

TOWNSHIP OF SADDLE BROOK

ZONING BOARD OF ADJUSTMENT MINUTES

August 7, 2023 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday August 7, 2023 at **(Saddle Brook Municipal Complex, 55 Mayhill 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

Roll call - Ms. Murray (Sitting in as Chairperson for Mr. Duffy), Mr. Schilp, Mr. Tokosh, Mr. Burbano, Mr. Manzo, Ms. Nobile – present. Mr. Duffy, Mr. Mazzer, Mr. Marz, and Mr. Champy are absent. Anthony Cialone the Board Attorney, Gary Paparozzi the Board Planner and Anthony Kurus the Board Engineer are all in attendance.

5. NEW BUSINESS

A.) Deugen Development, LLC, 210 US Highway Route 46, Block 105, Lots 2 & 3

Applicant requests a Self-storage which is not a permitted use in a B2 zone; therefore, this would be an expansion of a non-conforming use. Repairs to vehicles are prohibited in this zone, the applicant is also proposing 4 stories when two stories are permitted in a B2 zone the floor area ratio is proposed at 1.21 when .25 is permitted in a B2 zone and Bulk variances for parking and lot coverage will also be needed. **(Applicant was carried from the April 3rd meeting to the June 5th meeting and was again carried to the July 10th meeting. They completed their testimony at the July 10th meeting and chose to have the vote at the August 7th meeting so that they could have a full Board. The Board only has 6 members available for the August 7th meeting so they have requested to be carried to the September 11th meeting.)**

Mr. Schilp makes a motion seconded by Mr. Manzo to carry the application without further notice to the September 11, 2023 meeting.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Manzo, Ms. Nobile – YES.

Mr. Burbano has recused himself from this application.

C.) Joseph A. Castaldo, 161 Nedellec Drive, Block 1504, Lot 25

Applicant is requesting a variance to construct a 30' x 20' patio and walkway that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Mr. Cialone confirms that the notice is in order for this application and that they may proceed.

Julio Piccirillo is the attorney for this application.

Joseph Castaldo comes forward and Mr. Cialone swears him in.

Mr. Piccirillo – The applicant is requesting a variance to construct a paver walkway from the driveway to the backyard as well as a 30' x 20' paver patio in the backyard since the construction does not conform with the zoning ordinance as it stands today. The allowances under the ordinance for maximum lot

coverage and maximum accessory coverage is 44% and 18% respectively. The applicant is proposing an increase to the maximum lot coverage by 2.5% and an increase to the maximum accessory coverage by 5.6%. The applicant has provided a sketch to the Board of the proposed construction. The walkway will be three feet wide leaving 8.9 feet of undisturbed property from the walkway to the property line abutting lot 26. The patio in the backyard extends 20' leaving 16.2' of undisturbed property from the end of the patio to the property line abutting lot 25 and approximately 12' to lot 24. The reason why Mr. Castaldo would like to construct a walkway and patio is so that he can entertain his family and friends, have barbecues and fully enjoy their property. Mr. Castaldo is available to answer any questions the Board may have.

Ms. Murray – Does anyone have any questions?

Mr. Schilp – How close to the house is the walkway going to be? Will there be any grass between the house and the walkway?

Mr. Castaldo – It will go up to the house.

There are no other questions.

Mr. Schilp makes a motion seconded by Mr. Manzo to open to the public. All in favor.

Ms. Murray – Seeing none.

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

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

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Burbano, Mr. Manzo, Ms. Nobile – YES.

B.) Sebastian Tyburski, 280 Evans Place, Block 1713, Lot 1

Applicant requests a 12' x 21' above ground pool and 136 Square foot shed that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Sebastian Tyburski comes forward.

Mr. Cialone asks whether the signatures and dates signify that those notices were hand delivered and he states that they were.

Mr. Cialone confirms that the notice is in order and that he may proceed.

Mr. Cialone swears in Sebastian Tyburski he gives his address as 280 Evans Place in Saddle Brook.

Ms. Murray – Would you like to tell us what you're going to do what you would like to do and what you have done already?

Mr. Tyburski – It's a corner property we're looking to put an above ground pool closer to the property lines than you allow and a shed that is a 12' x 12' on the front yard because it's in the corner of the backyard but I guess that is considered a front yard because I'm on a corner.

Ms. Murray – You appeared before us a couple of years ago.

Mr. Tyburski – Twice yes.

Ms. Murray – We asked you at that time I remember because I was Chair and we asked you if you were going to put up a shed at that time because you could add it at that time otherwise you would have to come back here again and you built it anyway that's my question to you.

Mr. Tyburski – At the time we didn't want one but then it became a hassle carrying my snowblower out of the basement.

Ms. Murray – But you kind of knew you needed one we had told you that.

Mr. Tyburski – At the time no because we'd been there for three years and then it became a hassle carrying my lawnmower and the snowblower out of the basement so I figured I'd put a shed up.

Ms. Murray – Yes but when you came for the driveway and the walkway we did tell you and if you wanted to put up a shed you'd have to come back to us. I was Chair and I remember the property. I went by it to see how nice the pavers came out so there are times we do that.

Mr. Tyburski – I'm aware that you guys drive by.

Ms. Murray – The drawing of the pool doesn't show any dimensions. You drew the pool in on the survey which I don't believe you're allowed to do with his title block and everything on it.

Mr. Tyburski – That's what I was told by the Building Department just to draw it in its 12' x 21' oval.

Ms. Murray asks Mr. Paparozzi for clarification.

Mr. Paparozzi – He did submit a regular survey that is not altered so that is fine. I think on the altered one what should have been done is dimensions and setbacks but he could do it on a proposal as long as he had a separate survey.

Ms. Murray – Okay thank you. What are the dimensions? I don't have a dimension from the back of the pool to the back fence.

Mr. Tyburski – We want to be three feet from the back and the side instead of the six feet.

Mr. Paparozzi – I guess the proposed shed is the one that is existing. In Mr. Ambrogio's denial letter he has the setback from the property line the front setback is 2 feet and it's 1.56 feet and he has the side yard setback as 2 feet and it's 2.14 feet so there are different numbers going to South Road. Additionally the vinyl fence I don't know when that was put up the survey's dated November 2022 but the vinyl fence on South Road is almost two feet on Township property. If he got a permit for the fence that shouldn't have happened but I don't know if he got a permit.

Mr. Tyburski – I got a permit for the fence and it was closed and the permit's actually a foot offset off my property not on Saddle Brook property I put it a foot back purposely to avoid any issues and the permit is closed on the fence.

Mr. Paparozzi – The survey shows the fence two feet on city property.

Mr. Tyburski – I know the survey was done recently but I got a permit for the fence Mr. Ambrogio inspected it closed out the permit.

Mr. Paparozzi – I'm only telling you what the survey says.

Mr. Tyburski – I know from my neighbor's side and from the other neighbor's side I am a foot off their property so that we avoid any problems if they were to sell their property or I was to sell mine. I know for a fact I'm a foot off the property according to the survey that was done when we bought the house. I'm looking to put the pool three feet off the fence not the property line so I don't know the exact measurements but I want to put the pool three feet off the fence not the property line.

Mr. Paparozzi – The back of the fence is only a couple of inches off your line. It's not feet off your line it's only a couple of inches.

Mr. Tyburski – I know there's an easement between me and the back neighbor that belongs to I guess you guys.

Mr. Paparozzi – No it's on the guy's property.

Mr. Tyburski – He's got a driveway there or something like that.

Mr. Paparozzi – Yeah it's still his property with an easement with only two inches on your property for the fence in the rear your two feet into South Road.

Ms. Murray – Mr. Kurus anything?

Mr. Kurus – Just what's already been said the dimensions for the pool. Do you know what the intention is three foot to the side and the rear?

Mr. Tyburski – Uh huh.

Mr. Kurus – We asked about the location of the pool equipment. I guess that would also be somewhere in the rear.

Mr. Tyburski – There is separate electric that I know.

Ms. Murray – You don't have it on the plan where is the pool equipment going to go?

Mr. Tyburski – I just wanted permission because if you say no we're not doing it so I'm not going to go through everything.

Mr. Paparozzi – We need to know where you intend on putting the filter and pump and stuff.

Mr. Tyburski – Between the house and the pool it's nowhere near the neighbors. It's going to be between the kitchen and the pool.

Mr. Paparozzi – What the Board is asking for is to be shown and the engineer is asking for it to be shown that's what they're asking for. There's also a setback requirement for pool equipment so that may be another variance but we don't know where that's going.

Ms. Murray – The distance to the property line for the pool equipment is six feet as well.

Mr. Tyburski – It will definitely be six feet off the property line as long as it doesn't require a variance.

Mr. Schilp – Do you intend on putting any kind of deck on this?

Mr. Tyburski – No. You guys didn't let me put up a bigger fence. To have a pool you need a 48" fence with a 54" lock correct because I was not allowed to put a bigger fence on my property according to you guys.

Mr. Schilp – As long as the yard is fenced in completely.

Mr. Tyburski – It's fully fenced in.

Mr. Tokosh – Shouldn't the fence be six feet high?

Mr. Tyburski – You didn't let me I'm on a corner property.

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

Ms. Murray – Seeing none.

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

Ms. Murray – The only thing I want to say is that I dislike when people do things first and then come and ask for forgiveness when they should be asking for permission. It does bother me and I do give people advise if they come here before us.

Mr. Tyburski – If it helps I apologized to Mr. Ambrogio a hundred times because I grew up in Garfield, I lived in Garfield and in Garfield it's three feet off the property line and then Mr. Ambrogio explained it's got nothing to do with the property line I totally overlooked the fact that I'm on a corner and I put my shed in a front yard. I thought he was breaking my chops about the backyard and the side setback being I think I put it like four or five feet and then he's like no your shed is in the front yard because you're on a corner. It sucks buying a corner property. Even though what was there was an eyesore and what I put up is nice but it completely sucks buying a corner property.

Ms. Murray – It does look nice you improved the property greatly that's my only comment also you need to make sure your current pool, even though it's smaller you're not supposed to hang an extension cord around the fence. People do need to get summertime permits to do that.

Mr. Schilp makes a motion seconded by Mr. Tokosh to approve the application with the stipulation that he gives us dimensions from the front the side and back and exactly where he's going to put the filter.

Mr. Burbano – You have to also add it's currently as Mr. Paparozzi said you have to give him a variance for 1.56 off the property line.

Mr. Tyburski mentions that his original survey is different and that his fence is inside his property line.

Mr. Burbano tells him to take the variance with the extra distance just to be safe so there are no issues going forward.

Mr. Cialone reviews the stipulations. The pool setback is 3 feet off of the side yard and rear yard. The plans have to be revised to show the setbacks of the pool 3 feet from each fence. The location of the pool equipment which has to be at least 6 feet from the property lines and we are amending the shed setback corner front yard variance to 1.56 feet.

Mr. Tyburski asks whether he can be made to move the fence since it was approved by the Construction Official and Mr. Paparozzi says that he can if he wants to but I'm not saying that he is going to do that. Mr. Paparozzi reads the code that is specific to the Construction Official making an error.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Burbano, Mr. Manzo, Ms. Nobile – YES.

D.) Thomas & Brittany Smid, 158 Colonial Avenue, Block 1202, Lot 26

Applicant is requesting a variance to construct a second floor addition that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Thomas and Brittany Smid come forward. They are both sworn in and they give their address as 158 Colonial Avenue in Saddle Brook.

Mr. Cialone asks whether the signatures and dates signify that those notices were hand delivered and they state that they were.

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

Ms. Murray – Would you like to tell us what you would like to do?

Mrs. Smid – We are planning on adding a second floor to our current footprint and we'd like to add a front porch as well.

Mr. Paparozzi – The two variances requested maximum accessory coverage and maximum lot coverage. Additionally the corner lot setback he has marked as preexisting but is being exacerbated by going up so that would be a variance as well as the minimum side yard he has 5.04 which is preexisting and that's also a variance because again it's being exacerbated by adding up to the property. The front setback Mr. Ambrogio has it to the overhang but I think by the drawing it's a roof covered porch which is I guess 20 feet not 23.

Mr. Kurus – The only comment we had was any roof draining from the porch or the addition should be directed towards the interior of the lot so that there's no impact on the neighbors. Just the variances noted by Mr. Paparozzi that's it for me.

Mr. Schilp – The front setback that's from 23 to 20 it only adds a couple of feet going to the front of the house and I did look up and down the street and there's no houses that stick out. They might have a little portico but other than that I drove up and down that was my only question. If the neighbors complain you take their complaint you're impeding their view. It's one thing that I've looked at every time somebody comes how far you're going to extend but we'll see if any of your neighbors here comment.

Mr. Burbano – Do you plan on adding a second A/C unit for the second floor?

Mrs. Smid – Yes.

Mr. Burbano – You may want to include that setback for the second unit so you don't have to come back.

Mr. Paparozzi – If they keep it in line with the original A/C unit it will be okay. It's also on the street side so it won't affect any neighbors.

Ms. Murray – If you do take down the shed you shouldn't put it back up because that would be a variance because it's right on the property line.

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

Ms. Murray – Seeing none.

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

Mr. Burbano makes a motion to approve the application.

Mr. Cialone – Just two conditions one that the roof drains are directed to the interior of the property and the other that the additional A/C unit be installed in line with the existing unit.

Mr. Paparozzi – And you have five variances.

Mr. Cialone – Correct and the minimum front yard setback has been amended to 20 feet.

Mr. Schilp seconds the motion.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Burbano, Mr. Manzo, Ms. Nobile – YES.

E.) Khaled Balan, 631 Oak Avenue, Block 1702, Lot 9

Applicant is requesting a variance to construct a 12' x 25' shed that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Mr. Cialone swears in Khaled Balan he gives his address as 631 Oak Avenue Saddle Brook.

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

Faris R. Shurbaji is the attorney representing Mr. Balan.

Mr. Shurbaji – We are seeking approval for the replacement of a shed approximately 12' by 15' as indicated in the survey provided. We provided a survey that outlines the existing shed.

Mr. Shurbaji is corrected as the shed is 12' by 25'.

Mr. Paparozzi – Number one the proposed is the one that is already existing but also Madame Chair I was given this I don't know if the Board has or the Township has a full survey. This is not a legal document and the applicant needs to provide a survey. This is not signed and sealed so it's not a survey.

Mr. Barrale confirms that the Board has a signed sealed survey from the applicant.

Mr. Paparozzi – The shed is already there so it's not proposed I guess they are looking for approval. I'm assuming the Building Inspector came by after you built the shed without a permit.

Mr. Shurbaji – Yes that's correct.

Ms. Murray – Can you tell us the dimension between the shed and the house?

Mr. Shurbaji – I believe it's approximately 7 feet.

Mr. Kurus – It's close to the house what do you use it for? What do you have in it?

Mr. Shurbaji – Basically storing items that you would put in a garage lawn mower basic outdoor items. It's not for any business purpose.

Mr. Tokosh – I measured it as 12' 10" by 25' 2".

Mr. Paparozzi – Yeah that's what it is it's marked on the survey.

Mr. Tokosh – The distance between the side of the structure to the fence is 4 feet 10 inches and from the back fence it's 4 feet 7 inches.

Mr. Schilp – The distance from the house to the shed did you put fire rated siding on the shed or the house did you fire rate the plywood that's underneath the siding both on the shed and the house?

Mr. Shurbaji – Mr. Balan had a contractor who built the shed I don't know that he is able to answer that question.

Mr. Schilp – It makes a big difference. If it's not fire rated there's no way I would ever approve it especially since he stores gasoline out there.

Mr. Shurbaji – I don't know that he does.

Mr. Schilp – He said he stores a lawnmower out there. If he stores a lawnmower he stores gasoline.

Mr. Shurbaji – Do you mind if I ask him. He said when it was constructed the contractor said that it was fire rated. He said he will have his contractor look at it again and verify it.

Mr. Schilp – I don't like the 7 feet. I'm a fireman in town for 51 years and if you go to bring a ladder back there to get to the back of the house you aren't getting it back there. His wife and kids whatever his relatives and they have to get out we're not going to get a ladder in back of the house. We had this with other people and they take it back so that there's 10 feet. You really have to go 10 feet.

Mr. Burbano – It's an awfully large shed for a small property. I don't know what you store in there but is there electric in there?

Mr. Balan – No.

Mr. Burbano – No electric no lights no nothing. It's just for storage.

Mr. Balan – Yes.

Mr. Burbano – Is there space above for storage as well? Do you store above the rafters as well?

Mr. Balan – It's open on top no ceiling.

Mr. Burbano – I'm concerned that it is a framed structure that even though it's a shed you probably want to have blueprints to show that there was fire rating to show that there were proper footings and things like that. I'm not sure if Mr. Ambrogio is going to require him to provide blueprints for the structure that's the only question I would ask.

Mr. Paparozzi – It's up it's not to code I'm assuming that it requires inspections that's the proper procedure.

Ms. Murray – I did meet with Mr. Balan yesterday and I asked him the same question was there electric and was there any plumbing going in there and the answer was no. It wasn't finished on the inside it's still studded out so I don't know how much fire rating was done because it's just open.

Mr. Burbano – They could do fire rated plywood and then they would put a fire rated sheet rock over the plywood or several fire rated sheet rocks and that would give your fire rating.

Ms. Murray – What if the siding is done and it's not fire rated?

Mr. Burbano – You could do fire rating on the inside all the way up to the peak. If the contractor said he fire rated it he might already have that so you would have to take a piece of the siding off and see what's behind the siding.

Ms. Murray – I tend to question whether the fire rating is there because if the contractor knew he was building in Saddle Brook he would have known he needed a permit and he would have known he needed to come here so my question is I don't really want to rely on a testimony that the contractor is not here under oath that he did that so I can't accept the fact that there may be fire rating and 7 feet is very close to the house. I don't understand how a local contractor would not have advised you properly that he could

not build that and if it was a kit I don't know if it was a kit I know I've bought kits and they tell you right there you can't have this delivered to you until you come up with a permit. There are certain things you should have known or the contractor should have helped you with on this one before he built it and I'm sure that the neighbors can't be that happy with a structure that large even though it is 5 feet off the property line. It is a large structure it actually blocks their whole yard.

Mr. Burbano – Was there a structure there prior or was it a new structure?

Mr. Shurbaji – There was a concrete patio and they built the shed above that so that is some insight as to why it was placed there and why that size. They built the shed over the existing patio. I concede that they should have been brought to the Board it should have been done properly. I don't know why the contractor proceeded and built it but the mindset was to build it above the existing patio. My client would concede to confirming that the shed could be fireproof now to meet that requirement. I understand that we can't take the contractor's testimony he's not here. As a condition I think my client would agree to that.

Mr. Schilp – There's probably no footings around the outside. They're not going to put footings around the outside to make a patio. If you're going to make a patio you put a three or four inch slab of concrete down. There is very little support for the size of the structure that's not a little 9' by 12' structure.

Mr. Shurbaji – I can't comment to the type of construction or whether he dug the footings I wouldn't speculate on that.

Mr. Schilp – He just said that he built it on the existing patio which means there are no footings around that.

Mr. Shurbaji – Again I don't know if he dug underneath the patio what kind of work was done.

Mr. Schilp – Can you ask your client?

Mr. Shurbaji – He's not aware he wasn't there when it was completed.

Ms. Murray – My other comment is it's completely open. It's a 12 by 25 foot structure that is completely open and not finished yet so I have no idea if he's going to build additional walls inside and make rooms or if he's going to put a place where he can build a structure above we have no idea what's in there other than it's a 12 by 25 foot structure. I did go inside it so I do know that it's open. It does have a couple of windows in it for light and it's just studs and rafters.

Mr. Schilp – If all the insides are open and there's no sheetrock I can't see that they fire rated it. He just built this thing on a whim.

Ms. Nobile - When was this constructed?

Mr. Shurbaji – About seven or eight months ago.

Ms. Nobile – Do you have plans to do more construction?

Mr. Shurbaji – He hasn't done any work since the citation was issued.

Ms. Nobile – When was that?

Mr. Shurbaji – I don't have it in front of me but it was quite a while ago.

Mr. Balan – Everything is open on the inside so you can see it. When I moved from Paramus I had a lot of stuff and when I moved to Saddle Brook I don't have a garage. When I asked the contractor can I build a shed he said yes.

Ms. Nobile – so the timeline you did it eight months ago and you got the citation during construction?

Mr. Shurbaji – After it was built.

Ms. Nobile – This was a while ago.

Mr. Shurbaji – Yes.

Ms. Murray – So last fall or during the winter I'm going to guess.

Mr. Shurbaji – When it was built?

Ms. Murray – Yes.

Mr. Shurbaji – Approximately January or February.

Mr. Cialone – The denial is from December 20, 2022.

Ms. Murray – You can see the Board has concerns about the closeness size and what's going to happen there. Once something's up we don't know what's going to be in there and if someone is going to build a structure that big without asking can it be done we have to make sure that there's nothing else. We don't

want electric we don't want this. There are certain things that we would want to make sure that don't happen there. Some are enforceable and some are not. The main concern is the size of the structure and the closeness to the house because of fire safety.

Mr. Shurbaji – I could speak to my client's intention that he is not planning to build rooms or two levels. This is purely for storage no other intended use for the shed. Again he is happy to comply with any condition to make sure it is fire rated and address the Town's concerns. It was built without the Town's consent and he is apologetic about that but do what we can to bring it up to some level of approval by the Town.

Mr. Schilp – Mr. Paparozzi does that need footings?

Mr. Paparozzi – Yes it's big enough to need footings. Maybe an inspection by the Building Department on the construction and the fire rating.

Mr. Burbano – I think if it is approved we can put a stipulation to have proof that it's done to Building Code Law.

Mr. Paparozzi – The only problem there is if the Building Inspector comes back and says it's not you approved it subject to and he says that it's not then what do you do? It's not as simple as just that. I don't know if they're putting the cart before the horse and maybe an inspection should be done that it's at least constructed to code and it's fire rated and then I think the Board knowing that you're not going to have an issue with fire and the load then I think you can move ahead with stipulations like no electric, no plumbing, no second floor and anything else the Board deems necessary. I think listening to the Board an inspection is probably warranted either from Mr. Ambrogio or Neglia Engineering.

Mr. Burbano – If someone built an addition on their property without permits they wouldn't come to the Board for approval for that addition you'd have to go through some sort of a Building Code approval to make sure that it meets code. It's not us to say okay you're approved then everybody would build an addition and just ask for approval later. There has to be something in the rules that say okay you need to have him show blueprints for it and that it meets code prior to approval or we could require them to get approval if it's not built to code then it's on him whether he wants to tear it down to rebuild it.

Mr. Cialone – You can put the conditions and if they can't meet the conditions you can't get a permit it's going to have to come down.

The Board debates on how best to handle the conditions of approval and if it can even be brought up to code.

Mr. Kurus – You've been talking a lot about the size of it 13' by 25' 300 square feet seems more like a borderline detached garage than a utility shed. I don't think Saddle Brook has a definition of a utility shed. I've seen in other municipalities they put a cap at like say 140 square feet or 160 square feet. I don't know if this Board wants to put a limit on what they feel is a shed but I just think 25' by 13' is one of the biggest sheds I've seen. If it was made smaller you 'd get more of a setback to the building number one and I don't know code is code that's going to be the Building Code Official. To me it just seems like a large it's a structure call it what it is it's a structure.

Ms. Murray – I'm going to ask for a motion to open to the public.

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

Mr. Cialone swears in Goli Kocharian and she gives her address as 285 Wilson Street.

Ms. Kocharian – We live next door we share the backyard we used to but now the fence is dividing. The structure was built in October 2022. Speaking on behalf of the neighbors who are not able to be here tonight it is too big of a structure too close to the border line. In the backyard we can see the shed and it was a surprise to us and if he can downsize it so we can enjoy our backyard too. I've been living in Saddle Brook since 1996 and there was no patio there in the backyard. As far as I know the structure was built in five or six days. It was a very short time. To us it doesn't look like a shed and because we are concerned about the safety too basically that's all I have to say. As the Chair stated before we never heard from the neighbors even though my husband stopped by the house and welcomed them to the neighborhood when they moved in but we didn't hear anything about building this structure. Our concern is about the safety and our backyard is not the same.

Ms. Murray – Anyone else? Seeing none.

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

Ms. Murray – was the contractor that built it local?

Mr. Balan – I think he was from Mexico.

Ms. Murray – Does he have a license?

Mr. Shurbaji – He doesn't know.

Ms. Murray – I can tell you I side with the suggestion that there's inspections done and drawings done and the construction integrity is reviewed because if there's no licensed contractor that built it there was no permit I can't honestly say that I would feel comfortable approving something that large that's already built but we don't know who built it if he was licensed and there were no footings or anything else that we know about so I could not besides the fact that it's way too close to the house. Ten feet is about the closest we like to look and that is violated as well. It's a hazard to the family living in the house because of what they're keeping in the shed. It's gasoline or pool chemicals whatever it is it could be hazardous.

Mr. Schilp makes a motion to deny it for the reason that we don't know how it was built. We have no information on the shed and I think it's dangerous.

Ms. Murray – There is a motion to deny on the table.

Mr. Manzo seconds the motion.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Burbano, Mr. Manzo, Ms. Nobile – YES.

6. RESOLUTIONS

A.) Approval for Joseph Atshan, 105 MacArthur Drive, Block 504, Lot 13

Mr. Schilp made a motion seconded by Mr. Manzo to approve the resolution.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Burbano, Mr. Manzo, Ms. Nobile – YES.

7. MINUTES

Meeting of July 10, 2023 Regular Meeting

Mr. Schilp made a motion seconded by Mr. Manzo to read and file. All in favor - YES.

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 5/15/23 (280 Evans Place)

Anthony Kurus to the Zoning Board of Adjustment, 7/10/23 (161 Nedellec Drive)

Anthony Kurus to the Zoning Board of Adjustment, 7/20/23 (158 Colonial Avenue)

Anthony Kurus to the Zoning Board of Adjustment, 7/20/23 (631 Oak Avenue)

Brian M. Chewcaskie to the Zoning Board of Adjustment, 7/21/23

Eric V. Timsak to the Zoning Board of Adjustment, 7/21/23

Mr. Schilp made a motion seconded by Mr. Manzo to read and file. All in favor - YES.

9. VOUCHERS

Basile Birchwale & Pellino, 7/07/23, Cattino Real Estate Holdings, 225 Route 46, Block 120, Lot 3 \$1,083.75

Neglia Engineering Assoc., 5/17/23, Cattino Real Estate, 225 Route 46, Block 120, Lot 3 \$490.25

Neglia Engineering Assoc., 7/24/23, DDC Investments, 249-255 Rt. 46, Block 120, Lots 5 & 6 \$289.50

Neglia Engineering Assoc., 7/24/23, Deugen Development, 210 Rt. 46, Block 105, Lots 2&3 \$1458.25

Neglia Engineering Assoc., 7/24/23, Carrol's Restaurant, 439 Market St., Block 705, Lots 24-26 \$568

Paparozi Associates Inc., 6/07/23, Deugen Development, 210 Route 46, Block 105, Lots 2 & 3 \$99.00

Return of Unused Escrow, 6/06/23, Makowski, 266 Third Street, Block 107, Lot 18 \$20.18

Return of Unused Escrow, 6/06/23, Miller, 110 Graham Terrace, Block 1509, Lot 8 \$16.40
Return of Unused Escrow, 6/06/23, McDonald, 270 Nedellec Drive, Block 1408, Lot 10 \$78.90
Return of Unused Escrow, 6/06/23, Santana, 459 Dewey Avenue, Block 703, Lot 21 \$16
Return of Unused Escrow, 6/06/23, Schimenti, 584 Elm Avenue, Block 1708, Lot 18 \$16
Return of Unused Escrow, 6/06/23, Sheppard, 34 Welcome Road, Block 503, Lot 4 \$24.59

*** The 3 vouchers below have been added to the agenda on 8/01/23**

* Basile Birchwale & Pellino, 8/01/23, Deugen Development, 210 Rt. 46, Block 105, Lots 2&3 \$312.50
* Basile Birchwale & Pellino, 8/01/23, Joseph Atshan, 105 MacArthur Drive, Block 504, Lot 3 \$250
* Basile Birchwale & Pellino, 8/01/23, Carrol's Restaurant, 439 Market St., Block 705, Lots 24-26 \$135
Mr. Schilp made a motion seconded by Mr. Manzo to pay them if the funds are available.
All in favor - YES.

10. OPEN AND CLOSE MEETING TO THE PUBLIC

Mr. Schilp made a motion seconded by Mr. Tokosh to open to the public. All in favor – YES.
Ms. Murray – Hearing none.
Mr. Schilp made a motion seconded by Mr. Tokosh to close to the public. All in favor – YES.

11. ADJOURN

Mr. Schilp made a motion seconded by Mr. Manzo to adjourn. All in favor – YES.

Meeting adjourned at 8:21 pm.

Respectfully submitted,

Frank Barrale
Zoning Board Secretary