

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
September 9, 2024 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday September 9, 2024 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

Mr. Duffy asks that everyone remain standing for a moment of silence in remembrance of 9/11/2001.

3. OPEN PUBLIC MEETING ACT: adequate notice of this meeting has been sent to all members of the Zoning Board and to all legal newspapers in Accordance with all the Provisions of the "Open Meetings Act", Chapter 231, P.L. 1975.

4. ROLL CALL

Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Ms. Nobile, Mr. Burbano, Mr. Rizzo and Mr. Duffy – Present. Mr. Francin and Mr. Manzo are absent. Mr. Cialone the Board Attorney and Mr. Papparozi the Board Planner are also in attendance. Mr. Saad sat in for Mr. Kurus the Board Engineer who is not present.

5. NEW BUSINESS

B.) Carrols Restaurant Group, 439 Market Street, Block 705, Lots 24, 25 & 26

Applicant requests an 8' x 12' accessory structure that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Lawrence Calli is the attorney representing this application and he comes forward.

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

Mr. Calli – If you recall in the prior Town Hall we met a few years ago on this application it's an existing Burger King. They were updating it for the new branding trends. We were doing modifications to the drive thru, the roof, the signage, illumination all that. That's all in place now the only thing that's changed from that application to today is a request to install an eight by ten shed on what is a grassed area behind the restaurant. Carrols has been implementing these all around they just did it in Mahwah not long ago at another site for paper goods storage. There's no electricity running to it there's no plumbing it's just a shed like you would see in the parking lot of a Home Depot or Lowes. They're going to drop it there and use it for dry storage. What brings us back here is perhaps site plan alone for that relief for that exterior improvement in the commercial site but also we've got bulk relief. The site had been improved to 95 percent of impervious coverage prior to our arrival in 2023 that application brought us down to 94.2% so we reduced it at that time. We're now going back up 0.2% one fifth of one percent because of this eight by twelve shed that we're landing on pervious ground it's now impervious so it's bulk relief it's nominal but it's bulk relief. I know the Board understands this case there's not many moving parts to it but we do have two witnesses prepared to testify Mr. Chairman and members. We have our project engineer RJ Coluco from Dynamic Engineering with us to walk you through where the shed is being located what it's going to look like the size, dimensions, all of that and confirm the deviations and we did bring our planner with us again we had John McDonough and Associates on the prior application Mr. Flynn testified as the

project planner. He's here again tonight in case the Board wants to hear planning proofs to support this increase again of by one fifth of a percent from the 2023 approved condition and that's all we got.

Mr. Calli calls up Robert Coluco the engineer for this application.

Mr. Cialone swears him in he gives his credentials and is accepted as an expert witness.

Mr. Calli – You heard my proffer to the Board about the limited improvements that bring us here this evening if you want to go into any more detail about the improvements and the relief please.

Mr. Coluco – For the record we're looking at block 705 lots 25 through 26, 439 Market Street County Route 12 the site is located in the B2 business zone. If you look at the aerial map associated with it you can see that the Burger King is part of an overall shopping complex. It's in the front southern portion adjacent to Market Street and it's surrounded completely by commercial and restaurant uses. As Mr. Calli stated we're looking to propose a small dry goods storage shed 96 square feet along the rear of the building. It would be behind the dual drive thru behind the menu boards and the only addition of impervious coverage aside from the shed itself is a small little strip of sidewalk connecting it to the rear sidewalk to the rear of the building. It's a total improvement of 216 new impervious coverage again the reason why we're here maximum permitted lot coverage in the B2 zone is 50% pre remodel the lot coverage was 94.9% it was approved at 94.2% and that 216 square foot brings us to 94.4%. The only other change aside from the shed is we may have to lose a shrub in order to fit in the sidewalk connection but other than that everything is the same as it was approved.

Mr. Calli – No further direct Mr. Chairman we make Mr. Coluco available to any questions you might have.

Mr. Saad – Is it on a slab?

Mr. Coluco – It'll likely sit on that concrete pad.

Mr. Saad – Is it going to be your everyday backyard shed prefabricated or is it going to be built?

Mr. Coluco – It's a prefabricated shed and I believe we have a detail on our construction details which I believe is sheet 7.

Mr. Saad – Is the façade material going to align with the Burger King material or is it going to be a different color?

Mr. Coluco – It would be similar to the photo so that kind of reddish color. If the Board feels strongly about it we could look to see if we could find an alternative.

Mr. Saad – Then the 216 square foot increase of impervious to be considered a de minimis increase from a drainage perspective. Other than that there are some utilities that run under the shed if those ever need to be accessed for any reason just need to note that and that's it no further comments.

Mr. Paparozzi – There was a safety light pole put up is that being removed I don't see it on the plan.

Mr. Coluco – No it's not being removed if you look at the site and grading plan it is the hourglass type figure that's just behind the shed.

Mr. Paparozzi – Is that not the sign that you were just talking about?

Mr. Coluco – No the signs are further up along the curb line.

Mr. Paparozzi – As the engineer alluded to there was some electric put underground is it deep enough or does it need to be rerouted?

Mr. Coluco – No it shouldn't need to be rerouted we worked that through with PSE&G where it should come on an angle and it shouldn't interfere with the shed.

Mr. Paparozzi – This is one lot and there are three businesses on the lot and back in 2023 there was some issues with the lot in the rear the business in the rear had outdoor storage and dumpsters that were not enclosed.

Mr. Calli – There was a boat back there right.

Mr. Paparozzi – The boat is gone but there is a dumpster that is not enclosed and there is outdoor storage from that supply company in the back there that they're storing not only pallets but some equipment and it's the same lot and it was supposed to be resolved in 2023.

Mr. Duffy – If I remember correctly that was part of the approval.

Mr. Calli – We had to identify it to the landlord we did he said he was correcting it the boat I think was gone pretty quickly.

Mr. Duffy – The boat was gone in several days or weeks something like that there was a trailer.

Mr. Paparozzi – I made the site inspection 8/18 and the dumpster was not enclosed and there was outdoor storage so as much as two weeks ago they were in violation either again or still.

Mr. Calli – We're just a tenant we can speak to the landlord he happens to be the landlord of a number of our Burger King locations in New Jersey whether by coincidence or design I don't know but he's a shopping center owner I can reach out to him I do speak with him regularly to get the consent to file and things like that so I will relay that request. I will tell him take it seriously and I don't know what else we can do as the tenant.

Mr. Duffy – I remember that he was here.

Mr. Calli – He was.

Mr. Duffy – His family had owned quite a number of properties the Dollar General property and some other properties and he did state that he would take care of it we would appreciate it.

Mr. Calli – I will tell Mr. Mund that he has to do that. Tomorrow morning we have a call with our principal at the Burger King entity we'll relay that to him as well they may have a quicker line of communication to him. I can separately reach out as well and if the Board is so inclined to bake anything into a resolution if you act on an approval I would just say making it a condition of approval is difficult because it relies on third party action but that's where it becomes hard because I can't force third party.

Mr. Duffy – He already agreed there was a condition in the agreed prior.

Mr. Calli – I don't know if it was a condition I know it was in there but my only concern is if I have a landlord that doesn't want to act it stifles the applicant.

Mr. Cialone – Get the Zoning Officer to enforce it.

Mr. Duffy – We could do that but he did he was very cooperative and he did say he wanted to do tis so I will give him the benefit of the doubt to get this done.

Mr. Calli – It was enclosing the dumpster and outdoor storage.

Mr. Saad – Also on the previous resolution there was a shared parking access agreement that was requested.

Mr. Duffy – Yes I was going to ask about that.

Mr. Cialone – That was negotiated between myself and Mr. Calli's office and then I think the landlord's attorney had a bunch of changes which I approved a while ago. I've never seen a signed copy though so I don't know.

Mr. Calli – I don't recall offhand I do remember it was a simple agreement the landlord counsel got involved it became a heavy agreement.

Mr. Cialone – Yep it did go to Neglia as well so and you guys had no comments on the final. I don't recall ever seeing a signed copy of it.

Mr. Calli – I don't remember offhand I'll take a look if I locate it I'll send it to you if not I'll add it to the list of items the landlord needs to execute.

Mr. Duffy – I have a question about the shed is there going to be power in there?

Mr. Calli – No. No power.

Mr. Duffy – It's essentially in the same place it was originally isn't it?

Mr. Calli – Roughly it's a little further back.

Mr. Duffy – Do any of the members have any questions?

There were no questions from the Board.

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

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

Mr. Duffy – Having heard none.

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

Mr. Duffy asks if there is any other questions or concerns and if Mr. Calli has any other witnesses.

Mr. Calli – We have our planner with us but given the limited nature of the application your agenda behind us I will defer to you Mr. Chairman and Mr. Paparozzi if you would like to hear from him we can but we can easily dispense with it from our perspective if you agree with that.

Mr. Paparozzi – I agree with Mr. Calli it is not necessary at this time.

Mr. Burbano – You have the light pole back there probably twelve feet the original light pole is that going to impede it with the eight foot height?

Mr. Coluco – I wouldn't anticipate any issues with it. It should be tall enough to throw over and I believe there are security lights on the back of the building not a hundred percent positive but is there needs to be additional building mounted lights I'm sure we can add it if necessary.

Mr. Duffy – Nothing further. I make a motion that we approve this application do we need to stipulate anything from the last meeting?

Mr. Paparozzi – What I'll do before next meeting I'll make another site inspection and if the condition is the same then the Building Inspector would need to issue a summons.

Mr. Duffy – Okay that's not something that would impede upon the decision.

Mr. Cialone – I think we can just say something to the effect subject to the existing conditions in the prior resolution that the approval doesn't negate the existing conditions still need to be complied with.

Mr. Duffy – We have a motion on the floor.

Ms. Murray seconds the motion.

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

Mr. Duffy tells Mr. Calli not to go anywhere as the Board has a letter from him in regard to his client Bridge Asset Management of 125 North Fifth Street.

Mr. Duffy – The applicant has requested an adjournment until the November 4, 2024 hearing.

Mr. Calli – What I think is going to happen with that one is I spoke to the applicant they're apparently pursuing a plan that would make it a Planning Board application a permitted use and from what I hear there are other investors now involved so the project team may change. I don't think you're going to see me again on that application but I also don't think this Board is going to see that application again. I think whatever they're proposing is going to try to be a conforming use so that it did land at the Planning Board if and when they do anything. For now the placeholder is they don't want to withdraw the application for one reason or another right now.

Mr. Duffy – We can move on your letter it would be up to their option if they wish to pull the application.

Mr. Calli – If and when they pull it I will let Mr. Barrale know right away if I'm involved.

Mr. Duffy – Does the Board have any questions about this?

There were no questions.

Mr. Duffy – I make a motion that we approve the request to adjourn this application to the November 4th meeting with the exception that the applicant consents to the extension of time for the Board to act on the application and without further notice.

Ms. Murray seconds the motion.

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

Mr. Duffy announces that the application will be carried to the November meeting without further notice.

C.) Carlo Sagri, 158 Schepis Avenue, Block 1712, Lot 25

Applicant requests a basement vestibule entrance, rear paver patio and shed that do not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Zare Khorozian is the attorney for this application and he comes forward with his client.

Mr. Cialone confirms that the notice is in order and that they may proceed.

Mr. Khorozian – I represent the applicants Carlo and Angela Sagri with respect to this application for the premises located at 158 Schepis Avenue. This premise consists of a single family dwelling located in the RA zoning district. The applicants are here today they brought their family they're a husband and wife with two children. They have resided in this Town for over ten years now and we're here before the Board seeking relief with respect to two existing yet modest improvements to the applicant's backyard. It's a paver patio and a shed. There's also an installation of basement access vestibule doors. This is replacing the existing Bilco doors demanded by resolution dated in 2012. The purpose of installing this vestibule door is to create a safer environment for the applicant's family especially considering there's two small children. We're here today they use the basement as a play room also I've been told by the applicant there have been a number of occasions where there's been water penetration and mold due to the effectiveness of the Bilco door system. Today I have one expert sitting beside me Vatche Aslanian he is the architect.

Mr. Cialone swears in Mr. Aslanian he gives his credentials and is accepted as a witness.

Mr. Khorozian – You’ve reviewed the zoning letter of denial May 22, 2024 and the Neglia review letter August 12, 2024?

Mr. Aslanian – Yes I did.

Mr. Khorozian – You believe all the conditions requested by the Town and the Town’s engineer can be satisfied?

Mr. Aslanian – Yes.

Mr. Khorozian – You’ve also visited the premises as well correct?

Mr. Aslanian – Yes.

Mr. Khorozian – Can you describe your scope of work and take it from here.

Mr. Aslanian – The house is about twelve years old reconstructed and since there have been some improvements in the backyard. The patio is pavers that’s been there almost ten years it looks like it’s not new but it exceeds the allowable by a little percentage and there’s a shed that’s a little too close to the fence but then allowable. The existing structure from the basement where the Bilco doors were it’s framed and there’s a door on it and it’s roofed so that’s and I have pictures and basically those are the three items that need relief for the variance.

Mr. Saad – I see the shed is existing patio is existing so the only thing really new on this application is the vestibule correct?

Mr. Khorozian – Correct that was done in a few months before the summer I’m not sure of the exact date.

Mr. Saad – It was already done?

Mr. Aslanian – Yes it’s done.

Mr. Saad – All this work is done already?

Mr. Aslanian – Yes everything existing.

Mr. Saad – You’re coming here for a variance after the fact?

Mr. Aslanian – I was called by the owner to facilitate all this yes.

Mr. Saad – Putting in a vestibule because you get storm water because you have Bilco doors is a common construction method that we’ve seen before mainly for that reason because rain water gets into those doors. I guess the man question for the vestibule does it have it’s own gutter system or how does that connect to the overall?

Mr. Aslanian – I believe it’s not finished yet but we will be connected to the existing storm system.

Mr. Saad – That gutter discharges where exactly is it to underground seepage pit?

Mr. Aslanian – There’s a seepage pit the house is twelve years old so it has all that.

Mr. Saad – Other than that we have no further comments.

Mr. Duffy – When was the patio and the shed built?

Mr. Aslanian – I don’t know exactly but it’s got to be like ten years ago.

Carlo Sagri comes forward and is sworn in by Mr. Cialone.

Mr. Aslanian – When was the patio done?

Mr. Sagri – The patio and the shed were done while the house was built.

Mr. Aslanian – That was ten twelve years ago.

Mr. Paparozzi – 2012.

Ms. Murray – What brought Mr. Ambrogio to your house in April of this year?

Mr. Sagri – I guess someone complained for the construction of the vestibule from what I understand.

Ms. Murray – With your application and your variance in 2012 you did not ask for a patio you did not ask for a shed why did you put one up?

Mr. Sagri – It was the contractor it was all part of the installation that I knew of.

Ms. Murray – You had a variance I was here I was first alternate on that case I wasn’t sitting up here and I was there and I asked a lot of questions about it. There was no shed there was no patio on that and it was specifically said by the Board members at that time that a Bilco door had to be used. I also live in that area and I have no water issues. I know the neighbors on either side I don’t see that they have water issues either. Are you causing water issues to the neighbors on either side because you put more impervious surface down so the water runs off into their yards?

Mr. Sagri – I’m not sure but I’m not a contractor so.

Ms. Murray – This is why you ask permission to do things. I'm still curious as to why Mr. Ambrogio came to your house in April and how he got to be there.

Mr. Sagri – Me too.

Ms. Murray – I would imagine it's a neighbor that called. We gave you permission for a Bilco door if you needed something different pretty much you should have known to come back and get permission so I don't understand that piece. What's in the basement?

Mr. Sagri – Just a playroom for the kids.

Ms. Murray – There's no bathroom there's no kitchen.

Mr. Sagri – No.

Ms. Murray – I'm done Mr. Chairman.

Mr. Duffy – Mr. Paporozzi did you have a question?

Mr. Paporozzi – Commissioner Murray just answered the question the original application did not have the shed or the patio that is why the Building Inspector has cited them as variances when they're preexisting for twelve years and also I had a question about the maximum accessory coverage. Mr. Ambrogio increased it by over 8% for the rear entrance which I thought was incorrect but through Commissioner Murray's testimony he added the patio and the shed because it was not approved back in 2012. Those are your three variances maximum accessory coverage, maximum lot coverage and the setbacks on the shed.

Mr. Cialone – You're saying Mr. Ambrogio's calculations are the correct calculations.

Mr. Paporozzi – Yes I thought they weren't because I was just doing the door and because the survey is 12 years old and it shows the patio and the shed and the architect plan which is current shows the same patio and shed so I just assumed that was part of the application. Commissioner Murray alluded to the fact that it was not.

Mr. Cialone – So they need 33% accessory coverage and 59% lot coverage.

Mr. Paporozzi – The lot coverage that they're going for is 51.9% and 44% is maximum and the accessory coverage is 18% and now they are from 18.7% to 26.8% and the setbacks on the shed should be 5 feet rear and side and they are 2.6 and 2.2 respectively.

Mr. Duffy – When was the vestibule built?

Mr. Sagri – April or May.

Mr. Aslanian – April of this year.

Mr. Duffy – Any reason you didn't think a permit was required?

Mr. Sagri – I was told it was just a replacement of a door so I didn't know. They were replacing a door with another door.

Mr. Duffy – Replacement of a door and putting in another door replacing a Bilco and putting in a different structure is not the same as swapping one door out for another.

Mr. Sagri – Like I said I'm not a contractor I needed the problem rectified for the safety of my family that's all I know.

Mr. Aslanian – The footprint of where the Bilco is exactly the same so that's existing it doesn't increase coverage. He didn't add except the wood frame where the metal doors were.

Mr. Burbano – He just answered one of my questions usually the depth I don't have a scale but it looks like by counting the stairs about ten to twelve feet before the house and the end. Usually Bilco doors aren't twelve feet long so my question was did they extend the stairs for that or did they have a twelve foot Bilco door?

Mr. Aslanian – I was there I took pictures no extension of the stairs existing footing existing foundation.

Mr. Burbano – So they just framed walls did siding attached it to the house.

Mr. Aslanian – Absolutely I can show you pictures.

Mr. Burbano – It's complete now the whole entire structure. Does the door swing in or does the door swing out?

Mr. Aslanian – Swings in.

Mr. Khorozian – They never finished it.

Mr. Aslanian – It hasn't been finished.

Mr. Sagri – They never finished it.

Mr. Khorozian – The framing of it is up. They stopped as soon as it was denied.

Mr. Pappozzi – The Bilco doors scaled 5 by 9 on the survey. I don't know what the size is of the new.

Mr. Sagri – Nothing was increased.

Mr. Burbano – If the door swings in I think building code would require them to have a platform on the inside.

Mr. Aslanian – I agree with you that they have the framing done but it was boarded from the inside.

Mr. Burbano – So you're going to put in an application for the framing to be inspected and you're going to swing the door out.

Mr. Aslanian – Absolutely.

Mr. Burbano – You can't swing into an open staircase can you?

Mr. Duffy – No.

Mr. Burbano – So the door would have to be reversed and swing out onto the patio.

Mr. Aslanian – Correct.

Mr. Duffy – The inspection is a moot point because it's sitting here in front of us right now so it can't get inspected. He can't apply for a permit unless things go a certain way here.

Mr. Rizzo – Just a clarification is it 59% or 51.9% I just heard the planner say 51.9% that's a massive difference and there's water issues to begin with here.

Mr. Duffy – On his maximum lot coverage.

Mr. Aslanian – From 44% to 59%.

Mr. Rizzo – So it is 59%.

Mr. Duffy – 59% or 51%?

Mr. Cialone – Mr. Ambrogio has 51.9% they have 59%.

Mr. Aslanian – There is a discrepancy I don't know how he did his calculation.

Mr. Duffy – What's your calculation?

Mr. Aslanian – From the survey we had a survey done.

Mr. Duffy – So you're saying it's 59%.

Mr. Aslanian – Right.

Mr. Duffy – That includes the patio.

Mr. Aslanian – Everything. If the shed has to move a couple of feet to meet the setback it's doable.

Mr. Pappozzi – The paver patio and the paver driveway is not counted a hundred percent so maybe whoever did it counted it as a hundred percent. That's probably what the difference is I would go with Mr. Ambrogio's number. I wasn't on the application so I didn't have a chance to do it.

Mr. Aslanian – I concur I think that's what it is.

Mr. Duffy – One of the things that's troubling well two things one the work was done without a permit this was in 2012 there was permission sought to raise the house and build a new house in its place. So you came before the Board got that permission in that resolution it clearly stated that a Bilco door had to be there. That's the ordinance in Town and that's what was in the resolution. We fast forward 12 years in that span of time you have a patio a shed built and now this vestibule without additional permits so you're putting us in a rather difficult situation because you did it without permission and if your reasoning is that you're having water damage actually as a member of this Board I'd like to see proof of this damage. Why because you're asking us to now give you permission to do something that you should have asked permission for first and part of your reasoning is you have water damage.

Mr. Khorozian – Most concerning is the children who are going in and out of the basement and with the Bilco doors I mean they're growing older and it's a family they have no intention of renting out the space downstairs whatsoever. The Bilco doors themselves inherently a little bit more difficult and little bit more dangerous for children to be opening and closing. Vestibule doors are a lot safer they're actual doors. That's the real reason as far as I'm concerned as well as a number of occasions that I've been told that there's been water penetration. It's essentially creating a safer more habitable environment for a family of this kind.

Mr. Duffy – Please understand that one of the main reasons why the Township has an ordinance for Bilco doors is because we don't want illegal apartments. Creating a vestibule now creates the view that that can happen. Your intention may be for the safety of your children which I'm not going to argue safety of

children however he turns around and sells the house tomorrow you've created a problem because now the people coming in there we set this up they put an illegal apartment. This stuff happens all the time but my biggest concern is everybody comes and sits for this Board and goes through a process in the Town to ask permission to do what's needed and this Board has a history of doing what we can to help our residents to overcome situations but it makes it very difficult when someone does something and does it without permits and then it's oh I got caught and now it's like well you know just forgive me I'm sorry oops it's my bad. I have a big problem with that and I know we can make some moves you can probably move that shed up a little bit but judging from what I saw looking on Google Earth I don't know how big that pad is underneath the shed but you're going to probably have to make that pad bigger to move the shed so it sits out when you do that now we change the numbers for coverage again.

Mr. Aslanian – Mr. Chairman we could take some of the pavers out to reduce that area so we could adjust those things.

Mr. Khorozian – Mr. Chairman as far as the basement I understand your position wholly the whole thing. Obviously the Town will come and inspect the basement should this Board approve this application there'd be an inspection done. There is no bathroom downstairs we're not trying to put any kind of additional worries or possibility of this becoming a unit for rent or when they sell it that the next owner will be renting space out to illegal tenants. They've been residents here I don't think they're moving anytime soon of course this Board doesn't know that but just from circumstantial evidence they are living here now they don't have no plans to move anytime soon and he is just ignorantly installing things like a normal family would a shed a vestibule door. I understand it's in violation and it says it specifically in the resolution over ten years ago but it's not like he is trying to hide anything it's just now that he has installed it Mr. Ambrogio came by noticed him and he immediately sought counsel and here I am today. So we're just here today to make things right although it has been a number of yeas but it's not my client's intention to do anything illegal or sell it in the near future to make a buck.

Mr. Duffy – I take exception to the ignorance part.

Mr. Khorozian – Of course.

Mr. Duffy – Because in this day and age you need permission to do anything so doing without a permit I have a big problem with it.

Mr. Khorozian – I've seen clients who they task their contractor to do all the work and they turn a blind eye but that has happened and the contractors they seem to not know what they're doing and the clients end up paying for it. It would make sense that you came and sought variance relief that there should be certain things to abide by again my client's not here in bad faith or has not been acting in bad faith at all this whole time living here and again we are here today just to make this right. As soon as he was noticed he came to his senses and came here today trying to make his work out for the family. Again this is no intention of making anything more difficult for this Town let alone this Board.

Mr. Schilp – Who is the contractor that is building this.

Mr. Sagri – Issa Contractors.

Mr. Schilp – Where are they from?

Mr. Sagri – I believe North Bergen.

Mr. Schilp – I sat on this Board when this came up and we were very specific about the Bilco doors. I believe it's even in the resolution.

Mr. Cialone – It is and I even listened to the recording from 2012 and there was a whole discussion about the Bilco doors at that time and I think the concern at the time by the applicant was the same about his children and the Board was insistent at the time and in fact even though there's an ordinance they made it a condition.

Mr. Schilp – Thank you. As far as I'm concerned it's got to go that's my opinion I'm sorry to say too many people come before the Board when they get caught and then it's I really didn't know and it just seems to be happening more and more. They know what they have to do but they're going to try and get away with it. He got caught and it was very specific in the original one that it's Bilco doors.

Mr. Khorozian – If he was trying to get away with it why now I'm not trying to say that ignorance is the way to get out of this whole thing but again things have changed 12 years ago these kids didn't exist. How old are your kids?

Mr. Sagri – Three.

Mr. Khorozian – So they just had the children three years ago so ideas changed 12 years ago it was Bilco doors demanded by the resolution life changes and obviously he should have come to the Town and asked for not even a variance just to amend the resolution perhaps if that's even possible. It didn't work out that way but again a span of 12 years went by and they just had children and they're growing up and now their idea as a family they're thinking Bilco doors no longer reasonable for us obviously go to the Town first before you do anything. I'm just trying to create the intention of my client. It is not ill intent it is not trying to do things and get caught and now I'm sorry this is how it is truly as far as I understand it. This is just a normal family trying to make modest improvements and a safer environment. Again 12 years ago versus now that's a long span of time Bilco doors of course were demanded and they're still demanded today it's part of the ordinance things haven't changed it's just that the lifestyle has changed for this family.

Ms. Murray – Bilco doors are there because when we decide on something it stays with the property in perpetuity so it doesn't matter what your intention is it will stay with the property and any new property owner can maintain that door and do things behind it that other people can't see there's a six foot fence around the property as well so that to me is not a reason to say we should allow because he's not going to ever sell the house. That's not the case you don't know that whatever is decided here it stays with the property.

Ms. Nobile – As his attorney I just want to be clear that you did discuss with him because I did try to go to the property and he was not aware that anyone from the Zoning Board can come to the property and inspect. It seems to be a repeat of the same thing he didn't know he didn't know and you here today he's coming to this meeting and he says he didn't know that the Zoning Board could come to his property as he did not let me onto the property. He said you did not inform him it's just a repetitive behavior that is concerning.

Mr. Khorozian – I understand the sentiment of the Board I don't know why I don't know what happened when you visited the property I don't know why you were denied. I'm sure it was today that you visited I don't know why you were denied access it's the day of the hearing perhaps and he doesn't know who is visiting.

Ms. Nobile – He said that you never told him.

Mr. Khorozian – I never told you I didn't expect I understand.

Ms. Nobile – It's just the ignorance excuse again.

Mr. Khorozian – If you had told me I would have said hey Ms. Nobile is visiting your property today please do not deny access.

Mr. Sagri – I don't deal with this so I don't know.

Mr. Khorozian – I'm not even here in the position to I didn't expect anybody visiting the property today I told the Board that access is allowed. It's just that the day of perhaps maybe he was confused as to why you showed up today as opposed to maybe a prior date but had I known I would have instructed him.

Ms. Nobile – The time of day doesn't really matter right if it was yesterday the day before.

Mr. Khorozian – I understand that everybody's frustrated.

Ms. Nobile – It was just a visual inspection because I wanted to see what took place and we have no visual.

Mr. Khorozian – That would have been nice for you to see and I told him that exactly after the fact someone showed they came from the Board or the Town to visit the property I'm like why didn't you let them inside. Again we're not trying to make things difficult.

Mr. Sagri – I didn't know.

Mr. Duffy – You didn't know that we could come?

Mr. Sagri – I was caught off guard I didn't know why she was there to be honest with you. We were about to leave to come here. I know nothing of this I have a family I go to work I take care of my family I'm not wise to this way the politics of it all.

Mr. Khorozian – If I was to make sense of it the timing he's leaving to come to the hearing suddenly someone is there again it doesn't matter the time or day.

Mr. Duffy – Ms. Nobile what time did you go?

Ms. Nobile – I think it was six.

Mr. Duffy – You did sign an authorization allowing us to come. Nobody was asking to go in our house which we have the right to. She wanted to look at the outside of the house. I've had to be at meetings here and I've been onto a property 20 minutes before just because I wanted to take a quick look again I missed something I wanted to see.

Mr. Sagri – I wasn't aware sir.

Mr. Duffy – You signed it.

Mr. Khorozian – A phone call would have been nice but again we're here now.

Mr. Sagri – If I was informed I didn't know.

Ms. Murray – I left for this meeting at twenty five after six I live right on Pine Avenue and I passed you sitting on your front porch not getting in the car yet your car was still there.

Mr. Sagri – I was trying to get my kids in the car.

Ms. Murray – They were outside someone was outside you were not leaving yet. I did not see Ms. Nobile because I was in my house at six o'clock.

Mr. Duffy – I want to dispense with this I didn't know I didn't cards on the table you signed this in my estimation you knew someone could come alright you didn't let them in. There's some major concerns with that there's concerns with the fact that you didn't have permits to do any of this work. I can understand and appreciate the fact that you have kids and you're concerned about their safety. The door opens in right does the door open in?

Mr. Burbano – No they said they haven't put it on yet they have to make it open out.

Mr. Duffy – That door should never open in the only doors I remember going in the basement that opened in were root cellars and they don't make root cellars anymore. One of the problems I have I can see from my standpoint I can see some modifications on the paving in the backyard to help take care of that issue but as far as the vestibule is concerned my stance is it goes back to the Bilco door unless if there is a problem with drainage and there's a problem with mold that you can provide evidence to us that we would be willing to table this to the next meeting for you to provide proof that in fact you've said it's not just a safety concern but there's water going in and there's mold damage so if there is I want to know if that's actually what's happening. If it's not tell me now because my vote I'll tell you now if I were to put this on the table I would say come up with something to move that shed make some alterations on the paving to maintain the same number because there is probably an issue being caused by the water displacement and that vestibule is gone. You go back to the Bilco doors that's my stance.

Mr. Schilp – I have two friends that have Bilco doors on their house and as long as you keep up with the seals and you look at them and make sure they're right they get absolutely no water even with all the heavy storms and all the heavy rain we have they get no water down in that stairway. If you're not up keeping that's not our problem that's your problem that you don't keep up with the seals and stuff.

Mr. Khorozian – Mr. Chairman can I have two minutes with my client to consult to explain to him.

Mr. Duffy – We'll stand in recess for the next five minutes.

The Board takes a five minute break.

Mr. Duffy – You asked for a recess to confer with your client so I'd like to know the outcome.

Mr. Khorozian – Before we decide I was speaking to my client we were wondering if it's possible to have a deed restriction on the property in the sense where the basement cannot be a livable space and also should the vestibule be allowed to be installed for example like today when they sell the property Bilco doors would have to be installed and that would come with the deed as a restriction.

Mr. Cialone – The problem with those are how do you enforce them?

Mr. Khorozian – An inspection well you get the CO for the resale and if they see there's no Bilco doors that's going to be a problem and they can't sell it.

Mr. Cialone – My concern is that some other attorney is going to decide that's restraint on alienation and not enforceable and I don't want to have to be in a lawsuit trying to defend that it's not a restraint on alienation.

Mr. Khorozian – I want to know how that would be alienation it's the ordinance and there's a purpose behind the ordinance to deter illegal rentals in the basement.

Mr. Cialone – Right and then the answer would be don't allow anything but Bilco doors ever.

Mr. Khorozian – Well that's part of the ordinance for this Town.

Mr. Cialone – It is part of the ordinance and it's part of the condition of your client's prior approval.

Mr. Khorozian – Sure but it's the purpose of this Town to enforce that just to ensure what we've been talking about all night.

Mr. Cialone – I get that but my concern is I put it in the deed and it either becomes difficult to enforce or I get an attorney saying it's not enforceable because it's a restraint on alienation because they can't sell it unless they have to rip out the vestibule and put in the Bilco doors and I don't want to have to be defending that.

Mr. Khorozian – Between the resolution and conditions of the resolution and the deed restrictions I don't see how an attorney can argue against this especially since it's part of the ordinance. It's just a mere adjustment for this specific family that's living here now.

Mr. Duffy – So here's a conundrum I've served on this Board now for eight years and in eight years' time we have not had a single Bilco door that we allowed from my recollection. There's members of this Board that have sat longer and they may know more about that than I do. If we do that now we're setting a precedent and then we're defeating the purpose of why the Town fathers decided to make an ordinance and put in Bilco doors only so I stand with what I said before. I am willing and open to redesigning to moving a couple of things in the backyard to get that shed off the back of the fence because I'm not a fan of two and a half feet and I'm not happy over the fact that this stuff was done not on the original plans and without permits but I can see that you know I don't want to kill the people that live in Town but to come up with some type of not even a compromise but a median would be to move the shed to where it should be and if that means realigning your percentages and moving some of your blocks to acquire that so you have it still on a pad then so be it but that vestibule is gone and I won't vote for anything other than that. As a matter of fact do you have anything further I don't want to cut you off if you had anything further?

Mr. Khorozian – No just want to make sure adjustments are possible.

Mr. Duffy – Adjustments are possible but to do this with the Bilco door you would have to show some just cause why we would overturn a previous approval on an application with stipulation and you have not. I'm trying not to sound like the bad guy with but the kids and that's not enough for me to agree to overturn. We all have kids a lot of people have kids and we change things in our houses to accompany our kids so that doesn't fly.

Mr. Cialone – I also believe that was discussed in 2012 as a reason why they were looking for the vestibule as opposed to the Bilco doors in case they had kids and safety for children.

Mr. Khorozian – Applicant will move forward with the decision of the Board to deny the vestibule doors but keep the shed with adjustments.

Mr. Duffy – I'm sorry can you repeat that.

Mr. Khorozian – To deny the vestibule doors but allow for the shed considering the adjustments the Board suggests.

Mr. Duffy – So you're willing to do that.

Mr. Khorozian – Yes.

Mr. Duffy – Okay. Do any other Board members have any questions?

Mr. Mazzer – did anybody from the Board look in the basement or the Building Inspector look in the basement to check for mold or a leak?

Mr. Duffy – No.

Mr. Khorozian – I'm not aware.

Mr. Duffy – To the best of my knowledge no. 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.

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

Mr. Duffy – Any further comments?

Mr. Schilp – I'd like to make a motion that the applicant has to move the shed to the five and five and if he has to take some of the patio out in order to make the footprint not larger than it is now but we deny the application for the vestibule.

Mr. Duffy – We have to word this properly because you're making a motion to approve the application.

Mr. Schilp – Let me ask the attorney a question do we need two motions one to approve to move the shed and stuff and a second motion to deny the vestibule and put the Bilco doors back?

Mr. Cialone – I don't believe so it might be cleaner to do it that way but I think you can combine them all.

Mr. Burbano – The patio's been there 12 years and hasn't caused any water issues have we given a variance for lot coverage of that much? Do we really need them to reduce the patio?

Mr. Duffy – No what the stipulation that Mr. Schilp is saying and that I also expressed is that the shed would be moved so it complies with the setback. If it required additional if they stay with Mr. Ambrogio's number on the accessory coverage they would have to realign some of the pavers in order to accomplish that or we give them a slight amount of extra and approve it so they can add to the patio within certain limits and then they can move it and stay with the setback. Reasonable?

Mr. Cialone – Reasonable but which one are we doing?

Mr. Duffy – The shed.

Mr. Cialone – So we're going to approve the shed but if they increase the footprint of the shed are you looking to decrease the.

Mr. Duffy – Decrease the patio?

Mr. Cialone – Yeah.

Mr. Duffy – Or increase the overall coverage?

Mr. Cialone – Yes that's the question.

Mr. Burbano – Is the shed on pavers now or is it on a 4 inch slab?

Mr. Aslanian – There's no slab.

Mr. Burbano – There's nothing so moving it is not going to cause a problem.

Mr. Aslanian – It could be moved.

Mr. Cialone – The shed's not on a pad.

Mr. Aslanian – I was told by the owner it's not on a pad.

Mr. Cialone – I thought someone said it was on a pad.

Mr. Burbano – So everything can stay the way it is.

Mr. Duffy – Let's clarify this. So your motion is to approve the application with these stipulations. The shed has to be moved so it's five and five. The patio will stay as they are. The vestibule is to be removed and the Bilco door reinstalled am I correct.

Mr. Schilp – Yes sir.

Mr. Cialone – So you're denying their request to eliminate the condition from the 2012 resolution.

Mr. Duffy – Yes that has to be separate or is it included in it?

Mr. Cialone – I think we should do it separate because it's getting confusing.

Mr. Duffy – Just for the matter of the Board before anybody said second the Bilco door the vestibule is off of this motion.

Mr. Mazzer – You should add something that they should take a permit because a shed has to be on some type of stabilized base in the State of New Jersey.

Mr. Duffy – Okay.

Mr. Mazzer – Just add something that'll say they have to take a permit.

Mr. Aslanian – Mr. Chairman Bilco is a brand name does it have to be Bilco per se I mean brand name everybody assumes those doors that open out it's Bilco.

Mr. Cialone – I would say a Bilco type door and I believe that's what the original resolution says.

Mr. Duffy – We'll make sure that it's a Bilco type door.

Mr. Cialone – Bilco style door is what the original said. What I'm going to suggest if I can is that you first deal with the request to eliminate the prior condition that he can only have a Bilco style door. I think you should deal with that first before you deal with the shed.

Mr. Schilp – I'll make a motion.

Mr. Cialone – We do have a motion already you made a motion.

Mr. Duffy – We can table that motion we haven't a second.

Mr. Cialone – Okay so then what I'm going to recommend is that somebody make a motion on the vestibule doors whether or not to approve the applicant's request to eliminate the condition from the 2012 resolution which says it had to be only a Bilco style door.

Mr. Duffy – I will make the motion that we deny the request to eliminate the condition from the 2012 resolution which required only Bilco style doors.

Mr. Schilp seconds the motion.

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

Mr. Duffy – To Mr. Schilp's motion you have to restate that motion.

Mr. Schilp – I make a motion that the applicant file permits to install the.

Mr. Cialone – I don't mean to cut you off he's asking for variances so what we're doing on the shed if you're requiring him to meet the setbacks where denying those variances with a condition that he moves the shed so it's in compliance with the setbacks and then if you're allowing the patio to stay you would be granting his variance for the accessory coverage and lot coverage.

Mr. Schilp – We can't tell him he's got to get a permit to do that which is already done?

Mr. Cialone – We can make those as conditions. The request is for variances so either we granted variances or denied variances and with that we can require reasonable conditions.

Mr. Schilp – I make a motion that we grant the request for the variance for the shed and for the patio.

Mr. Duffy – Wait you can't because he's asking for setbacks we want the shed moved.

Mr. Burbano – He doesn't need a variance if he's five and five.

Mr. Duffy – He's not five and five he's two and a half and two and a half.

Mr. Burbano – If he's going to move it you just deny it and then he just applies for a permit to put the shed at five and five and he's fine as long as you give him the lot coverage for it.

Mr. Duffy – Right.

Mr. Cialone – That can work yes.

Mr. Duffy – Do we have a congruent motion?

Mr. Burbano – My understanding is you just need a motion to give him the lot coverage and then he can just get a shed permit to put it there.

Mr. Khorozian – Accessory coverage lot coverage deny the shed.

Mr. Cialone – Right so the motion would be to deny the setback on the shed and approve the variances for maximum accessory coverage and maximum lot coverage and whatever conditions the Board I don't have any but whatever conditions the Board wants.

Mr. Cialone – The coverage will be in accordance with the Zoning Officer's numbers which our planner is telling us is accurate based on what's existing on the property. They just have higher numbers than they actually need.

Mr. Duffy – He may end up slightly increasing the patio so I think we should give him an allotment for that.

Mr. Cialone – They said that the patio is currently on dirt not on a slab so if he has to put some kind of foundation it's going to have to go under the shed so there's nothing for him to increase correct. There's nothing there.

Mr. Schilp – Most of the time they put stone down.

Mr. Cialone – He testified that it's on dirt right now so there's no slab to expand.

Mr. Schilp – As a condition of the approval he has to get a permit for the shed and follow all the pertinent rules to have the shed installed.

Mr. Duffy – The shed and the pavers.

Mr. Schilp – Yes.

Mr. Cialone – So it's a motion to deny the setback variances for the shed but to approve the variances for the accessory coverage and lot coverage with a condition that the applicant obtain permits for the shed and pavers and comply with all requirements of the Building Department for the shed and pavers.

Mr. Duffy – so we have a motion on the floor.

Ms. Murray seconds the motion.

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

A.) Ronaldo & Luisa Felipe, 355 Outwater Lane, Block 112, Lot 16

Applicant requests a rear deck entrance that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

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

Luisa Felipe comes forward along with her architect Thomas Reynolds. Mr. Reynolds gives his address as 211 Warren Street, Suite 519, Newark, NJ 07102.

Ms. Felipe does not speak English very well and Ms. Briana Morales is present to translate for her.

Mr. Cialone swears in Ms. Felipe, Ms. Morales and Mr. Reynolds.

Mr. Reynolds gives his qualifications and the Board accepts him as a witness.

Mr. Reynolds – I thought that I would start with the house as it is existing. It is a two family and was sold to the Felipe family as a two family but there is an interesting little quirk about it. The only way to get to the second unit is through the first unit. If you're looking at the existing floorplan on LU2 there's a staircase in the hallway between the kitchen and the entry area. That staircase is the only way up to the second unit and it's in the middle of the first unit. I'm making a wild assumption and guessing that was constructed but for some family member so they could their kid rent to live at home. When they bought the house they decided that doesn't work if it's not family and to make this a proper two family they wanted to find a way to do a second entrance. We went through a couple of different options and decided on this option. We thought it might be interesting to give that second unit some outdoor space by use of the deck and they'll have their own entrance through that deck which is how we ended up with this design. I do understand that the rear entry of the second unit does not meet the ordinance typically you do want to have a front facing entrance that is relatively common but I think that in this scenario to not have something that's either a bulky addition to the front where we're already beyond the front yard setback with what's existing and so to kill two birds with one stone by creating separate outdoor space and creating an entry we're looking to do something that comes off the driveway then directly to the second floor as shown on the rendering on the first page LU1 of the plan. Some of the things we did keep in mind I know the ordinance does have in there the 20 foot separation from accessory structure and I tried to find some history to how that became 20 feet could not get a clear answer but I'm assuming that it's from the requirement of the fire codes to make sure that you don't have to do additional fire proofing or have to keep that in consideration so we're holding at 10 foot which is the requirement currently in the building code and fire codes for separation between two wood frame structures. I think there was one other thing I'm just going to pull up the engineer's report make sure I didn't miss anything. The two other variances we're seeking the building coverage and lot coverage. The building coverage we are increasing because the deck is included but we already have a nonconforming condition there and we're raising it by less than 4% and the lot coverage is similarly driven by the same condition. I will note that this deck is not intended to be roofed so even though it is impervious coverage by the ordinance storm water can go through it so the zoning ordinance says it is but it's not sort of a structure that impedes storm water to the ground in a significant way. I think that covers the three main points from the engineer's report and the entry issue so if there's any questions that the Board has we'd be happy to provide additional testimony, as necessary.

Mr. Paparozzi – Along with Mr. Ambrogio's letter of denial listing the variances I believe there is a variance for parking. The requirement is 4 spaces and four spaces are provided but they're all tandem and it doesn't work for two different families. As Mr. Reynolds alluded to the combination was probably built for everybody in the same family if you have two different units and the people have to get out upstairs they have to get out at night in an emergency if they're away on vacation it just doesn't work. The parking analysis doesn't work so although they fit four spaces those four spaces are only for one family there has to be a separation. I would just include that as a parking variance because the tenant has to park on the street.

Mr. Reynolds – Mr. Chairman is there a specific part of the ordinance that separates the parking or are we relying on the RSIS?

Mr. Paparozzi – There isn't an RSIS it's just.

Mr. Reynolds – Sort of common sense usage.

Mr. Paparozzi – Yeah it's a common sense usage is what we're looking at because you can't put and most towns have it most of the towns I'm in have it Saddle Brook needs to have a new code codification and I looked at RSIS.

Mr. Cialone – This would be RSIS anyway so it wouldn't matter what our ordinance says wouldn't parking be controlled by RSIS?

Mr. Paparozzi – That's just the number of spaces. If you had a three family and you needed 6 spaces they can't all be tandem that almost comes into common sense more than an actual situation and Board members if anybody has a two family you know that you can't park a tenant behind the owner and then another owner behind that and then another tenant behind that it just doesn't work regardless of RSIS or Saddle Brook code. If it doesn't work I'm bringing it to your attention.

Mr. Reynolds – I think that's something the Board should consider for recommendation to the Council but as I read the ordinance and the residential site improvement standards we do meet the conditions of parking.

Mr. Mazzer – When did this become a two family?

Mr. Paparozzi – I don't know that again I'm not on this application but it is a two family zone and it seems like there is a two family there.

Mr. Reynolds – I as well was trying to figure that out and could not find I'm sure your Board Engineer can even tell you I called him for additional information as to how we ended up in this situation so I can make the best testimony to address it but at this point we're just trying to make the best of the situation we're dealt.

Mr. Rizzo – This layout with the bedrooms unit two having three could this have been a mother daughter or an illegal mother daughter considering the stairway inside and considering there's only one bedroom upstairs?

Mr. Duffy – I don't know the history of the property and it's zoned for two family for quite a long time.

Mr. Rizzo – Are there two meters?

Mr. Reynolds – I believe there are two meters on the property. Let me see if I can pull up my site photos. There are two meters and they are separated.

Mr. Duffy – Well it's a two family we know that. Just the issue we have with the parking.

Mr. Mazzer – It's existing we can't do anything about it.

Mr. Duffy – There's no place to go so we have to include it as a variance. You're saying that we should include it as a variance.

Mr. Paparozzi – I would yes Chairman.

Mr. Cialone – I don't see that we need to but that's up to the Board.

Mr. Duffy – Mr. Saad do you have any questions?

Mr. Saad – From an engineering perspective not much here the architect testified that the water is going to seep through the there's really no change in the drainage patterns. I do see there is an existing rear entrance to the first floor is that existing?

Mr. Reynolds – That is existing.

Mr. Saad – And that's going to be maintained.

Mr. Reynolds – That is going to be maintained.

Mr. Saad – The one stairway goes in one direction to the entrance the second floor door essentially goes right on top of that door on the second floor and the stairway goes in the opposite direction.

Mr. Reynolds – Correct.

Mr. Saad – Is there plans for any lighting underneath the deck or that first floor entrance?

Mr. Reynolds – We're not intending to add lighting to the exterior.

Mr. Saad – No lighting proposed at all. Is that first floor rear entrance used a lot by the owner currently?

Mr. Reynolds – That's sort of the most direct path from the garage and driveway to the kitchen.

Mr. Saad – So that's the main entrance so maybe it would be a good idea to have some lighting.

Mr. Reynolds – Okay.

Ms. Morales – There's existing lighting for the first floor.

Mr. Saad – There's existing lighting, okay, so there is some lighting there.

Mr. Duffy – There's no lighting on the second floor.

Mr. Reynolds – We are open to adding it and making sure that we stay below lighting levels that won't have seepage over the property line.

Mr. Saad – Are you keeping the concrete patio with no additional impervious?

Mr. Reynolds – That is correct.

Mr. Saad – Last thing is make sure you get your applications approved get the right building permits not only for the deck but also for the new door on the second floor and then you're also going to be walling off the existing access to the second floor.

Mr. Reynolds – Yeah on the first floor it gets walled off because it still has access to the basement.

Mr. Saad – There's no basement in the house.

Mr. Reynolds – There is a basement and it's going to be for the first unit only.

Mr. Saad – The stairway down

Mr. Reynolds – The stairway down will be closed off.

Mr. Saad – For the second floor how does that work is there going to be a floor installed?

Mr. Reynolds – There will be additional framing of the floor at the opening which will make the living space much more square and usable.

Mr. Saad – I have no further comments.

Mr. Burbano – I would probably add lighting it's going to be pretty dark by that stairwell just for the safety of your tenants. Just a side light next to the door is probably not going to be enough but that's just for your own protection.

Mr. Duffy – No one else has any questions?

There are no other questions.

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

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – Any other questions or comments?

Mr. Schilp makes a motion to approve the application stipulating that they need to install some lighting underneath the deck and by the stairway and second floor door.

Mr. Burbano seconds the motion.

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

Mr. Duffy – We have a ten minute break.

D.) RPM Hospitality Group, LLC, 129 Pehle Avenue, Block 1311, Lot 36

Applicant requests an amended site plan for a prior approval that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Mr. Cialone confirms that their notice is in order and they may proceed.

Carmine Alampi is the attorney representing this application and he comes forward with his engineer Bahman Izadmehr.

Mr. Alampi – This application had been approved in December of 2020 it was memorialized in March of 2021 and I want to bring to your attention that we did include a copy of the prior resolution for the Board to review but in the original resolution on page 7 there are several details that were noted and one noted and most important was a double F that dealt with the elevator might be some confusion. We talked about the elevators for the Phase II building which has not yet been built but we also talked about the elevators of the existing building. Originally we planned the elevators inside the building in the current shaft and then we learned at the last minute that due to the change in the International Building Code that the cab size that we would need so that stretchers would fit inside the cab of the elevator we might not be able to accommodate it in the shaft so we presented to the Board and it's in the resolution that we were going to build a shaft and an elevator on the outside of the building. We went through the code again we went through the shaft size and one of the changes we're making here tonight is the fact that we can do and comply with the proper sized cabs for the elevators in the existing shaft. That's the major change. The other changes are that we're proposing a six foot fence around three sides of the perimeter of the property

and lastly we have some slight changes in the front yard setback and the coverage due to the County application. We did get County approval and normally the County does a deed of easement along Pehle Avenue we would convey to them an easement for the potential or future widening of Pehle Avenue should the County ever appropriate the monies. In this instance they asked us to actually convey to them a strip of land on Pehle on our property line so our property line now has changed so you'll note that in our notice and the application the only change we're talking about is the minimum front yard that we had back in 2020 for 61.2 feet but our front yard now is 54.4 feet. We didn't change the parking we didn't change the configuration we just lost 7 feet of land to the County. I don't know if the County will ever take advantage of it or build on it but that's what happened there. So what are we doing housekeeping we're reverting to the interior elevators in the existing building, we're putting up a six foot fence around three sides of the property, we eliminated a drop off area by the dining area so that we could have a wider drive aisle between the parking spaces and we lost seven feet of our front yard setback due to conveying that seven feet to the County.

Mr. Paparozzi – Mr. Alampi the plan says eight feet.

Mr. Alampi – Okay eight feet you're right.

Mr. Paparozzi – Just for the record it's eight.

Mr. Alampi – So that's the situation with that I have Mr. Izadmehr here because what I just said is not evidence he'll have to say that under oath. I would qualify him once more before you very briefly and then you can swear him in.

Mr. Cialone swears in Bahman Izadmehr he gives his business address as 75 Parkhurst Street, Newark, New Jersey.

Mr. Izadmehr gives his credentials and is accepted as a witness.

Mr. Alampi – Could you just elaborate on the few items what has changed on the plan and where those changes have occurred.

Mr. Izadmehr – As part of your packet we submitted a letter dated June 1, 2023 and I have highlighted six changes to the amended site plan from the original plan that was approved back in December of 2020 and then it was adopted by resolution in March of 2021. We are adding a six foot high fence to three sides of the property on the north side, east side and west side. There will be fences on all three sides except the front of the property facing Pehle Avenue. This property used to be a hotel as you know and there was a restaurant on the site and the restaurant had an entrance from the west side of the property and there was we also proposed a drop off during the original site plan process but now we have removed that so we are not making any changes on the west side parking area of the property.

Mr. Alampi – Let me ask you originally we proposed an adult daycare but we eliminated that in the 2020 application.

Mr. Izadmehr – That's correct.

Mr. Alampi – So now you're eliminating the drop off that you previously designed for the daycare correct.

Mr. Izadmehr – That's correct.

Mr. Alampi – There are some ramps inside the interior of the site that you have modified.

Mr. Izadmehr – The other change on page 3 of the amended site plan I call your attention to the west side of the property. Here this is where we had the drop off point immediately to the west of the building because the original proposal was to convert this restaurant to an adult daycare. So we left the drop off as part of the original plan and the plan got approved with that drop off lane. Since that adult daycare is not happening and didn't get the approval of course this area will be dedicated to the assisted living dining facility. We didn't really need this drop off anymore. As you can see on the west side of the building we are not making any changes to the parking area at all everything is staying the same and that's actually the reason that we are increasing the impervious coverage because we are not making any changes on this side of the property. It is still going to be less than what exists today because we introduced landscaping in the front of the property so still we are improving the impervious coverage but it is going to be less than what was approved back in 2020. The other changes we are making is entry into the main building we used to have a lift chair inside the lobby for ADA compliance so since then we have removed that lift chair and we have added an outside ramp to the handicap spaces because we felt this was a better design. This is much closer to the handicap spaces at the site. So from the handicap spaces we

are introducing two ramps leading to the building. So that was basically the other change and the change that Mr. Alampi referred to was the elimination of this outside elevator. So since then we found out that we could accommodate the stretcher that was discussed in the original hearing inside the replaced cabs within the shaft of the elevator in the lobby. Then lastly we also eliminated an access to the proposed therapy building. This is the existing pool which is shown in a light gray and the darker gray next to the rest of the existing pool is the proposed therapy that was approved as part of the original application. Initially we had access from the corner of the lobby to this new therapy building but since then we thought this was much closer to come from interior lobby door to the outside again we are at two handicap ramps so that's the other change. Lastly we had to provide some property for Pehle Avenue to the County because the County's sidewalk was within the property so they wanted to have complete control over the sidewalk therefore we did some dedication and that impacted the front setback. It still is more than the minimum but it got reduced by about eight feet.

Mr. Alampi – The ordinance requirement is thirty feet.

Mr. Izadmehr – Thirty feet.

Mr. Alampi – Now it's 54.4 and that's due to the eight feet taken by the County.

Mr. Izadmehr – Yes.

Mr. Alampi – Any other changes?

Mr. Izadmehr – The County also wanted a bus stop at this corner across from Van Orden Street. We met with them they were very adamant to have this crosswalk but I set up an on site meeting with the County folks and we noticed there is no sidewalk on the site of the proposed bus stop and also there was a huge sign for this business at this corner. So we basically all agreed that it was not doable. That was already approved by this Board so we removed the bus stop and we removed the crosswalk because the crosswalk was not leading to the intended location. They wanted to provide a safe crossing for people who live on Van Orden Street.

Mr. Alampi – And the crosswalk is in the County's jurisdiction correct.

Mr. Izadmehr – That's correct the crosswalk was in the County's jurisdiction and so is the sidewalks. So those are the main changes that are reflected on this amended site plan.

Mr. Alampi – I have no other questions if the Board does.

Mr. Paparozzi – I have no issues as well the six foot fence is permitted in the CH zone. I do have if the Board wants to see the changes on page 3 from what was approved to what the engineer has highlighted with a cloud. If anybody needs to see it I have it showing the changes he went through but you could see it actually when you compare the two sheets if you need to see it I brought it with me.

Mr. Saad – A lot of engineering on the site hasn't changed from their original proposal to what their changes are now that they presented today. Just some housekeeping items. There are some additional approvals such as the County soils as well as the DEP. Was this version of the plan approved by the County?

Mr. Izadmehr – Yes.

Mr. Alampi – We had the approval before the latest details but yes that sheet site plan sheet 3 was approved by the County.

Mr. Saad – With all the changes we're looking at today.

Mr. Alampi – Yes.

Mr. Saad – I don't know if you already got your soils permit but you would have to send us the revised.

Mr. Izadmehr – The soil erosion permit has not been obtained yet because we haven't started construction of the new building.

Mr. Saad – Okay so this will be the only plan they actually see.

Mr. Izadmehr – Yes the soil erosion only applies to the second phase of the project.

Mr. Saad – Because you're not disturbing 5,000 square feet in the first phase.

Mr. Izadmehr – Exactly.

Mr. Saad – Same with the TWA right.

Mr. Izadmehr – That's correct it only applies in the second phase.

Mr. Saad – Other than that just make sure the Township Fire and Police Department get a look at it and we had some drainage comments that can be addressed during construction. I guess my last question is the lot line along Pehle Avenue is that the new lot line after the County took there's?

Mr. Izadmehr – We are showing both the former original property lines as well as the new property line after the dedication.

Mr. Saad – That four inch diagonal striping next to the driveway that was at the County's request.

Mr. Izadmehr – That's correct.

Mr. Saad – That's just so they don't want anyone parking close to the driveway.

Mr. Izadmehr – That's right.

Mr. Saad – For both driveways actually okay. Other than that the overall engineering on the site didn't change much. We took a look at the applicant provided us with a drainage report the water usage reports no real changes there.

Mr. Alampi – Mr. Chairman I'd like to give the Board an update since 2021. We took a bit of time in the interior of the building. We're deconstructing moving walls reconstructing fabricating the apartments for the assisted care but we got sidetracked for about nine months to a year in negotiations with Tunnels to Towers who showed an interest in this property but they've moved on they purchased a property in south Jersey. You're all familiar especially this week with Tunnels to Towers they're a great organization. They're buying property and building housing for veterans, first responders and disabled parties. They were really digging in on this property for their purposes but they've moved on. You probably know they're building a huge project in Florida and they're probably going to go nationwide in each state with housing for their veterans so we suspended a lot of work while we were working with them but they've decided on new construction on another site. That's why it's taken as long as it has but we expect in the next year to clean up the interior of the existing building and then we'll start working on the site and cleaning up the landscaping and such. I've been in touch with the Mayor's office to keep him apprised of our progress so this is going to be a reality this project.

Mr. Duffy – There was plans to build a second building also.

Mr. Alampi – There is and we're still going once we finance the first phase then we'll turn our attention to the second building yes.

Mr. Duffy – In the meeting in 2020 there was a lot of discussion regarding the elevator and the stretchers so how has this been resolved. You've alluded to it but no one's defined it.

Mr. Alampi – We had various architects redesign it and we have it designed and we have an exhibit that was prepared by the architect involved with that you might want to mark it into the record. I think we submitted this with you'll see this diagram was submitted it shows that they fit. Mr. Izadmehr is advising me that the DCA has approved this diagram. We had a long delay with the construction drawings with the DCA. The Department of Community Affairs had direct oversight because it's an assisted living facility and over our construction drawings but these have all been approved including our construction and reconstruction drawings.

Mr. Duffy – So the DCA said it's okay.

Mr. Alampi – Yes.

Mr. Duffy – Okay with all due respect we had provisions in the previous resolution correct me if I'm wrong but I'm not concerned about the DCA at that point. They're not going to override us.

Mr. Mazzer – Wasn't the original thing I think I'm looking at the original there's two lift towers right there's two elevators.

Mr. Duffy – There's two cars in one tower.

Mr. Mazzer – What we approved was two elevators two different towers.

Mr. Duffy – There was to be an outside one.

Mr. Mazzer – There's to be an outside one on the right and there's the two lift towers and one on the inside.

Mr. Schilp – The inside was going to be a new building.

Mr. Alampi – That's phase two.

Mr. Duffy – The existing elevator is in proximity of what would have been the restaurant correct.

Mr. Izadmehr – That's correct.

Mr. Duffy – There is no other elevator in that building there's two cars in one shaft. You were going to have the outside elevator was going to be like an atrium between the two buildings in that rough location if my memory serves me right. My concern is what is the size of the present cars in the shaft now and how did this because we discussed it for quite some time. We were up at the senior center I remember this.

Mr. Mazzer – So there's two elevators now.

Ms. Murray – There's two towers yes.

Mr. Mazzer – And we're keeping the two towers.

Mr. Duffy – There's only one tower.

Mr. Alampi – And one tower will be built in the future.

Mr. Mazzer – When we voted for this you were supposed to put this tower up. This elevator tower was supposed to go up.

Mr. Alampi – Are you talking about the elevator shaft?

Mr. Mazzer – Yeah with the elevator so that there was two elevators in that existing building.

Mr. Saad – It's on the survey too it's there it's in existence.

Mr. Duffy – Yeah.

Mr. Saad – One tower to the left one to the right.

Mr. Cialone – I'm looking at the demo soil erosion plan showing two lift towers in the existing building currently.

Mr. Alampi – We're not disagreeing.

Mr. Cialone – Would it have been like a service elevator?

Mr. Schilp – It was kind of a service elevator but all the tenants used it when it was being used as a hotel.

Mr. Burbano – The only reason they were adding another one is it didn't fit ADA but there is towers at both sides with three elevators.

Mr. Alampi – We have a service elevator and two others.

Mr. Burbano – The service elevator could be used for anything.

Mr. Alampi – Right and we have the two.

Mr. Burbano – Yeah so there's three elevators in there one on either side of the building.

Mr. Alampi – Right but we were concerned about the size of the cabs.

Mr. Burbano – I remember yeah you were concerned that it didn't fit so they had to do that if they wanted to make it. Now that they don't have to do it obviously they don't want to.

Mr. Duffy – Who said they don't have to do it.

Mr. Burbano – I'm not saying that what it is when they went for the original the architect told him the stretcher didn't fit. There's a certain dimension that you need now the DCA it sounds like told them that it will fit so.

Mr. Duffy – No the DCA is saying you're going to change the size of the car. The shaft is still the shaft that you can't change. Here's my question what's the original size of the car and what's the new proposed size and how because when I look at the drawing you have to like squeeze this in corner to corner. Which I remember this was very contentious. You had experts I remember this.

Mr. Alampi – Not just that it was contentious there was also a change in the building code in all buildings. You have to be able to get a gurney inside the shaft. The old code if you were handling somebody you could sit them in a chair or sit them up you can't do that anymore.

Mr. Duffy – You can't because what if they have a neck brace on.

Mr. Alampi – You have to be on the gurney and it des fit. The cab was I guess redesigned and the DCA has approved it.

Mr. Izadmehr – The new cab is six feet and eight inches and the shaft itself is eight feet and two inches wide. A stretcher seven foot long by two foot wide will completely fit into the elevator.

Mr. Duffy – What's the standard size that most towns have for a stretcher?

Mr. Izadmehr – Six feet is the standard size but we are showing here seven by two.

Mr. Schilp – Six feet is what they have in Town.

Mr. Izadmehr – Even they do have in some locations five and a half.

Mr. Alampi – We increased the weight distribution one elevator will have 3500 pounds and the other one will have 2500 pounds. So the weight load has been increased the cabs were reconfigured and everything is compliant. Which by the way has to pass the State Department of Health, DCA and of course our own concerns if we comply.

Mr. Duffy – What's the occupancy now of the new car?

Mr. Alampi – Occupancy?

Mr. Duffy – Once you put a stretcher in there how does that change. I'm asking because somebody did research to do this.

Mr. Alampi – I can't answer that question.

Mr. Duffy – Here's my concern somebody gets hurt or somebody has to be transported and they're on a stretcher will they be able to get anybody in there with them?

Mr. Izadmehr – Yes three people on each side six people up to 3500 pounds. So 3500 even if you divide it by seven a person up to almost 500 pounds could fit in this elevator.

Mr. Duffy – you have to give me time to digest this. I can't believe the average size of a stretcher is six feet.

Mr. Izadmehr – We are showing seven and two.

Mr. Duffy – I know you're showing seven two feet wide and these two cars are the ones in your cloud next to the dining area.

Mr. Izadmehr – That's correct.

Mr. Duffy – Is there an alteration made to the other elevator car the single that's on the other end of the building?

Mr. Izadmehr – We are not proposing so we are proposing to change both cabs in the lobby elevator.

Mr. Duffy – What is the overall distance from one end of the building to the elevator shaft with the two cars? Now those two cars are servicing in a handicap an emergency situation we're servicing that whole building that's sitting there now but they're going from that end to that end. Am I correct?

Mr. Izadmehr – That's correct yeah.

Mr. Duffy – Okay.

Mr. Izadmehr – The average accessible distance is about a hundred feet to either elevator.

Mr. Schilp – What you have to think of is the east elevator the single elevator when you come down to the first floor there's step to get out you're not going to think about that you're going to go all the way down to the lobby and take them out that way.

Mr. Duffy – So there's step so that elevator doesn't matter they can't put a stretcher in there anyway.

Mr. Schilp – Right.

Mr. Duffy – This is kind of what led us I think last time to the outside also to accommodate the second building am I correct?

Mr. Alampi – We didn't believe that we could fit the gurney properly into the elevator so we thought we would have to build the exterior shaft. I think that we reviewed this with the Building Department. I don't know if your EMS has been involved yet but we will certainly interface with them long before we open the building.

Mr. Schilp – It's workable.

Mr. Burbano – Most of the senior living has one elevator or one double. I've built senior living and there's only two bays and as long as they have the distance run and the DCA allows it then I don't know It sounds to me like they came thinking that they were not going to be able to fit and that's why they asked for the variance but now they don't need that second bank.

Mr. Alampi – That wasn't a variance but that was a need we had.

Mr. Burbano – I understand.

Mr. Duffy – It was a condition not a variance. With all due respect to the DCA those are minimums every bureaucratic agency deals with minimums so that's why I questioned this because I remember how concerned we were. With all due respect to you gentlemen I just want to get my head wrapped around this so I know because we were very concerned previously and I want to make sure that we are handling the same concern and just doing it right. I don't want to have it come back with like who's the idiot that said yes to this elevator because guess who's name goes on this. I'm the idiot whose name goes on it. I

sign the resolution. I want to make sure that I'm not the idiot who said oh yeah I don't care if he's six foot seven we can fit his ass in here and I'm not doing it.

Mr. Alampi – We understand your concern, the Board's concern, the Township's concern, our concern but okay I understand you.

Mr. Saad – Do you have a vendor or manufacturer lined up for the elevator?

Mr. Alampi – We have been working with him yes we have contractors and we have a vendor. Of course in Saddle Brook they have to have an outside elevator inspector as well.

Mr. Saad – I just want to make sure that it's designed and that someone is actually willing to find a product.

Mr. Alampi – Absolutely they have to certify it. The company is called Action Elevator in Fairfield.

Mr. Duffy – In the proposed eight story building the second building phase two there will be a dual car elevator.

Mr. Alampi – We haven't designed it yet but being new construction we can address the floorplan and the number of elevators.

Mr. Duffy – The two buildings will connect correct?

Mr. Izadmehr – That's correct.

Mr. Duffy – I always thought that this was a good project because nobody wants to look at a vacant hotel. I get that I just want to make sure.

Mr. Alampi – You're concerned about the safety of the residents.

Mr. Schilp – You said that the County's taking eight foot is there going to be any change to the sidewalk and grass area that's there right now?

Mr. Izadmehr – The sidewalk was replaced.

Mr. Schilp – I know they did a lot of work on the driveways and such but I was just wondering if they had any other plans.

Mr. Izadmehr – Not that we know.

Mr. Burbano – You're doing a vinyl fence.

Mr. Izadmehr – Yes.

Mr. Cialone swears in Jagnish Patel and he gives his address as 116 Brookview Drive in Woodcliff Lake

Mr. Alampi – You're the principal of this development?

Mr. Patel – Yes. We had a fence existing so we were changing to PVC so we applied for a permit. Whatever permit allowed we did it but towards the Parkway we needed to get Board approval so that's where we are. The other side is done so we have one side left.

Mr. Burbano – Just a recommendation your parking is right on that fence and I don't know if there's enough space in between to set back the stops but that fence is going to be damaged probably the second or third day.

Mr. Patel – We can put up a stop.

Mr. Burbano – Just something to think about on that side at least. I think you only have 25 feet between and what do they need for the passage there.

Mr. Paporozzi - They need twenty four.

Mr. Saad – Concrete wheel stops.

Mr. Duffy – Do any other Board members have questions?

Mr. Mazzer – Did anybody from our EMS look at the elevators?

Mr. Duffy – No but Mr. Alampi said he would confer with them.

Mr. Alampi – We will we had originally but we continue a dialogue. We will be happy to speak with the EMS Directors.

Mr. Duffy – Our EMS uses six foot stretchers and this elevator car is able to receive a seven foot stretcher.

Mr. Schilp – The problem is the rigs are just so long we can't put these long stretchers in the rig.

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

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

Mr. Duffy – Having heard none.

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

Mr. Burbano makes a motion seconded by Mr. Schilp to approve the application.

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

Mr. Duffy – On a side note I would like to see and I know I'm asking for something that's already outside of the purview of the motion but if you could see fit to contact our first responders.

Mr. Alampi – I will and will copy you and if anybody Mr. Mazzer or yourself want to participate we will call them and let you know when we can meet.

Mr. Cialone – They did stipulate that so it will be in the resolution.

6. RESOLUTIONS

A.) Approval Wafaa Morcos, 122 Graham Terrace, Block 1509, Lot 5

Mr. Schilp makes a motion seconded by Ms. Murray to approve the resolution.

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

7. MINUTES

Meeting of August 5, 2024 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 7/19/24 (439 Market Street)

Anthony Kurus to the Zoning Board of Adjustment, 7/19/24 (129 Pehle Avenue)

Anthony Kurus to the Zoning Board of Adjustment, 7/19/24 Revised 8/26/24 (129 Pehle Avenue)

Anthony Kurus to the Zoning Board of Adjustment, 8/12/24 (158 Schepis Avenue)

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

9. VOUCHERS

Neglia Engineering Assoc., 8/12/24, Russell Kelley, 101 Graham Terrace, Block 1508, Lot 11 \$595.00

Neglia Engineering Assoc., 8/12/24, RPM Hospitality, 129 Pehle Ave., Block 1311, Lot 36 \$1,635.00

Neglia Engineering Assoc., 8/12/24, Wafaa Morcos, 122 Graham Terrace, Block 1509, Lot 5 \$175.00

Neglia Engineering Assoc., 8/12/24, Carrols Restaurant, 439 Market St., Blk 705, Lots 24-26 \$1,207.50

Basile Birchwale & Pellino, 8/08/24, Wafaa Morcos, 122 Graham Terrace, Block 1509, Lot 5 \$250.00

Basile Birchwale & Pellino, 8/29/24, Ready Spaces, 575 N. Midland Ave., Block 1701, Lot 1.02 \$125.00

Return of Unused Escrow, 8/29/24, James Burbano, 110 Danna Way, Block 1513, Lot 9 \$31.55

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

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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

Mr. Duffy – Having heard none.

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

11. ADJOURN

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

Meeting adjourned at 9:42 pm

Respectfully submitted,

Frank Barrale