

**TOWNSHIP OF SADDLE BROOK
PLANNING BOARD**

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, May 20, 2024, 2024 at 7:30 p.m.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Maniscalco, Mayor White and Mr. Vermilyea (left at 8:30) – PRESENT Mr. Camporeale and Ms. Barrale - ABSENT
Also present were Anthony Cialone, Board attorney, Anthony Kurus, Board engineer and Gary Paparozzi, Board planner.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. NEW BUSINESS

A.) Preliminary and Final Site Plan Application

NJ Patients Care, LLC, 165 & 179 Route 46, Block 121, Lots 2 & 3

Marc Liebman, attorney for the applicant came forward.

Mr. Cialone – The applicant has made appropriate notice as required by law. The board has jurisdiction to hear this application.

Mr. Cialone – For the board's information, this application is for medical marijuana. They do not need a resolution from the governing body. They're not subject to the licensing requirements we have for recreational marijuana, which as you know we have a limit of three licenses, but that is not applicable to this applicant. They just need state licensing.

Mr. Liebman – This is a conditional use application. There are a number of conditions in your ordinance that we have to meet. We are in the B2 zone, the right distance from any schools, no consumption on the premises and we need one parking space for every 200 square feet of retail space. We meet all of the requirements under your conditional use ordinance.

Nishant Reddy, CEO and founder of NJ Patients Care, LLC was sworn in.

Mr. Reddy – We will be in four states by the end of this year, with 20-30 locations throughout the country. The proposed operating hours, which fall into the guidelines of the state, are Monday through Sunday 9:00 a.m. to 9:00 p.m. We will have 4-6 employees, including armed security. Our head of security is former law enforcement, former military based in California. He will hire and train all of the staff here, who will be former or current law-enforcement. They will make sure that everyone acts within Township laws, state laws and company laws and that there is no consumption on the premises. There will be cameras inside and outside, monitored 24/7 with RFID access in and out of the property. Product will be stored in a vault that is both CRC and DEA compliant. Lights around the property will have motion detectors. Deliveries come in small passenger size vans, generally every 2 to 3 days, significantly less than the former tenant (Moe's Restaurant). 1-2 people do the deliveries and it takes 15-30 minutes to unload. There will be significantly less trash than there was from the previous tenant. There will be some small cardboard and consumer waste from the break room, bathroom and office trash. I spoke to the neighboring resident earlier this evening. The light on that side will be motion activated and will not disturb him. We learned from that neighbor that people who get off the bus sometimes use that alleyway between the building and his property to relieve themselves. We will make sure that the gates are up and that area is sealed off. We will have cameras back there too. The other three sides will have lighting. The back will only have motion sensor lighting, since it abuts residential property. Security guards will be checking the cameras at all times during business hours.

Mr. Maniscalco – Do we need to have Sundays?

Mr. Reddy – Because medical patients need their medicine seven days a week we want to be accessible to them. If you have any particular preferences, we'd like to hear them.

Mr. Maniscalco – We asked MOM NJ, directly across the way to close on Sunday.

Mr. Reddy – They are recreational. The use base and patient base is different.

Mr. Maniscalco – We're trying to keep the traffic down.

Mr. Reddy – The patients who come in suffering from PTSD, terminal cancer, epilepsy, aging, Alzheimer's, chronic pain, veteran's, etc. are in avoidance of traditional medicines.

Mr. Liebman – Maybe the board can consider a compromise, like 9:00 a.m.-12:00 p.m.

Mr. Hickey – Is there a loading dock?

Mr. Reddy – We don't need a loading dock. They are small transit vans under 14'.

Mr. Paparozzi – There is a loading dock proposed on the engineer's plans.

Mr. Hickey – Will the cameras point at the resident's house?

Mr. Liebman – No. We will make sure the cameras are on our property.

Mr. Hickey – I don't think they need to be open on Sunday.

Mr. Liebman – We'll agree to not be open on Sundays.

Mr. LaGuardia – Now that marijuana is legal what is the purpose of having medicinal marijuana?

Mr. Reddy – Medicinal patients are taxed differently. Recreational is taxed at a higher rate.

Mr. LaGuardia – For recreational marijuana we get 2%. Is there any tax that's paid for medical marijuana to the town?

Mr. Cialone – I don't know the answer to that but regardless of whether we can tax or not has no implication on this.

Mr. Liebman – To our understanding the 2% still goes to the township.

Mr. Ambrogio – So someone cannot go in there and purchase cannabis recreationally?

Mr. Reddy – No they cannot.

Mr. Ambrogio – What you're supplying is prescribed by a doctor?

Mr. Reddy – Exactly. It would have to be a patient who is part of the NJ medicinal program and has a medicinal card that they got through the prescription of a doctor.

Mr. Ambrogio – Is your cannabis a higher potency or is it the same?

Mr. Reddy – It's a wider range of products, no different than a recreational cannabis dispensary, but our staff tends to be more highly trained. They're knowledgeable in guiding them for different types of ailments.

Mr. Ambrogio – Can people without the medicinal marijuana card enter your store?

Mr. Reddy – No. Security checks that and age verification before they enter.

Mr. Hickey – Would you consider hiring Saddle Brook police officers?

Mr. Reddy – We are open to it.

Mr. Cook – How does product get from the vault to the checkout counter?

Mr. Reddy – We have a window that it is passed through, as well as a secured door. The sales are taking place on the retail floor. The live product is either stored in the inventory intake room or in the vault.

Mr. Paparozzi – Can your security system be tied into the township police department?

Mr. Reddy – We would prefer that.

Mr. Compitello made a motion, seconded by Mr. Browne to open the meeting to the public for questions for Mr. Reddy. All in Favor – YES

No public participation.

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

Jennifer White, engineer for the applicant was sworn in.

Ms. White – The site consists of 2 lots and is fully developed with 2 buildings. One building contains a dry cleaner, the other is currently vacant, but used to be a Moe’s restaurant. We’re changing the vacant restaurant to a medical marijuana dispensary. Both lots have some existing nonconformities that will remain unchanged. Lot 3, the lot area is 9476 sq. ft., where 20,000 is required. The lot width is 94.76, where 100 ft. is required. The front setback to the building is 22.2’, where 25’ is required. Since it is considered a corner lot, the setback to that lot line is 14”, where 25’ is required. The minimum rear setback is 12.9’, where 25’ is required. The side yard setback is 3.5’, where 15’ is required. The maximum impervious coverage is 93.3%, where 50% is required. The floor area ratio is .28, where .25 is allowed. On lot 3, the minimum required setback from the corner lot is 2.1’, where 25’ is required. The side yard setback is 10.1’, where 15’ is required. The impervious coverage is 60.2%, where 50% is required. There are no changes proposed to the structures. There is no raised loading dock, just a loading area. It will be striped and have a sign that says, “No Parking Loading Zone”. The parking area will be restriped and cleaned up around the Moe’s building. The parking around the dry cleaner will remain unchanged. The dry cleaner requires 16 spaces. The dispensary requires 14. According to the planner letter, it requires 6 spaces. We’re providing 37 spaces, so we are overparked for both uses. The parking spaces will be 9’ x 18’. The town requires 180 sq. ft. for a parking space size, where we’re providing 162 sq. ft. On lot 2, the minimum parking setback is 0’, where 25’ is required. The minimum parking setback for the corner lot is 0, where 25’ is required. The minimum side yard setback is 0’, where 15’ is required. Our proposed loading zone is 10.6’ from the front yard setback, where 25’ is required. We’re proposing 8’ for our accessible space, where 12’ is required. We also need to make that van accessible, so we’re actually going to be expanding the aisle next to the accessible space to make it 16’ total. Because of this, we’ll end up losing a space, giving us a total of 36 spaces.

Mr. Paparozzi – You’re combining the two lots, but the former resolution only has rear access to lot 2, not a shared parking agreement. That’s the first issue. Secondly, the parking count is based on retail only and based on your architect’s plan, you only need 6 spaces, not 14. Additionally, on the loading zone, you have 35 x 10 x 14. What is the 14 if it’s not a loading dock? If it’s only a painted area, it should be 35 x 10.

Ms. White – I would think that’s clearance above.

Mr. Paparozzi – If you don’t have a shared parking agreement, you have a parking variance because not only do you lose one, but the 4 spaces on the east side are on lot 2. You need some sort of parking easement. You also have a proposed refuse area. You’re going to have garbage, but you will also need one for recycling. You need a separation of the two because there will be a lot of cardboard in your deliveries. You will need to show at least two dumpsters, with a separation between the two.

Mr. Liebman – We don’t disagree with you on the parking. We have no problem providing a cross parking access agreement. The same landlord owns both properties.

Mr. Paparozzi – You testified that there were 37 spaces, but 4 of them are on township property. (N. 7th St., a paper street).

Mr. Liebman – We don’t need them. Cannabis retail only creates a demand for 6 spaces.

Mr. Paparozzi – It will be up to the fire marshal to determine whether or not you could put the dumpster against the building.

Ms. White - The trash enclosure is set up for trash and recycling. There is a dumpster and 2 recycling containers as shown on page C300.

Mr. Paparozzi – There should be a separation.

Mr. Maniscalco – Why is the loading area so big?

Mr. Liebman – It doesn’t need to be. We can make it smaller.

Mr. Maniscalco – Can you add more spots there?

Ms. White – We can.

Mr. Kurus – If you look at the turning area on C301, it's pretty hard to get into. There's a curb cut on 6th. The template shows that they have to pull off the highway, go past it and back into it. Maybe employee parking would be better there and then you can unload somewhere else.

Mr. Liebman – We presented that because we thought the board would want it, but I don't disagree.

Mr. Kurus – It's tight. Once you have the easement, you have the room to pull in, turn around with the cross access.

Mr. Liebman – We'd be happy to provide employee only parking spaces in that area. We are confident that we can use the existing parking spaces for the loading. They can carry it through the front door.

Inaudible

Mr. Maniscalco – Would you be opposed to putting bollards in the other striped area so no one can pull in?

Mr. Liebman – I'd like to hear what your professionals think about that.

Mr. Kurus – Could you do a curbed island with landscaping instead?

Ms. White – The grading is difficult there. We could add a raising curb.

Mr. Kurus – I think you could get a planter/curbed island there.

Mr. Liebman – We would agree to have our engineer work with your engineer to come up with an appropriate traffic control planting device there.

Mr. LaGuardia – Kids come down that walkway to go to and from school. Is it possible to avoid getting deliveries during the time when children are walking home from school?

Mr. Liebman - We can agree not to accept deliveries between 2:00-4:00.

Mr. LaGuardia – There are 2 EV charging stations right by the front door. Maybe you could move them to the back near the dumpster.

Mr. Liebman – Okay, we'll move them.

Mr. Ambrogio asked about the signs.

Ms. White – The ground sign size will remain unchanged and in the same location.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Ms. White. All in Favor - YES

Steve Mariconda, 24 Harrison Ave. – Will the lighting be shielded?

Ms. White – Yes. The existing lighting will be improved upon and be fully shielded.

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

James Patrick Thompson, architect for the applicant was sworn in.

Mr. Thompson – The signage is individual backlit letters affixed to the building. The lights can be on timers. There is also some shielded gooseneck lighting on the front. The building interior is very simple. There's a 1,193 sq. ft. sales floor in the front of the building. The remainder of the building is back of the house space, with no customer access. There's an intake area where product comes in and is inventoried. Then it is taken into a secured vault, that meets various construction requirements for security. There's an office, some storage area and a staff break room. The vault is constructed per the state law and is an EA protected cage with cameras throughout the structure. The entryway and bathrooms are accessible. There is an accessible route to every part of the building.

Mr. Browne – What is the makeup of the doors?

Mr. Thompson – They're steel.

Mr. Maniscalco – Are you putting mesh on the ceiling of the vault?

Mr. Thompson – Yes

Mr. Maniscalco – What type of film is going on the front doors? If there's a fire, we need to break it.

Mr. Thompson - It's just used to obscure the identification of the people in the building and to not see product. It would not resist Fire Department access.

Mr. Maniscalco – Will it be a white building?

Mr. Thompson – That is the intent

Mr. Hickey – Will there be strong smells coming from this place?

Mr. Thompson – There should not be, as the product is prepackaged and there is no consumption here.

Mr. Kurus – The wall mounted lights are adjustable LED and can be toned down if there's an issue with intensity?

Mr. Thompson – Yes, or relamped.

Mr. Paparozzi – Is the vault where you store the product temperature controlled?

Mr. Thompson – Yes.

Mr. Paparozzi – I don't see a generator in case of a power failure. Shouldn't there be a backup?

Mr. Thompson – Typically, it's not so sensitive that if you're down for a brief period of time that you'd have spoilage.

Mr. Paparozzi – Some storms knock the power out for hours and some for days.

Mr. Liebman – I have been informed by Mr. Reddy that the product is all sealed in bags. It's not going to go bad if it gets warm. If it does, they will destroy it. From a security standpoint, it may make sense to have some kind of a backup. We're agreeable to a battery backup system.

Mr. Maniscalco – Will you have lighting in the windows?

Mr. Thompson – No.

Mr. Ambrogio – Are you proposing only one wall sign? Is the name shown on the plans The Golden State, the name you are proposing?

Mr. Thompson – Yes. We will also keep the existing ground sign.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Thompson. All in Favor – YES

No public participation.

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

Douglas Polyniak, traffic expert for the applicant was sworn in.

Mr. Polyniak – From a traffic engineering impact perspective, the reoccupancy of the former Moe's building with the medical cannabis dispensary is a mild application. My office prepared a March 25, 2024 Traffic Engineering Evaluation. The subject property is located on westbound Route 46 and North 6th St., adjacent to the cleaners. They share access in parking and circulation. There will be 36 parking spaces, with the elimination of the one up front; 32 if you consider the removal of those along Seventh St. We propose that we share between the two uses. Access to the sites exists via three driveways along Route 46. They will remain as they are today. There's also one access on North Sixth St. that was discussed with respect to deliveries and a service door. To review the potential traffic generation associated with the proposed dispensary, our office reviewed information provided by the Institute of Transportation Engineers. The land use associated or similar is called a medical dispensary. We ran data for that for a 2,700 square foot building. It's important to note that the data provided by ITE is a conglomeration of both medical and recreational use marijuana dispensaries, so the volumes we calculated are likely conservative, as it's drawn from a smaller pool of customers. From this data, we looked at the evening peak hour for rush hour, as well as Saturday mid-day, when people are out shopping. Based on the building size, we're anticipating, during the evening peak hour, about 26 entering/exiting movements during one hour. On Saturdays, about 39. That volume is anticipated to be pretty low. ITE considers 100 peak hour trips a significant increase in traffic. This site will do about 78 trips. We compared the trip generation associated

with the proposed dispensary with that of the former Moe's to see if there would be any differences in historical traffic on the site. Based on the Transportation Engineers' data for a quick service restaurant, the cannabis dispensary proposed to generate about 8 more customers during the evening peak hour, but about 5 fewer customers during the Saturday peak hour. It's really a wash. Based on our review of the traffic operations at peak hours, it's anticipated that there will not be a very significant change between this and Moe's. I also reviewed the site with respect to the access parking circulation. The access is being maintained as it is. Because there's no work along the state highway right of way, and there will not be a significant increase in traffic, there's no NJDOT permitting required. The existing permit remains valid. There is sufficient parking onsite to handle both the dry cleaner and the dispensary. We also reviewed the Institute of Transportation Engineers' Parking Manual. They estimate an average parking generation of about 15 vehicles. The site from my perspective is well suited for this use.

Mr. Hickey – Is the dry cleaner a separate property?

Mr. Polyniak – It's a common ownership for the property. There may or may not be a specific cross parking easement. That's something we're looking to obtain.

Mr. Liebman – Even though the property has two tax lots, they transferred by a single deed and are owned by the same person.

Mr. Hickey – I'm concerned about traffic. It backs up to Lodi Pizza. Would you consider having some kind of traffic person out there during peak hours?

Mr. Polyniak – I don't think it's necessary.

Mr. Maniscalco – I noticed a couple of bollards in the parking lot, along the road. It doesn't look good.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Polyniak. All in Favor – YES

No public participation.

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

Robert Hudak, planner for the applicant was sworn in.

Mr. Hudak – This application is an existing building that is a fast food restaurant use that we're converting into a medical cannabis retail business. We meet all conditions of the ordinance. You almost have to treat this as a permitted use, since we are complying with all of the conditions. The only newly created variance is the loading/unloading berth in the front yard. There's also some question about the parking stalls, but the stalls are existing. We're not looking to change what is there. There's already existing parking in the front yard. We're looking to maintain that. The c1 (hardship) variances in the subject case are the setbacks, lot coverage, parking stall sizes, loading zone locations and are all the result of the existing property size and location. There is no vacant land around that we can purchase to increase the lot size. All of the relief for the building was previously granted as part of a prior application. We want to maintain the existing building and sign locations, parking configurations and such. Due to the existing conditions and unique nature of the property, I would argue that a hardship variance would be justified for all of the relief requested. Concerning the c2 variance (benefits versus detriments), I would offer that based on the purpose of planning, our application offers a better zoning alternative. Concerning the purpose of planning, I would argue that Purpose A, appropriate use and development in a manner that will promote public safety and general welfare is advanced by our application. The majority of our variances are existing conditions. The ADA space will comply with federal regulations. We're also providing updated striping and wheel stops. We're delineating the delivery area, making it safer. The next purpose is to create the free flow of traffic, creating smaller, but usable parking spaces conform to the minimum

length and depth requirements that people typically see. Lastly, to promote the desirable visual environment (Purpose I). This is an improved use over the Moe's in that there will not be garbage from food wrappers, overflowing garbage cans, spillage from grease, hanging out/loitering. We're also adding a little green space to the site. Master Plan rule #3 states that development is encouraged to maintain/upgrade businesses along Route 46 and make it more attractive. I think our application improves the conditions at the site, making the site safer and more compliant on an existing undersized lot. There are no detriments in my opinion to the Zone Plan, Zoning Ordinance or public good. In fact, I think it advances them all. It's my opinion that our proposal satisfies both the positive and negative criteria.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Hudak. All in Favor – YES

No public participation.

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

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions or comments. All in Favor – YES

No public participation.

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

Mr. Paporozzi – Based on my inspection of that section of North 7th St. from Route 46 to Jefferson, the board may want to consider asking the attorney to send a letter to the mayor and Council for possible vacation of the road. To improve the road, it would cost the town a lot of money. The user of lot 2 has parking, fencing, a clothing donation box and their trash enclosure on N. 7th St. Additionally, the dry cleaner is only 2 feet off of the property line of N. 7th St.

Mr. Cialone – The list of conditions/stipulations mentioned is: 1.) cameras will only be directed on the applicant's property, not any neighboring properties; 2.) applicant will not operate on Sundays; 3.) the applicant will provide a cross parking easement; 4.) applicant will install a separation between the garbage dumpster and the recycling bins; 5.) the triangular area in the parking lot, adjacent to the medical marijuana building is going to be replaced with some sort of curbed planting/landscaping, subject to the approval of the board engineer; 6.) applicant will not accept deliveries between 2:00 – 4:00 p.m.; 7.) applicant will move the electric vehicle charging stations to spots on the side of the building; 8.) applicant will install a battery backup for the security system; 9.) applicant will not install any neon lights in the windows; 10.) applicant will repair/replace the bollards located adjacent to Route 46 with landscaping; 11.) applicant will restripe the parking lot and arrows around the cannabis facility; 12.) applicant will expand the accessible parking spot to van accessible; 13.) applicant will send cameras to Saddle Brook Police Dept.; 14.) applicant will reduce the size of the loading zone to a size approved by the engineer and stripe it as a no parking zone; 15.) applicant will gate the rear of the property between the building and Mr. Kassetta's property and will provide Mr. Kassetta access.

Mr. Compitello made a motion, seconded by Mr. Browne to approve this application with the conditions listed by Mr. Cialone. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Maniscalco and Mayor White – YES

APPLICATION APPROVED

Break 9:07-9:15 p.m.

B.) Final Site Plan Application

Saddle Brook Urban Renewal Associates, 435 N. Midland Ave., Block 1401, Lot 18
Kate Coffey, attorney for the applicant came forward.

Ms. Coffey – We are the contract purchaser of the property. This is a 2.73-acre vacant parcel, currently owned by the township. The township is going to be conveying the property to the applicant for the development of affordable housing, pursuant to the town's affordable housing. The property was rezoned to the AH6 affordable housing zone district. We're here for Final Site Plan approval. We were granted Preliminary Site Plan approval by the board on 08/14/21. The approval included relief from the RSIS as well as some variances. None of that relief has changed. The plan has had some minor modifications to its layout, as well as the footprint of the building. The applicant is continuing to propose three multifamily apartment buildings that contain a total of 58, 100% affordable units. They consist of 11 one bedroom units, 30 two bedroom units and 17 three bedroom units. The modifications include a 2,417 sq. ft. clubhouse area for the use of residents only. The total footprint of that building had been 8,635 sq. ft. It's now proposed to be 6,285 sq. ft. plus the clubhouse. The middle building had been approved with a footprint of 8,635 sq. ft. We're now proposing 8,783 sq. ft. The furthest building had been approved at 6,830 sq. ft. We're now proposing 7,767 sq. ft. and the height has been reduced from 3 stories to 2.5 stories. We've also increased the number of parking spaces in accordance with our preliminary resolution of approval. The resolution required that the applicant provide 90 spaces and 90 are now proposed, which includes 14 electric vehicle spaces, which was also specified in the preliminary resolution of approval. The applicant is also proposing to install a tot lot, which is consistent with the preliminary application. The applicant previously received relief from ordinance 206-66.C to permit a freestanding identification sign to be 15 sq. ft, where a maximum area of 10 sq. ft. is permitted. The applicant was permitted to have parking stall size of 8' x 16' to be assigned to tenants, where 9' x 18' is required. We received a variance for aisle width for 2-way traffic of 22', where 24' is required. RSIS relief granted includes 90 spaces, where 115 are required. Additional relief from RSIS was with regard to parking stall size and the aisle width. We also received a waiver from the requirement that the building lot abut a street. Access is provided via an easement. In addition to the relief that was previously approved, the applicant is seeking relief related to a loading area. The loading area's location has changed due to comments received from the board's professionals. We do need a variance as to the size of the loading area.

Mr. Cialone – This is for Final Site Plan approval. In August of 2021, this board granted preliminary approval, along with variances, waivers and conditions. Those all still apply. Because it is final approval, they are not required to give notice, so we have jurisdiction to hear this. However, the applicant did give proper notice in case there are any variances in changing the plans. This development stems from a settlement of the township's affordable housing lawsuit. The creation of the zone was a result of the settlement of that lawsuit.

John Hansen, engineer and planner for the applicant was sworn in.

Mr. Hansen marked Exhibit A-1, Existing Site Conditions Aerial Exhibit, 05/20/24. This is an irregularly shaped 2.73-acre vacant property. We don't front on a road, but we have access out to Rosol. It has some piles of dirt, materials and equipment on it. Between N. Midland Ave. and our property there are several developed properties and a cemetery. To the south and north, we have industrial developed properties. This is a unique property because, from a drainage standpoint, the water from N. Midland and everything to the east that comes west, is not typical with construction done years ago with the railroad. The railroad kind of blocks the water, so it sits along the railroad. There's a wetland area that doesn't have a transition area to it. That's been approved through an LOI, so that is a line verification that's good for 5 years. Marked Exhibit A-2 Proposed Site Layout Exhibit, 05/20/24, a colored version of what we're proposing on the site within property limits. The building layout still has 3 buildings in the exact same location that was proposed in the preliminary application. Even though they were modified, we

still maintained the distance between buildings as required by the AH6 ordinance. We meet the setback requirements (front, side and rear yard requirements). We now show 90 parking spaces on our final site plan. Circulation is the same. The solid waste and recycling containers are the same. We met with the Fire Dept. to make sure they were comfortable with the access. We had proposed to do a 20' x 12' loading area on the property, east of one of the dumpsters. The one package room is located in the building that is farthest to the north and is off of the clubhouse footprint. We're proposing to relocate it. We show a 10' wide x 35' long area that's just on the east side of the access going out. There will be a pull off area. There will be a sidewalk that they can cross the driveway with and walk in to drop the package off. There are no changes to sanitary sewer or water. The sanitary sewer is by gravity out to the existing sanitary system that's in the access for Rosol Lane. We do have a Treatment Works Approval from the DEP for our sanitary. Our water has been deemed complete by the DEP. We're working through some minor modifications and expect to have their approval shortly. Gas and electric will be in typical locations, with meters on the sides of the building. Stormwater management from a regulatory standpoint, we meet the requirement for rain control and water quality. We've got 3 systems that are on this property. Nothing has changed. (reviewed systems). It should be noted that because we have a minor increase in coverage, we reran the numbers and revised the Stormwater Report to make sure it complies with all those numbers. Landscaping is essentially a tasteful package with shade trees, foundation plantings and a couple of shrubs. None of that has really changed. We will need to shuffle the landscaping around in that northeast corner a little bit for the loading area. We can move that landscaping to the area previously designated for loading. We also need a county permit. Part of our stormwater system is that if we get to a point where the water in the back against the wetlands builds up to a certain point, it will exit through a stormwater pump to the county road. We expect the county to approve our application shortly. Soil Conservation has some typical comments for us to work through as well. We notified the railroad as required in the preliminary approval. Ms. Coffey – The applicant will put a divider between the trash container and the recycling container.

Mr. Hansen – The freestanding sign is the same as what we proposed on the preliminary. We do have a change to the wall sign, which identifies the clubhouse. That sign has shrunk to just under 20 sq. ft. to around 12 sq. ft. There is no change to the site lighting in terms of fixtures, etc. The applicant added a dog run in the southeasterly area.

Ms. Coffey – The applicant intends to have 2 employees onsite, working 40 hours per week each. One is a site manager; the other a site maintenance person. The applicant is continuing to propose to have CCTV recording and key fob entry for the residents. The easements are silent as to who has responsibility for maintaining those areas, but of course we have to have them maintained for the safety and quality of residents' experiences. While we intend to speak to the other property owners involved in the easements, we'll represent that we will make sure those areas are properly maintained. We intend to comply with all of the remaining comments in the engineering memorandum.

Mr. Browne - You show a proposed concrete pad for a generator.

Mr. Hansen – Our stormwater pump is the only thing that we're going to have a generator for. We're still working on the size of the design. We know that it will be a 7.5 hp natural gas pump and it's going to be a 6" force drain that would go out to the county.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Hansen. All in Favor – YES

Robert Wagner, 9-12 12th St., Fair Lawn, NJ, speaking for 8 Rosol Lane (Siska Building).

Mr. Wagner – The access road/easement going in is now being reduced for the sidewalk all the way down. It is currently difficult for trucks to get into those properties and make the turn. Now it will be more difficult. Is it possible to put that sidewalk in the grass area?

Mr. Hansen – We may be able to make some minor changes. There is a gas line in the grass area, but we may be able to make this like a concrete apron that would be drivable and still safe for a pedestrian sidewalk.

Aubrey – It's hard for two vehicles to pass by each other. Often, the trucks park on that street because they can't get in. (showed on site plan)

Mr. Hansen – I think we can do a combination of relocating sidewalks and potentially change the construction technique to make it something they can drive over.

Mr. Ambrogio – I recall the end of Rosol Lane flooding and a drainage grate that's there. I thought we talked about doing something to alleviate the flooding.

Mr. Hansen – There are some modifications that have already been done over the last few years. The end of Rosol Lane looked much different than it does now. There's a pump that was installed that pumps out into the drainage ditch on the side of the road. This was done by other people. We're at the bottom of the hill, so we're putting in a stormwater pump so that if the water doesn't infiltrate fast enough into the ground, it will reach a certain level in the catch basin and then get pumped out to Midland Ave. The design is very expensive, but we feel it's the only thing we can do here. There will be a 6" force main that runs through the easement, out to Rosol and up to Midland Ave. into the stormwater sewer drain there. We meet the county standard. It's 7.5 hp for two pumps, so there's a backup and then you have a generator. The property owner will maintain it. We will reduce the runoff that currently happens on the property.

Aubrey – Showed an area where it previously flooded. Are people from the town right now cleaning this? It did improve?

Mr. Hansen – There was a storm drain cleaning and improvements at the end of Rosol that were done by the property owner. I'm not aware of anything that was done by the township.

Aubrey – I was told by someone at 4 Rosol Lane that a pipe was laid years ago but wasn't connected. Would connecting that help the situation?

Mr. Hansen – There's a drain within Rosol Lane that's at the end of the intersection. We found out that pipe is not connected to anything. It's not usable.

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

Mary Johannesen, architect for the applicant was sworn in.

Ms. Johannesen – The layout and number of units has not changed from the preliminary. There are 58 units and 3 buildings. The buildings were previously 2 and 3 stories and now they are 1 and 2.5 stories. We moved the clubhouse that was previously in the building adjacent to the basin. We repositioned it to the building on the north side, near the main entrance. We will have the same amenities, plus an area internal to the building for package lockers for deliveries. There will be no change to building colors, materials or finishes. All apartment air conditioning will be internal units, no exterior equipment. The stairwells will each have small heat pumps mounted on the backs of the buildings. They are approximately 20 x 30 x 11 and not visible from the parking lot. There are 2 condensing units for the air conditioning for the clubhouse. Those will be positioned adjacent to the stair that goes into the maintenance space.

Mr. Papparozzi – Is it possible to show the heating units pads behind each building on the plans?

Ms. Johannesen – The heat pumps will be mounted. We can add the details to the plans.

Mr. Cook – How does the package retrieval work?

Geoffrey Long, development principle with Ingerman, was sworn in.

Mr. Long – The goal here is that people are going to be walking. They will get notifications via text or email about packages. We will have a secure location for those packages. The delivery vehicle will circle around the property as if they were going to exit. The delivery person will pull into the loading area on their right, cross at the crosswalk and deliver the packages inside the building.

Mr. Compitello – How do the delivery drivers get into the building to deliver the packages?

Mr. Long – We have key fobs and key pad for our regular deliver people. For others, we have CCTV to buzz them into the building. We started working more with package delivery systems, lockboxes and things like that.

Mr. Maniscalco – Where does the mail get delivered?

Mr. Long – We have 3 boxes outside in front of each building.

Mr. Compitello – Where are the EV charging stations located?

Mr. Hansen – There will be a total of 14 on the easterly edge.

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Ms. Johannesen. All in Favor – YES

No public participation.

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

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Mr. Long. All in Favor – YES

Aubrey – Are there going to be any units set aside for Saddle Brook residents?

Mr. Long – The law says that you can't discriminate against anyone. These units have to be open to people income qualified. That means that a lot of this comes down to how you market properties. When we market properties, before we go out to anyone in the public, we work with the township officials. Usually the town has an affordable housing database. We make sure those people go into our list and are contacted 4-6 months ahead of opening, so they are aware of the process. Saddle Brook residents will know first what's coming, what their income availabilities are and understand what affordable housing is. It's a very extensive vetting process. We make sure they are ready, so on day 1, they show up and their application is complete. We follow/comply with all Fair Housing rules. We do want to make sure local people are aware of what is needed so that they can utilize this housing.

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

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public for questions or comments. All in Favor – YES

No public participation.

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

Mayor White to Mr. Cialone – Rosol Lane comes down and then there's Rosol Lane Extension, which is an easement; not a dedicated street. Who's responsible for that?

Ms. Coffey – In the title that we have, the deeds all reference this easement as for ingress and egress to the property. It's silent as to who's responsible for maintaining it. We represented to the board that we will ensure that it is properly maintained. Our intention is to speak to the other parties to that easement and come to an agreement with them, but at the end of the day, we know that we are responsible to make sure that the roads are plowed and properly maintained, etc. so the residents have safe access.

Mayor White – I know there's been some correspondence regarding changing that to another name.

Mr. Long – There's nothing there at this point other than trying to figure out something that might work. There are so many active uses on the Extension.

Mayor White – I would be a bit leery to change the name because it might be hard to find the businesses back there.

Mr. Long – In my opinion, it’s a township EMS call. If the town wants us to be 10 Rosol Lane, that’s fine.

Mr. Maniscalco – Will your maintenance people be clearing/maintaining the sidewalk?

Mr. Long – Yes.

Ms. Coffey gave her summation.

Mr. Cialone – Conditions listed include: 1.) all conditions from the 2021 preliminary approval, 2.) applicant will install a divider between the trash dumpsters and the recycling containers, 3.) applicant will discuss maintenance of the easement with the other property owners, but will ensure that they have the easement properly maintained to the reasonable approval of the board/township engineers, 4.) applicant will relocate and/or reconfigure the sidewalk so as not to interfere with truck turning radius on neighboring property, subject the reasonable approval of the township/board engineers, 5.) applicant will comply with all of the requirements in Neglia’s report, 6.) applicant will revise the plans to show the heat pumps on the sides of the building, 7.) applicant will install and maintain the sidewalk, 8.) applicant will relocate the loading area to a location adjacent to the entrance way. Per Section 163-11, our ordinance for final approval, the board may ask for the furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installations or improvements, including curbs, sidewalks, water mains, culverts, storm sewers, any other means of sewage disposal, drainage structures, etc. The board may require provisions for a maintenance guarantee to be posted for a period not to exceed 2 years after final acceptance of the improvements an amount not to exceed 15% of the cost of the improvements. I don’t think we are accepting any of the improvements. If we accept them, they then become our responsibility.

Mr. Kurus – I think there needs to be a maintenance guarantee on their onsite stormwater. Not that the township is taking it over, but they need to provide the guarantee per MLUL to be sure it does what it is designed for.

Mr. Compitello made a motion, seconded by Mr. Browne to approve this application with the conditions listed. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Maniscalco and Mayor White – YES

APPLICATION APPROVED

5. RESOLUTION

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

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

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

6. MINUTES

Mr. Compitello made a motion; seconded by Mr. Browne to adopt the minutes of the April 15, 2024 meeting. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. LaGuardia, Councilman Gierek, Mr. Maniscalco and Mayor White - YES

7. COMMUNICATIONS

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

8. VOUCHERS

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

- Paparozzi Associates, Inc., 04/09/24, Nancy Lovelace, \$42.50
- Basile Birchwale & Pellino, 04/10/24, 2024 First Quarter Retainer, \$607.75
- Basile Birchwale & Pellino, 04/17/24, Review of Ordinance, \$125
- Neglia Engineering Associates, 04/23/24, MOM NJ, \$717.50
- Neglia Engineering Associates, 04/23/24, CAD Corp., \$642.50
- Neglia Engineering Associates., 04/23/24, Nancy Lovelace, \$205
- Basile Birchwale & Pellino, 04/30/24, CAD Corp., \$822.50
- Paparozzi Associates, Inc., 05/07/24, CAD Corp., \$505

All in Favor - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

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

All in Favor - YES

No public participation.

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

All in Favor - YES

10. ADJOURN

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

All in Favor - YES

Meeting adjourned 10:40 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary