

**TOWNSHIP OF SADDLE BROOK
PLANNING BOARD**

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, April 15, 2024, 2024 at 7:30 p.m.

1. FLAG SALUTE

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

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. NEW BUSINESS

A.) Site Plan Waiver Application

CAD Corp. d/b/a CAD Signs, 383 (aka 419) Market St., Block 705, Lot 23

Jordan Fry, attorney for the applicant came forward.

Mr. Fry – The property is in the B-2 zone. The store was recently rebranded to change from a typical Dollar General Store to a DG Market. Also on this property is Advanced Auto and Starbucks (separate building). In connection with the rebranding to DG Market, which now provides the community with fresh beef and poultry, Dollar General was prompted to change their signage. The existing DG Market sign is small and not in scale with the building. It was installed to get the signage up quickly. The proposed wall sign was denied by the Building Department because the square footing of the sign has to match the frontage of the property. This store has 120 square feet and what's being proposed is 198.94 square feet. We submitted an application for a Site Plan Waiver because there is no change to the approved Site Plan, except for changing the sign on the façade of the building. Per the board's counsel, we agreed to a review of the Site Plan, as well as the requested "c" variance. The applicant will pay the associated fee with that. We would request that a formal site plan, nor survey be submitted given that we're simply changing the wall sign.

Mr. Cialone – I have reviewed the affidavit/proof of mailing and affidavit of publication. The applicant has made proper notice. The board does have jurisdiction to hear this application. Paul Ricci, planner for the applicant came forward.

Mr. Ricci - I prepared a planning report, dated 10/10/23. Exhibit A-1, aerial photography and A-2, a 2-page pictorial exhibit for 383 Market Street were handed out to the board members. Exhibit A-1 outlines the subject property in orange. Exhibit A-2 shows the site is currently occupied with DG Market and Advanced Auto. The building is set back pretty far from Market St., roughly 205-290 feet as estimated in a GIS System. In comparison to the sign at advanced auto, the DG Market sign seems relatively small and out of character on that façade. While the sign ordinance regulates by the frontage of the building. We're allowed 120 square feet of sign area. That 120 square feet remains the same whether the building is shorter like Advanced Auto Parts or taller like the DG Market. I believe that's the reason why the DG Market could be afforded a larger sign and still look good and not out of character. I think the key is that signs should be proportionate to the building. As seen in picture 4, Plank Pizza and the Advanced Auto Parts sign represents about over 8% of the façade on which they're placed. As proposed, the DG Market sign would represent less than 1% of the building façade. It is my opinion as a planner, that the proposed sign is appropriate because it will be proportionate to the building. A special reason is that it is set back from the roadway, making it more difficult to see than those

located closer to the road. I believe the sign would be consistent and not detract from the character of the area. For those reasons, I believe it advances several purposes of the municipal land use law. We are seeking the flexible c2 criteria variance to allow the sign at 198.94 square feet (28' 7 3/8" H x 6' 11' 7/16" W) where 120 square feet is permitted. Newer signs like StarBucks and Plank Pizza are very attractive. Some of the older signs aren't as nice. This will be an attractive channel letter sign, which is also a positive. In the Master Plan it says that sign standards should be reviewed in relation to functional and aesthetic design. That's what this application is about. I believe this application advances several purposes of the MLUL: Purpose A,- promote public health, safety morals and general welfare by having clearly identifiable signage on the building; Purpose H to encourage the location and design of transportation routes, which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight; and Purpose I to promote desirable visual environment through creative development techniques, good civic design arrangement, and that's due to proportionality. I also think the variances can be granted without a substantial detriment to the public good. This is a commercial area that doesn't adjoin any residential properties, the sign fits well on the side of the big building, it's aesthetically pleasing. It's not distracting to motorists. It doesn't provide an unfair competitive advantage to other businesses. Advanced auto part sign is 112 square feet or 8.4% of the façade. I think it's consistent with the character of the area. I don't believe it results in a substantial detriment to your zone plan because it's providing a clearly proportional aesthetic in this environment.

Mr. LaGuardia – What is the size of the temporary sign you have there now?

Mr. Ricci – It's either 74 or 76 square feet.

Maria Muniz, Supervisor in CAD Expediting Department, was sworn in.

Ms. Muniz - It's 74 square feet - 4'3"H x 17'5 3/4" W.

Mr. Ricci – Proposed is 6'11 7/16"H

Mr. Maniscalco – I think the sign is too large.

Mr. Ricci showed a rendering of the proposed sign on the building.

Mr. Paparozzi – Will it be illuminated?

Mr. LaGuardia – Is there any difference in brightness?

Mr. Ricci – The sign will only be on during the night time hours and the building is set back about 200 feet.

Mr. Maniscalco – How big was the Dollar General sign that was there before the temporary DG Market sign?

Mr. Fry – 113.75, but it was much longer. When you measure the DG Market sign, you have to take the entire square footage from the tallest point. Above the word Market, there is a lot of square footage that is not being utilized by the sign. The calculation is based upon drawing a box around it.

Mr. Ricci – The sign is channel lettering, not a box around it.

Mr. Kurus - What was the size of the box for the old Dollar General sign?

Mr. Fry – It was 113.75 square feet with just the words Dollar General written out. It was long.

Mr. Kurus – 113 versus 200 sounds like a big change.

Mr. Ricci – Because you have to draw a box around it, it's not a true estimation.

Mr. Kurus – Is it accurate to say that the proposed sign is 2.7 times what is there now and approximately double what was there before?

Mr. Fry – The production of the signage isn't twice the size. It's because the way the sign is measured.

Mr. Ricci – The DG Market sign is less than 1% of the façade.

Mr. Paparozzi – What is the length of the Dollar General sign?

Mr. Ricci – I believe that sign was about 32.5' wide by about 3.5' in height. The proposed sign. Is 28' 7 3/8"H x almost 7'W.

Mr. LaGuardia – Is there a difference in brightness compared to the old Dollar General sign?

Ms. Muniz – It's low voltage, 20 amps, 60 watt LED. It's not bright lighting. We could add a dimmer or put an automatic timer to have it shut off at 10:00 p.m. when the store closes.

Mr. Compitello – The timer is required by code. Do you have any photometric plans concerning the lighting output of the sign?

Ms. Muniz – I can get the candle lighting to you. I don't have it with me. The design is for within the parking lot.

Mayor White – How close to scale is the rendition? Is it pretty accurate?

Mr. Fry – We believe it is proportionate.

Ms. Muniz – We measure the façade for our client. Based on those calculations, we come up with a design.

Mayor White – I don't think it's going to be too bad. There are no homes over there.

Mr. Compitello – How did you come up with the size 198 square feet?

Mr. Fry – You have to draw a box around the highest points.

Mr. Paparozzi – In my report, I cite some issues. 1.) The dumpsters are outside of their enclosure on the rear left because the dumpster area was filled with debris, garbage and food, which needs to be cleaned up and separated for recycling. 2.) The lot needs to be restriped. In more than half of the spaces I couldn't see the striping, including the ADA spaces.

Mr. Fry – We received confirmation from the landlord today that he will restripe the spots within approximately 60 days. With respect to the dumpster area, the assistant store manager said that one dumpster belongs to Dollar General and it is in the enclosure. They leave the door to the dumpster open for purposes of employees going back and forth all day. I explained that is not acceptable. He understands that it needs to be closed and cleaned up. The only issue with the dumpsters is the tenant has no control over Advanced Auto Parts. We have no right to tell the landlord to enclose a dumpster.

Mr. Paparozzi – There also should be a separation for recycling. They should have 2 dumpsters there.

Mr. Fry – Dollar General has a program where all of their cardboard is flattened and leaves when the truck comes in.

Ms. Muniz – They compact the boxes and put them back on the truck.

Mr. Cook – I agree that the existing sign is too small. I'm okay with the proposed sign. I'd like to see the dumpster issue and striping corrected.

Mr. Cialone – Before there is any discussion, I just want it to be clear that this is a request for an amendment to the site plan. The only change being to the wall sign. They're asking for waiver of a formal site plan and survey and in connection with that amended site plan approval, they're requesting a bulk variance for the size.

Mr. Compitello – I'd like to see the photometric for the sign and I'd like to see it be dimmed.

Ms. Muniz – We can do that.

Mr. Maniscalco made a motion, seconded by Mr. Compitello to open the meeting to the public.

All in /favor – YES

No public participation.

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

Mr. Compitello made a motion, seconded by Mayor White to approve this as an amended site plan application with the following conditions: provide photometric plan, pay additional application fee and escrow, add dimmers, restripe parking lot, clean dumpster area and close dumpster enclosure gate. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. LaGuardia, Councilman Gierek, Mr. Maniscalco, Mayor White and Mr. Camporeale – YES

APPLICATION APPROVED

B.) Minor Subdivision Application

Thomasz & Izabella Kowalski, 475 Dewey Ave., Block 703, Lot 14

This application was not heard as the applicant was not present.

Mr. Cialone – We will adjourn this and they will have to provide notice.

C.) Review & Recommend Ordinance #1744-24

Mayor White – We have a house in town that was purchased a year ago that is being rented as an Airbnb. Would they be able to say we should be grandfathered in? The town has known about it.

Mr. Cialone – They could raise it, but I don't know that they would be successful.

Mr. Cialone – The purpose of this ordinance is to restrict short term rentals. It doesn't permit any rental, lease, use and occupancy for 28 days or less. So if someone sold their house, but was going to stay (use and occupancy) in the house 14 days after, it would be in violation. I don't know if we want to recommend to the mayor and Council that they carve an exception for use and occupancies for the sale of real property.

Mr. Camporeale – Since there are only 28 days in February, should we make it less than 28 days?

Mr. Cialone – I don't know where 28 days comes from. I see a lot of municipalities have 30 days. It probably should say 1 month or less.

Mr. Paparozzi – I have an issue with the violations. The 1st offense is \$350. If they're renting it out by the week for \$500, they're still going to make money, even if they're caught. Second offense is \$500; 3rd offense is \$750. My opinion is that the 1st offense is \$750, 2nd offense \$1,500 and 3rd offense \$2,500. If someone violates this three times, that is their intent. I would think that you want to put some teeth in it.

Mayor White – The first offense, you're going to give a warning.

Mr. Ambrogio – We should also put in there that enforcement is through the Building Department and the Police Department because if it happens on a weekend, the Building Department isn't there.

Councilman Gierak – You can go on Airbnb. The house we were discussing is \$428/night.

Ms. Kapner – Will we be able to give a violation based on the ad?

Mr. Cialone – It says "no person or entity shall solicit, advertise for, or offer the use or occupancy...". So yes. Also, it says that each day a dwelling unit is rented leased, used, or occupied shall be deemed a separate violation."

Inaudible

Councilman Gierak – I would recommend the fines be \$500, \$1,500, and \$2,500.

Mr. Ambrogio – I think that the enforcing agencies should be Building Department, Police and even Fire Prevention.

Mr. Compitello made a motion, seconded by Mr. Ambrogio to find the ordinance not inconsistent with the Master Plan and to recommend the following: 1.) increase fines to \$500 (1st offense), \$1,500 (2nd offense) and \$2,500 (3rd offense or more); 2.) enforcement by Building Department, Police Department and Fire Prevention; and 3.) make an exemption for use and occupancy in connection with the sale of a property if the seller is going to remain after closing. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. LaGuardia, Councilman Gierak, Mr. Maniscalco, Mayor White and Mr. Camporeale – YES

Mr. Cialone – I will submit a letter to the Mayor and Council, if there is no objection.

No objection.

5. RESOLUTION

Approval for Nancy Lovelace, 374 Floral Lane, Block 1402, Lot 3

Mr. Cialone reviewed the resolution.

Mr. Ambrogio made a motion; seconded by Mr. Browne to memorialize the resolution.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Cook, Mr. LaGuardia, Councilman Gieriek, Mr. Maniscalco, Mayor White and Mr. Camporeale - YES

6. MINUTES

Councilman Gieriek made a motion; seconded by Mr. Browne to adopt the minutes of the March 18, 2024 meeting. All in Favor - YES

7. COMMUNICATIONS

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

8. VOUCHERS

Mr. Compitello made a motion; seconded by Councilman Gieriek to pay the following vouchers, provided funds are available:

Paparozzi Associates, Inc., 03/12/24, Tomasz & Izabella Kowalski, \$412.50

Neglia Engineering Associates, 03/20/24, Tomasz & Izabella Kowalski, \$380

Neglia Engineering Associates, 03/20/24, MOM New Jersey, LLC, \$102.50

Neglia Engineering Associates, 03/20/24, Cattino Real Estate Holdings, LLC. \$820

Basile Birchwale & Pellino, LLP, 04/04/24, Raphael & Nancy Lovelace, \$500

All in Favor - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

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

All in Favor - YES

No public participation.

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

10. MISCELLANEOUS

Mayor White to Mr. Ambrogio regarding UPS and the approval they received from the board -

Do they have to do that in a certain period of time? Is there an expiration on our approval?

Mr. Ambrogio – They filed a permit for the loading dock. I think the question for the attorney is, isn't the approval good for one year?

Mr. Cialone – Variances are good for one year. I believe our ordinance says they have to start construction, not pull permits.

Ms. Kapner – What if they decide not to do the sound wall?

Mr. Cialone – That was part of the approval. They would have to come back in for an amendment to their approval.

Ms. Kapner – When do they have to do the wall by?

Mr. Cialone – There's no real deadline.

Mr. Ambrogio – I think they pulled the permit for the mobile loading dock so they didn't lose that one-year approval. Phase 1 is the mobile loading dock, phase 2 was going to be the wall and phase 3 was going to be their solar panels.

Mr. Maniscalco – What recourse do we have if they don't do it?

Mr. Cialone – Take them to court.

11. ADJOURN

Mr. Compitello made a motion; seconded by Mr. Cook to adjourn the meeting.
All in Favor - YES

Meeting adjourned 9:09 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary