the loading dock height on the mobile distribution center - minimum 14' required, 13'2" proposed. This will not be used for tractor trails, only box cars. Also, we are seeking relief for a 16 foot sound wall, there is no maximum listed for the EP zone. The I zone maximum height is 8 feet.

Mr. Maniscalco – I think we should set times of use for the pallet docks, such as normal business hours (no noise after 9:00 pm).

Mr. Bendixon – It's mostly used during the day up to 10:00 p.m., per the township ordinance.

Mr. Ambrogio – Why can't you put it closer to your building (area currently used for parking) and restripe your lot? It's too close. There's spot lights and noise.

Mr. Gianetti – We're not seeking any relief for the pallet dock. It conforms to the bulk

requirements and there's no light spillage. The sound wall is being built to address the noise.

Mr. Ambrogio – In my opinion, that's not the best location for it.

Mr. Gianetti – For efficiency of operations, that was the site that was identified.

Mayor White – How many years has it been there?

Mr. Bendixon was reminded that he is still under oath.

Mr. Bendixon – I don't know definitely, but it's been 10-20 years.

Mr. Maniscalco – Are the temporary lights run on a generator?

Mr. Bendixon – There's a solar panel that runs it.

Mr. Maniscalco – What is the maintenance plan for the areas near the wall?

Mr. Bendixon – We will make sure we clean it.

Mr. Maniscalco – Do you plan to restripe the area along Rugby Rd. where the trucks park?

Mr. Bendixon – There are signs that say no tractor trailers. It's for the brown cars only and there's no loading in that area.

Mr. Ambrogio – I think we should have a maintenance schedule in place for the buffer, like every two weeks.

Mr. Bendixon – I don't think that's realistic. There's no grass there.

Mr. Ambrogio – Debris from the roadway will wind up there. I have to call all the time to ask you to clean up.

Mr. Bendixon – We'll put a maintenance plan in place. I'd rather not give a specific timeframe.

Mayor White – Is there going to be any way to get from one side of the wall to the other?

Mr. Gianetti – We would install access doors in the wall.

Mr. LaGuardia – Will the chain link fence stay in place? If it does, the debris will be trapped.

Mr. Gianetti – Along Rugby Rd., it will come down. Along Colonial, it will stay with the buffer between the fence and the sound wall.

Mr. LaGuardia – The Rugby Rd. side is really bad and would have to be cleaned out. Some trees are in danger of falling.

Mr. Bendixon – We have plans to trim all the trees, so there's nothing left unsafe.

Mr. LaGuardia - I think someone should go back there monthly to do maintenance.

Mr. Maniscalco – I think quarterly is fair.

Mr. Bendixon – I could agree to quarterly.

Mr. Maniscalco – Did you pick a style and color for the wall?

Mr. Bendixon – I forgot the sample at my office. It is an earth tone.

Council Accomando – Did you give any thought to the direction change?

Mr. Bendixon – The trailers have gone from 28' long (years ago) to 53' long (now), so there's not enough room for two-way traffic there.

Mr. Hickey – It might be a good idea to keep the chain link fence along Rugby Rd. to prevent people from dumping there.

Mr. Compitello made a motion; seconded by Councilman Accomando to open the meeting to the public for questions for Mr. Bendixon. All in favor – YES

Glenn Leone, 202 Colonial Ave. - Have you asked the landlord for permission to move the pallet dock operation to the other side of Midland Avenue?

Mr. Bendixon – We do not own that property. If we were to move it there and then lost the lease, we would have to have it here.

Denise Dougherty, 218 Colonial Ave. – I think you need to move that pallet dock. If you do move the pallet dock, I don't think we need a 16-foot wall. A 16-foot wall will look like another building back there.

Mr. Bendixon – The board asked us to change the wall from 8 feet to 16 feet.

Joy DeVane, 202 Colonial Ave. – The pallet dock is not permitted, correct?

Mr. Gianetti – It is permitted and it meets all of the bulk requirements. They just never received an approval to put it there. That's why we're here tonight to get the approval for it.

Ms. DeVane – Are they getting fines?

Mr. Maniscalco – No.

Mr. Cialone – We are not an enforcement authority. The Board can't issue fines.

Steven LoBue, 1 Susan Lane – What do you plan to park in the striped area?

Mr. Bendixon – Brown box truck, not trailers.

Mr. LoBue – What will the operation be? They may not load, but between 2:00-4:00 a.m., but they are shifting things around inside those trucks, creating a lot of noise (doors slamming, etc.) Will that continue?

Mr. Bendixon – Those are portable distribution units. There are 7 of them. They get moved around the facility at that time. They get moved next to the building and the brown package cars go next to them.

Mr. LoBue – So they're loading at 2 a.m.?

Mr. Bendixon – Next to the building, not next to Rugby Rd.

Mr. Maniscalco – Do you have the original resolution? Did it restrict the hours of operation?

Mr. Gianetti – We were unable to get the resolution. The town said it was damaged in a flood.

Mr. LoBue – Do you have a landscaper come regularly?

Mr. Bendixon – Weekly.

Mr. LoBue – So add the maintenance of the wall to their list.

Mr. Bendixon – They don't come in the winter.

Gary Garbarino, 193 Colonial Ave. – Has anyone determined the rain runoff from the solar panels? Is there any concern in the winter about employees parking under the panels? Falling snow and ice could be dangerous.

Mr. Gianetti – This was addressed by our engineer in December. There is no impact from a drainage standpoint.

Dawn Pallotta, 320 Rugby Rd. – Do you plan on keeping the pallet dock there? Is there a way to put it on the parkway side?

Mr. Bendixon – I looked at the entire area around the facility. It requires trucks to back up into it. The only other spot is near the entrance to UPS, which is closer to the residents on Colonial.

Mr. Ambrogio showed Mr. Bendixon a location on the site plan that he would suggest for the pallet dock.

Mr. Bendixon – I suggested that location two or three meetings ago and everyone from Colonial Ave. said why are you moving it closer to me?

Carmelo Lana, 105 Jamros Terrace – If you put the trailer parallel to the fence near the Parkway wouldn't that work?

Mr. Bendixon – Then I would only be able to fit one trailer there.

Mr. Lana – Can the hours of operation be changed?

Mr. Bendixon – We can't do that because it's inefficient to the operation.

Karen Nobile, 186 Colonial Ave. – Where is the wall on the Colonial Ave. side going?

Mr. Bendixon – It will be 4-6 feet from the employee parking lot curb.

Ms. Nobile – Would you consider moving the wall 4 feet into your lot and removing the first row of employee parking?

Mr. Bendixon - Why?

Ms. Nobile – I would like to save the trees. Would you consider getting a landscaping engineer?

Mr. Bendixon – There will be a lot of branches that will be cut down. My intention is not to cut down trees unless they are dead. We were asked to keep those trees.

Denise Dougherty – Will you show us a picture of what the wall is going to look like?

Mr. Gianetti showed Exhibit A-3, marked into evidence in December.

Glenn Leone – Could you get smaller trailers to service the pallet docks at the far south end?

Mr. Bendixon – The trailers that we're using are trailers that were against the building with pallets already in them. They are 53 feet.

Ms. Nobile – What are your plans for the perimeter pole lights?

Mr. Bendixon - They are used to light the parking along the perimeter, so they will stay. Shields have been installed on those poles.

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

All in Favor - YES

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

Glenn Leone, 202 Colonial Ave. was sworn in.

Mr. Leone – It's all about the pallet dock. It's a horrifying thing to live right there. It was never approved. The dropping and dragging of trailers happens often back there. I think the Board should not vote. I think they should take this off of the application.

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

Mr. Gianetti – UPS is trying to do the right thing. They need certain things to operate. The problem is that the pallet dock was installed without approval, but in the end, it is a permitted accessory use and it conforms with all of the bulk requirements. We are seeking no relief for that. There was a noise violation issued. The sound wall being installed will bring it into conformity. The solar panels are part of the green initiative. UPS is trying to do what they think is most appropriate given the concerns the neighbors have. They have come up with a proposal that they think is reasonable. Operation time of the pallet dock will be 1 PM to 10 PM.

The only relief we're seeking is unrelated to the pallet dock and unrelated to the solar panels. It is for the MDC loading dock height. The requirement was designed for tractor trailers; not the brown car height. The other relief is for the 16-foot sound wall.

Mr. Compitello – Did you address the noise in the employee parking area? Signage?

Mr. Bendixon – We addressed this at previous meetings. It is hard to maintain that as we have people that come to pick up our employees. We have had many meetings to tell our employees to be quiet. We have installed signs and cameras out there, but it is very difficult to control. We also have guards in the guard house.

Mr. LaGuardia – Is there some way to have a community meeting to decide what height sound wall is best for Colonial Ave.?

Mr. Cialone – It's really up to the Board to decide.

Mr. Maniscalco – I think the reason for the 16-foot wall is that the noise would carry over an 8 foot wall to the second floor bedrooms.

Mr. Ambrogio – Regarding the location of the pallet dock, are we better off having the pallet dock closer to the wall for sound reduction?

Mr. Gianetti – That was the acoustical engineer's testimony, that the closer the wall is to the source of the noise the more effective the sound wall is.

Mr. Ambrogio – Have you considered upgrading to a better wall?

Mr. Gianetti – Mr. Dotti would say that it doesn't matter what the material of the sound wall is, so long as it's solid with no cracks or holes. The material is not what dampens the noise.

Councilman Accomando – That night, he did say that there was a better wall that could be used. He talked about thickness and hollow core versus stuffed.

Mr. Gianetti – Mr. Dotti said that the wall we were proposing is a good wall and it works.

Mr. Ambrogio – Are we getting the wall with the foam in it or without the foam in it?

Mr. Gianetti – The details on our sound wall show that it is not a hollow wall.

Mr. Zembur – We don't see anything on the plans to show whether its hollow or not hollow.

Mr. Gianetti – The label on the site plan says it will be a 16' sound wall Tuff Barrier by AIL or approved equal.

Mr. Zembur – Is there any spec that could be provided related to the material that will be in the wall so that we know we're getting a soundproofing wall?

Mr. Gianetti – It's a sound wall. We will install an AIL Tuff Barrier Reflective wall with stuffing inside.

Mr. Maniscalco – We could take a vote, but the pallet operation is an issue. We did ask for it to be removed. Can we make a motion to not accept that portion?

Mr. Cialone – It's a permitted use. You could condition approval on them eliminating that, but I think that gives them an appealable issue. Once again, it's a permitted use and they don't need any variances. It's not what I would recommend. They need site plan approval for where it's located, but if you deny the application, we're not getting the walls, we're not getting anything. I don't know that you can approve everything and just deny the pallet dock, because it's a permitted use. I'm sure they would appeal.

Mr. Ambrogio – If we don't approve it, what happens to the existing pallet operation?

Mr. Cialone – If they continue to operate, you would issue violations and be in court over that as well.

Mr. Hickey – Maybe the wall will help.

Mayor White – I agree that the wall is going to help. Would you be willing to change the hours of operation to 1:00-7 or 8:00?

Mr. Bendixon – I don't want to commit to that. Those trucks are unloaded from 6 PM to 10 PM and those trailers are immediately moved over to get the pallets removed. It would be a hardship on us to stop at 8:00.

Mayor White – You talked about moving that operation across Midland Ave. It would not affect our residents, but there are senior townhouses on the other side of the railroad tracks in Elmwood Park. Would they need a variance for that?

Mr. Bendixon – We would need site plan approval.

Councilman Accomando – My concern was the traffic coming out. I was informed that it's out of UPS's hands. It's more of a Zuckerberg's issue than a UPS issue to have a tractor come out on the parkway side.

Mr. Bendixon – We have an agreement with the city and with Zuckerberg to come out on their access road.

Mr. Ambrogio – I think we should make sure the site plan is labeled for box car parking in the back. Also, in my opinion, something should go in the resolution about a maintenance plan. Quarterly is not appropriate.

Mr. Compitello – I agree with that. The stuffing in the sound wall should be put in the conditions. There are solar lights at the pallet dock?

Mr. Gianetti – They removed the generator and now have the lights powered by solar, which removed some of the noise.

Mr. Compitello – Is it a battery back up?

Mr. Bendixon – Yes, solar with batteries.

Mr. Maniscalco – I agree with the mayor about the hours of operation. We'll have to work on updating our ordinance at a future date. A maintenance plan is needed. Landscaping has been addressed.

Mr. Browne – Is there anyway the guards at the guard house could also patrol the parking lot?

Mr. Bendixon – If the noise is loud enough for the residence to hear it, then the guards are hearing it as well and will go out.

Mr. LaGuardia – A resident mentioned snow plows back up alarms. Maybe they could dampen that sound?

Mr. Bendixon – They are not UPS trucks.

Mr. Maniscalco – To summarize the conditions: label parking lot for boxcar parking, maintenance plan once per month, landscaping plan, remove fence on Rugby, 16' sound wall AIL Tuff Barrier with stuffing in earth tone color.

Mr. Compitello made a motion; seconded by Mr. Browne to approve the application with the above conditions. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Accomando, Mr. Maniscalco and Mayor White – YES

APPLICATION APPROVED

5. MINUTES

Mr. Compitello made a motion; seconded by Mr. Browne to approve the minutes of the April 17, 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. All in Favor – YES

Carroll Engineering, 04/24/23, Wal-Mart Real Estate Business Trust, Inc., \$1,940.86

Paparozzi Associates, Inc., 04/27/23, BT Newyo, \$255

Basile Birchwale & Pellino, LLP, 05/01/23, Review Ordinances, \$125

8. OPEN AND CLOSE THE MEETING TO THE PUBLIC

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

No public participation.

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

9. ADJOURN

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

All in Favor - YES

Meeting adjourned 10:20 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary