

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
April 1, 2024 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday April 1, 2024 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

Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Mr. Francin, Mr. Manzo, and Mr. Duffy – Present. Mr. Marz, Mr. Burbano and Ms. Nobile are absent. Diane Testa is sitting in for Mr. Cialone the Board Attorney, Mr. Kurus the Board Engineer and Mr. Paparozzi the Board Planner are also in attendance. Mr. Manzo and Mr. Francin sat in for Mr. Marz and Mr. Burbano.

5. NEW BUSINESS

A.) Puccio IV, LLC, 487 Market Street, Block 705, Lot 29

Applicant requests to expand and renovate an existing commercial masonry building and convert the second story office section into four residential dwelling units that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Ms. Testa confirms the notice is in order for this application and that they may proceed.

Mr. Duffy asks Mr. Manzo to sit in for Mr. Tokosh as he needs to recuse himself. Mr. Duffy also explains to Ms. Kasetta that there are only 6 members present and she needs to have an affirmative 5 for approval of the Use Variance she is requesting.

Mr. Duffy gives her the option to proceed and if she would like she may be carried in order for the other members to have the opportunity to listen to the meeting’s recording and be able to vote at the next meeting.

Ms. Kasetta agrees to proceed and will decide when the testimony is completed whether to have a vote or be carried.

Ms. Kasetta – This is the property located at 487 Market Street. It’s Block 705, Lot 29. It’s located in the B2 Zone as well as the AHOZ2 Affordable Housing overlay. It’s developed with a shopping center includes ground floor retail space as well as some second floor retail office space, paved parking and related improvements. I want to note that when this building was originally constructed the second floor was used as residential space and then it was later converted. The applicant is seeking preliminary and final major site plan approval to as you mentioned renovate the shopping center including an addition on the side along Market Street which you’ll hear more detail about in the testimony and then convert the second floor into four apartment units. The applicant’s also proposing some additional site improvements which will give the property a much needed facelift and the retail uses are proposed to remain as they are not proposed to be expanded. I’ll note that mixed use buildings containing first floor commercial uses and second and third floor residential uses are permitted in the AHOZ2 overlay as long as affordable housing is provided and pursuant to section 206-9.54 of the Township Code the required affordable set aside is 15% which with 4 units means .2 unit. I did have an opportunity to discuss this with the Township Attorney because it is a fractional obligation unfortunately right now there is no mechanism in the

Township Code for the applicant to make a payment in lieu of constructing an affordable unit. In my experience that's the case in a lot of municipalities where the obligation is fractional like it is here. Because there is no mechanism for that our only option at this point is to round up to one unit and propose one affordable unit on site. We would like to explore it a little further with the Township to see if there's any desire to create a mechanism for such a payment in lieu and if that was to happen then we would make a payment instead of providing one unit on site. We understand the obligation is what it is the code as it stands today requires that one unit to be constructed on site. As for the application we have requested a handful of variances to be conservative but I will note that they are all existing nonconformities. There are only two of them that are exacerbated by the proposed improvements. The first one is the Floor Area Ratio you have a maximum permitted of 0.25. The existing is 0.305 and we're proposing a slight increase to 0.325. The other one is the minimum front yard setback. The minimum required is 25 feet you have and this is along the Market Street side of the building 21.86 feet existing we're proposing to reduce that to 13.37 feet. You'll hear in the testimony the purpose of that is to provide a separate entrance for the residents of the second floor. The rest of the existing nonconformities as I mentioned are either staying exactly the same or they're actually reduced in scope and not exacerbated and those would be the minimum side yard setbacks, the rear yard setback, lot coverage, parking spaces I'll note we are actually proposing to increase the number of spaces on site over what's there today. Still less than the minimum required by the code but it will be an improved condition. The parking space dimensions nonconforming today proposed to remain the same. Parking in the front yard and then as Mr. Pappozzi pointed out in his letter the requirement for loading spaces. There are no loading spaces existing today and none proposed. With that we've already confirmed that our notice of tonight's hearing was adequate. I'd like to call as our first witness the project architect Anthony Zamblin.

Anthony Zamblin comes forward and is sworn in by Ms. Testa. He gives his business address as 187 Fairview Avenue in Westwood, New Jersey. He gives his credentials and the Board accepts him as a witness.

Ms. Kasetta – Your office prepared the architectural plan that was submitted with this application correct.

Mr. Zamblin – Correct.

Ms. Kasetta – I know that you brought with you an exhibit tonight.

Mr. Zamblin – I did.

Ms. Kasetta – I'd like to mark that and hand it out to the Board and have you walk them through but just to clarify there were just some cleanup changes to the plan you didn't change anything substantive.

Mr. Zamblin – Nothing was changed yeah.

Ms. Kasetta – I'd like to mark an updated architectural plan dated March 28, 2024 and that will be A1.

Mr. Zamblin – As mentioned before there was a minor fix that we wanted to add onto the drawings. I'll get into that in a second but now that you have it in front of you just to review the existing architecture what we have is existing retail on the ground floor and a second floor office that is currently being used by a tarot card mystic fortune teller. It's only used strictly as an office space and this is the major area that is going to be renovated into new apartments. If you look at the bottom right of EX1 the existing building façade you'll see there is a small little garage which makes up a majority of the building coverage that's being removed from the site. It's about 650 square feet approximately. The ground floor area the covered space outside the retail is all to remain as well as the existing lighting underneath the soffit area and no additional lighting will be added onto the building. If you continue through EX2 is just a photograph of what the existing site condition is showing the dated color scheme not really as well suited for modern day retail centers. Nowadays the look is more monochromatic something that's a little more lively that adds the eclectic mix of what the retail spaces could be. Moving forward through to A1 what the proposed renovation is on the second floor where the existing office space is the majority of what our apartment complexes are going to be. The addition is a change of about 1,700 square feet to the Floor Area Ratio calculation. The apartments themselves making up about 2,400 square feet of it. The bulk of what the additional coverage is coming from is the additional residential entry. It protrudes an extra 8 feet 6 inches into the front setback of the site. The need for this is what modern practices in apartments are nowadays adding additional amenity spaces like package rooms, concealed lobby entryways for secure contactless package delivery and also just any kind of additional storage that can be provided to the tenants for either

additional purchase or included within their month to month and annual contracted rent. Looking at the apartments themselves as mentioned before for the affordable housing there is one unit that is a two bedroom in the top left corner of the four unit quadrant that we created. That unit itself is 745 square feet with two bedrooms, closet space as well as an open planned kitchen and living area. The additional 2 two bedroom apartments are on the right side if you look at the plan both mirrored almost identical to each other again both walking into the kitchen space and living room dining area and then two bedrooms that overlook onto the second floor roof system. The last apartment is a little larger. It's a single bedroom with a den when you walk into the main entry. All of these four apartments are ADA accessible. All come with the amenities of what luxury apartments have nowadays with in unit washer and dryer, eat in kitchen island with a dishwasher and sink all ADA accessible and compliant. We think they're going to be really nice apartments in addition to what the surrounding area developments are trying to provide now. The remaining of the total space that's being renovated there is about 675 square feet of the circulation space for lobby, storage and additional hallway space. What we're going to be doing for each of these units is using PTAC systems. They're small in wall units that go adjacent or underneath the exterior window system. What we're doing on the facade is integrating a system of ceramic panels as well as stucco systems with reveals around rectilinear joints. What we're looking to achieve is integrating the PTAC systems into the faux wood cement panel systems so they kind of hide away matching the color of the grain of what this faux wood is going to look like. If you move onto A2 showing what the future proposed elevation looks like in the black and white drawings. The majority of the renovation is taking place on the interior of the site it's really a facelift to what the building is. These kind of linear systems of stucco, the faux wood paneling and the brick below on the existing retail space will be repainted with a dark grey to kind of make the front face of the building pop. The signage is going to remain the same size and likeness as it is now so there's no proposed change to that. Like I mentioned before there's going to be no additional lighting added onto the building at all. Going through the elevation once more continuing through for the rear elevation side the only real significant change is on the second floor addition. The existing exterior rear is going to be remaining the same but will be repainted just to meet with the brick on the front lower section of the retail space. If we continue around to the rear elevation the residential side there is almost no change to what's being seen currently. It's pretty lush with the trees that are there now. It's not reflected on the elevation but there's also a chain link fence that is there. We're hoping that the color change and the brick will help it kind of lead in a little bit more into those trees so it will be less apparent from the other side up the residential zone. If you're looking at the last elevation the side elevation you'll see just the window systems of the affordable housing unit in the rear of the building and a window system that looks into the second floor of landing space up the top of the staircase into the apartment hallway itself. Onto the last sheet which plays in tandem with the final sheet number 6 the final rendering sheet has no label on it. We're using a combination of faux wood cement paneling it's going to be grained to give it that wood grain look but it will be durable enough to survive the elements and give the building a long life. If anything with these kind of panel systems nowadays with the small grooves they have over time they age a little bit and kind of self-antique themselves to only enrich the look of the building giving it that real natural feel. With the wood we'll be using these bands around the outside of the façade that help accentuate the geometries of the different retail spaces and then in between using a stucco system with reveals make the sign bands between the retail spaces a little more defined. As far as the heights concerned we're not going any higher than the allowable is and there is no change to the height existing. All of the ground floor retail will remain exactly the same. As I mentioned before all of the space that's covered they'll be no change. The same lighting system that's within the soffit above will remain and the only change here is the brick façade will be painted in. Finally looking at the color rendering we think it's a significant improvement to the site from what's currently there now in both color scheme, likeness and just improvement as far as what modern retail centers today look like. If I can just briefly the only slight change that took place that doesn't affect the Zoning Board tonight but we wanted to get ahead of for ourselves was on sheet A1 the second floor plan. What we noticed when we were originally coordinating the documents with the civil engineer's drawings was that our building while allowed to be on the property line when submitting for building permit we want to make sure we are complying with the windows along the building façade on a property edge and we need to make sure

we're 3 feet from that be able to garner 15% exterior openings from that building face. What we did was made no changes to the Floor Area Ratio or the layout in any way we simply shifted the building forward 3 feet and because we had the walkout terrace spaces on the 2 southernmost units it really didn't affect the layout and we were able to make an easy quick fix.

Ms. Kasetta – Thank you no more questions from me Mr. Chairman.

Mr. Kurus – One question I had was the ground level bump out of Market Street side it looks like you're holding that door to the sprinkler room.

Mr. Zamblin – That's correct.

Mr. Kurus – There's no change to the entry to the sprinkler room now and then the FDC gets relocated to the outside wall in package room.

Mr. Zamblin – We figured out the best spot to put it yeah.

Mr. Kurus – Which windows would have the PTAC units?

Mr. Zamblin – They'd all have PTAC units placed underneath them.

Mr. Kurus – How many per apartment?

Mr. Zamblin – About 3 per apartment one for each bedroom the interior most unit will have 2 on the southern bedroom and living space facing the parking lot area.

Mr. Kurus – I'm trying to see how that would look. Which windows would have them and which windows wouldn't and if anything else was considered?

Mr. Zamblin – With the faux wood we're going to make sure they're integrated with in the panel join marks. In our past experience it's pretty easy to hide them away especially with what you can do integrating them with the color and the type tile you're using.

Mr. Duffy asks if he can explain to everyone what a PTAC unit is for those who may not know.

Mr. Zamblin – It's a package terminal air conditioner. They're small units I'm sure you've seen them before they go inside the wall. They're very low profile they range anywhere from 5,000 to 10,000 BTU's with built in baffle systems so they're very quiet and they can be very concealed. I'm sure you've come across them with either young relatives or friends inside new apartments today. If you know anyone in college they're used a lot in those kind of dormitory style buildings. I've lived with one for a few years and it's pretty nice.

Mr. Mazzer – That's heating and air conditioning right.

Mr. Zamblin – Yeah.

Mr. Paparozzi – Your side view elevation it looks like there's some sort of roof eave maybe a gutter. I guess that would be the west side where the affordable housing unit and the lobby is. It looks like there's some sort of I can't tell if it's a roof eave but it looks like at least a gutter.

Mr. Zamblin – Can you point to it on the drawing?

Mr. Paparozzi points it out to Mr. Zamblin.

Mr. Zamblin – It's a fascia line the gutter's going to be concealed in the rear.

Mr. Paparozzi – So there's not going to be any protrusion it's going to be straight up to the roof and then a flat roof.

Mr. Zamblin – A flat roof.

Mr. Paparozzi – Do you have an easement for the construction from your neighbor.

Mr. Zamblin – I don't think so.

Mr. Paparozzi – Your building is on line you're expanding it so you have to have some sort of easement from your neighbor to build it.

Mr. Duffy asks that they recap their discussion as it was not heard by everyone.

Mr. Zamblin – The existing structure there that's on the property line the new addition above it is being set back 3 feet. Any fascia board or any kind of gutter placed above it will be set back that 3 feet as well and within the 3 feet won't protrude any further past the property line.

Mr. Duffy – Okay.

Mr. Paparozzi – So will there be an easement for doing the façade that's on line. A construction easement with your neighbor so that you can maintain that and repair it.

Ms. Kasetta – I don't know that it's necessary but if it is I'm sure that wouldn't be an issue for us to speak to the adjacent property owner and request that.

Mr. Paparozzi – You're going to be changing the façade it's going to be upgraded.

Mr. Zamblin – That area on the property line is only getting painted. Any construction is going to be taking place up above and pushed in.

Mr. Paparozzi – Even painting the building is on line right.

Mr. Zamblin – Yeah.

Mr. Paparozzi – You're going to be on their property that's what I'm asking.

Mr. Zamblin – I think we'll have to no matter what but we'll be as minimally invasive as a neighbor can.

Ms. Kasetta – That would be a license agreement not a permanent easement just a temporary license.

Mr. Paparozzi – Right no of course not but you don't have one or.

Ms. Kasetta – At this point no.

Mr. Paparozzi – That's all I have.

Mr. Duffy – I'd like you to kind of bring that to a little closure.

Mr. Paparozzi – What I was asking for Chairman was the building on that side I guess that's the west side they're going to paint it. The building is on line so any repair work or change to the façade you're going to be on somebody else's property.

Mr. Duffy – Okay.

Mr. Paparozzi – As the attorney alluded to there's going to be some sort of agreement not an easement but I was asking if they had that in place already even for the existing building just for maintenance. I didn't know if there was one there for maintenance like if it's stucco and the stucco cracks and there's a repair there should be some sort of agreement or maintenance easement so they can get there to fix it or paint it or do whatever they have to do to the building. That was the question and I guess they're going to put something in place through the attorney some sort of agreement just to upgrade it and maintain it when necessary right.

Ms. Kasetta – Correct.

Mr. Duffy – That's the portion of the property that's the pie shaped part that goes between the building and the fence on the KFC side.

Ms. Kasetta – Correct.

Mr. Duffy – Which is overgrown to say the least.

Ms. Kasetta – Noted.

Mr. Paparozzi – That was all I had.

Mr. Schilp – One concern I have is that there's only one entrance and exit on egress one ingress. God forbid there's and we've already had one in this building where somebody hit the front of the building there. There's no way out. Fire safety wise and safety wise itself I really think there should be some other means of exiting the second floor. You got 3 three bedroom apartments. That's 9 people living in there and you've got another one bedroom so you got 11 people in there and one way in and one way out. It's really what they did years ago when they built the place we didn't have a say in it.

Mr. Zamblin – In every unit there will be egress compliant windows. We're well within what the dead end corridor allowable distance is from the building code. If we exceeded the distance I believe where we're at right now is only about 30 feet obviously it would be a bigger problem but it's more than adequate hallway and egress allocation for.

Mr. Schilp – If you get a fire in the hallway right before the stairway where are they going to exit to?

Mr. Zamblin – They're going to have to exit through the window.

Mr. Schilp – On the second floor.

Mr. Zamblin – On the second floor.

Mr. Schilp – They're gonna jump down.

Mr. Zamblin – They have to wait for the Fire Department to reach them but as far as buildings are designed nowadays that's the second means for the compliance.

Mr. Schilp – I am safety, safety, safety.

Mr. Zamblin – I agree.

Mr. Schilp – The back ones you've got that 3 foot overhang they could go out over there. Now you're putting the front right on the line it's really my point.

Mr. Mazzer – Can't you get them to the terrace.

Mr. Schilp – They took the terrace away.
Mr. Duffy – The terrace is still there or it's taken away?
Mr. Zamblin – In the front?
Mr. Duffy – Yeah.
Mr. Zamblin – The terrace is still there.
Mr. Schilp – So there's a terrace in the front and the back.
Mr. Zamblin – No on the front. Theoretically the people in the front on the terrace they'd have egress out into their terrace and then have to wait for a ladder of some sort.
Mr. Schilp – I thought you changed said you moved everything forward 3 feet.
Mr. Zamblin – If it pleases the Board we can add the terrace to the rear as well.
Mr. Schilp – You said you did away with the terrace in the front that's why you said you moved all the apartments forward 3 feet.
Mr. Zamblin – We didn't remove the terrace in the front the terrace is still there.
Mr. Schilp – I misunderstood what you said when you moved the building 3 feet forward.
Mr. Zamblin – Wee did but we had about 6 foot 10 I believe in the front so there's still space for terrace doors to be opened up.
Mr. Schilp – So all the egress windows would go out onto the terrace.
Mr. Zamblin – Correct.
Mr. Schilp – That's good. Right now if we go over there the standpipes the cap is missing on the one it's rusted like crap. I know you're going to wind up moving it out but right now there is no you know it's poor maintenance on the fire system. You said the access to the fire room is going to be from where?
Mr. Zamblin – The first floor.
Mr. Schilp – When you walk in the door you're going to go into like the lobby area.
Mr. Zamblin – There's going to be that entrance yes.
Mr. Kurus – The door that's there now is going to remain correct.
Mr. Zamblin – Correct. We have our civil engineer's drawing I only have the renovation of the architecture but yeah that's remaining.
Mr. Schilp – Good to know thank you.
Ms. Murray – You are removing a piece of the doorway on.
Mr. Zamblin – The garage.
Ms. Murray – Okay because I saw that I didn't even realize it was there but I did today.
Mr. Zamblin – Tucked back there yeah.
Ms. Murray – I drove back there today and saw it so you're removing that piece.
Mr. Zamblin – Uh huh.
Ms. Murray – It's not really a structural piece it's kind of just an add on.
Mr. Zamblin – Exactly.
Ms. Murray – That's all I have.
Mr. Duffy – The terrace it's I guess there's sliders on the front two apartments.
Mr. Zamblin – Correct and then a glass railing outside.
Mr. Duffy – The entire run?
Mr. Zamblin – No a small band.
Mr. Duffy – Speaking of fire just from a visual I'm not a fan of the terrace. I can just visualize now the barbecue looking like Seaside.
Mr. Zamblin – Barbecues won't be allowed.
Mr. Duffy – Barbecues will not be allowed. You can't put any barbecue up there because you can see a lot of apartments and you'll see balconies and you'll see the Charmglow up there that's one of the last things that we want to see plus aesthetically I think it's a very nice rendition that you have I think that would kill it if we you know the beach towel over there. I sound like I'm getting a little out there but that's exactly what happens. People have bicycles up on there.
Ms. Kasetta – I was going to say that's the good thing about only having four units it'll be pretty easy for ownership to enforce. We're not talking about a hundred tenants that they have to keep reminding it's only four of them.

Mr. Schilp – It's only two eastside apartments.

Ms. Kasetta – Yeah two on that side yeah.

Mr. Duffy – The west side where the garage is now the garage can't be moved and that's where the dumpster where the refuse is going to be right.

Mr. Zamblin – The refuse area.

Mr. Duffy – Right now there's I'm not sure what's in it. It says it's cooking oil but there's a number of things out there and that's not going to become the same thing and I really don't think that you're supposed to be storing cooking oil out like that. It's out in the open now.

Mr. Zamblin – I won't be able to speak to the cooking oil but I'm sure that's not going to be the case once that garage is moved.

Mr. Duffy – Once all that's gone okay. If we speak about loading areas because right now I guess it's tough but that's for Mr. Costa I assume.

Ms. Kasetta – Mr. Costa and our traffic expert will speak to that.

Mr. Duffy – Okay. I did go walking around the entire property and I had to go from Kentucky Fried Chicken and I was able to maneuver in but that whole spot in between if it stays like that they can climb down a tree instead of worrying about a fire escape. That makes it a very bad spot to have a fire because it's really dry dead everything is in bad shape. I didn't see anything that addressed cleaning that all out and so is that part of the architectural you're going to get that cleaned up or is that a site issue?

Ms. Kasetta – I think that's more of a site issue but if the Board wanted to include that as a condition of any approval that's granted that that area be cleaned up and maintained better I think that would be fine.

Mr. Duffy – The one elevation the KFC elevation you have trees in there that look very nice on the drawing is not what we see there so there is that problem. I guess we'll address that with Mr. Costa.

Ms. Kasetta – Sure.

Mr. Duffy – I don't know I'm asking you.

Ms. Kasetta – I don't think it's going to be shown on any plan so if the Board feels that's an appropriate condition to pull out any dead trees and clean up that area then that's something we would agree to. I don't know that Mr. Costa will be able to offer anything else.

Mr. Duffy – I'm trying to ascertain whether I should continue with your architect or move on to the next witness.

Ms. Kasetta – I would say that Mr. Costa is better prepared to address anything on the exterior.

Mr. Duffy – Okay fair enough.

Mr. Paparozzi – Mr. Chairman just a note that that property is not the applicant's property their building is on line so those trees.

Mr. Duffy – Between the fence.

Mr. Paparozzi – The building is on line.

Mr. Duffy – The entire structure I thought I saw something different.

Mr. Paparozzi – Not the entire structure where the apartments are going that section is on line.

Mr. Duffy – That section.

Mr. Zamblin – KFC and the building is on line. It's not until the residential back section that's where the fence and the gap is.

Mr. Duffy – That's where the gap is the gap is part of this problem

Mr. Zamblin – Not between KFC and ours.

Mr. Duffy – The entire building I look at this and I saw something a little differently.

Ms. Kasetta – I think Mr. Chairman it will be easier to see on the site plan and I believe Mr. Costa has a colorized version so it will be easier to tell on that.

Mr. Duffy – Okay. Can I have 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.

Dennis Montalbano of 476 Dewey Avenue comes forward.

Ms. Testa swears in Mr. Montalbano.

Mr. Montalbano – My concern is when you take that garage down you're putting dumpsters there.

Mr. Zamblin – Not directly where the garage is currently. I can't speak to exactly where the dumpster is going to be that would be more for the site engineer.

Mr. Montalbano – I get woken up at five thirty in the morning every day because of the dumpsters in there and then the grease and the rats and the mice and rodents back there so I'm very concerned and so are my two neighbors.

Mr. Zamblin – I can only answer as much as I can on the building itself. It won't be where the garage is right now. We're also removing what's behind it.

Mr. Duffy – I understand your concerns and I think it would be more appropriate for our next witness so please don't leave and you can absolutely come back up again and from the architectural standpoint that garage is coming down and that's about all I think he can answer to at this point.

Mr. Paparozzi highlights on one of the plans where Mr. Montalbano lives for when Mr. Costa is available for questions.

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

Mr. Mazzer – How do you get back there now near that triangle?

Mr. Zamblin – The best route would be to go around where the current garage is now.

Mr. Mazzer – No all the way on the left side.

Ms. Kasetta – Mr. Costa can answer that question.

Mr. Mazzer – The main building is sprinklered right.

Mr. Zamblin – Correct.

Mr. Mazzer – Are you going to sprinkler the apartments?

Gerry Puccio comes forward and is sworn in by Ms. Testa. He gives his address as 27 Greenwoods Road, Old Tappan, New Jersey.

Gerry Puccio – The building is sprinklered currently and to answer your question about the second floor if it's needed by code we will do so.

Mr. Mazzer – It's a mixed use so I don't going to almost have to.

Mr. Zamblin – I don't know the exact numbers off the top of my head but it's a separated fire area and underneath 5,000 square feet so it's not required by code to be sprinklered.

Mr. Mazzer – The bottom's got to be sprinklered.

Mr. Zamblin – The second floor isn't required to be the bottom is a different story and is currently sprinklered.

Mr. Schilp – Is the stairway sprinklered?

Gerry Puccio – I don't know the answer to that question.

Mr. Zamblin – The proposed? Maybe you're speaking of the existing.

Mr. Schilp – Are you changing the stairway? The stairway's going to be the same right.

Mr. Zamblin – It's a new stairway.

Mr. Schilp – It's in the place it is now.

Mr. Zamblin – Not currently where the existing staircase is.

Mr. Duffy – The door is but the staircase itself is not.

Mr. Zamblin – No the door is different as well. It's a side entry door.

Mr. Schilp – The sprinkler system is there absolute bare minimum should be a stairway sprinkler.

Gerry Puccio – If that's a condition we will do so.

Mr. Schilp – My opinion you're up on the second floor and there's a fire there the stairs at a bare minimum.

Gerry Puccio – You want to keep the staircase available for people to leave and make sure the fire doesn't spread there I understand makes sense. We will do that.

Mr. Duffy – Go back to A1 for a second.

Mr. Zamblin – Sure.

Mr. Duffy – So the existing stairway if you look to where it says adjacent retail spaces the block on the left. The actual door to the stairway is there now is moving?

Mr. Zamblin – Correct the way it is currently now if you look on the elevation EX1 the door is on the face of the building and the newly proposed is on the side of the building. The side of the new addition into the lobby vestibule.

Mr. Duffy – The stairs going up now how do they change?

Mr. Zamblin – For purposes of the stair to be compliant we might have to shift it in just a little bit to the landing. Relatively speaking it will be in the same spot. It will be a new staircase and updated.

Mr. Duffy – So the confusion I'm having is that the actual stairs themselves is in the same spot. It may change a few inches back or something like that to make it spit the way it's supposed to.

Mr. Zamblin – Yes correct.

Mr. Duffy – The actual entrance to the stairs is where it's going to be right now. It's actually the stairs are slightly back when you open the door.

Mr. Zamblin – I apologize I'm being too exact yes they'll be in the same spot.

Mr. Duffy – I understand now.

Mr. Schilp – Let me get this straight the entrance into the stairway is going to be from Market Street.

Mr. Zamblin – No it will be from the interior of the site. If you look at A1 its coming underside of the covered area now.

Mr. Duffy – If you were standing in front of looking into Spencer Savings to the left is the entrance is the doorway to go upstairs.

Mr. Zamblin – Correct.

Mr. Duffy – Okay does that help?

Mr. Schilp – No.

One of the members points it out on the drawing.

Mr. Schilp – Okay I got it.

Mr. Duffy – We'll note Mr. Mazzer and Mr. Schilp's concerns regarding the sprinklers. Does anyone else have any further questions for the architect?

There are no further questions.

Mr. Duffy – Can I have a motion to open to the public?

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

Mr. Duffy – The meeting is open to the public on the additional comments from the architect and comments made by Mr. Puccio. Having heard none.

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

Ms. Kasetta – Our next witness will be Mr. Costa our civil engineer and professional planner. Do we need to qualify him?

Mr. Duffy Mr. Costa has been here numerous times.

Robert Costa is sworn in by Ms. Testa. He gives his business address as 325 South River Street, Hackensack, New Jersey.

Ms. Kasetta – Will you tell the Board what that is that you're putting on the easel?

Mr. Costa – It's a colorized version of the site plan from your packet with sheet 3 of 5. This one is dated February 1, 2024 last revised 3/27/24. Just for clarity the team had a meeting last week and based on that meeting I noticed that the actual setback of the building since it's on line in the front and then again it pines out or skews to the west but in the front where the addition is proposed it is actually on the property line. I know one of your esteemed members is on the Fire Department and if you go into the code as a construction official to my left and Anthony to my further left you can't have windows if you're zero to just under three feet if you're on the property line. Based on that I said to young Anthony behind me you need to move the building either to three feet or five feet. That is the revision in front of you tonight. There was a balcony in the front that I think was 6 foot 10 inches plus or minus that has now moved where it's 3 feet so you have almost the same as you have in the front as you can in the back. About two minutes ago I heard we're going to put terraces in the back at some point. I could do a Romeo and Juliet thing in the front and if I rent in the back I can do the same. That's what the proposal is in front of you tonight. That was the reason and that's why the plans changed to tonight and that's what Ms. Kasetta gave out just for clarity. It's because of that specific problem with the proposal you couldn't get windows in any of those units in the back because it was right on the property line.

Mr. Mazzer – You need a 1 hour rating.

Mr. Costa – You can't zero to just under three feet zero is allowed as an opening even if it's protected. If it's 3 feet from my recollection I think you can go 15% of the wall that you can have an opening. I'm not sure if it has to be protected or not that I don't remember off the top of my head. What we're proposing tonight again you heard about the units just to clarify the addition in the front is roughly 8 foot 6 I'll give you the exact dimension on drawing A1. It comes out of the building 8 foot 6 inches off the existing

building along Market Street and then from the addition in the front coming back I believe it's 36 feet 4 inches. That's the actual addition to the building in the front and the additional square footage there. Up top if you go back and then you go through my drawings which again five sheets in number. We also gave Mr. Paparozzi a separate boundary and topographic survey that he should have. I believe that was submitted to him directly and it should have been submitted directly to the Board but based on that and if you go into the center of sheet number 3 of 5 you're engineer commented on this that the Floor Area Ratios were incorrect. We revised those numbers and if I can just go through the existing and then the proposed. The existing first floor of the building is 18,248 square feet. The second floor existing is 2,205 square feet for a total gross square foot floor area 20,458 square feet and if you take that and do the arithmetic you come out with 0.305. That's your Floor Area Ratio based on 67,184 square feet or 1.5423 acres. That's the existing condition. What we're proposing the first floor 17,944 and the proposal for the second floor is 3,919 square feet and if you do the arithmetic there that's how you come up with 0.325 for your Floor Area Ratio and that's one of the variances that we require. That's also I believe been checked by your planner and I believe your engineer for an addition of 1,405 square feet. That is the proposal as far as what they're planning on doing as far as the space. You heard from the architect what they're planning to do aesthetically to it and then as far as the parking lot everything will be milled, paved and restriped the entire lot. We're adding the EV spaces to make ready. We're changing the dumpster location because currently the dumpster location is towards the rear on the east side close to the gentleman that sat in the rear. We're actually pushing it back slightly it is going to get closer to you however and I can say this on the record. I was in front of Lodi a couple of weeks ago we came up with a dumpster design I think Paparozzi's going to steal it it's that good. We're going to propose the same thing at this location. There will be bollards so they'll be no breaking fences and stuff like that. It will be screened in and we're actually a lot of the problems with dumpsters people leave the gates open stuff flies around. We actually came up with a design where there's no man door. It's actually offset so you need to go almost through a maze to get into the dumpster area but yet the stuff won't fly out. There's nobody that has to shut a door close a door open a door none of the above. It was separate containers where you have recycling and garbage and then based on the pickup again speaking to Mr. Puccio he does his own collection. If there's a problem the good news if you have residents living in a shopping center like this then you have eyes there twenty four seven. If there is a problem it's not just the neighbors that are going to call it's actually the residents that live there that can pick up the phone and call the management say this isn't right. This isn't uncommon today. If you look around very close to us Garden State Plaza how many units are they proposing there 1450 I believe give or take. If you look at a lot of these centers and again it goes back to the Amazon where things have changed almost to a point where what do you do and how do you do it. The next thing you're going to see in front of you if you haven't seen it yet is branches with the banks. Bank of America Wells Fargo I'm not sure if TD has started yet is selling off their branches because they don't need the hard real estate. If you don't do something else with these types of centers they're going to become ghost towns and granted Market Street very popular you have a lot of traffic up and down but I think as time goes on you're going to see where you're going to get back to the main street top of the shopping center in order to keep activity in there so I think it's a good thing. If you look at your code your code actually allows it believe it or not. It allows two and three stories above commercial so why are we here. We're here because again slightly with the FAR and because of the front yard setback. To put the stair and the lobby area we had to go in towards Market Street. We're not in the easement for the county we actually have a letter from the county exempting us because years ago the county actually took property in order to widen Market Street at this location. I just want to put it on the record it was dated February 28, 2024 it's signed by Eric Timsak and again the attorney just notified me that they actually gave you copies of this.

Ms. Kasetta – I sent it in with our proof of notice.

Mr. Costa – I can certainly get copies to the Board or if you have an extra copy.

Ms. Kasetta – Should we mark this as A3?

Mr. Costa – I don't want to take the thunder away from the traffic expert but you're at a signalized intersection coming across Market and Fifth. It comes into the lot the interior patterns are not going to change and again it will be refreshed with new milling, paving, striping and if you do the arithmetic there

we have 108 parking spaces. If you go to the existing conditions 20,458 divide that by 1000 square feet times 6 you need 123 parking spaces would be required under the existing conditions. Under the proposed conditions the same regulation 6 spaces for each 1000 square feet of gross area. In this case it's 17,944 which is the first floor divided by 1000 square feet times 6 requires 108 parking spaces. The 3 two bedroom units and the 1 one bedroom unit upstairs would require 8 parking spaces for a total of 116. Then when you apply the electric vehicle ready spaces under the state ordinance you can actually just deduct 6 parking spaces from that and the total requirement would be 110 parking spaces. Today if you do nothing 123 are required if the Board is so gracious to approve this based on everything that's taking place the restriping, the EV spaces and changing the use from upstairs from office to the units themselves it actually decreases the demand to 110 parking spaces required. Other than that all of the other existing conditions I know Chairman that you actually asked I did not go there today. I've been on the site numerous times certainly when I was the engineer in this Town when we did Market Street I probably lived at this location because the contractor at the time if everybody recalls he hit the gas main across the street by the bagel store and we nearly sent those people to Little Ferry or towards New York City. We lived that corner I know where everything goes. I know where the drainage goes through your backyard.

Mr. Duffy – You have to keep it up here I'll give him his chance in a moment.

Mr. Costa – If I could just put a couple of proofs on.

Ms. Kasetta – Will you speak to that triangular area on the KFC side the Board had some questions about how that's accessed and what portion is on our property as opposed to the KFC.

Mr. Costa – The addition would go slightly to where the triangle is but this triangle is my client's property and I didn't go back there but Mr. Chairman based on what you said and what I heard in the audience he doesn't either. What I said to Mr. Puccio tomorrow morning find out who does the maintenance go back there clear it fix it and I also said the same thing whatever the gentleman to the rear I think it's Mr. Montalbano whatever issues are going on there take care of it and clean it. He assured me there's pest control on site and they clean the parking lot 4 times a week. He said to me and he's certainly under oath that he will look into this first thing tomorrow morning to make sure that this is corrected.

Mr. Duffy – Pest control is one thing but that whole green triangular spot back there that's their four apartments it's that bad back there. I walked back in there it's old so I know there's gophers and there's enough garbage and stuff back there.

Mr. Costa – It's got to be taken care of.

Mr. Duffy – It's also they could be thrown over the fence but there's a good enough amount of drinking that has gone on back there so I have no idea what the heck it's bad. As a property owner I would be worried about it so.

Mr. Puccio – We'll address it.

Mr. Costa – With that again the front yard setback from 21.86 to 13.37 along Market Street itself I don't think there's going to be any issues there. As far as the positive criteria Purpose C to provide adequate air and light and open space I think it does that. Purpose E to promote the establishment of appropriate densities. If you go into your density ordinance it actually would allow much more on this site. If Gerry decide to take away retail and then put apartments he actually could do it under the density. The FAR is a different story. Under your density requirements I think it's 12 per acre which I think comes out to 18 units would be permitted because we're over an acre and a half. That's not our proposal we're proposing 4 units again just to use the space that's up there because in reality there is no market for office space. Even though financial doesn't come into play in zoning but in reality it does certainly come into play and that is one of the reasons that he's proposing this upstairs to do something with the space and then try to offset some of the cost in order to do the entire renovation here. Once again if you look at the aesthetics you take an older retail establishment and basically bringing it up lighting some landscaping in the front fix the dumpster area fix the parking lot restripe it and then add just a couple of units here where under the ordinance the second and third floors could have units again depending on the FAR and that's what we need. So slightly on the FAR which you'll hear testimony from the traffic which there's adequate parking out there and then obviously the setback in the front which in my opinion is De Minimis being on Market Street having the building if you go a couple of steps down if I'm not mistaken there's a little strip

mall with parking literally in the front that backs out onto Market Street so I don't think anybody is going to go past here and say my God I can't believe this Board approved coming out 8 feet in the front to put in a stair tower and to make it look a lot more aesthetic. I think under those it's a desirable visual environment through creative development techniques and good design that's Purpose I. I think I said this the project will upgrade and rejuvenate the long standing shopping center. It will provide the EV charging and better ADA accessibility. As far as negative criteria the only change would be the variance in the front of the building. As far as any detriment to the public good because of the conditions they are almost identical to what is actually there today and if you go through it the majority of the building is not a clean canvas so the building is set back the bulk table all of the above. I think based on the proposal a couple of units obviously do something with the fire suppression if it's required upstairs in the hallways and in the lobby area. The visual aesthetic of the new façade from the whole center the new parking lot the new striping the new dumpsters. Now that you have on the record to clean the back yard and make sure that's taken care of all of the above I think it would be a great addition to the Town and I don't think anybody is going to come here and say I can't believe this Board actually approved this proposal.

Ms. Kasetta – Thank you.

Mr. Duffy – Mr. Paparozzi is the dumpster really as spectacular as Mr. Costa proclaimed?

Mr. Paparozzi – It is I have a concern though. Well first of all there should be some sort of separation with a fence or something separating the recycling and the refuse. The area that they're proposing is approximately 12 by 20 but you have 10 commercial units and 4 apartments I'm not sure if that's big enough. That's one concern the second concern is 2 parking spaces are assigned no parking during pickup time and I think pickup time can vary with weather can vary with traffic can vary with construction so I don't know if those 2 spaces and there is a parking variance. I don't know if Mr. Costa testified to that but you do have a parking variance. I didn't include those 2 spaces only because one of what I just testified to and two I think that dumpster area needs to be enlarged. That's one of my concerns. I also have a concern you have I don't know how each of the commercial units gets their deliveries but you have a pharmacy, a pizzeria, nail salon, subway, a bank, you have two empty spots. I don't know if it's by box truck by van and I know there are no loading births but I think maybe a loading space should be provided along the side of the building where the commercial spaces are. If not I'm afraid they're just going to park in the aisle to unload and load. I would suggest and I don't know if it's a box truck or not and if it's so then the space would have to be revised to accommodate a box truck or even the bank I'm sure there's a Brinks truck or some sort of truck for removing or bringing money. Those spots need to be adjusted to I would guess 10 by 20 at a minimum if it's a box truck but I think you need several of those just along the front entrance of the commercial units. Again I had the question with the dumpster and I also have I know some of these and I have 8 variances some of them are preexisting but we're redoing the entire parking lot so the parking space the stall is a new variance because we're redoing it. The parking 110 are required with the EV credit and Mr. Costa has 104 proposed I proposed 102 because of those 2 spaces that are subject to pick up. No parking in the front yard. I know there's parking in the front yard but again it's redone. There's going to be EV stations in the front so we're going to have that variance again. The side setback is going to be exacerbated so the one side is definitely going to be a new variance and because of the exacerbation to the building both sides is a new variance. Then you have the front setback and the Floor Area Ratio. My concerns were the dumpster are and the loading and unloading and the 8 variances I have listed are the variances I think that are the ones on the agenda tonight. The preexisting variances I have there are no loading and unloading births and there are none existing and none proposed so that's not an issue. The rear setback of 3.98 is not being changed and there is no addition to affect the rear setback so those are 2 preexisting but the others I have listed as new variances although some of them are a continuation of the old because of the reconfiguration. That recycling area the proposal I don't know if the Board wants it to be enlarged but in any case there should be a division between the recycling and the garbage because if there isn't then you don't get that separation. I know that just for inspections on buildings. If the people are throwing out garbage and the one container is filled they're throwing it out in the other one unless there's a separation. That's all I have.

Mr. Duffy – The loading and unloading births what are you suggesting that they dedicate a space in front of the stores or off to the side?

Mr. Papparozzi – Even a couple along maybe two along the one side to the north where the garbage is and maybe three or four along the other side because I'm sure their deliveries would be at different times but you're going to need a bigger I think and Mr. Puccio could if he could testify to it I'm sure they have to come with a box truck or something to that effect other than a 9 by 18 car.

Ms. Kasetta – I just want to reassure you and the Board I know our traffic expert is listening but he'll address deliveries and things like that and I do think that based on the counts his office took of the utilization of the parking we would be very comfortable losing a couple of spaces to accommodate these things that you're suggesting. I think that's a good idea but I want the Board to hear his testimony so you understand where our comfort level comes from.

Mr. Papparozzi – Lastly Mr. Costa's survey graphic scale was not revised.

Mr. Costa – Obviously, we're here because we need variances definitely FAR which I testified earlier, front yard setback no question along Market Street, side yard setback we're zero. We are going on a second floor and we're coming back in three feet from there. Lot coverage we're currently I think we're at 92.5% based on our proposal we're actually reducing it slightly to 91.6%. Parking stall size is 9 by 20 we're proposing 9 by 18 which is pretty much the standard today. Your ordinance requires 9 by 20.

Mr. Duffy – So that would be a variance.

Mr. Costa – We would need a variance because we are restriping it. I think it works. You're going to hear from the traffic expert coming in behind me. I just whispered I Mr. Puccio's ear maybe we go back to where the dumpster location is currently enlarged it there. We would probably require another variance for 2 more parking spaces but then again this would all become green area there and get it further away from the neighbor which will probably help him. Then we can design something a little bit bigger not that I want to bring Lodi to Saddle Brook because you don't want to do that. Anthony you can certainly look at it I don't know if you week at the last meeting in Lodi you can take a look at it the Board can look at it and if you feel it's adequate or we'll work with your professionals to change it around to whatever they want. As far as the loading itself we're not proposing any additional retail units what is there is there today so however it's working the gentleman that's coming up behind me will tell you exactly how it works why it works and if it doesn't work then we'll modify it to make sure it works.

Mr. Duffy – Are there other tenants going into where the dentist was and Dunkin Donuts?

Mr. Puccio – Right now where the Dunkin Donuts was we have a signed lease with Buffalo Wild Wings takeout. They already have a construction permit. I believe they started construction already. As far as the dentist space we just demoed that space we do not have any letters of intent yet and then there's a small space available next to the nail salon which is about 900 square feet. The same situation no letters of intent and that's probably based on the fact that the mall does need a facelift and we think that once we complete the facelift we'll lease out all the spaces.

Mr. Duffy – Thank you. Mr. Costa do you have anything else?

Mr. Costa – No that's it.

Mr. Kurus – You're going to take the dumpster and move it I guess to where those two spaces were to get more space and avoid that conflict is that it?

Mr. Costa – That's the idea to basically put it back to where it is now but upgrade it.

Mr. Kurus – I guess on the Market Street side of the building what's proposed for the asphalt slope?

Mr. Costa – it's interesting you brought that up because on our Zoom meeting I asked Mr. Puccio that exact question.

Mr. Duffy – You talked about beautifying the aesthetics.

Mr. Costa – This was the answer I'm spending so much money now but I said a couple of plants is really going to push this over the budget and he says you know quite frankly it can but he's under oath right now so let him answer.

Mr. Puccio – I think it's a great idea. I would definitely consider putting a landscaped area on the Market Street side on the end of the building here.

Mr. Duffy – Okay.

Mr. Puccio – So removing the slope and installing landscaping.

Mr. Kurus – I think one of the steps needed a new railing those steps next to the new addition coming down.

Mr. Puccio – If we need to address that staircase we will.

Mr. Kurus – You talked about the access to the other triangle area and this would either be an agreement with KFC to get something in there.

Mr. Puccio – We were looking at that Mr. Costa brought up a street view and KFC maintains this area marked mulched and then there's a buffer of trees that goes along our property line. I haven't seen what it looks like in person but from what I saw from the Google street view it looks like it's blocked from their landscaping but I have to look at it but going back there and cleaning all of this and maybe putting down some ¾ inch gravel to make sure nothing grows and continue to maintain that.

Mr. Kurus – You need to get in and out.

Mr. Costa – You have to go around the back because you can't access it from KFC that's the issue. You should be able to come around the back.

Mr. Duffy – Who owns the fence in the back?

Mr. Puccio – I believe that fence belongs to us.

Mr. Duffy – So you have maybe not quite 4 feet from the fence line to the building?

Mr. Puccio – I haven't been back there in a very long time but I will make it my business to go back there.

Mr. Kurus – The area behind the dumpster that green area maybe a consideration for some at least landscaping adjacent to the dumpster but you're pulling it forward so maybe when we see the plan it's not as much of an issue but maybe some landscaping where that building comes down.

Mr. Costa – The only issue you have is you have drainage that runs through there so you've got to be careful with that. That's taking drainage from Market Street and it's running through the back.

Mr. Puccio – The grade changes a lot back there.

Mr. Duffy – It dips dramatically I know.

Mr. Costa – It's back pitched.

Mr. Schilp – Where do you intend to put the shut offs for the EV stations?

Mr. Puccio – I don't know what the code is but whatever the code is we will follow it.

Mr. Schilp – They're going up all over the place everybody has to do them unfortunately and one of the places that didn't have to come here the shutoffs are totally inaccessible so God forbid something happens and we want to shut them off and there's a fire at the charging station you can't shut it off there you need to be able to shut it off someplace that's safe.

Mr. Puccio – That's a good point.

Mr. Costa – Have access to the actual electrical room or you would have to be outside which would you prefer?

Mr. Schilp – Wherever you can put it that we have access.

Mr. Costa – The Fire Department should have access with I think a Knox Box.

Mr. Schilp – We have Knox Boxes all around but I just would like they put this one up and they ran wires right from the panel right out.

Mr. Costa – And no disconnect.

Mr. Schilp – No you'd have to go inside and find the breakers and shut the breakers. We'd rather have a physical shut off just go out and shut it down.

Mr. Costa – Okay.

Mr. Schilp – Are they going to be fast chargers or slow charger or you haven't made up your mind.

Mr. Puccio – We haven't made up our mind that space is evolving every day.

Mr. Schilp – Does it work with a credit card?

Mr. Puccio – Yeah everything works with a credit card.

Mr. Schilp – That's all I have.

Mr. Duffy – Can I have a motion to open 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 Mr. Montalbano. You are still sworn in.

Mr. Montalbano – Okay where the dumpsters are going the buildings coming the garage is coming down.

Mr. Puccio – Correct.

Mr. Montalbano – Is he dumpster moving backwards?

Mr. Puccio – That’s something we’re discussing changing right now. The dumpsters may not go where we’re proposing them on the plan. They may actually stay where they are and make that area a little bit larger to accommodate more containers.

Mr. Montalbano – The drain area is a hill that goes down because that’s the culvert that goes right down Fifth Street through my yard and keeps going out to the tracks. That’s one of my concerns is how far are these dumpsters coming back?

Mr. Puccio – Because of the slope if they were to remain they would not be able to go that far back because they would just roll into the fence. We’d have to put a fence to stop them and grade it where it’s manageable and they don’t roll back.

Mr. Montalbano – I’m sure the garage has a slab that you could probably use.

Mr. Duffy – Mr. Paparozzi can show you where it’s proposed.

Mr. Paparozzi shows on the plan where they are thinking about putting it.

Mr. Montalbano – The Buffalo Wild Wings where are they putting all their waste grease now.

Mr. Puccio – Wherever the garbage is now is going to remain there and I believe somebody asked a question about the grease. That’s the way that most restaurants dispose of the grease in those containers because it gets recycled. They clean it and reuse it so that’s why it’s there recycling system. It’s a service.

Mr. Duffy – So it’s where they’re stored is the question.

Mr. Puccio – In the garbage area.

Mr. Montalbano – The one that’s there now the fence kind of got mangled with the neighbor’s and it just got laid out in the wide open.

Mr. Puccio – It’s not in the space I didn’t know that. If there’s any concerns you can call our management office at any time and it would actually be helpful if somebody pointed something out that one of our tenants are not telling us.

Mr. Paparozzi – A suggestion would be on especially Buffalo Wild Wings the grease have the pick up so they can recycle it just like they would have on deliveries have a separate pickup just for that because you don’t want to put it in the dumpster area because you can’t put it in the dumpster and then you’ll put it on the ground and then you’ll have the same issue that Mr. Montalbano is talking about. That would be a suggestion that since it has to be recycled that it gets stored there and then picked up right there.

Mr. Puccio – With Buffalo Wild Wings because they’re on an end cap it would be possible and I’m sure they already do this. There’s a system where you have a silo inside the space and they actually connect on the outside of the wall and they drain the dirty oil out and then they send clean oil in so there’s two silos in the space. I will look into it because they could do it because they’re on the end cap. Most restaurants that use a lot of frying oil use that system.

Linda Kasica of 498 Dewey Avenue comes forward and is sworn in by Ms. Testa.

Ms. Kasica – My concern is the lighting. The architect already answered that the lighting will not change on the building how about the parking lot and now that they’re going to clean up that green triangle will there be lighting there shining in my windows?

Mr. Puccio – There’s no proposed lighting in the triangle. The site lighting is all being updated. I think Mr. Costa can answer whether we’re adding lights or not.

Mr. Costa – All LED’s it’ll match code the good news with LED’s similar if you walk outside in this parking lot all LED lighting you can actually adjust it.

Ms. Kasica – So they’re facing down.

Mr. Costa – Facing down and if it’s an issue what I normally say we’re back within six months and if it becomes a nuisance to you call management. My number is on these plans I’ll give it to you.

Ms. Kasica – I don’t want to talk to management.

Mr. Costa – Call me or call the Board professionals.

Mr. Costa gives Ms. Kasica his office and cell phone numbers.

Ms. Kasica – I’m just concerned that it’s not going to blaring in my windows like KFC right now.

Mr. Duffy – There’s no lighting in the green area.

Ms. Kasica – Thank you.

Mr. Duffy – Anyone else wishing to be heard? Having heard none.

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

Ms. Kasetta – Our last witness will be our traffic expert Nicholas Kennedy.

Mr. Duffy – We're going to take a 5 minute break.

Ms. Kasetta – As I mentioned our final witness will be our traffic expert Nicholas Kennedy and once he's sworn I'll defer to the Board on whether he needs to be qualified he has testified before you recently.

Mr. Kennedy is sworn in by Ms. Testa. He gives his business address as 92 Park Avenue in Rutherford, New Jersey.

Mr. Duffy – Mr. Kennedy has appeared before us a number of times he is acceptable.

Mr. Kennedy – I think you've heard kind of a mix with some traffic testimony in there tonight. We prepared a traffic and parking assessment report that was dated February 16, 2024 and we looked at two things we looked at both the trip generation and traffic generated by the change in this development going from a commercial retail space to four residential units. Then we looked at the onsite circulation and parking. Starting with the trip generation and the traffic that would be generated. When you look at retail uses you look at higher turnover uses generating more trips per day than you do for a single family resident or a small apartment unit like this. When you look at the actual ITE trip generation the traffic generated by the site as a whole so the 17,000 square feet or so of retail that would remain and the four residential units would actually generate less traffic than it does today. It's very comparable but it actually would be less. The residential units maybe have a trip or two a day. Maybe go from work to work and then another trip here or there but again it's only four residential units you're looking at very minor traffic throughout the day. I think we've heard a decent amount of testimony about the parking the parking lot the restriping. I did update my numbers but I think Mr. Costa did a good job explaining the difference between the existing lot and the proposed lot. Today there are 94 spaces on site and proposed there would be, with a couple of changes, 102 parking spaces. The plans right now are 104 but if we change the dumpster location that would be 102. There would be an increase of 8 spaces compared to what's existing today. The parking required today is 123 spaces where as required under the proposed plan is 110 so what you're seeing is an increase in the supply of parking while you have a decrease in the demand so generally a benefit for the site. You have more parking and need less. That's a 29 space difference between the requirement today from what's out there today and now an 8 space difference between the requirement under the proposed condition and what we're proposing on the site. Our office did conduct parking counts those were done Thursday February 8th and Saturday February 10th a total of 8 hours we conducted parking counts every 15 minutes just to get a better understanding of how much parking does this site actually need. A lot of these strip retail plazas like this generally generate less parking. They have lower turnover uses than some of your larger retail developments. What we found was the maximum parking demand onsite during those 8 hours was 31 cars again there's 94 spaces today that leaves about two thirds of the lot empty. Generally it varies between 15 and 25 cars throughout those peak 8 hours but again you're looking at a lot that general has a lot of parking available so again we're increasing the supply lowering the demand. It's a lot that has plenty of parking available today and four residential units which don't need a lot of parking in and of themselves. We think the parking that's proposed is certainly adequate to support not only the existing uses to remain but also the proposed residential units. Just to get into a little bit about the deliveries because I know it's come up a few times. What I talked to the applicant about is the deliveries today are via sprinter van. Essentially they pull into a parking space in front of whichever retail development they are. They unload their delivery and they leave. I don't see an issue with continuing this it's an existing condition. According to the applicant it works just fine navigating the site getting in and out of the parking spaces but I'm open to hearing any ideas. If we need a loading space I think we could come up with something. If we need to maybe lose one more parking space and add some striping for a larger loading space and a dedicated loading space that is something we could do but again I want to stress the existing retail developments that are remaining they're loading and unloading their deliveries would remain the same as they are today under the proposed condition. That's it I'm open to any questions.

Ms. Kasetta – Just to clarify if the Board does wish to see a dedicated loading area you're more than comfortable with the parking supply at this property being able to accommodate the loss of another space or two in order to provide that.

Mr. Kennedy – Absolutely as I said there's 31 spaces utilized today. I understand there's a couple of vacant retail developments but again I think it's in the range of two to three thousand square feet is vacant. You're talking about maybe 10 more parking spaces that would be utilized still leaving about 50 unoccupied. The additional 8 that are required for the residential units I have no concerns over the amount of parking that's on the site if we lost 3 maybe 4 spaces for both the dumpster and the loading zone.

Mr. Duffy – In your opinion where would you suggest the loading zone?

Mr. Kennedy – My suggestion would be the potential to eliminate the end parking space and maybe add some striping maybe widening that space a little bit to ten or eleven feet. Just so a box truck or sprinter van easily have a spot available to them and it's dedicated for them and maybe additionally one down in the area of the bank and the subway. The spot itself probably doesn't matter too much but maybe 5 or 6 spaces in so you're right in the middle of that area.

Mr. Paparozzi – I think that would be a good idea if you just put two because I don't know if the bank uses an armored car or a sprinter just to protect the Township on the change of use where they might need a box truck. Number two just a correction for Mr. Kennedy the spaces now as opposed to the spaces proposed is probably close to the same. The 110 that are required now is actually 116 required. They get an EV credit and the 123 required now would get a 13 spot credit as well. That would also be 110 so the parking is actually the same it's not a decrease with the proposal, not that it matters. I think the parking is ample as Mr. Kennedy testimony and Mr. Costa's testimony but I just want to make that correction.

Mr. Kurus – I think adding the loading spaces is helpful. I don't have any comments on the parking I think there's enough parking.

Mr. Duffy – There's no designated spaces for curb side pickup or anything like that?

Mr. Kennedy – I don't believe so.

Mr. Schilp – Are you going to designate any spots for the tenants or is that first come first serve as well?

Mr. Kennedy – I believe some of the spaces up on Market Street where the EV spaces are located I believe some of those will be dedicated for the residents. I don't believe there's a set number at this point but some of the spaces closest to the residential entrance.

Mr. Schilp – Thank you.

Mr. Duffy – What's the requirement for the total number for the residents?

Mr. Paparozzi – It's 8 because RSIS is 2 for the two bedroom and 1.8 so 7.8 which would be 8.

Mr. Duffy – Okay.

Mr. Paparozzi – In defense of the application the overnight parking most of the businesses will be closed and if the residents are working so you do have that mix of time where the residents are working they come back from work at five six o'clock the bank will be closed and some of the other businesses will be closed and then overnight they will all be closed so the overnight parking will not be an issue as well. The actual demand will be 8 spaces for the residential.

Mr. Duffy – There's no requirement as to where as long as it's available.

Mr. Paparozzi – No again like I said the mixed use the businesses will be closed so the overnight parking which is always the issue the lot would be empty.

Mr. Duffy – So if they have to walk a few spaces it doesn't matter and they have to walk the whole property to get to the dumpster.

Mr. Duffy – Anybody have any further questions? Can I have a motion to open the meeting?

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.

Ms. Kasetta – That was all the testimony we intended to present tonight so at this point I'll just briefly sum up. I do believe we have satisfied the criteria for the variances requested and to respond to Mr. Paparozzi we were not arguing about existing conditions needing variances versus not. We did request all of them. I think our overall point was that for the vast majority of those conditions the property will not look any different than it does today. With that said we are requesting the relief we do believe that this project has a lot of benefits. The shopping center has been an anchor on Market Street for a very long time and it is overdue for some rejuvenation. We're proposing a use upstairs that is within the intent of the Affordable Housing overlay we're well below the maximum permitted density for that and although we do need a

parking variance I think we've clearly shown that this property can accommodate all of the parking that's required. It's just this lot is never full so what we're proposing is within the limits of what this property can accommodate. I don't really see any detriment to the public good impairment to the Zone Plan as Mr. Costa testified just wanted to reiterate some of those things because we went a little out of order. As always we appreciate your time tonight we would appreciate a vote of approval this evening subject to the conditions that we discussed and some of the modifications to the site plan which I'm not sure if you want to discuss a little further because I don't know that we conclusively determined what changes the Board would like to see so I'll leave that up to you. Thank you for your time and attention.

Mr. Duffy – If we do decide to go forward with the vote this evening you know that you have 6 members.

Ms. Kasetta – Yes we do.

Mr. Duffy – Is there any other concerns or anything that we talked about to this point or things that we need to clarify? We need to get into a little bit of clarification about the triangle area and the area behind the building. For me walking around and viewing it the fence we've already determined is the property owner's fence which has tree limbs and such growing in and the fence is destroyed by that. That would have to be especially because it's the only access to get around the back of the building by the property owner so that will have to be cleaned up. I think we should clarify that in any vote that's on this evening. I make a motion that we approve the application but before we get a second let's go down the list to make sure we have everything covered.

Ms. Testa – No barbecues allowed on the terraces.

Mr. Duffy – That's already by code so we don't need to include that.

Ms. Testa – The applicant to clean the triangle area in the rear, the fence to be replaced, the parking the two spaces where the dumpster will be located, an enclosure for the dumpster and the recycling and the trash be separate, some form of separation so the residents and the tenants know the separation, a loading zone to be placed in two areas by taking away two of the parking spaces.

Mr. Duffy – One towards the end of the building and the other approximately in front of the bank and you can determine where.

Ms. Testa – Provide landscaping on the Market Street side, sprinkler as far as the residential stairwell and hallway on the second floor.

Mr. Schilp – I believe in a mixed use you're supposed to have it.

Mr. Mazzer – It could be required but let the architect decide. If you need it in a mixed use you sprinkle.

Mr. Duffy – We've covered the parameters on the variances required.

Ms. Testa – Yes.

Mr. Schilp – A shut off access for the EV chargers.

Mr. Duffy – Yes.

Ms. Testa – A shut off for the EV to be placed in a location where the Fire Department will have access to.

Ms. Testa – The restaurants with regards to the grease will have some sort of system in place. It won't leak out into the area.

Mr. Duffy – There was a pump recovery system correct?

Mr. Schilp – Yeah.

Ms. Testa – If lighting is an issue the applicant will work with the adjacent property owners.

Mr. Duffy – Yes. So we have a motion on the floor.

Mr. Schilp – Second.

Mr. Duffy – Roll call.

Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Francin, Mr. Manzo, and Mr. Duffy – YES.

Ms. Kasetta – Thank you very much.

6. RESOLUTIONS

- A.) Approval for Janelle & Josue Badia, 53 Jamros Terrace, Block 1302, Lot 7
- B.) Approval for Matthew Kelley, 101 Graham Terrace, Block 1508, Lot 11
- C.) Approval for IV3 74 Kenny Place, LLC, 74 Kenny Place, Block 1008, Lot 3

Mr. Schilp makes a motion seconded by Ms. Murray to approve the resolutions.
Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Francin, Mr. Manzo, and Mr. Duffy - YES

7. MINUTES

Meeting of March 4, 2024 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, 2/23/24 (487 Market Street)

Gary Paparozzi to the Zoning Board of Adjustment, 3/10/24 (487 Market Street)

Anthony Cialone to Inhale Industries, Inc., 3/5/24 (249 Route 46)

Bergen County Planning & Engineering to Ready Spaces Management, LLC (575 N. Midland Ave.)

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

9. VOUCHERS

Basile Birchwale & Pellino, 3/08/24, Badia, 53 Jamros Terrace, Block 1302, Lot 7 \$250

Basile Birchwale & Pellino, 3/08/24, Kelley, 101 Graham Terrace, Block 1508 Lot 11 \$250

Basile Birchwale & Pellino, 3/22/24, IV3 74 Kenny Place, LLC, 74 Kenny Pl., Blk 1008, Lot 3 \$1,083.75

Paparozzi Associates Inc., 3/06/24, IV3 74 Kenny Place, LLC, 74 Kenny Pl., Block 1008, Lot 3 \$98.60

Paparozzi Associates Inc., 3/12/24, Puccio IV, LLC, 487 Market Street, Block 705, Lot 29 \$937.50

*** The following items were added on 3/26/24.**

* Neglia Engineering Assoc., 3/20/24, Ready Spaces, 575 N. Midland Ave., Blk 1701, Lot 1.02 \$102.50

* Neglia Engineering Assoc., 3/20/24, Puccio IV, LLC, 487 Market Street, Block 705, Lot 21 \$1,707.50

* Neglia Engineering Assoc., 3/20/24, IV3 74 Kenny Place, 74 Kenny Place, Blk 1008, Lot 3 \$1,022.50

* Neglia Engineering Assoc., 3/20/24, Kelley, 101 Graham Terrace, Block 1508, Lot 11 \$205.00

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 heard none.

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

11. ADJOURN

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

Meeting adjourned at 9:17 pm.

Respectfully submitted,

Frank Barrale
Zoning Board Secretary