

**TOWNSHIP OF SADDLE BROOK**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**February 5, 2024 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday February 5, 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. Schilp, Mr. Burbano, Mr. Francin, Mr. Manzo, Ms. Nobile and Mr. Duffy – Present Mr. Tokosh, Mr. Mazzer and Mr. Marz are absent. Mr. Cialone the Board Attorney, Mr. Kurus the Board Engineer and Mr. Paporozzi the Board Planner are also in attendance.  
Mr. Manzo, Ms. Nobile and Mr. Francin sit in for Mr. Tokosh, Mr. Mazzer and Mr. Marz.

**5. NEW BUSINESS**

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

Applicant requests a microbusiness cannabis cultivation and retail establishment that does not conform the Zoning Ordinance for the Township of Saddle Brook, as it exists today. **(Applicant was carried without further notice from the October 2<sup>nd</sup> meeting due to a request from the owner of a neighboring property objecting to the application and requesting an adjournment so they may be heard at the November 6, 2023 meeting. The applicant did not complete their testimony at the November meeting and have been carried to the December 4, 2023 meeting without further notice. The applicant did not complete their testimony at the December 4, 2023 meeting and was carried again without further notice to the January 8, 2024 meeting but were unable to appear and asked to be carried to the February 5, 2024 meeting).**

Mr. Dellavecchio the applicant's representative comes forward and tells the Board that he has a new attorney and would like to request an adjournment until the March 4, 2023 meeting.

Mr. Cialone asks that he state for the record that he waves the tolling of time for the application.

Mr. Dellavecchio formally requests the adjournment and waves the tolling of time.

Mr. Duffy makes a motion seconded by Mr. Schilp to carry the application without further notice to the March 4, 2023 meeting.

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

Mr. Duffy makes the announcement that this application is being carried without further notice to the March 4, 2023 meeting.

**A.) Christopher & Kateryna Villanueva, 106 Jamros Terrace, Block 1203, Lot 17**

Applicant requests a rear addition, second floor addition, and an in ground pool with additional concrete walks that do not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

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

Christopher and Kateryna Villanueva are sworn in they give their address as 106 Jamros Terrace, Saddle Brook, New Jersey.

Tomasz Bona is the architect for this project and he is also sworn in by Mr. Cialone. He gives his address as 26 Fourth Street, Wood Ridge, New Jersey.

Mr. Bona gives his qualifications to the Board and he is accepted as an expert witness.

Mr. Duffy asks Mr. Villanueva to walk the Board through what it is he is proposing to do.

Mr. Villanueva – We moved to Saddle Brook about nine years ago we have two kids. We have a son who is seven and a daughter who is five they both go to Smith School. They're both active in rec sports soccer, football, baseball and now wrestling. That's my son and then for my daughter she signed up for softball last spring and now doing cheer. We also have due to the situation in Ukraine we also have my mother-in-law she is staying with us permanently with the war and no end in sight fortunately we have her staying with us. She's been with us for a year and a half. We love Saddle Brook over the years we've come to know the neighbors and we realized almost all of them grew up here or made their way back here and basically we decided to make a choice to stay here in the long term and in doing so we are making the case to plan and make adjustments to adjust to the lifestyle of our family. The three components that showed in the review plans are the expansion of the second floor which is the new location of the office and the master bedroom. I work in the IT industry so working from home is second nature. I've been doing it since 2005 and now with post COVID now I'm doing one hundred percent work from home and with the COVID changes to our workplace now my wife is working from home two times a week so we're crammed in right now in the basement talking over each other and after school we have the kids coming in and you'll hear their footsteps running around so it gets a little distracted sometimes when we're on a call so we'd like to have ideally upstairs so it's isolated from the kids and focus at work. The second component is the expansion of the kitchen replacing the existing deck. That will allow us to have a more open space. Right now we have a limited cabinet space in our kitchen and we store all of our kitchen items half in the kitchen and then we have shelves down in the basement we have to go up and down to get dinner going and I have also a brother in Saddle Brook and his family comes to visit on a regular basis. My family also are nearby so they come to see the grandkids. My other brother also is nearby so we have a full house on the weekends. So having a limited space it's difficult sometimes to entertain so ideally we would like to have an extended space for friends, play dates, neighbors to come and so forth. The third component is in the midst of renovating the house I think is also a good time to also improve the backyard space so we're thinking of improving the patio and then adding an in ground pool. We've used facilities around us we went to Rochelle Park for a couple of pool days. We signed up for the Paramus family pool plan for a couple of years. We go down the shore on the weekend to utilize the beach so we like to be entertained by pool so having equipment in the backyard would enhance not only for the kids but for our neighbors and family and friends. I would like to conclude and ask if there are any questions.

Mr. Duffy – I would like your architect to walk us through the plans.

Mr. Bona – It's a corner property we are looking for a handful of C variances. It's a property located on the corner of Rugby Road and Jamros Terrace. We have a conforming corner lot of 75 by 115 on the corner of Rugby Road and Jamros Terrace. Our main challenge here was that we are observing two front yard setbacks. We are observing 25 feet off Jamros and we have a 20 foot setback on Rugby Road. The area of the house located along Rugby Road is where the applicant was interested to improve on significantly adding second floor and a two story addition in the rear. In alignment with the existing residence creates a situation where we are encroaching into the front yard setback and we're looking to allow us to reduce that setback from the required 20 feet to the existing and continued 15.8 feet as per the property survey. This is the proposed second floor addition over the existing footprint. Then in the

back there was an existing deck which we are proposing to remove so we're reducing some of the impervious coverage. We're also taking away some of the concrete paving that was located on this side of the house and that results in just a slight increase of total improved coverage despite the fact that we're adding a pool in the backyard. Our second variance is we ask for improved lot coverage where 44% is the maximum we're proposing just a slight increase of 46% as it results from the calculations of what we removed and what we've added on. The two story addition in the rear features an expanded kitchen and family area and then over on the second floor there's a master suite and office located in this wing of the house. The other variance the third one on the list is related to the accessory building coverage. Our total building coverage we are fitting within the limit of 26% and the principal structure is also fitting within the limits. Our accessory the pool and the shed is pushing us slightly over on the accessory coverage. So from 18% permitted we are asking to permit 27.4% which is mainly driven by the fact that we added the pool. Again I would like to confirm that the total impervious coverage increase only 2% and the total building coverage is still within the limit of 26%. The applicants are entertaining an existing concrete patio in the rear of the property it's now going to be nested into the elbow of the addition and the existing house. Adjacent to this patio we'd like to locate the pool. There's an existing shed located within the 10 foot easement along the back of the property. The proposed pool is about 30 by 15 feet so the position of the pool is right at the edge of the existing concrete patio and it extends back towards the shed and the easement. As the engineer has noted it creates another variance here we're only 4 feet away from the shed instead of 6 however this is not a very heavily used area and it seems that this will be practical from the owner's perspective too. Another proposed improvement is reconstruction of existing steps and front porch with the stoop and the roof which does not trigger any variances. This is part of our proposed improvements. Drawing Z2 is our second sheet it shows the first floor and the greyed out portion of the plan is the areas we're not touching. The areas that are not greyed out is the proposed area of operation and the addition in the rear. The objective here was to open up the existing living area and dining room, remove some walls to create more open space and then in the addition to accommodate a kitchen and dining so that the backyard is visible from the kitchen and there is direct access via steps to the existing patio and pool area. Drawing Z3 shows second floor plan and here I'd like to highlight that this is the area of the second floor addition partially within the existing footprint and then over the new addition in the back we have a master suite here accessible by the existing steps that were reconfigured as well as the office that the applicant would like to entertain on this floor. There were additional two bedrooms in the rear of the existing footprint of the building that we're combining into one. There's no net increase in the number of bedrooms with this application. Sheet Z4 shows exterior elevations. On drawing number one we can see here the dashed lines represent the profile of the existing residence and the overlay of the new two story addition and on Rugby Road is visible here. Drawing number two is our front elevation. We're proposing modern expression with utilization of facade materials that are consistent with the fabric of the neighborhood. It's what's being built these days. It's what people like to see on their houses. Again a new front stoop with steps, modern cement siding and then also introduction of some shadow lines additional canopy over the garage door to screen the garage entry for the elements. Drawing number three shows the rear facade of the building. On the left side of the drawing you see the existing portion of the house on the right side is the new two story addition with wooden steps access from the kitchen dining area directly to the concrete patio. To go back to the site plan there are no other properties on the other side of Rugby Road so this is sort of the end of the residential zone there is a forested area. We don't believe that this proposed addition will be a nuisance to anyone. It also aligns with the adjacent building on the adjacent property. This application will enhance the neighborhood and will contribute to the betterment of this part of the Town with a modern look and a reasonable in our opinion ask for the expansion of this residence.

Mr. Kurus – One of the items we noted was there is a storm and sanitary easement in back there's no impacts to that. There's no changes to the shed which is existing.

Mr. Bona – That is correct. There is one item that was noted that we haven't proposed a location for the pool equipment. There's two options and if we can't put it next to the shed on the easement we would

like to put it all the way in the back and if this is not an option then we can locate it behind our new addition next to the steps.

Mr. Kurus – I don't think you're going to be allowed to put it in the easement.

Mr. Bona – We can locate it behind the house.

Mr. Kurus – Okay. I just want go over there are four variances, accessory coverage, distance between the pool and the shed, front yard on Ruby and impervious coverage. You came up with a higher number than the Zoning Officer.

Mr. Paparozzi – That's because the architect used a survey that was ten years old. In the package there's a survey from 2023. Mr. Bona used a survey which the Board does not accept after five years and used a survey that was ten years old. I think that's where the difference comes in so quite frankly Mr. Bona should revise that plan to show the current survey because there are no hedges there is no chain link fence on the sides. There are some changes the setbacks are three to four inches different. I think what happened was Mr. Ambrogio used Mr. Bona's numbers and he came up with that was okay and I don't know what numbers that Mr. Bona used but it looks like there is a variance for maximum lot coverage. Also Mr. Ambrogio did not call for the front setback as a variance he said it's preexisting but obviously it's been extended so the variance is being exacerbated so that becomes a variance and the other two that Mr. Kurus just mentioned. The pool equipment is not shown on the architect's plan. There are setbacks and requirements especially there is an easement in the back so that should be shown on the plan as well if Mr. Bona has to make a revision to conform to the current survey and to the variances listed. He does not list the distance between the pool and the she which is also a variance.

Mr. Cialone – I see that the date of the Zoning Official's denial is September 12, 2023. This newer survey is dated October 20, 2023 so I'm guessing Mr. Ambrogio's numbers are not based on existing conditions.

Mr. Paparozzi – Exactly.

Mr. Bona – The survey was prepared after this package was submitted to the Town. I think it was requested that an updated survey be submitted and that's the one you have in your hand.

Mr. Cialone – This plan was prepared July 10, 2023 so I'm not sure why Mr. Ambrogio and the architect have different numbers.

Mr. Paparozzi – Because Mr. Ambrogio used the old survey.

Mr. Bona – I used the old survey.

Mr. Cialone – So they both used the old survey and they have different numbers so I don't know what is the actual.

Mr. Kurus – The proposed would be correct because the proposed is all encompassing right.

Mr. Paparozzi – Yeah but they're different numbers. The architect has different numbers than the Construction Official for total lot coverage but I would suggest Mr. Bona submit this survey to Mr. Ambrogio and also I think the Board doesn't accept a survey after five years so it should have been marked incomplete and asked for the updated survey and maybe they would have had the same number but they do have the survey it's just not incorporated in Mr. Ambrogio's report and in the architect's plans.

Mr. Bona – Should the application be approved we'll have an opportunity to revise the site plan and base it on the survey that was done.

Mr. Paparozzi – That's what I would suggest and also showing the pool equipment because there are setbacks for that as well.

Mr. Duffy – They initially were going to look to put it by the shed but that's a sewer easement so that can't happen. We now know it's going to be located behind the addition.

Mr. Paparozzi – There's a setback from the house to the pool equipment and if it's not a certain distance from Rugby Road it would have to be enclosed with some sort of fencing or shrubbery to make less noise.

Mr. Cialone – If you use the applicant's numbers you cover it. Mr. Ambrogio's numbers are lower than the applicant's. It should be reconciled at some point.

Ms. Murray – What's the dimension from the shed to the property line because you don't show them?

Mr. Bona – Does it show on the new survey?

Mr. Paparozzi – It doesn't show on the new survey as well but it looks like about two feet.

Ms. Murray – If you do anything to that shed just keep in mind that you have to put it to the proper distance.

Mr. Bona – We have no intentions to touch the shed.

Ms. Murray – I was surprised the doors open towards the pool and they're double doors so I'm going to guess they're three feet each so you only have a four foot walkway before the pool that's kind of close.

Mr. Bona – The door clears the edge of the pool it's located closer to the property than side of the property.

Ms. Murray – The doors are right in the middle I was there. They are in the middle with windows on each side. The other thing I had is correct me if I'm wrong but if a room has a closet in it it's considered a bedroom. This is a five bedroom so I would say you may have to take the closets out of the office in order to keep it a four bedroom and an office. At this point it's a five bedroom and then our parking goes up to three cars. You can do whatever you want either three parking spots or take the closet out.

Mr. Paparozzi – I don't know how wide the driveway is but they have a garage.

Ms. Murray – They have a choice. They can take the closet out and then it's still a four bedroom with an office or they have a five bedroom and leave the closet in and then provide an extra half a parking spot.

Mr. Bona – They have three parking spots.

Mr. Paparozzi – They have three.

Ms. Murray – As long as that's covered that was my concern.

Mr. Schilp – How did you get three spots?

Mr. Paparozzi – Two in the driveway and one in the garage.

Mr. Schilp – You can get two in that driveway.

Mr. Paparozzi – It scales 17 and a half feet by code it's supposed to be 18 so I'm assuming you're right there.

Ms. Murray – The documents should be updated accordingly so that it shows that you're providing three spots and it's a five bedroom.

Mr. Paparozzi – Yes the architect has some revisions to make.

Mr. Bona – There are a couple of other items from the engineer's letter that are probably worth mentioning. The grading and drainage plan was requested for the additional coverage. We're looking to provide a drywell of some sort to intercept some water if that would be satisfactory.

Mr. Kurus – Yes.

Mr. Bona – Do we also need to provide it's a flat land do we need to update the survey with topography or the current survey is acceptable?

Mr. Kurus – You need some topography at least for the backyard where the pool is just to show you're not impacting the neighbors.

Mr. Bona – I believe there was a last item from the letter. The roof drains are supposed to be.

Mr. Kurus – If you take it to a dry well then that would be okay.

Mr. Schilp – My only question would be if they would consider widening the driveway a little bit. I know that means you're making more coverage but I'm sure both of you have cars and shortly the kids are going to have cars. I don't know whether your mom has a car so you'd wind up with five cars and when it snows in Town you're not supposed to park on the street. I watched five people drive up and park them on their lawns and stuff like that. It's just a comment because if you went to widen the driveway later on you'd have to come back before the Board again and if you get it all done in one shot but that's strictly up to you whether you want to do it. It's just a suggestion.

Mr. Bona – It's a very good suggestion now would be the time to do that. We could ask for another four feet times twenty five so another 100 square feet of space.

Mr. Duffy – It would probably change your number by a few percentage points.

Mr. Bona – Probably another percent or percent and a half.

Mr. Manzo – I just want to know where they're going to flush the pool filter out onto Rugby.

Mr. Duffy – Backwashing of the filter where is that going to be backwashed to?

Mr. Bona – I guess that's a question for the applicant.

Mr. Villanueva – I have no experience with pools.

Mr. Schilp – Say Rugby Road.

Mr. Duffy – You can't backwash to your neighbor's house. I don't know what type of system you're going to have.

Mr. Bona – The pool equipment will not be located next to the neighbors. It's going to be on the Rugby Road side behind the addition. There's a pool in the way to any property so I don't believe backwashing would affect the neighbors.

Mr. Burbano – Sorry if I missed it if it has a closet doesn't it have to be called a bedroom?

Mr. Duffy – That would raise it from a four bedroom to a five and it will change the parking. They can take the closet out but if I'm correct that's also the access to the attic is inside that closet. You have the attic door on the wall.

Mr. Bona – Access to the attic is inside the closet.

Mr. Duffy – That's one of the reasons you're burying it inside the closet. You have to decide which way you're going to go this evening whether you're going to stay that way.

Mr. Burbano – I just wanted you to know if you add that spot and you have an office with a closet they're going to call it a five bedroom and you're going to be taxed as such. A curiosity question you split that back bedroom and that's for two children or.

Mr. Villanueva – Yeah we have two small children.

Mr. Duffy – The air conditioning units are staying outside in the same spot.

Mr. Villanueva – Yes they're staying where it is.

Mr. Duffy – The fence isn't changing.

Mr. Villanueva – No.

Ms. Nobile – The stairs are going down to a sliding glass door is that correct?

Mr. Bona – There's a sliding door located on the lower level of the existing area. It's a playroom correct.

Mr. Villanueva – Yes.

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

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

Mr. Duffy – Having heard none.

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

Mr. Schilp makes a motion to approve the application with the following stipulations.

Mr. Duffy – Let's go down the list.

Mr. Cialone – Reconciling the maximum lot coverage and maximum accessory coverage, pool equipment behind to the rear of the new addition and needs to be shown, the front setback to Rugby Road.

Mr. Paparozzi – Four variances.

Mr. Cialone – Minimum corner yard, maximum accessory coverage and maybe maximum lot coverage and then pool distance to accessory structure, extend the width of the driveway by four feet.

Mr. Duffy – So that three cars are taken care of.

Mr. Cialone – Backwashing of pool directed to Rugby Road and then the engineer had the drainage.

Mr. Kurus – A grading and drainage plan for the rear yard for the additional impervious coverage.

Mr. Duffy – The talk about the drywell.

Mr. Kurus – Yes a drywell or something similar.

Mr. Cialone – The new impervious and the drywell needs to be shown on the plan.

Mr. Bona – And the updated survey.

Mr. Duffy – Yes.

Mr. Cialone – Needs to be put on the plans.

Mr. Duffy – Just repeat that back before we get a second.

Mr. Cialone – The applicant and the Zoning Officer need to reconcile the maximum accessory coverage and the maximum lot coverage, the pool equipment to be located at the rear of the new addition it has to conform to setbacks and the plans have to be revised to show the location of the pool equipment. The width of the driveway will be extended by four feet to provide for an additional parking space. The pool will be backwashed to Rugby Road. Applicant to provide drainage and grading plan for the rear yard for new impervious coverage. Needs to install a drywell and show it on the plan and the updated survey needs to be put on the plan.

Ms. Murray seconds the motion.

Roll call - Ms. Murray, Mr. Schilp, Mr. Burbano, Mr. Francin, Mr. Manzo, Ms. Nobile and Mr. Duffy – YES.

**C.) Chefler Foods, LLC, 400 Lyster Avenue, Block 1009, Lot 9**

Applicant requests a one year extension of the approvals that were granted on November 7, 2022 by the Zoning Board of Approval.

Charles Sarlo comes forward to represent Chefler Foods.

Mr. Duffy – Thank you for coming this evening. We as a Board wanted to get you in here and find out what's going on before we take any action on the request. I'm going to open it up to the Board members because that's mainly why we wanted you to come and talk to us. It was over a year a year and a half ago and we really went to great lengths to come up with a plan and get that taken care of and the concern is nothing has happened. That's why you're here this evening.

Mr. Sarlo – Before you open up to the members of the Board if I can go through a timeline.

Mr. Duffy – Sure.

Mr. Sarlo – That may be helpful there's always two sides to every story as they say. Thank you for your time. Chairman you're right this was an application that took some time to get the approval. The Board members did graciously review the application. We were here on a number of occasions during the actual application. Even during that period of time there was adjournments for a number of different reasons. From the time I had actually filed the application to I think the date of the approval that in itself was a year. In November of 2023 I submitted a letter which I believe you have in front of you asking for a one year extension for the approval. Why did I ask for the one year extension? The ordinance in Saddle Brook says that variances will expire in one year however there's more to that. One year is one year but the wording of that provision in the code basically says one year from the date of publication of the resolution. Some of the Board members may or may not be familiar with the process but I know that you all know that after tonight you approve this application next month you're going to adopt the resolution. After that generally the applicant's attorney publishes that in the newspaper. They get the resolution from the Board secretary and they will publish it in the newspaper and from that date of publication there is a 45 day appeal period where any interested party can appeal the Board's decision to the courts. Sometimes in most cases that if there is no members of the public during the hearing chances are it's not fool proof but chances are there is not going to be an appeal. You don't have to be present during the hearing to actually make that appeal to the superior court as long as you're an interested party. If you recall the Board members and I think there are some new Board members but during this hearing there was a lot of neighbors that turned out to voice their opinion. There was a strong potential that one of them could have hired an attorney and appeal the Board's decision. I only bring that up because the way the ordinance is written it's one year starting from the date of publication so right off the bat you take a law from a practical standpoint. If this was your money you have to prove that this individual got an approval for a residential house. They're not going to go and start hiring this architect to do construction drawings and hire a builder they have to get through that appeal period. The 45 days is only to file in court you don't have to then be served for another generally it's within a week or two so it's really like a 60 day timeframe before you know you don't have any lawsuits against you on the appeal. So your one year timeframe you take two months off. You get it down to ten months now this is not only for this application it's just my commentary as it relates to your ordinance so in my opinion your ordinance now shrinks the time period down to ten months. Then it says start construction well what does that mean to start construction. Let's work backwards to start construction. You have to get a construction permit. Under the UCC when you submit an application for a construction permit under the UCC the Construction Official has 20 days to issue a construction permit or he can say this doesn't comply with the code revise your drawings and resubmit. That's a 20 day period so that's to start construction that's another three weeks you have to account for to try and comply with this ordinance. To start construction you have to get proposals so you've got to shop around and you have to get proposals and once you select a proposal you have to negotiate the contract, sign the contract and then that contractor has to schedule the work. The point is when you say

nothing's been done for a year it's not truly a year that any applicant has under your ordinance. The law says you towns can have these types of ordinances they can place a time period when you need to start either construction or some towns actually have from the time to pull a construction permit. The law says as long as it's reasonable and I'm not here to say your ordinance is unreasonable because that's not the reason we're here. The point I'm trying to make is when we say one year it's really a shorter period than one year because you have to wait 60 days like I said up front and then you have to get things in motion to actually start construction to comply with the letter of your ordinance. With that said as somewhat of a backdrop the resolution here I have a timeline that I created. The resolution was adopted on November 7, 2022. I published it I got it right away and from an attorney standpoint you want to get that resolution right away you want to publish it because you want to start that 45 day appeal clock. I was able to publish it on November 11, 2022. If you count 45 days from there you're at December 26, 2022 right in the middle of the holiday season. I'm not going to go point by point just kind of in the beginning here. We're at the end of the 45 day appeal period when somebody had the opportunity to file a lawsuit in the courts to appeal the decision. It's the holiday season if there was a lawsuit and there wasn't it could have been another week or two to get served which takes us to the beginning of the year in terms of 2023. Now we have an unappealable approval and my client Chefler Foods and I only have one copy but I can submit it and enter it into evidence if we want but did get a proposal from Let It Grow Inc. a very large reputable construction company that does landscape hardscape and all different types of projects. This is dated March 20, 2023 this proposal. Right after the New Year 2023 we have the unappealable approval within two and a half months we have a proposal in hand. The number came back significant the number is \$249,600. If you recall from the hearing Chefler Foods does not own this property they're a tenant and there was also a lot of discussion during the hearing in terms of did they really need this approval and the only reason I said that was we had a lot of history of what this property was used for and Chairman I recall you saying that you went to the technical night school if I remember and the back parking lot was jammed with cars. The current landlord who is the property owner also has a construction business and parks construction vehicles back there. It was somewhat represented in the lease that you could use the rear parking lot because the landlord was using it. Now here comes Chefler Foods as a tenant and starts to use the rear parking lot for vehicle storage and we get citations and orders to remove the trucks. To put a quarter of a million dollars into a parking lot that has a value to the business because again the whole argument before this Board was he needed this space to park the trucks but to put a quarter million dollars into a small area of the site that doesn't have a direct impact on the production and the revenue and when it was still questionable at least in our mind whether we needed this approval but not withstanding we went through the process to get the approval there was a pause and I think rightfully so. This is not a small dollar amount that we're talking about. My understanding is that management said okay what do we do we do need to use this rear parking lot but we have a big number here. The landlord is in the construction business and there was discussions with the landlord about hey we have to comply with our approval a lot of money can you do it cheaper than what we received this for will you help split the cost since you own the property it's going to be a long term benefit to the property things like that. Those discussions took place I don't have exact dates time went on and then in the August September timeframe nearby property becomes available for lease. I don't think I'm privy to disclose the actual location because my client isn't under contract or doesn't have a lease for it but within the general area of Chefler Avenue property becomes for lease. The management of Chefler says okay if we could lease this building we may not need the rear parking lot. If you remember I think at one point in time they had actually also leased Elmwood Park because they were growing. Elmwood Park is doing great to help their business out and this was now another opportunity and when you lease property when you're a manufacturing distribution company the properties have to make sense in terms of shuttling people and product back and forth. Elmwood Park was a little far away but it was the right size. This is a potentially good piece of property and the point would be if they can lease the property there would be no need to use the rear parking lot and that's a win win for everybody. That's a win win for Chefler they're not putting a quarter million dollars into a property that they don't own and it's a win win for the residents in that area that had concerns over putting the trucks there and we got the approval for. My understanding and I'm



not involved in the lease negotiations but it's a major player major land owner and the negotiations have started are ongoing there is no lease and that took us to the November timeframe when we said why try and sign the Let It Grow proposal and let's get started to beat the clock when we may be able to lease this other property and it's a win win for everybody including the neighbors. We were willing to in the November timeframe and nothing was done and I know there's some low hanging fruit but it's all tied up as conditions of approval and again for your Board members that were not here restriping the front parking lot I think some signage and things like that. The focus obviously was on the bigger picture but come that November timeframe we were willing to consent to doing even though we may not need this approval we may not need this rear parking lot we were willing back in November to consent to doing this low hanging fruit but we never got that opportunity because you wanted us in here. We were trying to avoid taking up your time taking up our time and coming in and at that time saying give us 60 days or 90 days and we'll do X,Y and Z the low hanging fruit. We're here now early February I had a conflict in January and here we are so that's our side of the story.

Mr. Duffy – I understand your definition of the timeframe. I don't agree with it a hundred percent. Construction is an open ended term the reason we wanted you to come in is to find out what the story was. We didn't hear anything we didn't see anything your Let It Grow that was yours you guys showed us that. We wanted some kind of paving we wanted something done in the back so you could stripe it but you couldn't stripe the dirt because that's futile. So that was brought to us and I agree \$250,000 for a tenant to that's an exorbitant amount of money but there are some other things that could have been done. We said that there was no more than ten trucks that could be parked and that's not always adhered to and we needed to have it lined. I mean there could have been some other things that you could have done and that's raised a concern because we did as good neighbors and I remember because I looked at the minutes and I'm big on saying that. That we acted as good neighbors and we felt that that was not being reciprocated and that was the reason why we wanted to bring you here. Not to interrogate but to this is a dialogue and you're asking a request and if I go by your numbers and your intent was expedient because you wanted to publish the resolution within days so your intent was originally to conform and then it fell.

Mr. Sarlo – That's not true in March we got a proposal.

Mr. Duffy – March a proposal did the signs go up for the standpipe? Those are the things that could have been done along the side by the fence some of those little improvements could have been made not the gate where it's closed and it's locked so nobody can go through so there's a couple of things that could have been done.

Mr. Sarlo – We said there was some low hanging fruit but the focus was obviously on the big. Honestly if we did some of those low hanging fruits we'd still be sitting here saying what about the parking lot and the landscape. We can't do the landscaping until we did the back parking lot. If we put signs up and we restriped I really believe we'd be here how come you didn't do the parking lot.

Mr. Duffy – You could have come back and said hey listen can we amend this gravel grid surface because this is not cost effective. I think that would have been a very fair question to ask at any point in time because you get something like that and that figure I could see that would frighten anybody away. There could have been some things and that's what we're trying to get to the point here and I know there are some Board members that have some questions so I'm going to let the Board members ask their questions. Please don't take this as an inquisition we want to make sure everybody is being fairly treated and that reciprocates to the Township of Saddle Brook also.

Ms. Murray – The whole proposal and I have to say I did agree with the gravel it was something you came up with instead of us but what our job was to clean up that back area make sure the neighbors were treated well at least so they didn't have smells, the garbage, the sludge type stuff that was there. Clean it up and make sure the aisle was clear the driveway was clear so some of those things yes the driveway is clear because the trucks are gone most of the time. Sometimes they're there for five minutes when I pass by because they're being transferred but in any case some of that stuff was done but we in good faith gave our approval and we didn't see anything happening and we didn't hear anything happening. As we go along and approve other cases along the way and the same thing is happening

again and again and another applicant is doing the same thing kind of like they're not doing anything we have to go back and look and make sure that you're going to do what you were approved to do or come back and say you didn't. My question is that you're in negotiations right now for parking.

Mr. Sarlo – It wouldn't only be a parking lot it would be a facility to also expand into.

Mr. Kurland speaks up and asks if he needs to be sworn in to respond.

Mr. Cialone swears him in.

He gives his name as Michael Kurland and address as 400 Lyster Avenue.

Ms. Murray – You are in negotiations for additional property in which to use.

Mr. Kurland – We have a signed term sheet. We haven't signed a lease because the other property it was represented to us as zoned industrial or zoned for light manufacturing and when we said let's double check and make sure before we take some light manufacturing over there that it's light manufacturing and sure enough it's not. They were supposed to be here long before I was here. This was all happening you know the real estate process takes forever but this was all happening over the summer. Over the summer I couldn't see the neighbors because of the amount of green overgrowth and I wasn't about to put in new arborvitae. First they were hard to find but then we found some and I wasn't going to put them in and landscape around the area which would have taken that green border that was naturally there now taken that down and then potentially rip it up again after I put it in because we're putting in this surface that we agreed to put in. I hoped that this other building would be zoned as it was represented to us and by now we would have already taken the trucks that we thought we would need to park in the back of our building and move them all over and still do all the other stuff in the spirit of being good neighbors. I think that's what we tried to represent in the letter that we sent to the attorney when we asked for an extension we said we want to do everything just give us a little more time to flush out this other transaction because that's going to impact the direction we choose to go in for the truck parking piece. I can appreciate why from where you guys are sitting think nothing's been done but I can assure you that that's not the case. We have moved a significant amount of activity out of that facility and into the Elmwood Park facility which is where we are parking all of our trailers. It used to be when we were in the other building we had trailers that were just sitting there because I had no place to put them. We were using that facility we were using some other off site places that we have but it was too crowded. I think we have dramatically improved that situation and I hope people have come and agree that that's the case. We've acquired at least three yard trucks for that reason to shuttle back and forth legally permitted back and forth and out of the way really Elmwood Park to Saddle Brook and the truck traffic the backups all the things that were rightfully frustrating for people in Town to see I think that has been reduced dramatically. The back lot when I went out there today there was literally nothing there it was clean. We could see the neighbors because we have its winter and now we can see them but they all have my phone number and they're not afraid to use it. When I get the call I think they would agree that we respond. That goes for everyone on Lyster Avenue too. If there's a car parked in front of someone's house and we have a gentleman who's disabled and it's a shift change and there's a car parked there we move the cars. We're trying our best to make sure everyone knows how to get a hold of us how to work with us and work together and live together side by side. I think that we've done a decent job I wish we could have accelerated the timeline it's out of my hands because I'm not going to move manufacturing out of the building into another facility if we're not confident that it's zoned correctly that's not a thing.

Ms. Murray – So you're in somewhat of a quagmire right now because you don't know what the current owner of the property is doing as far as getting current zoning for you to occupy the building so you're sort of in limbo.

Mr. Kurland – Which was supposed to be worked out on either tonight's agenda.

Mr. Duffy – With the other property?

Mr. Kurland – Yeah.

Mr. Duffy – We have no knowledge of where it is.

Ms. Murray – We have absolutely no knowledge and I'm not asking you where it is.

Mr. Kurland – There's no NDA so it's one of the buildings on Kenny Place on the other side of the railroad tracks farther away from the neighbors. So the idea would be let's keep moving away from the people

that hear the noises and smell the smells and let's take some of the things that might disturb them like for instance we make the bottles that the vinegar goes in and that vinegar can give off an odor. Let's put it in that building get it further away. There's nothing there it's a great location for us it's just not zoned perfectly. I guess it's got two lots associated with it one of them is and one of them isn't.

Mr. Duffy – Kenny Place this is the first time I'm hearing it.

Mr. Kurland – I'm disappointed that that's the case.

Mr. Duffy – It may be in the Planning Board for all I know.

Mr. Cialone – No not if it's a use variance.

Mr. Barrale – There have been some OPRA inquiries regarding that location recently but that's it.

Mr. Kurland – Those OPRA requests certainly came from their team. They were supposed to have been say two or three months ago to come before this Board and they haven't. It's not because they are looking for someone else. We are under a signed letter of intent which is the process you go through. The fact that it's taking so long is helping me because the market keeps going down. Ms. Murray I am absolutely in limbo right now which is frustrating for me. I assure you it's not where I wanted to be. We can move forward on the other things. All we wanted was some time to flush that other piece out. If it doesn't turn out that that one site doesn't get approved for zoning we'll move forward and we'll go back and do everything we can. I probably will ask Mr. Sarlo to come back to you guys and say hey we might need to revisit the surface because the \$250,000 tag is a little rich for us to park a few trucks. We still are using the Elmwood Park facility to park as many trucks as we can and I think you'll find over the next few months that's happened so we're pushing everything over there where we have additional space and a fenced in lot. We're pushing it to that site including those ten straight job trucks that were originally approved here. If I can completely get rid of truck parking back there I will. I will make that a lawn and I will still put up landscaping and it will be nice and clean and no problem. I don't want activity there.

Ms. Murray – I'm just curious because the owner of the building isn't entertaining this either because while it's a very expensive improvement to the lot. What's your lease term on the building?

Mr. Kurland – Our first term expires in 2029 and we have two five year rights to renew beyond that and I will tell you now we love it here. We love the Town we have every intention of renewing and staying and growing. Long term as we continue to grow and hopefully continue to enjoy some success are we going to stay in Saddle Brook forever maybe not. The e may be a day and I don't think that's in the next five years or ten years but maybe closer to fifteen or twenty where we build some bi facility farther west but one of the challenges we confront in our business is we need a train line. That's just the only way we can be successful is to be adjacent to a train line and that limits the choices for us.

Ms. Murray – Okay thank you.

Mr. Duffy – Any questions or comments?

Mr. Schilp – I drive past there several times a day for work and pleasure and the number of tractor trailers that are parked there once in a while I'll stop and park over on the side and it's usually when you you're jockeying trucks on the loading dock and off the loading dock so what you've done is really good but my only comment is I know a couple of neighbors that are on Stein Way and we haven't seen much and I say well they got a year to do it so and I said it may be I heard rumors that you were looking for another place to park your trucks and I told them look if he can find another place instead of doing it here he might do it but I appreciate what you've done so far and I feel sorry for you being caught in the middle of other stuff.

Mr. Kurland - Thank you for saying that. I also want to say we are going to be adding just to clean up the space. We're a food company so there are certain things we have to do as a food company. We have an audit coming up so we have to put a fresh gravel and stone around the building anyway annually just to keep it clean and for our own internal audit. That's happening in the next two or three weeks anyway independent of this. The other things there's no reason why we can't do that I just wanted to know you guys were going to agree to give us a couple of more months for them to work out their process. In the meantime let's take care of that low hanging fruit because it's going to keep making the facility cleaner and better looking and we're fine with that.

Mr. Duffy – I do appreciate you coming in. Just so you understand it was not to bring you in here because you're being bad boys not doing what you're supposed to do. That's not the reason I's just as Ms. Murray said we've had other applications we approved and they're not conforming to what they're supposed to and there are certain areas that we have some jurisdiction on this happened to be one of them and we wanted to find out what was going on. I know we spent a lot of time Mr. Sarlo it started back in early 2022 and it was month after month.

Mr. Kurland – I am confident it will be resolved soon but I have no way of knowing when.

Mr. Duffy – If no one has any other questions or comments 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 heard none.

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

Mr. Duffy makes a motion to approve the extension with the start date as the date of publication which was November 11, 2023.

Mr. Schilp seconds the motion.

Roll call - Ms. Murray, Mr. Schilp, Mr. Burbano, Mr. Francin, Mr. Manzo, Ms. Nobile and Mr. Duffy – YES.

## 6. RESOLUTIONS

A.) Approval for Zakira Hussain, 34 Woodward Street, Block 614, Lot 8

B.) Approval for EPIC-IC, 224 Midland Avenue, Block 101, Lot 5

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolutions A and B.

Roll call - Ms. Murray, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile and Mr. Duffy – YES.

C.) Appointing Chairperson

D.) Appointing Vice Chairperson

E.) Appointing Secretary

G.) Authorizing Contract with Board Attorney

H.) Authorizing Contract with Board Engineer

I.) Authorizing Contract with Board Planner

J.) Designating Official Newspaper

K.) Authorizing Meeting Schedule for 2024

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolutions C through K.

Roll call - Ms. Murray, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile and Mr. Duffy – YES.

L.) Regarding Completeness Determinations

M.) Regarding Compensation of Professionals

N.) Regarding the Annual Report

Ms. Murray makes a motion seconded by Mr. Manzo to approve resolutions L, M and N.

Roll call - Ms. Murray, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile and Mr. Duffy – YES.

## 7. MINUTES

Meeting of January 8, 2024 Reorganization Meeting

Meeting of January 8, 2024 Regular Meeting

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

**8. COMMUNICATIONS**

Anthony Kurus to the Zoning Board of Adjustment, 12/13/23 (106 Jamros Terrace)  
John L. Schettino to Lawrence Calli, Frank Feola, Kevin Maher, Hugh Harris & Michael Maher 1/12/24  
Lawrence Calli to John L. Schettino 1/22/24

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

**9. VOUCHERS**

Basile Birchwale & Pellino, 1/22/24, Zakira Hussain, 34 Woodward Street, Block 614, Lot 8 \$250  
Basile Birchwale & Pellino, 1/24/24, EPIC-IC, 224 Midland Avenue, Block 101, Lot 5 \$781.25  
Neglia Engineering Assoc., 1/15/24, Inhale Industries, 249 Rt. 46, Block 120, Lot 5.01 \$597  
Neglia Engineering Assoc., 1/15/24, Zakira Hussain, 34 Woodward Street, Block 614, Lot 8 \$82.50  
Neglia Engineering Assoc., 1/15/24, Villanueva, 106 Jamros Terrace, Block 1203, Lot 17 \$165

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

**10. OPEN AND CLOSE MEETING TO THE PUBLIC**

Mr. Schilp makes a motion seconded by Ms. Murray to open to the public. All in favor – YES.  
Mr. Duffy – Having heard none.  
Mr. Schilp makes a motion seconded by Ms. Murray to close to the public. All in favor – YES.

**11. ADJOURN**

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

Meeting adjourned at 8:39 pm.

Respectfully submitted,

Frank Barrale  
Zoning Board Secretary