

**TOWNSHIP OF SADDLE BROOK**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**September 11, 2023 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday September 11, 2023 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

**1. CALL THE MEETING TO ORDER**

**2. FLAG SALUTE**

Mr. Duffy asks that everyone remain standing after the Flag Salute for a moment of silence in remembrance of those who were lost on 9/11/2001.

**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, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Manzo, Ms. Nobile, Mr. Duffy – present. Mr. Burbano and Mr. Champy are absent. Anthony Cialone the Board Attorney, and Gary Paparozzi the Board Planner are also in attendance. Yasseen Saad is sitting in for Anthony Kurus the Board Engineer.

**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 3<sup>rd</sup> meeting to the June 5<sup>th</sup> meeting and was again carried to the July 10<sup>th</sup> meeting. They completed their testimony at the July 10<sup>th</sup> meeting and chose to have the vote at the August 7<sup>th</sup> meeting so that they could have a full Board. The Board only has 6 members available for the August 7<sup>th</sup> meeting so they have requested to be carried to the September 11<sup>th</sup> meeting.)**

Mr. Duffy – Before we commence with your closing summation in the last meeting which would have been July you don't have any testimony from professionals do you?

Brian Chewcaskie the attorney for this application comes forward to respond.

Mr. Chewcaskie – What we've done I do have someone available if you need them but what we've done we've had the opportunity some of the comments that were made at the last meeting and what we said we would do that we thought we would do as part of a resolution compliance if it was approved was we revised the drawings, we identified the 8 parking spaces those were signed for passenger vehicles only, we added the stop bar, we've also done the CCTV of the sewer line and I can represent that we're going to relocate that sewer line.

Mr. Duffy – Okay.

Mr. Chewcaskie – I do not believe you need any additional testimony though we've those are items we said we would do we've done.

Mr. Duffy – Before we progress any further I do have to make one change in the Board Members.

Mr. Mazzer steps down and Ms. Nobile comes up to sit for this application.

Mr. Duffy – Our attorney and I have had a conversation. I believe at this point it would be appropriate that we open the meeting to the public and then go forth with your summation and any other questions we might have.

Mr. Duffy – Can I have a motion?

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

Mr. Duffy – The meeting is now open for this application only on any aspect of it that's been discussed over the various meetings. Having heard none.

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

Mr. Chewcaskie – We've been here a few times and I think we've tried to come up with what we perceive to be a good project for the community. We're all familiar with the existing U-Haul on Route 46, where it is, how it operated, the truck repairs. The building is not in what I would call great shape. Some people have called it deplorable condition. It certainly would be a benefit to reutilize the property and create a better use. What the Chairman indicated before those are the variances that are required. We are proposing the retail and self-storage. When we were last before the Board on July 10<sup>th</sup> we amended the application and the testimony confirmed those amendments where we reduced the height of the building from five to four stories. Earlier there was a basement component of the building there were some concerns about that basement that was eliminated. The storage lockers were reduced from 1260 to 999 and we also increased the number of parking spaces. When we were back here on July 10<sup>th</sup> Mr. Mutch testified that if required we can provide up to 34 parking spaces on the site. As I've indicated we did submit some revised drawings. Those revised drawings are only from an engineering perspective confirm what we indicated last time. The first was there were 8 parking spaces across from the loading docks. In order that there was no issue with access because Mr. Mutch testified that that was a 25 foot aisle way those areas were marked for passenger cars only so that there would be no interference. There was a concern as you travelled on that access aisle that as you went around the building that you would not be able to see correctly if you were just flowing through so a stop bar was added in order to address that. In addition on the drawings there were concerns from an engineering perspective for truck turning so those drawings were revised to include the truck turning radius for a garbage truck, a fire truck and a U-Haul vehicle so that's all been done. In addition we provided the CCTV of the existing sewer line. As testified to the sewer line runs right under the building why that is we don't know. That sewer line will be relocated from under the building when the construction actually occurs and that will be in conjunction with the engineer. What did we talk about what were concerns of the Board with respect to the application? Hours of operation we agreed to the hours we stipulated to at the last meeting in terms of start times for the self-storage and for the retail and the stop times. In addition we would have the lights go off at 10:30 except for certain interior security lights as requested by the Board. The gate in the rear will be closed when the business is closed for operations so the same thing before everyone leaves the gate will be closed. There was a question that was raised about whether there should be enhanced landscaping. We did provide that to the rear of the building to the residential area but if there's additional landscaping again that can be a condition of the Board. Basically what you have and Mr. Spatz our Planner testified to it sounds like there's a lot of variances here but this is a preexisting use which has extensive coverage and the like. As a matter of fact by approving this application the coverage is improved. Now Mr. Spatz said something interesting in his testimony that this is property that's in the B2 zone in the B3 zone self-storage is permitted so the self-storage in retail would be permitted and this application substantially conforms with the B3 zone. In terms of its height the four stories, in terms of the coverage it's higher than what would be permitted in the B3 but somewhat consistent. Its setbacks are certainly consistent. What are we asking the Board to do we're asking the Board to grant the application with the relief that is requested and the Board may say wait a minute this is a use variance and the like. This is a type of use that is permitted on Route 46. When we look at the types of variances that are requested the only use here the use variance why we are here is the self-storage aspect. What is that self-storage aspect replacing? A truck repair facility which was very active. I'll talk a little bit about the negative in a moment. You also

have variances for the FAR and height. That's not a special reason test the test is can the site accommodate and the answer is yes from all the testimony that we've seen. The height and the floor area ratio could be accommodated. What I'd like to point out is when I looked at the B3 zone this evening the floor area ratio is 2.27. We are at 1.92 so we are below the standard that the Town has established for this sort of facility. We also need a parking variance. Mr. Mutch has testified that the parking is sufficient for a self-storage facility. We can go to the other facilities in the vicinity. We can go to the self-storage facility on Midland Avenue adjacent to the Quick Chek and you will see that the parking we have is similar or greater to what presently exists. You've also heard from Mr. Cotto who is the Facilities Director in this area that U-Haul does not deal with contractors. There may be some they're primary customer is the individual. The individual that needs storage, the individual that's moving themselves and the like so let's tie this together with the use. If you look at the special reasons you have to advance the purposes of the Master Plan. There is certainly the Master Plan is being advanced by creating a much better use along the retail corridor of Route 46. You're enhancing the general welfare as under the land use law. You're providing for appropriate use and you're providing for appropriate light, air and open space because we are actually reducing the coverage on the site. When you do the balancing test for the FAR and height variance can the site accommodate the use the answer is yes. The testimony that we've given indicated that it can accommodate the use and in terms of the parking we've testified that we are overparked for a self-storage facility. Mr. Mutch testified as to various standards ITE etcetera but if you look at it and you do a comparative it is basically over parked. What I did what I found was interesting I went to three self-storage facilities I unfortunately have to use one in Upper Saddle River so the concern about the contractors when I looked at the ones in Upper Saddle River is you may have about 10 spaces for the Westy Self-Storage in Upper Saddle River but they do have garages in the rear. As I drove down here and I've been in the facility on 208 right in Hawthorne you have a self-storage facility right off the roadway on Goffle same thing you have the self-storage facility you have about six parking spaces and you have a gate to the rear for the contractors. We don't have contractors we don't expect trucks to come in or the like so we think that the site can certainly accommodate the use. The Board also can say oh yeah that's great Chewcaskie you said all that what about the impact what about the negatives. We don't see a negative here we see the positive. The Board has to also look at the negative criteria which consists of two parts. Is there substantial detriment to the public good as a result of granting these variances? Whether it's a use variance or whether it's a side yard variance that's the same standard. There's always a detriment with a variance but the word used is substantial. Is there substantial? When you look at it there's not a detriment here there's an improvement. There was a concern about safety, lighting and the like so any detriment that may be imposed as a result of this development can certainly be controlled through reasonable conditions. We spoke about hours, we spoke about lighting, we spoke about the gate, we spoke about the landscaping, and we think that will ameliorate any concerns that would create an impact or a detriment as a result of this development. The second part of the negative criteria it says will it have an impact on the Zone Plan? Inarticulate in the Land Use Law what it means is that does it have an impact on the Zoning Ordinance or the Township's Master Plan? In the Zoning Ordinance we've identified right on Route 46 that this use substantially similar in size, type, location this would substantially conform. We don't see any impact on the Zoning Ordinance or the Master Plan. Mr. Spatz testified exactly that there would be no impact. Your engineer and your planner made some good comments. The Board did also and we hopefully believe that we've addressed them. As I've indicated I would request the Board to approve the application as submitted and to impose whatever reasonable conditions the Board believes could assist in making this a better use. You get a brand new building. You get rid of the truck repair. I know there was testimony that it was moved to North Bergen but the building will be put to some form of use so we have to look at that also what will the use be. As indicated we eliminated the basement, we're going to relocate the sewer, the sewer in that area will certainly be repaired if necessary, the County has given us our exemption and we're about 90% there with the DOT approvals. We would expect that if the Board approves this application we'll be looking to move as quickly as possible. That's all I have to say unless there are any question. Thank you all for your consideration.

Mr. Duffy – Thank you Mr. Chewcaskie. Mr. Schilp.

Mr. Schilp – The gate that you're putting up it's just going to be a gate that swings and you put the padlock on it?

Mr. Chewcaskie – The gate exists in the rear for that easement area off Sixth Street.

Mr. Schilp – Yeah but it's never used.

Mr. Chewcaskie – It's open for employees and the like. That'll be closed and we can certainly provide for the appropriate access for any emergency services fire, police, and ambulance.

Mr. Schilp – That's it thank you.

Mr. Papparozzi – Just a few things. First of all I just want to correct a few things Mr. Chewcaskie alluded to. If the application was in the B3 zone it would still be in front of the Zoning Board. The B3 zone and the B2 zone have a maximum lot coverage of 50%. They both have a height of two stories. Four stories is not permitted in the B3 zone. The B3 zone allows for 35 feet as opposed to 30 feet in the B2 zone but the building is 52 feet so you have a D variance for height. Also the floor area ratio in the B2 is 0.25 in the B3 it's 1.0 so the floor area ratio is a D variance so there'd be two D variances even if the application was in the B3 zone.

Mr. Chewcaskie – I don't mean to interrupt Mr. Papparozzi but I'm looking at the code and there were amendments in 2006 by Ordinance 1402 and the height is 40 feet. The floor area ratio is 2.27 so this is from the code book.

Mr. Papparozzi – This book is 2014.

Mr. Chewcaskie – I'm reading from the amendments that exist online from the General Code.

Mr. Papparozzi – From 2006 you said.

Mr. Chewcaskie – It says it was amended in 2006 this was from 2023 the General Code Book that you will find online. If you go online this is what you will see.

Mr. Papparozzi – Okay you would still be in front of the Board with a height D variance this Board instead of the Planning Board even if it was in the B3 zone which it is not.

Mr. Chewcaskie – I don't mean to argue but it says four stories 40 feet.

Mr. Papparozzi – You're 52 feet.

Mr. Chewcaskie – I don't mean to argue I said we're substantially conforming with the B3 requirement. You're right we still would probably be here for certain other items.

Mr. Papparozzi – You'd still be here for the D variance which is the height.

Mr. Duffy – But we're in a B2 zone.

Mr. Papparozzi – right.

Mr. Chewcaskie – That's correct this was to illustrate not to debate.

Mr. Papparozzi – A few things I wanted to mention about the not only the B2 zone but the highway zone. The reason why the Master Plan not only in Saddle Brook, Garfield, Lodi, Elmwood Park all two stories because in that entire stretch of four municipalities and even more you have residential that back into the lots fronting on Route 46. I believe in the four towns there's one building that is over two stories in a five or eight mile stretch from Elmwood Park, Garfield, Saddle Brook and Lodi. With that being said one other concern of mine and I think the Board should take this into consideration with a thousand units even if five percent which is a low number were contractors that would be fifty vehicles. That's not including U-Haul and retail so there is that. Listen there is the possibility that it could work and there's also a possibility it's not going to work but once it's up and it doesn't work you can't say let's take the building down and start over. These are just some things to consider no matter how you vote I just want the Board to know what I reviewed in my reports. That's all I have Mr. Chairman.

Mr. Saad – I did want the update on the outside reviews but Mr. Chewcaskie provided the update. With the DOT letter we would want a copy of that a copy of the comments through a resolution compliance if we get there. Then the sewer relocation we would want to see that on the revised plan and not just a field verification or figure it out in the field. Other than that all of our previous engineering comments are comments that can be handled through resolution compliance if we get there. That's all of my comments.

Mr. Chewcaskie – Mr. Chairman if I may briefly?

Mr. Duffy – Certainly.

Mr. Chewcaskie – The concern over the number of contractors like I said it's not U-Haul's business certainly the Board can impose that condition on a limitation.

Mr. Duffy – Thank you. I wrestled with this my own opinion on this back and forth. What I thought was good when it first came up it was a five story building and I was not comfortable with that they had a basement and a couple of things and then going back and reviewing the minutes I came across a statement from Mr. Mutch that made quite a bit of sense to me. He said, "This is the modern redevelopment of an aging site and they're looking to clean up the site but also it's going to be a reduction of intensity overall" and what struck me was the modern redevelopment. The Board would all concur with this I believe that we've had a number of applications dealing with businesses on Route 46 come before us so that the whole Saddle Brook corridor of Route 46 has been on everybody's eye with a lot of things going on. I don't know if you're all familiar with this but there's an area of Tonnele Ave. in Jersey City right where County Road meets and it's really not good and my fear when I look at it I have choice words I have to be careful what I want to say. I believe that Route 46 has begun to look like that. There's these banana signs out there that everybody puts up. There is a carwash there's all sorts of businesses and everything and Tonnele Ave. has this look of it where there's auto repairs and tires and small hotels and looking terrible so when I look at this project I realize that yes this is an opportunity for us to get 46 to look better and to operate better than it has been. Anybody who's lived in this Town has seen 46 go through tremendous transformation from having a drive in Movie Theater and a state inspection facility to a mini mall that is tough to get in and out of to begin with. There's a lot of things that I think that are happening there. One of my concerns too is that and it was addressed was that you had a truck repair going on in the present situation at U-Haul. It's been removed and sent to the North Bergen facility hopefully not on Tonnele Ave. but if you look at this that's a possibility that could happen again if we don't make certain corrections. I put forth a motion that we approve the application and before we hear a second I'm going to have our attorney run through the stipulations that we have garnered over this time. There is one that I would like to first make part of this resolution. I know your store hours there was an agreement in discussion on 5:00 am to 10:00 pm and I would prefer to alter that to 5:30 and my reasoning is in testimony given the lights were going to be turned on an hour before the opening of the self-storage which means in that area we would have lighting in that place at 4:00 in the morning and I'm not comfortable with that. It's nice that we're going to stop it at 10:30 that's a good time and understanding that thirty minutes I believe that starting the lights at 5:00 am as opposed to 4:00 and then opening the facility at 5:30 would be better and what I believe should be in the resolution. At this time right now I'd like our attorney to walk us through the other things that have come up in discussion. I want to make sure we get this hammered out correctly and give a motion that the Board can be comfortable with.

Mr. Cialone – Some of these conditions may have been met already Counsel already testified about the parking spaces on the east side being signed dedicated for passenger cars only and that's shown on the revised site plan.

Mr. Duffy – And the employee parking also if I'm not mistaken correct?

Mr. Cialone – I think that's on the plan already.

Mr. Duffy - I read so many of them I might have missed it.

Mr. Cialone – I'm just going to go down the list here from my notes. We had asked for a copy of the survey and deed for the easement. I haven't seen that I don't know if it's been provided.

Mr. Chewcaskie – I did email it to you I will email it again. This came up at the first hearing so I emailed it to you afterwards but we do have the deed the description and I believe on the drawings we show the location of that easement but I will provide that again.

Mr. Cialone – Second condition and Counsel provided information on this that the sewer pipe that's under the building is going to be relocated during construction. Locked boxes on electrical outlets in the common areas. No outlets in lockers. No onsite auctions. Barriers across the rear of the roof. Now I know the roof has been redesigned I believe there's parapets around.

Mr. Duffy – That's no longer an issue.

Mr. Cialone – Roof access at the rear stairs I believe the latest architectural plans that I saw only shows roof access up front for the front stairs. I believe we also wanted to have roof access at the rear stairs as well as guard rails around each hatch.

Mr. Chewcaskie – That is correct.

Mr. Cialone – As our engineer just mentioned a copy of the DOT letter. Sewer pipe relocation to be shown on revised plans. No contractors as customers. In terms of complying with the engineering requirements is there a specific letter that we need to reference would that be your original letter?

Mr. Saad – We can go with the latest revised May 30, 2023. We have a later version July 10<sup>th</sup> but it never went out it was a draft.

Mr. Cialone – So May 30, 2023. Then as our Chairman just mentioned access to the lockers being 5:30 am to 10:00 pm. The exterior lights coming on at 5:00 am and then off at 10:30 pm. That's all I have.

Mr. Duffy – Just refresh me the drainage for the wash area was addressed.

Mr. Chewcaskie – That is correct Mr. Mutch did testify at the last hearing that he would have a separate area to collect the water.

Mr. Saad – I don't know if any inlets were ever shown in that area.

Mr. Chewcaskie – We can certainly revise the plans to identify those inlets.

Mr. Saad – Okay.

Mr. Duffy – To the best of my knowledge I believe we've addressed the concerns of the Board.

Mr. Schilp – I'd like to second that motion with a comment as well. I think it'll improve the area on 46 which is desperately needed and it'll be an asset to Saddle Brook.

Mr. Duffy – Can I amend it even though he second it? I have to because there's one thing I have to add. Your plans call for your signage I have no problem with the signage. The one thing I do have a problem with that I want to make sure we do not do is that we don't have any additional signage. As I alluded to earlier about banana signs those banners that are put up and stuck out all over the place and we got a half off sale. They are not permitted by zoning code in Town anyway but I want it reiterated that under no circumstances will you have it. The only thing that I can see that you do when the building is complete and you do a grand opening you can have signs for the grand opening not to exceed 30 days. Is our second still in place, Mr. Schilp?

Mr. Schilp – Yes sir.

Mr. Duffy - Thank you. We have a motion on the floor, roll call.

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

### **B.) Joanna & Anthony Bizien, 74 William Street, Block 615, Lot 9**

Applicant requests a 6 foot privacy fence in the front yard (corner lot) 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.

Anthony and Joanna Bizien come forward and are sworn in by Mr. Cialone. They give their address as 74 William Street Saddle Brook.

Mr. Duffy – Would you walk the Board through what it is you would like to do.

Mr. Bizien – We purchased our property in about May 2021 with an existing six foot fence in the location that we are now seeking a variance for. We contacted a contractor to come out and give us an estimate on the fence and we learned through that process that the original fence was never permitted. We think it may have been installed before the ordinance requiring there to be a four foot or lower open fence in that location so we're now going through this process. Our plan is just to replace the existing fence with a six foot fence exactly the same height and the same location. There's no negative impact it's not blocking any street views it's not interrupting cars views around corners or anything. It's really right in the middle of the block and it's set back from the curb quite a ways so I don't think there's any negative impact in that regard and if the Board has any questions we're happy to answer them.

Mr. Duffy – The fence is going the long side of the property the back end by the shed and then it returns back up towards the driveway.

Mr. Bizien – Exactly.

Mr. Duffy – It's going to be a six foot high PVC or resin fence.

Mr. Bizien – Correct.

Mr. Duffy – Okay. Does any member of the Board have any questions?

Mr. Marz – It's not the front yard it's the back yard.

Mr. Paparozzi – No it's a front yard it's on Claremont it's on the corner.

Mr. Bizien – Under the ordinance it's considered a front yard it's our backyard and that's the reason we want a six foot high fence. We have two little girls they're one and three years old so we want to make sure that they're enclosed safely. A three year old could definitely climb an open four foot fence and Claremont is a busy street.

Mr. Schilp – The gate will be in the same spot.

Mr. Bizien – There will be a gate in the same spot as there is now. We're also adding a second gate but that runs perpendicular to Claremont. When we come out there's a back door when we come out that back door there's stairs and just to the right of those stairs is a gate. That gate will be in the same location and then as you continue on into the backyard we'll also be putting a six foot gate going into the backyard which will allow total privacy from the street view. As it is now you can see over the four foot fence and into the yard.

Ms. Murray – I see that the fence is a little holey in places so that children could knock through it. I also see I think one or two blocks away down Claremont the same situation so it's something we can at least look at that there's a similar situation in the neighborhood.

Mr. Paparozzi – Just two things Mr. Chairman the fence along Claremont you can't replace the new fence where the old fence is because according to your survey it's nine inches onto Township property. You can't actually put it in the same spot. I don't know if you need to have it staked or not but that fence right now is nine inches onto Claremont Avenue and the fence on the other side is your neighbor's. You either have to go and he's a foot and a half clear in the front and online in the back so you have to sort of if you put a second fence there you're going to have a space between the two fences that may collect debris. Just so that you know that you're not going to get to leaves and paper that blow in between the two fences if you put up a six foot fence against his chain link fence. I don't know if you need to talk to your neighbor to the left when you're looking at the house. Maybe take down that fence and put up one fence that would be the best idea but I don't know if that is possible.

Mr. Bizien – Are you saying 72 William Street to the left?

Mr. Paparozzi – Yes.

Mr. Bizien – We're replacing the front of the fence there but not up against his fence.

Mr. Paparozzi – What I'm saying is his fence is a foot and half clear if you put yours on the property line you're going to have a space between the two fences going back like a pie. That may collect debris and you're not going to be able to get to it. I don't know how the Board wants to handle that. That's for somebody else.

Mr. Mazzer – Put it along his fence.

Mr. Paparozzi – Then he would be over the property line. One thing he can't do is put his fence on property on Claremont where it is now.

Mr. Duffy – He has to bring it in six inches.

Mr. Paparozzi – The one on Claremont is nine inches over.

Mr. Duffy – Nine inches so you have to account for that. From somebody who has someone's fence in between my house and theirs it's not easy because you wind up with saplings growing up in between. You certainly can put it on your property and go down and that's probably something you may want to discuss with your neighbor.

Mr. Saad – The property is a corner property but he's not proposing a fence anywhere to obstruct any corner sight clearance so that's not an issue. My other comment was the same as Mr. Paparozzi's just make sure that your fence we have a highlighted plan here we don't really see where the fence is going exactly just make sure you stay within your property boundaries and not within either the right of way of the Township or your neighbor's property either.

There are no other questions and Mr. Duffy asks for a motion to open the meeting to the public.  
Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.  
Mr. Duffy – Having heard none.  
Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.  
Mr. Schilp makes a motion to approve the application provided he puts the fence on his property and not the Town's.  
Mr. Duffy seconds the motion.  
Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Manzo, Mr. Duffy – YES.

**C.) Javiero W. Rivero Grosso, 77 Cogger Street, Block 520, Lot 7**

Applicant is requesting a variance to construct a concrete patio and concrete around an inground pool that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Mr. Mazzer recuses himself from this application as he owns property near the applicant.  
Mr. Cialone confirms that the notice is in order and may be heard.  
Jheny Rivero is sworn in and gives her address as 77 Cogger Street.  
Javier Rivero is sworn in and he gives his address as 77 Cogger Street.  
Mr. Duffy – Would you tell the Board what it is you would like to do or what has happened.  
Mrs. Rivero – I'm here to see if I can get a variance for my property. I hired a contractor to do the concrete and the patio of my house and he was supposed to get a permit that is what was in the contract. He highlighted that he was in charge of getting the permits and we believed that he was doing it but I came over here because he stopped taking my phone calls because I wanted a copy of the permit to have in my records. He never answered the phone after he finished the work so I kept insisting but because he didn't answer me I came over here to ask for a copy and I found out that he never asked for the permits so that's what I'm here to try and fix this matter.  
Mr. Paparozzi – Mr. Chairman according to the survey the work is done.  
Mr. Duffy – Yes. It's all complete correct?  
Mrs. Rivero – Yes.  
Mr. Duffy – So around the pool and there was a wood deck there right.  
Mrs. Rivero – It was a wood deck but now it's concrete.  
Mr. Saad – I do see they increased their impervious slightly. They were at 64% and now they're at 67.3%, which is more of a de minimis increase. I would just like to ask you after since it's already constructed have you gotten any complaints of runoff from stormwater going into your neighbor's property or anything like that?  
Mrs. Rivero – No.  
Mr. Saad – Has there been any ponding on your property does it all drain well?  
Mrs. Rivero – Yes.  
Mr. Saad – It's already built and that would be my main question. They didn't increase impervious by too much that's pretty much all my comments.  
Ms. Nobile – You actually made it a little bit larger correct.  
Mrs. Rivero – Yes because it was wood and it was broken and the water was going into my foundation. That's why I decided to go concrete but I didn't know that you were not supposed to do that. That's why I hired the contractor. They said we were supposed to know when he got the permit he never said anything to me. Now the job is done it's nice. It's pitching to the pool actually the water.  
Ms. Nobile – Did you go further out with concrete than it was originally?  
Mrs. Rivero – Where there was wood deck now is concrete.  
Mr. Duffy – All the yellow is now concrete?  
Mrs. Rivero – Yes.  
Mr. Duffy – There was some kind of a wood walkway or something there prior.  
Mrs. Rivero – Exactly.  
Mr. Duffy – That's what's been removed.

Mrs. Rivero – Yes.  
Mr. Duffy – Who is the contractor?  
Mrs. Rivero – Far From Average Construction, LLC.  
Mr. Tokosh – When you backwash the filter where are you pumping that water? Is it going out to the street?  
Mr. Rivero – From the pool to the main drain in the house.  
Mr. Tokosh – It goes to the drain in the house?  
Mr. Mazzer – You have to put it at the curb.  
Mr. Duffy – It has to go to the curb.  
Mr. Tokosh – You can run a line right by the side of your house to the curb.  
Mr. Duffy – Right. You can't put it into the drain in the house. You can't put it to the right or the left to your neighbors.  
Mr. Rivero – We have owned the property for only three years.  
Mr. Duffy – That's what you still have to do though.  
Mr. Marz – How long has this been all summer you've had the concrete?  
Mrs. Rivero – It was April.  
Mr. Marz – No neighbors are here I'm good.  
Mr. Duffy – It's the lot coverage is allowable 18% and you're up to well you had 30.4% now you're at 33.7% and then total lot coverage is at 67.3%.  
Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.  
Mr. Duffy – Having seen none.  
Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.  
Mr. Schilp makes a motion seconded by Mr. Manzo to approve the application.  
Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Manzo, Ms. Nobile, Mr. Duffy – YES.  
Mr. Rivero explains that the backwash was going to where the roof drains go and then out to the street.

## 6. RESOLUTIONS

- A.) Approval for Sebastian Tyburski, 280 Evans Place, Block 1713, Lot 1
- B.) Approval for Joseph A. & Nicole Castaldo, 161 Nedellec Drive, Block 1504, Lot 25
- C.) Approval for Thomas & Brittany Smid, 158 Colonial Avenue, Block 1202, Lot 26

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolutions A, B and C.  
Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Manzo, Ms. Nobile – YES.

- D.) Denial for Khaled Balan, 631 Oak Avenue, Block 1702, Lot 9

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolution D.  
Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Manzo, Ms. Nobile – YES.

## 7. MINUTES

Meeting of August 7, 2023 Regular Meeting

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

## 8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 8/10/23 (74 William Street)  
Anthony Kurus to the Zoning Board of Adjustment, 8/10/23 (77 Coger Street)  
Anthony Cialone to the Zoning Board of Adjustment, 8/17/23 Re: Carrols Restaurant Group  
Eric V. Timsak to the Zoning Board of Adjustment, 8/14/23 Re: Ready Space Management, LLC

Mr. Duffy asks if everyone has read the letter from Eric Timsak regarding Ready Spaces Management. The Board discusses the letter and what is going on at the site. The County is requiring them to do certain things that they have not yet done. They are also doing tractor trailer repairs and washing the trucks in the back by the train tracks that they are not permitted to do.

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

## 9. VOUCHERS

Basile Birchwale & Pellino, 9/01/23, Carrols Restaurant, 439 Market St., Block 705, Lots 24-26 \$250  
Basile Birchwale & Pellino, 9/01/23, Khaled Balan, 631 Oak Avenue, Block 1702, Lot 9 \$375  
Basile Birchwale & Pellino, 9/01/23, Joseph Castaldo, 161 Nedellec Drive, Block 1504, Lot 25 \$250  
Basile Birchwale & Pellino, 9/01/23, Thomas Smid, 158 Colonial Avenue, Block 1202, Lot 26 \$250  
Basile Birchwale & Pellino, 9/01/23, Sebastian Tyburski, 280 Evans Place, Block 1713, Lot 1 \$250  
Neglia Engineering Assoc., 8/11/23, Thomas Smid, 158 Colonial Avenue, Block 1202, Lot 26 \$165  
Neglia Engineering Assoc., 8/11/23, DDC Investments, 249-255 Rt. 46, Block 120, Lot 5 \$1357  
Neglia Engineering Assoc., 8/11/23, Deugen Development, 210 Rt. 46, Block 105, Lots 2 & 3 \$675.75  
Neglia Engineering Assoc., 8/11/23, Joseph Castaldo, 161 Nedellec Drive, Block 1504, Lot 25 \$165  
Neglia Engineering Assoc., 8/11/23, Ready Spaces, 575 N. Midland Ave., Block 1701, Lot 1.02 \$544.50  
Neglia Engineering Assoc., 8/11/23, Khaled Balan, 631 Oak Avenue, Block 1702, Lot 9 \$165

Mr. Schilp makes a motion seconded by Ms. Murray to pay if the funds are available. All in favor – YES.

## 10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

Mr. Duffy – Having seen none.

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

## 11. ADJOURN

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

Meeting adjourned at 8:13 pm.

Respectfully submitted,

Frank Barrale  
Zoning Board Secretary