

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
October 2, 2023 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday October 2, 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 - Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Burbano, Ms. Nobile, Mr. Duffy – present. Ms. Murray, Mr. Manzo and Mr. Champy are absent. Anthony Cialone the Board Attorney & Anthony Kurus the Board Engineer are also in attendance. Gary Paporozzi the Board Planner is absent.

5. NEW BUSINESS

Mr. Duffy – Before we do the first application we have a little change in our agenda for this evening. You all have copies of the email that was forwarded. We have a request to adjourn Inhale Industries Incorporated.

B.) Inhale Industries Inc., 249 Route 46, Block 120, Lot 5

Applicant requests a microbusiness cannabis cultivation and retail establishment that does not conform the Zoning Ordinance for the Township of Saddle Brook, as it exists today.

Mr. Duffy – We have a request to adjourn the attorney for the applicant has no objections to this so at this point right now I’d like a motion to adjourn the meeting to our November 6th meeting without any further notice.

Mr. Cialone – The request for the adjournment comes from the objector not from the applicant.

Mr. Duffy – Do we have a motion?

Mr. Schilp makes a motion seconded by Mr. Tokosh to adjourn the application until November 6th without further notice.

Roll call - Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Burbano, Ms. Nobile, Mr. Duffy – YES.

Mr. Duffy – Inhale Industries, 249 Route 46, block 120, lot 5 will be adjourned to the November 6th meeting without notice anyone wishing to be here for that there will be no notice and the meeting will take place November 6th at 7:00 pm.

A.) Imran Shaikh, 453 Dewey Avenue, Block 703, Lot 20

Applicant requests a garage extension that does not conform to the Zoning Ordinance for the Township of Saddle Brook, as it exists today.

Mr. Cialone confirms the notice is in order for this application and that the application can be heard.

Imran Shaikh comes forward and is sworn in by Mr. Cialone. He gives his address as 453 Dewey Avenue, Saddle Brook New Jersey.

Mr. Duffy – Mr. Shaikh will you take the Board through what your application is and what you're looking for this evening?

Mr. Shaikh – I'm a new homeowner. In March I bought the house and as a new owner I wanted to extend my existing garage further. The roof was low so I want to raise it to 13 feet or something.

Mr. Duffy – Obviously, the work is already started.

Mr. Shaikh – Yes and it was stopped and I do acknowledge I'm at fault yes.

Mr. Duffy – Why did that occur?

Mr. Shaikh – I guess lack of knowledge that I need permit sorry about that.

Mr. Duffy – The existing garage is right up against the property line so that's what is called a preexisting nonconforming. You bought the house like that that's not anything you can do about or we can do anything about. This new structure did you build this or did you hire a contractor?

Mr. Shaikh – I hired people myself. That's why we messed up.

Mr. Duffy – It doesn't conform to even your own plans. The major problem I have is that we've had in the last two meetings we've had three different applications come here and it's not the only three we've had a number before of people that have come in and started to build something found out they weren't allowed to or got caught and then they come here and they're I'm sorry I didn't mean to do this and looking for us to straighten out their mess. It puts us in a bad situation and there's a number of things that are wrong here. It doesn't conform to your own drawing. Your drawings show that the roofs are going to be the same. You built it up against the existing property line right there. I do have a couple of problems with it but what I'm going to do right now is defer to our engineer for comments before I go any further.

Mr. Kurus – What are the dimensions are what 18 and a half by approximately 20 feet the extension?

Mr. Shaikh – Yes from the existing structure it extends about ten feet from the old one.

Mr. Kurus – The setback is because of the angle of the property line it comes down to almost zero feet at the far corner of it. Is that correct?

Mr. Shaikh – Yes. I talked to my neighbor about it and he doesn't have any objection. He said it will actually create more privacy on his end in his backyard.

Mr. Duffy – That argument.

Mr. Shaikh – It's irrelevant.

Mr. Duffy – It's not irrelevant it's something I just want to clarify. It doesn't matter if your neighbor thinks it's okay. He sells the house a month later after you're finished the next neighbor is sitting there with something that shouldn't have been or should have had permission to build and so a precedence gets set where people start to do these things and build and do whatever they want without following the rules or even asking.

Mr. Shaikh – I'm guilty of it.

Mr. Duffy - Okay.

Mr. Kurus – I think the letter of denial shows the required setback is five feet this is at zero so it's five feet closer than it's supposed to be by code. The other items I guess would be building code requirements. We don't look at that here but I know sometimes there's questions about the type of construction or how it's integrated into the other garage. You probably don't have those answers.

Mr. Shaikh – No.

Mr. Kurus – I don't have any other questions.

Mr. Schilp – Did you put a footing down first or you just put a slab of cement?

Mr. Shaikh – I believe there's a trench around the new structure line and there's an eighteen inch trench and then put mesh on the floor and then pour out the concrete.

Mr. Schilp – You have eighteen inch around the outside perimeter?

Mr. Shaikh – Yeah where there is going to be the walls.

Mr. Schilp – That's a footing so you did do a footing?

Mr. Shaikh – Yes.

Mr. Schilp – That's better than what we've had before. It's right on the property line that's not really the best. That's all I have.

Mr. Burbano – It looks like you have an existing garage. I don't have a measurement of the existing garage but it looks like you demoed a portion of it and you are adding 20 feet.

Mr. Shaikh – Ten plus the additional.

Mr. Burbano – This garage is going to be 20 feet wide by approximately 40 feet long?

Mr. Shaikh – Yes.

Mr. Burbano – What are your plans for the garage?

Mr. Shaikh – I'm a hobbyist. I don't want to put stuff outside I want to put it inside. I have a sprinter van in the future I'm trying to buy sprinter van that will be housed in it.

Mr. Burbano – Okay.

Mr. Shaikh – To make it look much better.

Mr. Burbano – So it's more for the storage of vehicles?

Mr. Shaikh – Multipurpose storing equipment, RV like small not the huge RV's, gardening equipment, lawnmowers stuff like that.

Mr. Burbano – You don't have any plans to run a business out of it or anything.

Mr. Shaikh – No.

Mr. Burbano – It's just the size just want to find out what the intentions are with the size because that's an extremely large garage for a residential area especially with all the macadam and parking in the front. Is there electricity in that garage currently?

Mr. Shaikh – Yes there is existing yes.

Mr. Burbano – Does it have its own panel?

Mr. Shaikh – Yes it has its own circuit breakers and panel.

Mr. Burbano – Is there plumbing in there?

Mr. Shaikh – No plumbing only the drainage I guess.

Mr. Burbano – So there's no water only electric in the garage.

Mr. Shaikh – Just the electric yeah.

Mr. Burbano – Any heating systems in there?

Mr. Shaikh – None.

Mr. Burbano – Okay that's all the questions I have.

Ms. Nobile – You said you did the work yourself.

Mr. Shaikh – I hired people.

Ms. Nobile – A contractor or just a licensed contractor or just a helper?

Mr. Shaikh – Helper.

Ms. Nobile – So there's no licensed contractor on the job.

Mr. Shaikh – No.

Ms. Nobile – Then you plan on doing the work if this gets approved you're going to continue doing it yourself.

Mr. Shaikh – No I will hire a proper contractor and do it properly. Obviously, I have to do it properly so I will hire a licensed contractor.

Ms. Nobile – Are you keeping the doors the same because I see you're raising the garage roof.

Mr. Shaikh – I'm planning to because the existing roof is like this the new one is like this so the new roof is higher. I want to raise it to make it even.

Ms. Nobile – The reason I'm asking is the picture shows the garage doors the same size are you getting new doors? I'm trying to figure out how many vehicles you're putting in here because it's pretty long. You're going to have those two existing garage doors with a bigger.

Mr. Shaikh – You mean the front ones yes it will be two doors.

Ms. Nobile – You're keeping them you're not changing?

Mr. Shaikh – I might have to get a little taller ones because it's going to be higher.

Ms. Nobile – So you are going to get higher garage doors.

Mr. Shaikh – Yes.

Ms. Nobile – You're going to have one door on the side. I just want to confirm you have one door on the side.

Mr. Shaikh – Yes that's existing that was there before.

Ms. Nobile – You're making no other entry ways into there. One side door that's existing and you're going to enlarge the garage door height.

Mr. Shaikh – Yes.

Ms. Nobile – That's all I have.

Mr. Mazzer – I just wanted to ask him if he was going to use it for any kind of business because it is a big garage and it's a residential zone. Parking the truck is fine but if you have a business in and out it's really not.

Mr. Shaikh – I don't have any intention to run a business out of the garage.

Mr. Mazzer – Okay.

Mr. Duffy – Some of the questions that have been asked are asked because there was no plans submitted to the Town so we have no idea if that footing was any good or what went on with this so the problem I have is you sound fairly knowledgeable about what you're doing about the process.

Mr. Shaikh – Right.

Mr. Duffy – What I don't like is you did it and now you're here for us to fix the mess.

Mr. Shaikh – I'm sorry.

Mr. Duffy – I know you said you're sorry and I don't mean any disrespect but we get a number of people have come in here and they throw it back at us and say well I didn't know it's going to be tough on me now. I really would rather see this done correctly and I don't think it has been. I don't want this Board to have this reputation where anybody in town can do whatever they want build something and then come back and say oh well I didn't know or I'm sorry and it's my fault and I'm guilty and then we fix and then the next guy comes in and does exactly the same thing. We have a responsibility as this Board is not only to make sure that we work with our residents and businesses but that we don't let things like this go on. I'm strongly not in favor of this at all. Do any other Board members have any questions?

Mr. Schilp – I have a question for our engineer. When he builds this what is the proper footing he should have?

Mr. Mazzer – It's got to be 36 inches like anything else. The problem is John is absolutely right is that when you have something within five foot of the property line that's your fire resistance. When you're between that line there has to be a one hour rated fire resistance so it can't be wood or it's got to be block all the way up and then whatever is in that five foot that part of the roof has to be fire resistant to a one hour rating. I know he didn't do that.

Mr. Schilp – I was pretty sure he had to go down three feet. The footing is not even correct. That's what I was getting at.

Mr. Mazzer – Your existing garage is framed.

Mr. Shaikh – Yes.

Mr. Mazzer – That's a nonconforming also with the building code I'm talking about.

Mr. Duffy – He bought the house like that.

Mr. Mazzer – Say he wanted it extended he comes in with a plan if he wanted to do framed he'd have to do five foot off the property line then he wouldn't need that variance and he wouldn't need the one hour fire rating.

Mr. Duffy – Right.

Mr. Mazzer – It kind of hurt him that he didn't go to an architect or builder because they would have told him how to make it legal and then he could have just taken the permit.

Mr. Duffy – No other questions. Can I have a motion to open the meeting to the public.

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

Mr. Duffy – having heard none.

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

Mr. Duffy – This is the quandary that we're in. No other comments from the Board.

Mr. Marz – How long have you had the home for?

Mr. Shaikh – I bought it in March.

Mr. Schilp makes a motion to deny the application the footing is not correct, it's on the property line, it's not fire rated and I'm sure there are other problems with this.

Mr. Mazzer – Joe is right but I'd like to give him a chance meaning that if we could hear this next month let him go to an architect see if he can make it right by the one hour rating well he'd have to do that back wall in block and if the architect signs off on the footings and whatever he did it gets us off the hook and it helps him a little bit.

Mr. Duffy – If I'm not mistaken I would have to ask Mr. Schilp to withdraw his motion which has not been seconded.

Mr. Cialone – Correct.

Mr. Duffy – I understand where you're going and I think we probably could even satisfy some of that with proceeding with what's on the floor right now because it would not exclude him from redesigning and reapplying if he needed a variance or to go back to it just goes back to what I said this is the situation you put us in because now.

Mr. Shaikh – I don't want any troubles for anybody or myself. If it's easier for me to knock it down make it five feet away from the property line knock down the whole thing build a new one if it makes it easier for everybody.

Mr. Burbano – You wouldn't have to knock down the existing structure you would just have to pull five feet back from the.

Mr. Duffy – I caution I don't want to get into explaining to somebody how they should do it or what they should do. He's got to go to the Building Department.

Mr. Cialone – He's going to need plans for what he wants to do.

Mr. Duffy – Right. I think at this point the motion is on the floor.

Mr. Schilp – I'll rescind my motion.

Mr. Mazzer – Carry it for a month and at least it will give him a chance.

Mr. Schilp – Make the motion then.

Mr. Burbano – Wouldn't this be a situation Joe I'm sorry to interrupt. Wouldn't this be a situation like any of the other like with U-Haul for instance where they saw it wasn't going their way they decided to adjourn it to the next meeting. Couldn't he just ask for an adjournment to the next meeting so he can get blueprints and come back with a revised drawing?

Mr. Mazzer – That's what my motion would be I would carry it.

Mr. Duffy – He would have to make that request.

Mr. Cialone – We could do it that way.

Mr. Burbano – That would give you time to go to an architect ask an architect to draw it on a plan and if you had plans showing where exactly you wanted to do it and we were shown that you had the fire ratings and everything we might approve what you want to do.

Mr. Mazzer – If he goes to an architect they may say take everything down and he can build it because he's got a big lot.

Mr. Burbano – That's what I'm saying.

Mr. Mazzer – If he takes everything down and stays five feet over.

Mr. Burbano – If you ask for an adjournment to the next meeting or even two meetings from now it would give you time and you wouldn't have to redo all of that. Am I correct?

Mr. Duffy – He's still subject to the application for a variance because of the location.

The Board continues the discussion and explains to Mr. Shaikh what his options are.

Mr. Cialone suggests that he also consent to the tolling of the time for the Board to make a decision.

Mr. Shaikh requests an adjournment to the November 6th meeting without further notice and consents to the tolling of time.

Mr. Duffy asks for a motion.

Mr. Schilp makes a motion to adjourn the application seconded by Mr. Mazzer.

Roll call - Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Marz, Mr. Burbano, Ms. Nobile, Mr. Duffy – YES.

Mr. Duffy makes the announcement of the adjournment and that it will be carried to the November 6, 2023 meeting.

Mr. Cialone – On the Deugen Development the U-Haul I've gotten a request from the attorney to modify the condition pertaining to the relocation of the pipe that's under the building and I told them that basically they wanted to make it subject to site conditions and I basically told them no. That wasn't the condition not only that but they offered to move the pipe and at the time they didn't bring back up as a condition on their stipulation so the resolution is as is from when we submitted it and the condition about the pipe being relocated remains.

6. RESOLUTIONS

- A.) Approval for Deugen Development (U-Haul), 210 Route 46, Block 105, Lots 2 & 3
- B.) Approval for Joanna & Anthony Bizien, 74 William Street, Block 615, Lot 9
- C.) Approval for Javier Rivero Grosso, 77 Cogger Street, Block 520, Lot 7

Mr. Schilp makes a motion seconded by Mr. Marz to approve the resolutions.
Mr. Schilp, Mr. Tokosh, Mr. Marz, Ms. Nobile, Mr. Duffy – YES

7. MINUTES

Meeting of September 11, 2023 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 9/11/23 (453 Dewey Avenue)
Anthony Kurus to the Zoning Board of Adjustment, 9/14/23 (249 Route 46)

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

9. VOUCHERS

Basile Birchwale & Pellino, 9/21/23, Javier Rivero Grosso, 77 Cogger Street, Block 520, Lot 7 \$250
Basile Birchwale & Pellino, 9/21/23, Joanna & Anthony Bizien, 74 William St., Block 615, Lot 9 \$250
Basile Birchwale & Pellino, 9/22/23, Deugen Development, 210 Route 46, Block 105, Lots 2 & 3 \$1,135
Neglia Engineering Assoc., 9/14/23, Carrols Restaurant, 439 Market St., Block 705, Lots 24-26 \$389.50
Neglia Engineering Assoc., 9/14/23, Joanna & Anthony Bizien, 74 William St., Block 615, Lot 9 \$157.50
Neglia Engineering Assoc., 9/14/23, Javier Rivero Grosso, 77 Cogger Street, Block 520, Lot 7 \$157.50

* **This voucher was added on 9/26/23.**

* Paparozzi Associates Inc., 1/9/23, Budz Prime, 249 Route 46, Block 120, Lot 5 \$395

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

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

Mr. Duffy – Before we adjourn Mr. Schilp has a question for the attorney.

Mr. Schilp – I was approached by two Council people over the weekend and they asked about the Inhale Industries and they asked if they were coming before the Board and I said yes they are and according to the way I read the Town Ordinance they're supposed to first go to the Town Council to get

permission for lack of a better word to further their application. They have not gone before the Council so if they come back here next month can I ask them if they went before the Council to get permission?

Mr. Cialone – You can and I'll look at the ordinance before then and give you an answer specifically what the ordinance requires because I'm not going to tell you off of the top of my head.

Mr. Marz – Did the other ones go through the Council?

Mr. Duffy – Yes the only one.

Mr. Cialone – I'll take a look to see if that is a requirement to come before the Board.

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

11. ADJOURN

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

Meeting adjourned at 7:46 pm.

Respectfully submitted,

Frank Barrale
Zoning Board Secretary