

TOWNSHIP OF SADDLE BROOK

ZONING BOARD OF ADJUSTMENT MINUTES

June 2, 2025 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday June 2, 2025 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

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

4. ROLL CALL

Ms. Murray, Mr. Mazzer, Mr. Schilp, Ms. Nobile, Mr. Burbano, Mr. Francin, Mr. Manzo, Mr. Gjorgievski, Mr. Duffy – Present.

Mr. Tokosh and Mr. Latona are absent and Mr. Francin sits in for Mr. Tokosh.

Mr. Cialone the Board Attorney, Mr. Kurus the Board Engineer and Mr. Paparozzi the Board Planner are also in attendance.

5. NEW BUSINESS

A.) Paul Levin, 32 Garden Street, Block 905, Lot 7

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

(Applicant was carried without further notice from the April 7, 2025 meeting and was carried again without further notice to the June 2, 2025 meeting.)

Mr. Levin comes forward and Mr. Cialone reminds him he is still under oath.

Massoud Katebeh the engineer of record comes forward he is sworn in and gives his address as 300 Winston Drive Apt. 1814, Cliffside Park, NJ 07010.

Mr. Katebeh gives his credentials and the Board accepts him as a witness.

Mr. Duffy – When we last off in April there were some items you needed to supply. Is Mr. Katebeh going to explain what you supplied?

Mr. Levin – Yes.

Mr. Katebeh – I provided the details and the floor plan and the Town requirement I know that you asked about the fire rating. The new structure because it's standalone and separated from the main structure doesn't need to be fire rated. If there is any modification we can go for it definitely.

Mr. Duffy – Are you testifying that this structure that you drew is what was built?

Mr. Katebeh – Yes.

Mr. Duffy – The depth of the footings how were they verified?

Mr. Katebeh – I have pictures.

Mr. Duffy – In April Mr. Levin you said you were going to supply us with those pictures.

Mr. Levin – I don't recall but I do have them.

Mr. Duffy – You have them.

Mr. Levin – Not with me but I have them.

Mr. Katebeh – I have them on my phone if you desire I can show them to you.

Mr. Duffy – How are we going to do that?

Mr. Katebeh – Can I come and show it?

Mr. Schilp suggests that Mr. Katebeh show them to the engineer and planner for them to determine if they are adequate.

Mr. Duffy agrees with him.

Mr. Katebeh shows the picture to Mr. Kurus.

Mr. Kurus – The testimony with what's on his signed sealed drawing is an accurate representation of these pictures. I can see the measurement on there I don't know when it was taken but I guess they testified it's from the site so.

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

Ms. Murray – What you built is not changing you just documented everything correctly so what we see that is what's there?

Mr. Katebeh – Yes.

Mr. Paparozzi – Just a matter of formality over here on the plan that was submitted by MGK Engineering dated 5/12/24 the title box it entitled "Location Survey of Dwelling on Lot 7 in Block 905 as Shown on the Tax Map" the engineer is not a land surveyor so this can't be a survey additionally the survey that is superimposed on here there should be a note as to where the information came from. The survey date and the name of the surveyor that prepared it. The rules and regulations in New Jersey require that you cannot call this a location survey without being a licensed land surveyor you should know that. So quite honestly this plan for practical purposes is no good but the Board can do as they like with it.

Mr. Katebeh – The issue is the title block what is the issue exactly?

Mr. Paparozzi – The survey that you referenced there you should have a note saying where it came from who prepared the survey and the date.

Mr. Katebeh – I can add that.

Mr. Paparozzi – I know and you should change the title block too. I'm on the State Board and quite honestly you can get in trouble for that.

Mr. Katebeh says he will make the changes required by the Board.

Mr. Paparozzi – He should change the title and make a note to the survey superimposed on there where it came from the date and who prepared it.

Mr. Cialone – He does have the date in the project notes but that he just provide additional information that the planner has indicated is required and he has to retitle the document from Location Survey of Dwelling to Plot Plan or Site Plan.

Mr. Kurus – Site Plan and Carport Details.

Mr. Katebeh – Sure.

Mr. Duffy – Mr. Kurus in your report there was a question about water runoff was that answered?

Mr. Kurus – We talked about that last meeting we just said to make sure the gutter and leader of the carport is directed not towards the neighboring property but towards the interior of the property.

Mr. Schilp – What are the exceptions he is looking to make? We got side yard too close to the house and garage. I'd just like a complete list of them.

Mr. Duffy – There's accessory coverage, total lot coverage, distance to accessory structure to primary structure, distance of accessory structure to another accessory structure and distance of accessory structure to side yard. So we have the side yard setback, the distance to the garage, the relation to the house, the total accessory coverage which is 18% and you proposed 24% your existing is 23.7% and it went to 24% and the total lot coverage 44% is the code and it's 49% proposed.

Mr. Duffy – If none of the Board members have any questions can I have a motion to open to the public.

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – Any further questions or comments from the Board?

There are no further questions.

Mr. Duffy – Any motion coming from the Board?

Mr. Mazzer makes a motion to approve with the changes to the plan and the engineer and planner can verify the changes are correct.

Mr. Duffy – So we're going to approve the application which is granting the five variances. You have to adjust the plans as discussed to be submitted and make sure the engineer and planner get them.

Mr. Cialone – Just from the planner what additional information he has the date of the survey what additional information do you want?

Mr. Paparozzi – The date and who prepared it. Also Mr. Kurus's comment about directing the runoff.

Mr. Duffy – The water runoff has to be away from the neighbors. Provide that on the plans for the engineer so we have proof that's where it's going to go off and away from your neighbors. We have a motion on the floor.

Mr. Burbano seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Ms. Nobile, Mr. Burbano, Mr. Francin – YES.

Mr. Schilp, Mr. Duffy – NO.

Mr. Duffy – The reason I voted no is you did this without a permit so you're getting a pass by virtue of these other fine people here.

Mr. Levin – I appreciate it and I'm sorry that I worked backwards.

Mr. Duffy – Sometimes in the interest of being safe just a phone call could have saved you a lot of problems.

B.) Qawiya, LLC, 82 Midland Avenue #B, Block 401, Lot 2.01

The Applicant proposes a change of use from a former martial arts teaching studio to a boutique fitness studio and also proposed to expand the hours of operation to Monday-Friday 6:00 AM – 10:00 PM and Saturday-Sunday 7:00 AM - 7:00 PM. No site improvements are proposed as part of this application.

Zare Khoroizian is the attorney for this application.

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

Mr. Khoroizian – This is regarding a Use Variance application for the premises located on 82 Midland Avenue #B Saddle Brook New Jersey which is unit 4 on the site plan sketch. The premises is located in the OMR Zone. It was previously used as a martial arts studio and is currently vacant. The applicant proposes to use the premises as a Boutique woman's fitness studio and to expand the hours of operation of business to Monday through Friday 6:00 am to 10:00 pm and Saturday and Sunday from 7:00 am to 7:00 pm. No improvements will be made to the premises. Today I have only one expert David Spatz he is our planner sitting next to me.

Mr. Cialone swears in David Spatz he gives his address as 60 Friend Terrace Harrington Park New Jersey.

Mr. Spatz gives his credentials and is accepted by the Board as a witness.

Mr. Khoroizian – Have you visited the property?

Mr. Spatz – Yes I have.

Mr. Khoroizian – You reviewed the Neglia review letter of May 6th and revised May 15th?

Mr. Spatz – I have.

Mr. Khoroizian – You have conducted your planning assessment?

Mr. Spatz – Yes.

Mr. Khoroizian – Please describe your scope of work to the Board and your testimony.

Mr. Spatz – I was asked to review the submitted materials, the Master Plan and the Zoning Ordinance for the municipality, the engineering report, I visited the property to provide testimony for this evening. The property is located on the eastern side of Midland Avenue its north of Van Bussum Avenue. The site currently is developed with a one story masonry commercial building that contains multiple tenants. One of the tenants is CNC Granite they're a granite and marble cutting facility. UniMak which is an office use and then the other occupied space is occupied by DEI Engineering which builds and maintains road hazard materials and vehicles. There is also a vacant space so there is a mixture of uses as was noted. The applicant is going to occupy unit 4 out of the 5 spaces and that was previously occupied by a martial arts studio. Our surrounding neighborhood contains a mixture of residential and industrial uses. To the north of us is warehousing and other industrial uses. To the south of us on the opposite side of Van Bussum Avenue is the Grande multi-family development. The opposite side of Midland Avenue from our property is developed with lower density residential uses and the rear of our property on the eastern side is Railroad property. What we're here seeking we are in the OMR Zone and we're seeking a Use Variance the Building Department determined that our proposed use the women's fitness studio was not permitted within the zone so we need that use variance and then a C Variance for parking which is for the total

property. Looking first at our Use Variance I think the property itself is particularly well suited for what we're proposing. The space that is going to be occupied by the applicant was previously occupied by a martial arts school which is a very similar service establishment with classroom and fitness activities. The building as I noted is currently occupied by several other commercial or industrial uses and our fitness studio I believe will certainly be compatible with those uses on the property as well as on the adjacent properties. One of the ways to support the special reasons to grant the Use Variance is looking towards the purposes of zoning as contained in the Municipal Land Use Law and I believe we meet a number of those purposes. We meet purpose A which is promoting public health, safety, moral and general welfare. Certainly our use there's nothing unsafe about it. It does promote public health and the general welfare. We also meet purpose G which is the provision of sufficient space and appropriate locations for a variety of uses. As I noted earlier the building itself is occupied by a number of commercial and industrial uses. Our fitness studio fits in with that and given the previous occupancy does not introduce a new use into the zone or into the building itself it is a similar use. Then I believe we meet purpose I which is promoting a desirable visual environment. The building currently exists the space is within the building no changes as was noted earlier proposed for either the building or the site just the fitting out of the space within the building itself. We're able to occupy an existing commercial building taking a vacant space and putting it towards a productive use. We looked at your zoning ordinance and the purpose of the OMR Office Midrise Zone District just to see how we might fit in with that and what the zone states is the use is to provide for the development and the redevelopment needs of an area currently occupied by miscellaneous commercial and industrial buildings in an accessible and fairly central location. I believe we certainly meet that the building currently exists is occupied by a variety of commercial and industrial uses and we are providing a use that is consistent with the prior use of this space as well as the existing uses within the building itself. So I think we certainly meet the objectives of the zone as stated in your Zoning Ordinance. I think that the positive criteria exists for our Use Variance. Looking at the one Bulk Variance that we need which is for parking the space that we're occupying is the second smallest space within the building. The space itself requires 18 parking spaces all of the uses on the site itself require 134 parking spaces the survey that was provided as part of the application indicated that there are existing 55 marked spaces on the site so there's a shortfall on the site but I don't believe that what we're proposing affects it in any way. The martial arts facility that occupied the space that we are going into it's the same facility your zoning ordinance requires the same amount of parking since the uses within the building actually are not listed in your list of parking standards based on use the standard that we use is one space for every 150 square feet of gross floor area so we calculated all of the spaces based on how they're divided up we came to the 134 spaces. Our space is 2745 square feet which requires 18 parking spaces. The prior use required the exact same amount of parking as ours so there is no increase in the required amount of parking based on our occupancy of it compared to either the existing vacant space or the other uses. I'll note that there is that shortfall for the entire building but our hours of operation will be on weekends and sometimes later in the day which is complimentary to the existing uses in the building. There is a lot of shared parking. DEI Engineering which makes road hazard materials and vehicles they have a large open area a loading zone and other paved parking areas that are unmarked and they park most of their vehicles there. So they don't really need a lot of that parking that's on the site for the other uses so I think again there is more than sufficient parking to satisfy our use and we're not increasing it over the current use of the building itself and the space we're occupying so I think the positive criteria can be met for our one C variance. Next to look at the negative criteria as it relates to both of the uses. I don't think there is anything that rises to the level of being substantially negative. The prior occupant of the space as I noted was also a fitness training facility therefore we're not introducing a new nonconforming use into the zone we're just replacing an existing use within the building. The zone was designed for a mixture of commercial and industrial uses so I believe that we do meet the Zoning Ordinance Master Plan objectives for the property and the District. With the exception of fitting out the tenant space no other improvements are required or needed for the building or the site. We are just occupying an existing space within an existing building and as I noted I believe that there is sufficient parking on the site to satisfy the uses within the building and there is no increase required parking by our use over the prior use of that space

so I don't think anything is substantially negative. I think that the positive criteria far outweighs anything you might consider negative and I believe it would be appropriate to grant the variances.

Mr. Duffy – Mr. Paparozzi do you have any questions for this witness?

Mr. Paparozzi – I don't have any questions Mr. Chairman but I do disagree with Mr. Spatz on some of the testimony.

Mr. Duffy – Such as.

Mr. Paparozzi – Initially the zone was considered B1. It was considered B1 by the Board Engineer, by myself, by the letter of intent from the attorney and even by the Building Inspector on the 2008 application which was alluded to the martial arts school. In talking with the Building Inspector the correct zone is the OMR Zone which creates the Use Variance. Now I disagree with Mr. Spatz on a few things one the prior use was a martial arts school this is more of a gym like maybe like a Lucille Roberts or Blink or something to that effect. The parking for the 2008 approval was the applicant was to have 14 parking spaces made available to be shared with other tenants. The applicant also because it was a school you had to make an appointment for a class. The applicant's school was Monday to Friday six at night to nine at night and Saturdays 9:00 am to 1:00 pm no Sundays. The hours here are substantially different so there's not an appointment to be made people can just go like they go to the gym like Gold's Gym, Lucille Roberts, Powerhouse and quite honestly during my inspection the parking was limited. I have a concern I don't think the parking is sufficient additionally I couldn't calculate the parking because number one the sheet that was given to us is outdated. These are not the uses that are there now additionally I do not know if these square footage were from the inside of the building or as code which is from the outside of the building from outside to outside. Unfortunately the subdivision provided was not the full size it was reduced eleven by seventeen which I nor the Board Engineer could not read so I could not confirm that but I do know that the parking variance will be increased it will not stay the same as was testified to. There was no indication of signs so I don't know if the signs are going to create a variance and then there were some issues on the property that I had and I don't know if someone's here from the ownership of the property but there were two dumpsters on the property that were not enclosed which is a violation of the code. There was outdoor storage of material from one of the tenants which is a violation of the code. There were storage trailers on the lot which is a violation of the code. There's construction equipment stored outside which is a violation of the code. There's also a roll off there I'm not sure if it was to clean up that unit that is for the applicant but it seemed like it was there for some time which again is a violation of the code and the lot needs some restriping. So I had a lot of issues with that and I have a concern about the parking. As far as the use goes I do not have a problem with the use providing that it could fit and I can't tell you that it can fit. That's all I have.

Mr. Khoroizian – I'm going to let Mr. Spatz respond but for the signage they're just going to I don't think there's going to be a variance required there's existing signage on the building and the signage for the studio is not going to be more than what's already on the premises so no variance will be needed but as to everything else I would like Mr. Spatz to respond first.

Mr. Spatz – In terms of the parking the space that we're going to occupy is exactly the same space as the martial arts school that was there. The square footage is not changing in any way. The calculation for parking is based on the same exact standard so if a prior approval might have required a different amount of parking spaces we're not going to require by ordinance any more space. If there is a shortfall on the property I think that given the uses given the occupancy of the uses their hours of operation I think that there is shared parking that takes place on it so I think that there is sufficient parking and it is certainly not an increase over what was required for the prior space that variance would still run with the property. In terms of the other site issues I'm certainly not disputing that they're there but that doesn't have anything to do with the occupancy of this space that if the Board were to see fit to approve this application those could be conditions of approval but they're related to the operation of the property and the property owner not the tenant of the space at all.

Mr. Paparozzi – Although the size of the unit did not change there was requirements in other words they only had three hours of school and it was mostly at night when the other businesses were probably closed it was only six to nine. Now the fitness gym is going to be open sixteen hours Monday to Friday instead of three. So that's where your parking analysis although it's the same and it could fit now with the martial arts school might not be able to fit with the more required parking for the fitness gym and although there's no businesses open on Sunday there I don't think I don't know what's there but I would imagine Sunday it would be less of an impact but certainly Monday to Friday I think the impact would be sufficient and I'm not sure where they can

park since you can't park on Midland Avenue. That was just a concern that the Board should take into consideration because if you visited the site and I was there, there was limited parking when I was there and the martial arts school is already out and there weren't that many spaces available.

Mr. Duffy – Could someone define what this means a boutique fitness center? Is it a gym with equipment is it class like there are a number of places that do the Max and things like that where they have scheduled classes so I understand what Mr. Paparozzi is talking about with the parking and the martial arts studio because quite a lot of martial arts studios the instructors that run them have full time jobs and this is a passion they have and they teach and I know I have a couple of friends that do. So I understand that they're only going to be open for so many hours Monday through Friday or maybe four nights a week. This is an operation which is a seven day a week operation so I'd like to know what the operation is.

Mr. Khoroizian - After speaking with my client I believe this to be personal training so it's members only. There are classes so scheduled classes and the members are able to use the premises the weights that are there or whatever fitness equipment's there. They can scan in and use the premises.

Mr. Duffy – So it is a gym there are two bathrooms I believe. I mean I do agree with Mr. Paparozzi this is actually very inadequate. We should have plans of at least that space so we know and you have an overhead door so it's a garage door to go in am I correct?

Mr. Khoroizian – I'm actually not sure.

Mr. Duffy – Is there a separate door Oh I'm sorry that little X on the square that's a door.

Mr. Spatz – It's a regular door.

Mr. Duffy – So you see the plans are not suitable they don't tell us much. So you're going to have gym equipment. So it's going to have classroom schedule it's going to be like 24 Hour Fitness where the can badge in and come in and work out that's kind of what we're talking about. This may have an impact on the parking since its open membership and I can see the concerns so I want to hear how you're addressing that.

Mr. Khoroizian – I do want to convene with the client to see specifically how they intend to operate it.

Mr. Duffy – I'll give you a five minute recess.

Mr. Burbano – Do you anticipate you obviously did a site overview do you have any idea what your membership is going to look like? How many max members you might have or is it just going to be open to thousands or like you must have done some sort of count on the area.

Mr. Spatz –We'll ask the client at the break.

Mr. Khoroizian – Max amount of members sure.

Mr. Schilp – How many per class?

Mr. Khoroizian – That's another thing we're going to ask. Members per class, members per personal training, maximum allowable members.

Mr. Burbano – Just out of curiosity because that'll tell okay it is a gym it sounds like but to what capacity. They have these boutique gyms where they only do spin classes or they only do boot camp classes where your classes are only about 20.

Ms. Murray – It would have been helpful to have a plan that shows some kind of equipment or is there going to be equipment or is it just going to be classes. To know what that is that's going to limit your occupancy as well which then leads to the fact of how many permanent parking spaces you're going to need based on how many people you can let in there at one time.

Mr. Duffy – At this time it would be prudent for you to take a five minute recess.

The Board takes a five minute recess at 7:47 pm.

The meeting resumes at 7:56 pm.

Mr. Khoroizian – I spoke to my clients I may have them still come up but just to speak to what's going on operation wise. They are going to have commercial gym equipment in there. They're looking to have five treadmills, three ellipticals, two squat racks and one bike. The space is already small as it is so they made it a point that this is not a commercial franchise gym membership type of space so people are not going to be walking in and out. They can barely fit as many people as they can. Classes 12 people, personal training that's going to be one. They are going to use a gym management software like you log in. The people that want to use the space to conduct gym activity the weights and the commercial equipment for them to utilize that they do have to log in and there'll be like open table there will be timeframes where you can mark yourself like sign me up for this space this timeframe so they can come in and use the

space. The parking is also limited so if people are utilizing the parking to full capacity people are not going to stay there. The people who let's say for example who show up and want to utilize the space they're going to go somewhere else but to not ruin the business for themselves they want to also be very transparent with the clients and tell them look you guys are allowed to use the premises this is for free gym access you have to sign in first and advise what time period you're coming and of course there's a large stretch of time. You pick a timeframe and you appear at that timeframe you don't just freely walk in, The alternative was obviously you have a scan you show up and you get denied no you can't come in that's not practical.

Mr. Duffy – What you're saying is you're booking your equipment.

Mr. Khoroizian – Yes it will be a gym management software like a phone app and you log in obviously you're a member you have access to the app and you just click on like an open table square slot of time. I think that helps significantly with managing the bodies that are in there at one time and doesn't overload the parking also it doesn't turn off clients because the last thing we want is for them to pay for a membership scan and try to show up and get denied at the door. There is an opportunity to show up just please provide notice it's a simple click. So whoever's name comes up maybe they may even if you have to speak to them on this essentially reserving the time and your scanner would work if you didn't reserve the time it wouldn't work basically. All clients would be notified if you want to show up and use the gym you're going to have to use this app it's going to be very intuitive just click on the timeframe you want to show up.

Mr. Duffy – The reason why I ask and the Board is asking about this is we're not trying to dictate how you're going to run your business. What we're faced with is, is the parking going to be adequate and I'm going to defer to our professionals because I think you've answered it but I want to hear a couple of thoughts on their points. Mr. Paparozzi based on what you just heard what's your opinion? The parking is going to be an issue no matter what we do that's a given.

Mr. Paparozzi – Yeah it's going to be an issue.

Mr. Khoroizian – Sorry to interrupt my clients are well aware of the safety concerns and they also don't want to be held liable for any issues so they're very conscious of what they're getting themselves into. They do want to make this work though.

Mr. Paparozzi – Certainly after six o'clock at night six to ten and weekends I'm sure there'd be more room but I don't know how many employees it says only two but if there's going to be classes somebody checking in and doing time it seems like there's going to be more. Let's say on a Monday coming in at ten o'clock if twenty people come you can't fit twenty people there. You can't park on Midland you can't park on Van Bussum so it's a concern and what might happen is some of the construction spaces might be empty and when they get back from their job site and the spaces are filled with gym membership they're going to be parking in the middle of the aisles. I think this is again I wasn't here in 2008 I think that's why there was limited timeframe on the actual school even though it's a different use same concept but different use. There's limited time and there was a note they have to share 14 parking spaces and I don't know who they're sharing it with. If the other people that they're sharing it with take up 10 spaces you got a problem. So I don't know how you resolve it listen it may work it may not work it's just something that the Board has to consider.

Mr. Duffy – I would from personal experience martial arts schools they would not have regulated their time because of a parking issue. That would have been the classroom schedules that are traditional in that type of training and I know because I did it not that I taught I trained. Your classes were six to seven, seven to eight by nine o'clock everybody was gone. Some would have had private lessons during the day but a big majority you can't go by what you see with like Tiger Schulman and stuff like that. I don't think that class schedule was set to answer the parking issue I think that that's the nature of that business. The nature of this business is a little more expanded a lot more expanded but still the parking is something. Any Board members have any comments or questions?

Ms. Murray – The concern I have because there is no floor plan is basically the occupancy because you're going to have to live up to the occupancy based on the codes of the Town. You said you have five treadmills, three ellipticals, two squat racks and free weights and maybe limited to twelve a class so based on a drawing you'd have to see if the fire codes allow the occupancy for that amount of function because if you have twelve per class plus the occupancy on each one of the machines because that's another ten people plus the free

weights are plus twelve you'd need to find out based on the layout if you can have the occupancy for that and what's the occupancy for a gym and what's the square feet per person.

Mr. Spatz – I'm not sure of the answer to that I was going to suggest earlier is that it is quite a small space and I think your building codes would limit it and perhaps the small amount of equipment that's there may actually be generous beyond what your building codes would allow which of course is the limiting factor. In terms of classes it's more as was described to me more on one on one training as opposed to a class because you have the two ellipticals, the three treadmills, the one bike that's six pieces of equipment and the two weight stations there's really no space for anything else. The training is one on one training of working with somebody on the weights or not a class where you have a floor exercises. Maybe something like a spin class kind of a thing but there's only one bike but it's not floor mats or a bar exercise type of facility it doesn't have the space there. You have the check in station you have the bathrooms there that leaves very little space at 2700 square feet for floor area so I think the space itself limits the use of it and the building codes potentially limit it even more. I really don't see it as that heavy duty in operation. They have control over it by having people register for the classes. They know how many people are there. At a gym there are enough gyms if you can't find parking or you can't get space at the time that's good for you you'll go to another facility. I think the operation limits the amount of occupancy.

Mr. Khoroizian – Only two employees at all times I spoke to my clients they are the ones who are going to be operating it full time. Then the uses we'll divide into three let's say gym space the commercial equipment one be personal training and then classes. I spoke to my clients and they are going to be utilizing the space per use. If it's personal training it's a personal training space at that time. If it's classes it'll be only classes. It won't be simultaneous uses. If it's going to be a gym space it's going to be a gym space between those hours and I think they can easily indicate what time periods are going to be for what uses and people can sign up accordingly.

Mr. Schilp – If you take the 2700 square feet and use it in this category what's the maximum people that you're allowed in the space.

Mr. Paparozzi – I don't have that answer the Fire Marshall would probably have that number.

Mr. Burbano – It's going to be more than they have in there one hundred percent. The max that they're going to have in there probably at any given time the gym's that I've built with boutiques is probably going to be 20 with the space they have and the equipment they have. You're going to have 12 people in a class you're not going to have that many people on the rest of the equipment all at the same time. They're going to stagger it. My question is what time do the other businesses in that building close and what time are your classes going to be. So if all of the tenants in the building are out of there by five o'clock and you free up time most people are going to classes after five o'clock. If you're having classes multiple throughout the day that's when you're going to have the problem so to be able to minimize and somehow work with them you would say okay your classes are after this time if the businesses are closed. That's the only way that you're going to get where you need to go or you're definitely going to have a problem with parking one hundred percent.

Mr. Khoroizian – Designated time for classes after hours.

Mr. Burbano – I'm just throwing Hail Mary's here to try and help you guys out because you are going to have a problem because there is a chance if you're open and you're having a class at ten o'clock there might be eight other people in the space. You have six people using the regular workout area, you have the two employees and then you have twelve in a class you're going to have more people there possibly when there's a class going on. So if you have a class at eleven o'clock when those businesses are open one hundred percent you're going to have a parking problem and there's not going to be anywhere to go. If anything that's going to impact your business because people are going to come and they're not going to find parking and they're going to leave.

Mr. Duffy – Mr. Paparozzi the items that you said were in the parking lot they are taking up spaces right now correct.

Mr. Paparozzi – Yes.

Mr. Duffy – If they were removed that would open up.

Mr. Paparozzi – I'm not sure if the storage trailers are on dirt or pavement so if they take them away you would have to pave and stripe. Some of the equipment that is stored outside bulk material whatever you want to call

it again I couldn't tell if it was on a space or not. Don't forget they need a 24 foot aisle they need room to get in and out plus there was construction material there like the lights they use at night. I don't know who the other tenants are. On here they're listed as warehouse and warehouse but that's not what Mr. Spatz alluded to in his report so that would increase it as well. We actually for it to be a complete application you needed more information full survey.

Mr. Mazzer – This plan is terrible you don't even know the dimensions we don't know anything on here. If you had equipment it should be put on there. The bathrooms what is that does it mean there's a shower in there or it's just a toilet and sink. We don't know if there's windows in their space. Where are the fourteen spots that they're supposed to share? You know what I'd like to see I'd like to see the owner be here and say listen to let them come in I'm going to clean up or I'm going to move these trailers or I'm going to do this and that. This is really a joke so you know how I would vote.

Ms. Nobile – My one thing because of expanded hours they're changing you need to address the lighting. At night you're planning to go to ten o'clock at night so being that the hours are changing how is that being addressed for safety.

Mr. Khoroizian – That's something we're going to have to present to the Board.

Mr. Schilp – The lighting at night is nil to none.

Mr. Kurus – To add to that I guess the parking spaces that you're going to use they have to be designated and shown so that I guess you can prepare a lighting plan to make sure that there's adequate light and to make sure nobody accidentally drives around the back to the construction area just to keep the patrons of the business within the confines of where they're supposed to be.

Mr. Khoroizian – We do want to submit a lighting plan we would want to make it subject to approval. So should this application be approved we submit a lighting plan obviously before any activity is begun a lighting plan must be approved.

Mr. Duffy – I'm going to recommend something because I know the Board and this is you can confer with your client and ask if they want to go forward with this. This is your options you can let us finish up your testimony you can go for a vote tonight which I would say you're on rocky ground. The other thing that you should do then is comply with some requests provide this information have your client ask for an adjournment we can grant that without further notice and you can move to the July meeting but we provide a floor plan the lighting plan I suggest you get together with the owner of the property and if it's helpful you can have him have a representative here at the next meeting to discuss anything else. We're understanding these are things to help make sure the business is good that we don't want anybody getting hurt walking out at ten o'clock at night you don't know who's coming out. We don't know if we have enough spaces and then if somebody else rents another space and they have something that they want to do that requires a number of parking spaces and now they pushed you out so there's some questions that have to be answered

Mr. Khoroizian – Understood. I do want to just quickly be in the ear of my client.

Mr. Duffy – Go right ahead.

Mr. Khoroizian – Just one more comment before we made that decision I did want to just mention that as far as the frequency of the classes during the week if there's going to be classes on a specific day during the week it's only going to be two times maximum one in the morning and one at night. As a matter of fact one of my clients already runs her own boutique classes only studio and she only has three classes in a week so it's not going to be a recurring throughout the day every day type of thing it's going to be limited. We also want an adjournment.

Mr. Duffy – I'm going to ask the Board because we're going to put together their requests so we can give you the information that you need. Our professionals first.

Mr. Kurus – I think with respect to the site plan just clarifying where the 14 spaces would be and I guess a lighting plan.

Mr. Duffy – It was eighteen fourteen was the original and the eighteen was their calculation.

Mr. Kurus – They're not creating any more spaces so at least we see how the prior use was operating just to compare and then a chart of I guess the required for the entire building with the other uses we want to see as well just to quantify the deficiency and where it stands.

Mr. Duffy – A floor plan correct Mr. Mazzer.

Mr. Mazzer – Designate where the equipment is going to be what's in the bathrooms is there showers or no showers if there's any windows I mean we don't know anything put sizes put dimensions and is the parking

going to be by the unit. They say okay we're going to give you fourteen spaces it's going to be on the other side of the building. We want to see where the spaces are and then the site to be cleaned up that would help. Mr. Khoroizian – We'll notify the owner of what was mentioned. I'm sure they're aware they'll take care of it. If I heard correctly a site plan and within the site plan a floor plan.

Mr. Duffy – Right.

Mr. Mazzer – A floor plan of your space.

Mr. Khoroizian - A site plan for the site or we want to focus on the floor plan and then the spaces commensurate to that unit only?

Mr. Duffy – A site plan shows us where all the spaces that are available.

Mr. Kurus – You already supplied that Costa Property Survey that shows the parking on the entire site designating within that survey where your parking spaces are where this unit is I guess an outline of the approximate location of your space your entry point and your site plan.

Mr. Paparozzi – On the plan of the building or survey or the Costa plan they should have dimensions around the building so I can check the square footage. We should also have what the other four units are just he business that they are. Also the floor plan needs to show lockers I'm sure during the winter they have to go in there with coats they have to put them someplace coats pocketbooks stuff like that. So you need a floor plan to show not only the equipment the changing rooms, restrooms, showers if any, lockers all of that has to be shown. With that I can check the square footage and go from there.

Mr. Khoroizian – A detailed floor plan and with the survey outlining where the parking spaces and what units are already there and then get into the detailed floor plan lighting as well.

Mr. Duffy – Just any other information that would help us understand the traffic. So you're requesting an adjournment.

Mr. Khoroizian – Yes.

Mr. Duffy – We have a request to adjourn this application to the July 7th meeting. We will adjourn this application to the July 7th meeting without any further notice.

Mr. Schilp makes a motion to adjourn this application without further notice seconded by Ms. Murray.

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

C.) Ready Spaces Management, LLC, 575 North Midland Avenue, Block 1701, Lot 1.02

Applicant is proposing to amend the September 12, 2022 Zoning Board of Adjustment Approval to:

- a. Implement a modified layout of the accessory (refuse) area; and
- b. Eliminate condition (F) of the prior approval which states: "A maximum of one 15 amp circuit per unit regardless of size".

(Applicant requested an adjournment without further notice to the June 2, 2025 meeting.)

Lawrence Calli is the attorney representing this application.

Mr. Cialone confirms that the notice is in order and the application can be heard. The applicant had originally provided notice for the May meeting and it was adjourned without further notice to this meeting.

Mr. Burbano recuses himself and Mr. Manzo comes up to sit for him.

Mr. Calli – Relatively limited request we're here for tonight. The Board might remember most of the members up here on the dais were here during the initial application which was approved unanimously in the middle of 2022 for Ready Spaces who is a tenant at this property at 575 North Midland. The zone line bisects us B1 and I Zone, sizable property seven acres and change and the applicant came into the Town sort of a new impression use at the time a multi-tenanted flex warehouse space sort of WeWork for industrial. The applicant has since opened an operated several others in New Jersey and New England on the west coast down in Florida and sort of everywhere in between. I have here tonight the principal of Ready Spaces with me who just flew in from overseas today to be here at this meeting from a family event in Europe. You will meet him shortly first I'll introduce you to our project engineer to walk through the limited site plan amendments but what brings us back her to the Board of adjustment is quite limited. There's no change in use proposed the same use that this Board approved three years ago is the same use that we're asking to continue tomorrow. There's no change in intensity to that use we're not changing hours of operation, we're not changing the number of employees, we're not changing what

we do within the confines of that building on the property. The applicant has been operating quite successfully here since 2022 and as I mentioned elsewhere. The improvements here are relatively limited to accessory area modifications for the refuse area. We have the benefit of the Neglia report our engineer will walk through that and there's certain things we can do to accommodate the recommendations of that report and we talk about the refuse area enclosure that is proposed to be located in the changed location from the underlying original approval from this Board. The other item that brings us here is simply an amendment to a condition of that prior approval. There's a condition of that prior approval where and I think partially maybe it was an issue of first impression and Mr. Chairman I gleaned from the minutes in the hearing record that there was a lot of dialog with you in particular about concern as to amperage and electric use and who might be doing what within the tenanted spaces and at the time the project manager for Ready Spaces who was here with us who is no longer with Ready Spaces conceded to limiting the amperage to one fifteen amp outlet in each space because how much bad could a tenant do with one fifteen amp outlet in a space. They're going to be using a computer to process orders they might have a little coffee pot and that's about it. Mr. Petrovic the principal of Ready Spaces has confirmed that this is not a condition at any of his other sites. He has no issues at any of the sites and there are pragmatic reasons operationally why he would like to lift that condition of the approval. So tonight Mr. Chairman the first witness will be Tom Trotto of Dynamic Engineering, Dynamic was the scrivener of record of the original underlying site plan. Dynamic Survey prepared the original underlying survey and you might remember Dynamic Traffic testified as to the traffic and parking demands associated with the use that was granted in 2022. We have civil engineering here tonight with that same site control from Dynamic Engineering through Mr. Trotto who will swear in and qualify shortly and then to go through the site improvements. Then I want to introduce you to Mr. Petrovic to discuss the amendment to that condition and certainly any other questions the Board members may have in that regard relative to the amendment we seek here this evening. Somewhat of a simple one two punch but I know we're going to have to dig into some of the details we're glad to answer any of the questions as we go but we're going to try to move as expeditiously as reasonably possible. Our first witness that we'll swear in and then qualify will be Tom Trotto who is a civil engineer with Dynamic Engineering.

Mr. Cialone swears in Tom Trotto he gives his business address as 245 Main Street, Chester, New Jersey.

Mr. Calli questions Mr. Trotto to establish his credentials and is accepted by the Board as a witness.

Mr. Calli – I don't think Mr. Chairman and Council that we're going to utilize anything tonight that's not on file with the Board are we?

Mr. Trotto – The previously existing submitted site plan that's correct.

Mr. Calli – So if and when we

Mr. Duffy – The same one we all have?

Mr. Trotto – Yes.

Mr. Calli – If we do get to a document that's not in the record we'll identify and mark it as an exhibit. Tom if you can briefly walk the Board through the high level existing conditions. These are the approved and existing conditions that are out in the field. The proposed limited amendments in the field and then we can start going through the reports of the Board Consultants.

Mr. Trotto – As Mr. Calli stated what you have in front of you is the previously submitted site plan prepared by our office dated December 17, 2024 scale is one inch equals forty feet. The site is identified as block 1701, lot 1.02 in the Township of Saddle Brook also known as 575 North Midland Avenue. As Mr. Calli stated we have a previous approval for this site from this Board back in 2022 and just requesting some minor improvements from that previous approval. Since the point of that original approval back in 2022 there have been several improvements made as part of the conditions of approval. One of them being the repaving and milling and overlaying of the majority of the site. The parking areas have been restriped and the onsite culvert and drainage ditch which I know was a point of contention of the last application has been cleaned. With this application we are proposing just a few modifications to that previous approval the first being additional amperage allowed for tenants internal to the building which the applicant will discuss further in his testimony. The second being the proposed trash enclosure. So currently there are two dumpsters located within that blue square located on the site plan. We understand

the concern of the Board to have that screened more properly so we are proposing a trash enclosure. The plans call for a board on board trash enclosure but I did see a comment from the Board Engineer requesting a masonry enclosure to match the building and we have no problem changing to a masonry enclosure which will be painted to match the building so it will blend in nicely with the existing structure. Should this application be approved we're happy to update our plans with the new detail showing that masonry enclosure as requested. We are also proposing one of the conditions of the previous approval was new site lighting throughout the parking area which is underway to be installed. So new site lighting will be installed we are running some new conduit for those lights so there will be a few new areas of asphalt pavement that will be completed to align with the current site plan. No new paved areas just areas that have not been fully paved yet because of the need for the site lighting conduits.

Mr. Duffy – That would be the gray area from my standpoint the upper left.

Mr. Trotto – Correct. Lastly the applicant does propose to perform a second and more thorough cleaning of that drainage ditch and culvert on site. We understand that there was some concern brought up that it wasn't cleaned properly and maybe there's still some growing vegetation in there so the applicant has agreed and has work scheduled in the next few weeks to clean that structure and that drainage ditch to the satisfaction of the Township. So really minor improvements proposed from a civil standpoint really just the enclosure some final paving and lighting done to align with the previous approval, cleaning of the drainage ditch and some internal modifications for the electrical system. I'm happy to answer any questions the Board or professionals may have.

Mr. Duffy – We're going to talk about the enclosure first?

Mr. Trotto – Sure.

Mr. Duffy – There's four dumpsters there now right.

Mr. Trotto – I believe there are three. There's four dumpsters currently.

Mr. Duffy – Why was that spot picked?

Mr. Trotto – My understanding from speaking to the applicant that's a central location for a lot of the tenants to be able to bring their trash there without walking across the parking lot or all the way to the rear of the property. It's also a convenient pickup location for the truck so it doesn't have to traverse through the rear of the site. I understand the engineer requested a truck circulation plan which we will be happy to provide to show the movements of the truck. It does get a little tight in the rear having a refuse vehicle circulate back there so just for the ease of the tenants and the ease of pickup for the trash hauler that is why that location was chosen and we feel that once we install the masonry enclosure and paint it to match the façade of the building it will blend in nicely and not be an eyesore anymore as the loose dumpsters may be.

Mr. Duffy – I'm not happy about the location but we'll get to that in a moment. There was initially when this was discussed three years ago there wasn't a need it was explained to us for dumpsters and then there was a suggestion that they should go in the back of the building. The problem with going to the back of the building is there is truck repair that is done. There's a canopy when you look right down the south side of the building there's a canopy and it's actually I would consider it to be a truck depot. They are repairing tires, removing them, swapping them out, doing brakes this goes on all the time so moving it in one place to a better location that wouldn't interfere with the front operations and the front truck turning that would be one place but that obstruction is there. That has to go that absolutely it's a truck depot it was never even supposed to it's not even on these plans so it's a phantom thing that takes place. Then we go over and look at the house so there's a fenced in area next to the house. There's a house on your property so is the fenced in area which the fenced in area would probably be the ideal place to put a refuse area because it's now out of the way. There's two access points to it one off the road on the left and then one for the parking lot on the other side which would make it so much better and you could light it and it would be out of the way it wouldn't be slightly and you'd have better control of it but that space is somehow being used to store a sanitation truck, a boat, two trailers, a sea box and various other equipment that wasn't there three years ago. Why is it there now? It would make better sense to move your reuse there which is still open for discussion. I can't understand why those things are there. Then we have a parking issue. When you pull into the lot the original plan had the spaces when you pulled in to your right which would be the northern part of that lot not the far north of the building but right in the first driveway. There's all spaces there that are lined out great now everybody parks along the curb and now the 24 foot width that is supposed to be there for trucks and fire equipment to come through is now

blocked. It's now down to probably about eight or nine feet if you're lucky. It depends on what whim of people that are parking there so that raises a number of questions right there. To address your request about the electric one I would want to know how the electric is supplied now where is the electric plan. There's no definitive your spaces are fluid from my understanding so the maze that is set up in there the front part of the units is established but the width is flexible if I'm correct. You can have a 200 square foot place they can make it 400 they can make it 1000 depending upon the need and what's available. So if that is like that and now you have one fifteen amp outlet in there well if you're expanding it how many more will we have in there where are they locate where are they fed to. So that has to be answered and my understanding because I toured the inside of the place today and everybody's stuff is locked however people don't know how to close doors and so they're opened up and once they're open I can see in I can look. I can't open the door but I can see in and I can see light manufacturing which was prohibited from the very beginning. There was never supposed to be any manufacturing however the website for Ready Spaces advertises this location with light manufacturing. You come and rent because we're going to give you light manufacturing. This has been going on for three years and hasn't been addressed and hasn't been fixed. Mr. Maher when he was here three years ago fed us a bunch of crap and we bought it which has really gotten me angry about this whole thing. The fact that we can't get this situation fixed after three years. The parking lot still hasn't been paved, now we have a lighting issue. We have the drainage all back in there hasn't been touched. There are oil containers in there there's hose I walked this I looked I was fearful to take too close of a step because I don't know where the boundary is of the creek and whether I was going to fall in and God knows what I would have fell into. Somebody else ask a question.

Ms. Murray – I could reiterate everything that the Chair just said but our approval numerous times in our approval refers to this space as flexible warehouse multi-tenant facility. Flexible warehouse multi-tenant facility nowhere does it say and I remember asking this question many times what's going to stop somebody from working in that place and doing business in that place? That was some of my comments. I was told there's only one outlet with fifteen amps because they can't work in there it's not temperature controlled it's not this it's not that. I went there yesterday you've got a warehouse you had a tractor trailer unloading yesterday on a Sunday in the afternoon. I had parking lot on the north side this small office place full with people parked along the drive aisle. That was full and there are handicap spots over there they were filled with non-handicapped parking people. On the other side there was at least six cars when you first walk in. I drive up there every single day to get on Midland to go to work and every single day there's a truck or cars parked in the drive aisle which is prohibited. Your hours of operation you gave us there's no working between 8:00 pm and 6:00 am that's not happening. They're working all the time. There's cars in the lot all the time. We're doing the right thing for the residents and we told them with all these conditions that this is what we were providing with them but I went there yesterday as well and someone was working in there because there was a drying rack so me I don't know if that drying rack it had papers and stuff on it and then when I came out they were gone. So I don't know somebody's printing something somebody's screening something whatever they're doing there's a drying rack outside next to the dumpsters. So there's some kind of work going on in there. This was not supposed to be industrial manufacturing of any sort. This is supposed to be a flexible warehouse space. We were told it would be cage type fences not walls not doors cages so you could see in to make sure that nobody was working inside. Obviously that's not working out. By the way there's about 12 Penske rental trucks that are sitting in there stored in the back lot as well. This is not to be rented out the spaces are for the people not for Penske to have 12 rental trucks there. The stuff inside the fenced in area I saw 55 gallon drums and I don't know if they were empty or full inside with the garbage besides the boat and a pallet rack and a whole bunch of other stuff but the parking hasn't been taken care of none of it's been taken care of to the point where anything's done. Yeah I'm glad to see that the storage container the refuse containers are being addressed because we've been bugging about that every single day. Three times a week they're overflowing I see it every single morning I drive up there and if I was a neighbor living straight across the street I would not want to look at that either. We were given it's not going to generate much at all. Traffic there is horrible with the trucks going in and out there's trailers going in and out of there. Everything that we've given here I'd be hard pressed to say you need to give me a good reason why you need 75 amps in each one of the spaces because you shouldn't have any more than 15 for any kind of lighting because there's a 3D printer and everything else what are they doing in those spaces and why don't we have a list according to the Building Inspector why don't we have a list of the tenants and why don't they have Certificates of Occupancy if they're in there. None of the stuff that we asked for is being handled so I'm just as upset as Mr. Duffy is and probably the rest of the

people on the Board not just the ones that were here then too because we were fed a lot of stuff and promised a lot of stuff in our resolution and it's not come to fruition yet.

Mr. Schilp – You stated that the drainage ditch was cleaned I'd like to know when because I go there a lot since we originally gave you guys this. That drain has never and I will repeat NEVER been cleaned.

Mr. Trotto – I was advised by the applicant that it was post approval and we understand that it wasn't sufficiently done that's why we're proposing to do it again.

Mr. Schilp – Sufficiently when I went there today whoever did the lawn dumped everything right into the drain so every time he cuts the grass it goes into the drain so it's a joke just an absolute joke. The culvert was never cleaned, the lot on the south side was supposed to be paved within reason and two years is not within reason for when we approved this application. If I came to you and said you want your driveway paved no problem I'll pave it for you and then you don't come back for over two years and when are you going to pave it oh I'll get around to it. The fenced in area and I agree and Mr. Duffy didn't mention the 55 gallon drums but our esteemed Vice Chair did. The truck repairs is being done in a FIRE LANE that whole thing was promised that they were going to take that tent or whatever you want to call it was supposed to be taken out within a minimal amount of time to clear the FIRE LANE. Down there today you can hear the guys with the big air ratchets changing tires and doing whatever. They got oil drums where they change oil and stuff that's not a garage. It's in the FIRE LANE. When you drive in the driveway on the right all the parking spots are there well they were all full today and as you come in on the left the left side was supposed to be marked FIRE LANE so nobody parks. Was it ever marked FIRE LANE nope. Where you start to make the turn it was supposed to be marked a little bit on the turn. There were cars parked all over there as well. I know nobody wants to park in the dirt and the mud in the lot in the back but that's your fault not mine. Your fault for not paving it in a reasonable amount of time. I asked the gentleman today if he had keys to everybody's area and he said no the only space he has a key to is the one where you first walk in the door on the right. Nobody else has a key to any of the other stuff. If there's a fire in there how's the Fire Department going to get in there and put the fire out? You stand there and watch the place burn and hope that they don't have any kind of really flammable material in there and the sprinkler will put it out. There needs to some kind of access so that God forbid there's a fire in that building the Fire Department has access to the storage area. It's something that really needs to be done. The lighting that was another thing. The lighting yeah that's coming that's coming when the paving's coming a couple years three years five years whatever. Do you have a welding permit for anybody in there?

Mr. Calli – I don't think we know the answer to that Mr. Schilp the operator will testify shortly. I'm the attorney that's the engineer we're not familiar with any of the tenants in that space.

Mr. Schilp – Well it's not the tenant it's the space that Ready Space stores equipment in and Ready Space has got a welder in there. If that's the case there should be a permit for it. I know he had an electric welder I didn't see whether he had a plasma cutter in there but there were several other things that were in there and there was supposed to be no work or manufacturing or anything be done. What are you doing with a welder? I know what he's doing with the welder we walked through the place today people are hitting the stuff with forklifts and banging stuff around and they're probably using the welder to cut something off and make repairs but I'm guessing that's what they're doing because you can see when you drove through people kind of modified the walls a little bit with the forklifts. That's probably what they're using it for but in the original thing nothing like that was supposed to be done there and now you've got a welder you need permits and you need stuff for it. I think I said enough Mr. Duffy.

Mr. Duffy – I know that this has been for the last couple of years a contentious thing in Town. We're all very well aware of that. I have said this in many meetings over the few years that I served up here and I say it all the time. We all should be good neighbors and I get some chuckles when I say that but when I say it I mean that being a good neighbor is not being nice to the person who lives next door to you it's following the rules and the guidelines and the laws in the Town so you take into consideration your neighbors. I don't think Ready Spaces is being a good neighbor. They're not following our rules. They're not following what they told us in the very beginning. I'm looking at minutes from the beginning Mr. Maher we don't allow any of that manufacturing, we don't allow this, we only need a 15 amp line because there's no reason for them to have anything in there. They might have a phone or something like that. I walk in this morning there's one unit was open there was two women sitting in there they're at tables they have various computers printers and they have shelves and they said to me can I help you. I thought I walked into the store in the mall. Can I help you no I just said I was there for an inspection she looked at me kind of strange and I walked away. If this is warehousing why are they conducting business like this why is there It's funny because I was there on

Thursday and Friday during the week. In the morning I went in I walked the whole area very busy much busier than today but today I had an appointment everybody knew I was coming since Friday and I don't think I saw the real deal. I got a glimpse because I could see but the traffic wasn't as much as what I had seen during the week and at other times. So It's hard for me to sit here you're going to have to do a hell of a lot of convincing for me to understand. I think that the trash should be moved out of where it's at I think it should be accessible. I think by that house would be a safe place especially if you put the lighting I don't know it's weird though because today they were delivering toilet paper to a house that's supposed to be abandoned. How does that happen and the Amazon guy knew where he was going so that means he's been there before so it was no big deal. You could easily with the fencing around where the boat is and all that other stuff would be the perfect location because you already have it fenced off. You could go over there just grade it out better put some kind of the truck could back in so easily and pick it up or come around to the other side and I think it would be a better place plus when it picks up you don't have to worry about what you're doing in the front about because you have four containers that's going to take some time. That's not one every day or one every hour that's going to take a little bit of work to do so I can handle that if we moved it. This 15 amp circuit before I could feel comfortable in that I would want an electrical plan in the building so I know where they are now what the proposal is and a definition as to why you need more electric. Is it for the one unit that has three or four looked like freezer units or is it the one doing T-shirts and has a big printer? Is it one of the other units that has a 3D printer in there? Does the electrical contractor that has three or four vans that go in there does he need more electrical to do what he's doing? This has to be all explained and are they legitimate businesses because none of them have CO's and in the resolution in the meeting we had back in 2022 it was clear and this was said by Ready Spaces we'll make our tenants get CO's. This Town has laws we have rules you're supposed to have a CO to have a business and if we follow the way your website says where they have to make a 90 day minimum rental that means we'd be handing out CO's left and right. We could probably hire somebody else to just do that job. There's too many questions and we need these answered before we can even go into this. Mr. Calli – I understand Mr. Chairman and I appreciate everybody's comments and I understand the concern and the issues.

Mr. Duffy – Mr. Calli I feel bad for you sometimes.

Mr. Calli – You're the only one Mr. Chairman so I appreciate I'll take it.

Mr. Duffy – I do I feel bad because if you haven't noticed I'm pissed and I'm not the only one

Mr. Calli – I could tell.

Mr. Duffy – I'm also I'm not afraid to say it and I have complete faith in this Board they'll say what's on their mind but there are people out there that were upset with this.

Mr. Calli – I get it Mr. Chairman I get everybody's comment and I understand and there's no need to explain that to me it's certainly more than understandable.

Mr. Duffy – I'll tell you what run it right and by what was discussed in the beginning I think this is a good thing but this is the horse that ran out it's gone.

Mr. Calli – What I'd like is once we get through with Mr. Trotto I want to use the balance of our time tonight I realize we're not going to get to a concluding point but I want to use the balance of our time to call Mr. Petrovic the principal and owner of Ready Spaces who like I said did fly in a few hours ago from Europe just to be here and meet the Board tonight and testify on this. Mr. Petrovic can certainly add some context and color as to things that did and didn't happen in the field prior to his direct involvement with this particular site. He operates several businesses very successfully Ready Spaces is his baby that was born by him and his partners. He'll be able to answer I think some of the questions as well as the prior testimony you heard from his former employee during the prior public hearing as well as some site issues related to the house. The house is really not under Mr. Petrovic's control. He'll tell you about that when he gets up here but I think that we will get some more clarity for the benefit of the Board.

Mr. Duffy – It's on his property.

Mr. Calli – We're a tenant.

Mr. Duffy – Oh okay I see.

Mr. Calli – We're a tenant of that Ready Spaces box and without getting into too many detail we're in a public forum here there is a tremendously acrimonious relationship with the landlord and there is current litigation involving landlord and tenant on this property related to several matters. These guys are not having Thanksgiving dinner together landlord and tenant right now so it's been a difficult relationship

between Mr. Petrovic Ready Spaces and the property owner since the inception of 2022 when they came about this property and leased it. That aside you'll hear from Kevin shortly he knows his business cold he hears you folks loud and clear he's a very smart individual. He will give you folks I hope some comfort and clarity as we try to move through this and get to a plan at some level Mr. Chair.

Ms. Murray – Through the Chair. I do have a question for the engineer. The drive aisle between your enclosure and the concrete wall it scales less than 24 and you've got tractor trailers going back through there. You have that concrete enclosure like a pad so how far does it dig.

Mr. Trotto – Between the enclosure and that wall?

Ms. Murray – Yeah.

Mr. Trotto – I can scale it for you really quick and get a measurement.

Ms. Murray – You need to have a measurement in there and it has to be the right measurement.

Mr. Trotto – Understood.

Mr. Schilp – Why did it take the Fire Inspector over two years to get permission to go in there and do fire inspections?

Mr. Trotto – I have 25 feet we'll have that added to the plan absolutely.

Ms. Murray – The dimension between the enclosure and the concrete wall is not indicated and depending on who scales it it's less than 24 you're saying it's 25 it needs to be put on the plan.

Mr. Trotto – We'll absolutely add that it is forty scale so it looks smaller than it may actually be but we'll add that dimension.

Ms. Murray – Between the enclosure and the concrete wall see how it didn't have a dimension.

Mr. Trotto – Okay of this wall.

Ms. Murray – For this drive aisle.

Mr. Trotto – Okay I got you. We'll confirm that.

Ms. Murray – The other thing is if you're going to put the enclosure there and you're going to have to limit the parking there you're going to lose three spots in front of it or I mean when are they going to pick up that's an issue.

Mr. Trotto – My understanding is it would be off hours for pickups so the spots could be utilized.

Ms. Murray – Like you said.

Mr. Trotto – I understand your concern there is no.

Ms. Murray – There's never off hours.

Mr. Trotto – I understand and hopefully we can rectify that.

Mr. Duffy – Off hours that would be after ten o'clock

Ms. Murray – They're there all the time now.

Mr. Duffy – There was stipulated hours in the resolution so.

Ms. Murray – 8:00 pm and 6:00 am I believe it was.

Mr. Trotto – If I can just address a few of your concerns that you brought up a lot of them are operational so I'll defer to the applicant. The parking where you come in on the left side there should be fire striping there hundred percent agree. We can add that striping to our plan and instruct the applicant to put up signage no parking. We'll try to enforce that as best we can that will be the applicant that could speak to how he can enforce it on the site but the plans call for parking only on the right side not the left we would like to enforce that the best we can understood no one should be parking there. We'll do what we can to enforce that. The house Mr. Calli spoke about the ownership of it is not the tenant it's the property owner so I don't know if we can do much there but the applicant can add a little color to that situation as well. The lighting and the paving in the rear I was not here with the original application it should not have taken three years to pave and put the lighting in hundred percent agree with you but that is part of this application to clean this up and get that installed and that will be installed should this application be approved.

Mr. Schilp – If we approve this application then you'll pave the place.

Mr. Trotto – My mistake it's a condition of the past approval you're right it will be done regardless and I believe the work is actually scheduled already.

Mr. Paparozzi – It should have done before this application quite honestly.

Mr. Duffy – I know let's continue with this.

Mr. Trotto – Regarding moving the enclosure location I know there was concern about it being in the front yard. I'm happy to work with the engineer to find a location that works best that's acceptable. Again speaking with the applicant that was the most ideal location for the tenants but if we can come to an agreement for something that works better that would be approved by the Board that you would find more favorable so it's not in the front yard I think we can come to an agreement there.

Mr. Paparozzi – That also needs to be separated for recycling.

Mr. Trotto – There will be separate.

Mr. Paparozzi – It's got to be shown on the plan because it's not now and it's not existing so it needs to be shown with a separation by fence. One dumpster is for recycling or two and whatever you're using for garbage on the other dumpsters.

Mr. Schilp – They're not marked right now.

Mr. Trotto – Understood and we can definitely make that change. The rest of the items I believe are more applicant related are in the operation of the site. If anyone else has any civil items I'm happy to try to address them.

Mr. Duffy – I think the correct thing right now is let's address the civil questions to the engineer and any other concerns that we have are going to be addressed with another witness.

Mr. Mazzer – I just want to tell you though they haven't done anything two and half years three years. We as a Board we really don't have that much power but we can make a recommendation to the construction official to rescind their CO and just shut that right down and close the whole thing down and that can be done I've done it. So you know they jerk around and they say yeah maybe we'll do this and pave or maybe we'll do that if we make a recommendation to rescind the CO just rescind his CO for Ready Spaces we close him down that's it.

Mr. Calli – Mr. Chairman I'm not sure this is a dialog for this forum.

Mr. Duffy – We can't offer to rescind something that does not exist. There's no permits and no CO has been issued either.

Mr. Mazzer – Then how are they open up.

Mr. Cialone – That's really the prerogative of the Mayor and Council.

Mr. Mazzer – Well it comes from here, here's where it starts.

Mr. Calli – The Board of Adjustment grant comes from here it's not the law.

Mr. Mazzer – You don't have to put up with it if you don't want to because like I say it starts from here get the Mayor and Council behind you and you know what before you know it the CO just says we're closing you down. Then you see how quick they'll be there jumping around cleaning up the truck even the landlord you'll see how quick he's there.

Mr. Calli – Mr. Chairman my limited response to that is going to be this is hardly the forum for that discussion there has been interface between code enforcement and the applicant in the past few years and it has been completely resolved. I think it is an improper weaponization attempt of the Board of Adjustment to make that kind of suggestion. I will leave it at that and I will not respond further. Legally speaking I know we're on sound ground we will take that note for the record it's in the record and I'll move past that point now Mr. Chairman.

Mr. Duffy – Does anyone else have any questions for the engineer.

There are no more questions for the engineer.

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

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

Mr. Duffy – Having heard none.

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

Mr. Calli – Mr. Chairman I have a second of two witnesses for the evening Mr. Kevin Petrovic who as I indicated is a principal with Ready Spaces and has been in the room during the prior Board commentary and cross examination of the initial witness.

Mr. Cialone swears in Kevin Petrovic he gives his address as 1919 Vineburn Avenue, Los Angeles, California 90032.

Mr. Calli – Kevin your affiliation with the applicant entity please.

Mr. Petrovic – I am one of the owners and CEO of the business.

Mr. Calli – You were involved with Ready Spaces effectively from it's inception which included the initial siting of this location in Saddle Brook in Bergen County New Jersey for a Ready Spaces facility is that right?

Mr. Petrovic – That's right.

Mr. Calli – Previously under your charge was Mr. Maher who was referenced this evening who did testify during the course of the 2022 application and approval process correct.

Mr. Petrovic – That's correct.

Mr. Calli – You've had an opportunity to sit in this evening as I've indicated a few times now you flew here for this it means that much to you to be here this evening before the Board of an application that we filed not subject to any violations this was an application filed by the applicant for two betterment aspects of the project one of which was to rescind and remove a condition of the prior approval related to the outlet limitations in the tenant spaces and the other was to locate the refuse area in what we thought to be a proper location. If you wouldn't mind let's start with trying to address I know there's a lot there was a flurry of comments and questions some of which were heated maybe allaying the Board's concerns as to how you run your business, what maybe has not been done yet here and why and then we can go from there as to the proposed enhancements that bring us here tonight.

Mr. Duffy – Before you start let him finish let him say what he's going to say. I said what I was going to say everybody else gets theirs let him have his spot before anybody jumps questions, comments, concerns anything give the man that respect please.

Mr. Petrovic – Mr. Chair Board thank you for being here obviously this is an issue that is close and trying for a number of you. I realize that I'm sitting here with probably zero credibility capital so I have that in mind. I just want to kind of give a quick overview. Ready Spaces is not a fly by night operation we have 38 locations spanning eleven states and Canada as well. I've been doing this for nine years even though that may be hard to believe it has been that long and I think by and large we are a good neighbor and a good tenant and a good principled operator. At this site we've had three particular issues that have caused us to be here in this contentious situation today. One as Mr. Calli relayed the situation with the building owner has been challenging. There are aspects of the site that are obviously visually undesirable and perhaps operationally and otherwise undesirable that we don't control and the owner has been exceptionally difficult to work with. Even just getting the signature for this filing took over two months. So that's one and that's not I offer these not as an excuse just kind of background. Number two was the I think testimony and leadership of this project by Mr. Maher. Someone in the earlier remarks said that they felt like they had been fed a load of shit I would say that I too felt like I was fed a load of shit at some points on this project to the point where I was not even aware of some of the conditions that were agreed upon in 2022 or early 2023 at that time of course I'm up to speed on everything now but at that time there were things that I was kept out of the loop on. Number three our interest as an operator are maybe not exclusively aligned with the Board's but I think they are aligned more than they are not in the sense that we desire to have a safe operation, a safe building and operation that doesn't cause issues for the neighbors or the Town and it doesn't have any kind of enforcement action or anything like that. Because of the complexity of this particular building and the approval I've taken it over myself. It's not something that I've hired someone else or put someone else on. The company has 75 people and I have taken this particular one on myself. I am trying to clean it up and I am happy to discuss what we are working on today and right now to address the concerns and I hope that in the course of doing that work over the next couple of months as soon as practical really we can convince you that we do want to be that good neighbor that Mr. Duffy was referring to and again I do realize the words may ring hollow at this time and I know that maybe there's nothing I can say now that will change your mind but hopefully our actions will demonstrate going forward that, that will be true. With that there were a lot of issues raised I'm happy to address them individually or however the Board wished to ask.

Mr. Duffy – I brought up the tent in the back on the side is that in your prevue or the landlord's.

Mr. Petrovic – It's in the landlord's and that tent has been there since before we signed the lease.

Mr. Duffy – The reason I ask these questions is I'm not the only one who is upset about it but there's a delineation that has to occur right now. What is your responsibility and what is the landlord's because now

after hearing it's all getting convoluted so we need to separate that. You have control over the building and the parking correct.

Mr. Petrovic – The building and the associated parking yes.

Mr. Duffy – So the lot where the lighting is going to be put in and paved that is part of yours.

Mr. Petrovic – Correct it is part of our premises. The lot was not typically when we lease a building like this the property is delivered empty free of tenants or objects. In this case the premises was delivered with a number of occupants in which in some cases we didn't know who they were and things left on the site like shipping containers and trailers and things like that, that we had to identify move figure out but yes that lot is under our control.

Mr. Duffy – Is the area that's fenced in that has the boat is that part of your?

Mr. Petrovic – Not in the way that I read the lease no and we have not exerted any kind of control over that area.

Mr. Duffy – You do have control over the drainage part there right.

Mr. Petrovic – Correct.

Mr. Duffy – For now that's the questions I have right now. Understand I'm going to open this to the Board to ask questions of you and the reason I put out the questions I did is so we know there's certain things we're not going to get an answer from because it's just not available but at least it will shed a little bit of light on some of the other things. I'm going to let the Board ask some of the questions about the uses inside which some of them I know have concerns about.

Mr. Petrovic – I will say I do think that we can exert some degree of control such as for example the truck canopy. I actually don't recall seeing that in the conditions of approval maybe because it shouldn't have been there or maybe I'm misremembering but given that that's a concern of the Board and the fire lane I think we may be able to take care of that one more easily than for example any issues that may exist with the house.

Mr. Duffy – One of the concerns is the use what goes on inside the units. Your website advertises light manufacturing at the Saddle Brook location but in the original when we did this three years ago manufacturing was not on the table. It was warehouse and some distribution and storage. There's a coffee guy that comes in he's got his truck I've seen him there's a taco guy that makes sense to me they have dry goods they keep there they come in perfect sense I get that. The other stuff that's going on in there raises the other questions which now brings us back to what I said that we need an electrical plan so before we can even go to that part we need to have an understanding of what's being serviced electrically right now and then you can justify the need to have more. If it's only storage I don't understand it so I need that plan.

Mr. Petrovic – Absolutely I'm happy to talk about the power at our facilities in general but if it's more helpful to the Board we can do an inventory and plan of this specific facility.

Mr. Duffy – An electrical plan are they relocatable is it permanent do you have to add more what's going on with that and to justify the reason why you need more if the only thing is for them to plug a computer in once in a while. Which was testimony three years ago.

Mr. Calli – The why might be a good question for Mr. Petrovic now Mr. Chairman. The how is going to be a code compliance issue with the plan but the why I think Kevin can certainly offer this testimony to the Board. He's got dozens of other locations he knows exactly why and what the goals are to provide tenants more outlets. I think that's right for discussion now if you'd like to hear it Mr. Chairman.

Mr. Duffy – I understand that but I would rather be able to see it in black and white in front of me to further discussion on it.

Mr. Calli – Alright.

Mr. Mazzer – The idea behind the one outlet per unit is because we didn't want to see cabinet manufactures or manufacturing in the units. That's why we do it not because we're 15 amp or whatever it's to limit what you have. It's supposed to be warehouse and storage we get it. You need some power for a computer or whatever but the idea behind the thing is that if we keep that at 15 amp it kind of limits what you can do and you know that that's why you're here but that's the idea behind it. Now maybe if you were a good neighbor and kind of helped us out with a lot of this especially the fire lanes maybe we could see to help you out with adding some stuff but the idea behind it was to limit the I've seen a lot of self-storage I was a building inspector for 25 years that's why I know I was a CO. So what happens that's to

limit you for what you can do. So now you're here and you want to try and say okay we want to expand these limits which is okay that's business you want to do better but you have to help us also.

Mr. Duffy – Just to piggyback on Mr. Mazzer's comment the 15 amp circuit was first proposed brought up by Mr. Maher. We didn't say that first he said we don't need anything more than one fifteen amp circuit in each of the units so I know he's not your employee anymore he sold us a bunch of whatever I get all that but there's a root to all of this.

Mr. Petrovic – I hear you and to Mr. Mazzer all I can say is you're right we do owe it to you to get that stuff fixed and I know you don't believe me but we will and as to that I can't speculate why as Mr. Calli said we don't have such a restriction in any other facility. I will say that very few of the sub tenants actually need more than that so for the vast majority that is an acceptable amount or is even more than they need but there are definitely some edge cases for which more is better and that led us to request the revision.

Ms. Murray – Your lease should delineate exactly what's given to you under your purvey by the landlord and it should indicate whether you have all of the parking area and all of the land that you're maintaining it if you're paying for the maintenance on the lawns and everything else and the building itself the rental of the building itself. It would also delineate whether or not you are not responsible for that house and that fenced in area that's filled with garbage. So I would suggest you take a very strong look at what you're allowed to have from that lease because if that gives you the entire parking area that you need to run this business then you very well have the right to have that canopy removed and clear up that issue because it's part of your lease. Your lease should be very specific as to what you have control over. If part of it is to maintain all the parking and the landscaping and everything else that's on the property and the landlord's not going to touch that then that's exactly what you have control over which you can exercise over the landlord.

Mr. Calli – I would say Ms. Murray that leases are not all built equal they're written by private parties. I've been involved with lease that are 150 pages ones that are 10 pages some are just not written that well and it's the reason why the law division in Hackensack is so busy day over day at the courthouse. Kevin and his team his transactional team they are incredibly smart individuals it's somewhat ambiguous as to what the landlord's asserting his rights to be what the tenants asserting their rights to be but there are certain areas that are definitively not under the control of the tenancy so Kevin and his team have scoured and perused that lease incredibly thoroughly they know what it says and what it doesn't say and they have the disputes with the landlord over certain areas that's where that is at the moment.

Mr. Petrovic – What I would add as well is that with this type of lease typically the tenants ability to make changes to the building or the site is predicated on the approval of the landlord and if the landlord doesn't approve a change that leaves us in a tough spot when we want to do something the Board wants something done and the landlord refuses. Again I'm not saying that as kind of a way to shed ourselves of doing something or taking some sort of action and we will do our very best to do so but I sometimes wish it were that easy.

Ms. Murray – I know the reasonable is usually in a lease.

Mr. Calli – No not usually all the things are within the sole discretion of the landlord which may be withheld in their absence or discretion. That's a more common one than reasonable to be honest with you.

Ms. Murray – The leases that I have dealt with were corporate. Normally you have to get the landlord's approval to do the work but they can't reasonably withhold it and of course reasonable is in the person who is interpreting the word reasonable.

Mr. Petrovic – Of course and I think that the canopy issue for example given that it's in a fire lane will be a much smaller lift and something that would expect we can move along much faster than for example the issue of the house which we can provide evidence to show that we've actually asked the owner for permission to raze the house and convert it to more parking for the site and that request was denied.

Ms. Murray – I can understand if you're renting the one building you really only need the parking for that bigger building and I can see how he might have separated those two pieces away if you don't have access to them. If he's giving you access that's a different story. The other thing is because it's not been testified to yet is that just the reasons behind additional but like I said if those are your parking spaces why are there Penske trucks there. There's a dozen so you can't rent your parking spaces out you're supposed to have them for your business you can't rent them out. Is it the owner that's renting the spaces

or is it Ready Spaces and that's really what I was asking for because if you have purvey over the lease and that parking area belongs to your building and he's renting out the spaces to trailers and he's renting out spaces to Penske you legally have something to stand on if that's your parking.

Mr. Calli – We're aware of that Vis a Vis a private forum with the land owner.

Ms. Murray – That's what I'm saying these are the observations of me and the residents that have spoken to me about it. These things are there all the time so if you have control over it we're going to expect you take control over it.

Mr. Petrovic – One hundred percent with the case of that lot I do know from the previous Board minutes that there were concerns about trailer parking there and I do know that that's one of the perhaps few but one of the things that we did do on the site. We removed the long term trailer storage from that lot. The Penske trucks are associated with a current sub tenant or occupant of the building. They're not there as long term storage by Penske or something else it's their vehicles used in the day to day activities of the business. I'm not sure which tenant they belong to exactly but I do know that they are associated with an active tenant and actively used as opposed to stored.

Ms. Murray – I would question the word active after looking at some of the quality of the vans themselves. That's my assessment.

Mr. Petrovic – I can look into that further.

Mr. Schilp – As far as the trucks that Ms. Murray was talking about I was there today and there was only one truck way in the back with a car nosed into it that's been there for quite a while. There was only one Penske truck that was in the lot so whatever you did to clean the lot out right now today it was clean. That much I have to say that it's cleaned up really good and I was amazed because I live four blocks away and I drive up and down Midland Avenue on a regular basis and I swing in to look around to see what kind of progress. That's why I know how much progress has not been done. Do you know if there's a tenant in that house?

Mr. Petrovic – I would have testified that I did not think so but it sounds like maybe there's some evidence to the contrary. The one time I looked inside of the structure it did not look habitable to me through the windows but that is the extent of what I know.

Mr. Schilp – That's cool you answered my question.

Mr. Duffy – Somebody is using the bathroom in there that I know.

Mr. Calli – He's been asking me to have the Town condemn it for years. I said it doesn't work like that. He wants it gone for whatever that's worth.

Mr. Schilp – I've been trying to get the Town to condemn another building in this Town for ten years and it's tough.

Mr. Calli – Not that easy.

Mr. Schilp – In your other buildings do you keep keys to every tenant that's in there so God forbid something happens you can get into the area?

Mr. Petrovic – In general no we don't. The practice that you heard from Dwayne the facility manager is kind of our typical. If there's some kind of fire safety or critical system inside the space we do maintain access to those spaces but from a liability standpoint we've generally decided that it's not good practice to have access into every single customer space and I think that by and large Fire Departments have been okay with that approach.

Mr. Schilp – It just slows us down to get in because some of the locks in there they're tempered steel and even to cut it with a high speed grinder is going to take some time. They're really secure. I think you're almost better off cutting the piece that the locks go through off before you cut the lock.

Mr. Petrovic – You could also unscrew the sheet metal panels that might be even faster.

Mr. Schilp – They're only sheet metal screws in?

Mr. Petrovic – Yes self-tapping screws in each panel.

Mr. Schilp – to me I thought they would be bolted on so somebody couldn't go and take the screws out. I'm looking the opposite way.

Mr. Petrovic – Our attitude is if someone wants to get inside they're going to get inside.

Mr. Schilp – That's very good because I've got 52 years in the department and we've been in there for lots of things before you guys got there or other buildings we always want access to whatever we can

get into. So now we'll make sure we bring a battery operated ratchet with 7/16's socket if we got to get in there. Most of the other stuff you heard the comments that I made about the welding and stuff like that. I understand probably why it's there.

Ms. Nobile – It's an operational question because when you introduced yourself you were basically stating you were out of the loop in the beginning and I don't know what you meant by that meaning from when you took on this lease is that what you were referring to?

Mr. Petrovic – Mr. Maher had under his prevue a certain set of construction projects or kind of new opening projects for the company so we meaning myself and one other individual would kind of review the sites and make a kind of financial and market assessment as to whether we thought the business would be viable in the space and they were handed to Mr. Maher to take care of permitting and entitlement and the actual construction work required in the building. What I meant by I wasn't in the loop was that obviously a number of site improvement conditions all things that cost money and things like that were agreed upon in the resolution but were never kind of made clear to me as kind of a hey we need to approach the investors to get this additional capital to do this work and I only kind of discovered them through combing through the approvals myself many months after they were granted.

Ms. Nobile – You weren't aware of the conditions that were placed at the time this was approved?

Mr. Petrovic – Certainly not of the electrical power limitation in the units. Certainly not of the restriction on operating hours and not of others as well. I certainly was made aware of some but not it's a pretty exhaustive list and so no I was not aware of all of them.

Ms. Nobile – So there was really no intention to have them done since you weren't aware of them fast forward to today. Now you know because you said you took on the project yourself personally.

Mr. Petrovic – I wouldn't say it's fair to characterize them as no intention of doing them because it wouldn't require my input necessarily to restrict the hours of operation of the site but I think that if I, I don't want to speculate to far out of turn but essentially from my perspective Mr. Maher agreed to some conditions and then he failed to take the steps to implement them and that's part of why he's no longer with the company but if I was aware that those things were in place I would have maybe been more aggressive or diligent at kind of supervising them to completion because obviously it's not in our interest to have a location operating or without the necessary requirements or approvals being met and I kind of trusted that it would be taken care of and that was my mistake and that was not the right person to trust with those projects.

Ms. Nobile – You stated you're taking on this project yourself personally now.

Mr. Petrovic – Correct.

Ms. Nobile – That was as of when?

Mr. Petrovic – Late last year.

Ms. Nobile – So as of last year this has been your.

Mr. Petrovic – Yes I've been working with Mr. Calli closely one to get fully up to speed and he provided me all the transcripts of the previous hearings and all that so I could read through those and frankly just trying to learn about some of the challenges required without going too far one of the reasons that the parking lot paving has taken time to get rolling since I took over the project is that you have to do the lighting first and in order to get the lighting you have to get PSE&G involved because it's extremely impractical to run the power from the building to the parking lot because of the drainage culvert so there has to be new power and a new meter installed and all that and it's PSE&G you know I can only push so hard.

Mr. Schilp – Right now as far as I know that very few to none of the tenants have CO's I know the Fire Inspector only finally got in there maybe a month ago rather than being in there from day one and I know the Building Inspector has had problems getting in there. He's written letters to the Board about some of the things that we stipulated that he can't get them to do but if he can't get them to do we can't get them to do because we're only an approval board not an enforcement board. So it's things that I myself see just keeps piling up and piling up. I listen to what you say you seem to be a very good young man and I just hope that I saw improvement in the parking lot it looks like you got gravel and stuff down so it looks like some work was done. The tractor trailers seem to be all gone so there is some improvement that I've seen so I just hope that it continues in a more rapid pace.

Mr. Petrovic – Thank you as to why the Fire Official has had difficulty getting into the site I couldn't speculate certainly I haven't heard of him contacting us but I'd be happy to share the right contacts to make sure he can get in whenever he pleases.

Mr. Schilp – He got in last week after I know him for 35 years so I know he got in and we talked about the fire lanes and things like that, that I see and what he knows about but he just got in. It was frustrating to him I know it's frustrating to the Building Inspector and we said that you got to get CO's.

Mr. Petrovic – I hear you again I think on the CO matter what I would say is that we did submit both the list of occupants to staff I believe some time ago and we did collect on behalf of every building occupant a CO application and those were delivered to staff and fees paid. As to why they did not issue the CO's maybe Mr. Calli could better speak to that.

Mr. Calli – That would be in the Town's purview.

Mr. Duffy – I don't think that's relevant to this.

Mr. Calli – I would be completely guessing but you did hear that the punchline is Kevin said every tenant that's in there was accounted for and identified on a CO application made to the Township. That much was done.

Mr. Duffy – Here's my concern that we're starting to go down a road that I'm fully aware that we don't need to go down right now. The CO that's the Town let's come back to where we are right now which is we're still not and I understand the nuances of who's got control of what piece of property. I never looked at the tax map who owns the property?

Mr. Petrovic – It's an LLC that is in turn owned by a private individual local to the New York New Jersey area.

Mr. Duffy – What's his name?

Mr. Calli – I don't know the principals name offhand I can find it. It's an entity that owns the property and it might be a sole membership LLC at least there's one signatory that signs off on our consents for the 2022 application and 2025 and everything seems to go out of Long Island all the correspondence to his attorney in New York and then an address in Long Island.

Mr. Kurus – What's the name of the LLC?

Mr. Petrovic – I believe it's IEC Realty.

Mr. Cialone – IEC North Midland Avenue, LLC.

Ms. Murray – You do have a set of these plans correct?

Mr. Petrovic – What we filed yes.

Ms. Murray – On page two there's Township notes there's six specific notes from the resolution. One fifteen amp circuit, new rental of the unit requires a Certificate of Occupancy to be issued by the Building Department, there's to be no loading or unloading between the hours of 8:00 pm and 6:00 am, there shall be no access to units from 11:00 pm to 6:00 am, the house located on the property should be cleaned up to reasonable and the house should not be used as part of the applicant's business. The first four are specifically something you should have realized and while it was not promised by you it was promised by an agent of your company. They've been on the plans and this plan has only been modified for the one section so it's been here without reading through all of that.

Mr. Calli – It's in the resolution.

Ms. Murray – It's all in the resolution I get it but I just wanted to make sure.

Mr. Calli – This is a recitation of the resolution conditions that's all the plan notes are.

Mr. Duffy – So going back to my request I'd like to see an electrical plan.

Mr. Calli – Understood we have it down Mr. Chair.

Mr. Duffy – Okay so I definitely think that in order to go further with this and then I do I mean this I appreciate the fact that you're hear and that you're addressing and listening to our concerns and I know that we've probably went off the beaten path more than once tonight but these are concerns and we all in good faith three years ago worked with your representative because this is what was presented to us. So when it doesn't come to fruition the way we thought it would it hits home so I do appreciate you coming in. To go further to be fair we have I would like to open the meeting to the public which is something I need to do and then at that point I'm guessing looking at the time that we're going to have a continuance.

Mr. Calli – Before we get to that may I have two minutes with my client in the hallway before we come back and figure out what we're going to do to move forward Mr. Chairman?

Mr. Duffy – Do you want the two minutes before I open the meeting to the public?

Mr. Calli – No feel free go ahead this might be relatively quick perhaps I don't know we'll see.

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

Mr. Cialone swears in Ken Sullivan of 620 North Midland Avenue.

Mr. Sullivan – This has been going on for three years I just want to thank all of you for looking into this because this is crazy what's going on and I'm glad you did your homework I'm glad they got to come back in it's a shame nothing gets done and I understand why you guys are upset and I'm just glad you guys are looking into it that's all thanks.

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

Mr. Duffy – You can have your two minutes now.

Mr. Calli – What I think we're going to do and we appreciate the dialog with the Board we appreciate the Board appreciating and understanding and accepting the fact that Mr. Petrovic was not in the driver's seat during the pendency of the implementation of the improvements from the 2022 approval. Kevin is a man of his word the board indicated they felt duped by the prior witness. I want the Board to feel positive you are not being duped by ownership and Kevin's testimony tonight so what we're going to do we know we're coming back we're not asking the Board to vote this evening we know there's several items that we have to provide for the Board. The electrical plan a few other items but there's also field implementations that need to still be done pursuant to the underlying approval. So what we're going to do is Mr. Petrovic is going to work with his team on the site here in Saddle Brook to ensure that things occur pursuant to the terms of the prior approval come back being the man of his word that he is and then we're going to get into the granular details about the site plan improvements which were really the only items we're here for which are the refuse area enclosure. We'll consider whether or not we can adhere to the Neglia suggestion of moving it in the back we don't think we can it doesn't really work but we'll look at those engineering details in the interim and we're going to put together that summary as to what, why and how the outlet increase is warranted here with that electrical plan being our underlying document. What I'm saying is we're not unrealistic thinking this is all going to happen in the next 20 days and ask to come back the first week in July and have this Board give us an approval and force our way into the room for that approval. What we'll do is we'll renote for a public hearing I'll be in touch with Frank they will get going in the field. Once we're ready to come back before the Board we'll submit the supplemental documents to the Board keep the application active for now. I'll speak with Frank about availability on the calendar we'll come back in we'll let you know exactly what we've done since we left this Board under Kevin's control and what we're going to do moving forward by way of the proposal and how we're going to explain to the Board that it's warranted Vis a Vis the electrical service increase.

Mr. Cialone – It's an adjournment open but I don't know how.

Mr. Calli – We'll have to renote. We're not carrying to a date certain that's the problem with the notice right now so we concede to the fact that we'll have to renote and we'll extend the Board's time to act as needed. I mean we're here on amended D relief so you folks got us on the calendar quickly which is great we're not anywhere near the 180 days but we'll extend the Board's time to answer as needed periodically.

Mr. Cialone – It should really be tolled until you come back in.

Mr. Calli – That's fine tolled until we resubmit.

Mr. Duffy – What kind of timeframe are we talking about?

Mr. Calli – We're not here pursuant to any violations which is good so the applicant is here of their own accord on the application so we're not dragging our feet on correcting violations in the field. I don't know if the August meeting is ambitious I'm probably going to be out of state I could certainly drive back for it. Perhaps August but if not I think you'll probably see us by the September meeting.

Mr. Duffy – So it will be this year?

Mr. Calli – I think it should be this year. Kevin does that sound realistic that in the next sixty or ninety days we're back here with some notable improvements having occurred at the property?

Mr. Petrovic – I would certainly hope so that would be my personal expectation.

Mr. Calli – If we're not what I can do is I can report to the Board by way of a letter submission as to the active and diligent efforts being undertaken in the interim in the summer months.

Mr. Schilp - What bothered me is that so many people came up to me and said what's going on over there because they know I'm on the Board.

Mr. Calli – And you approved it yeah.

Mr. Schilp – I was one of the guys that said yes up here. I get this from a lot of times that we approve stuff why'd you do this. Unfortunately we don't have the right to enforce what we asked to do. I wish this Board did.

Mr. Petrovic – I would be equally frustrated on your side of the table.

Mr. Schilp – Like I said I appreciate your honesty thank you.

Mr. Duffy – How do we word this?

Mr. Cialone – Just an adjournment request with notice the applicant has agreed to the tolling of the time for the Board to make a decision until the applicant comes back in for a continuation of the hearing and that the applicant will work with the Board secretary to schedule a hearing date at a future time hopefully within sixty to ninety days.

Mr. Duffy – I make such a motion.

Mr. Schilp seconds the motion. All in favor – YES.

6. RESOLUTIONS

A.) Approval Anthony Cutillo, Jr., 180 South Leswing Avenue, Block 1007, Lot 9.01

B.) Approval Robert Garofalo, 23 Cambridge Avenue, Block 1512, Lot 25

C.) Approval Andrew & Lisa Larsen, 65 Jamros Terrace, Block 1302, Lot 4

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

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

7. MINUTES

Meeting of May 5, 2025 Regular Meeting

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

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 5/06/25 (82 Midland Avenue #B)

Anthony Kurus to the Zoning Board of Adjustment, 5/06/25, Rev 5/15/25 (82 Midland Avenue #B)

Gary Paparozzi to the Zoning Board of Adjustment, 4/22/25, (575 North Midland Avenue)

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

9. VOUCHERS

Neglia Engineering Assoc., 5/05/25, Villanueva, 106 Jamros Terrace, Block 1203, Lot 17 \$460.00

Neglia Engineering Assoc., 5/05/25, Larsen, 65 Jamros Terrace, Block 1302, Lot 4 \$190.00

Neglia Engineering Assoc., 5/05/25, Garofalo, 23 Cambridge Avenue, Block 1512, Lot 25 \$190.00

Neglia Engineering Assoc., 5/05/25, Qawiya, LLC, 82 Midland Avenue, Block 401, Lot 2.01 \$512.50

Neglia Engineering Assoc., 5/05/25, Cutillo, 180 South Leswing Avenue, Block 1007, Lot 9.01 \$190.00

Basile Birchwale & Pellino, 5/13/25, Cutillo, 180 South Leswing Avenue, Block 1007, Lot 9.01 \$250.00

Basile Birchwale & Pellino, 5/14/25, Garofalo, 23 Cambridge Avenue, Block 1512, Lot 25 \$250.00

Basile Birchwale & Pellino, 5/14/25, Larsen, 65 Jamros Terrace, Block 1302, Lot 4 \$250.00

Paparozzi Associates Inc., 5/08/25, Ready Spaces, 575 N. Midland Ave., Block 1701, Lot 1.02 \$300.00

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

Mr. Schilp on behalf of the Board wishes Mr. Duffy a Happy Birthday.

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

Meeting adjourned at 10:03 pm.

Respectfully submitted,

Frank Barrale