

# **TOWNSHIP OF SADDLE BROOK**

## **ZONING BOARD OF ADJUSTMENT MINUTES**

### **October 6, 2025 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday October 6, 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, Mr. Tokosh, Ms. Nobile, Mr. Burbano, Mr. Manzo, Mr. Gjorgievski, Mr. Latona, Mr. Duffy – Present.

Mr. Francin is absent.

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

#### **5. NEW BUSINESS**

##### **A.) Jeremy Rothenberg, 308 South Boulevard, Block 519, Lot 40**

The Applicant proposes an 8’ x 12’ shed in the rear yard that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

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

Mr. Cialone swears in Jeremy Rothenberg he gives his address as 70 Hahn Avenue in Rochelle Park, New Jersey.

Mr. Duffy – Is this just a rental property?

Mr. Rothenberg – This is the final step before we move into the house in Saddle Brook.

Mr. Duffy – Okay welcome. You’re looking for this evening a variance for maximum accessory coverage 18% is the code and you’re proposing 21% and the maximum lot coverage is 44% and you’re looking at 46.6%.

Mr. Rothenberg – Correct.

Mr. Duffy – Is there anything you would like to tell the Board besides it’s just a shed in the backyard?

Mr. Rothenberg – That’s pretty much it looking to store outdoor equipment yard work things no electricity no plumbing just walls and a roof and ceiling.

Mr. Cialone – Do you have a garage right now?

Mr. Rothenberg – No.

Mr. Duffy – Mr. Kurus you wanted to make sure there was no adverse effect to adjacent property with respect to the grading and drainage.

Mr. Kurus – Correct but 96 square foot shouldn’t be a problem.

Mr. Tokosh – Will the shed be on the right side or left side of the property looking at the back fence?

Mr. Rothenberg – If you’re looking from the street to the back fence it will be on the right hand side.

Mr. Tokosh – What is the pipe sticking up in the back on the left side of the property?

Mr. Rothenberg – That’s the manhole entrance for the sewage line.

Mr. Tokosh – Okay.

Mr. Paparozzi – The proposed shed is set at five and five which is the minimum for accessory coverage. Just a note to the applicant you can't hold the fence in the rear or on the right because the fence in the rear is 10 feet off your property. The fence on your right is anywhere from a half a foot to a foot and a half off your property so you need to take that into consideration. If you hold the fence you're going to be erecting the shed inside the setback line. Just something you should note.

Mr. Duffy – If nobody else has any questions 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. Burbano makes a motion to approve seconded by Mr. Schilp.

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

### **B.) 390 Realty, LLC, 390 Floral Lane, Block 1402, Lot 1**

The Applicant proposes a 24' x 32' x 17' 6" canopy over gas pumps that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today. This is an expansion of a pre-existing nonconforming use (Gasoline filling and service stations are prohibited in all areas of the Township).

**(Applicant was carried from the September 8, 2025 meeting without further notice.)**

Gurpal Singh who is the brother and partner of the applicant that testified at the last meeting is sworn in by Mr. Cialone.

Mr. Duffy – Mr. Russo can you recap where we left off last meeting?

Mr. Russo – At the end of the last meeting you had asked for certain revisions to the plans. So Mr. Vandervalk is here and there were a number of issues that you mentioned I think he covered everything. You had said if we could get it in by the 26<sup>th</sup> we can get here tonight so we tried to do that.

Mr. Vandervalk, who is still under oath, comes forward.

Mr. Vandervalk – There were a number of items that were requested some additional details. For example, the zoning bulk table which we provided. We're in an RA District so we have a breakdown there for each structure. What we've identified is besides the front yard variances for the canopies we also would require an accessory height variance seventeen and a half feet is the top of the canopy where fifteen is the max permitted for an accessory structure. Then of course we identified the front yard setback variances previously. We have 5.9 feet to the Midland right of way and 3.6 to the Floral right of way. Other than that outside a couple of existing nonconformities for the current structure which remain unchanged all our coverages will remain compliant with the zone. In addition to that what we've provided for is a cross section view there of the canopies. We can see what the signage looks like. Of course being a residential district we're not permitted any signage so we would have variances to permit signs. What we're proposing here is a total of three canopy signs. We would have north and south on Midland on the north and south sides of the canopy and then on the easterly side of the Floral canopy and these signs are two foot by seven foot and they're centered on the canopy as you can see in the graphic. In addition to the signage we provided detail on the lighting plan. Each canopy will have four fixtures set underneath the overhang there. One in front of each fueling position essentially and you can see that beneath the canopy we peak in the fifteen sixteen or so foot candles but then by the time we get to the property line we're only at a tenth of a foot candle. So it dissipates quite quickly from that point. Besides that we also provided for a turning analysis for the delivery vehicle. You can see coming off of Midland essentially cutting across the corner of the property. They're able to stop and park the vehicle in I guess what would be the westerly fueling position of the Floral Lane canopy with the tanker would then be behind them and the fills are all located on that northerly end of those tanks. So certain fueling positions would be shut down but it would only be about 20 minutes or so and then it would continue on its way on Floral Lane. The one other item was drainage related. What were we going to do with drainage from the canopies? The existing canopy today discharges on the surface. The hope was that we would be able to tie into a drainage system in the street. Unfortunately, there are none within our frontage so we're going to continue the same practice here where we have the downspouts come down the columns and we discharge on grade beneath each canopy. I believe that was the limit of the requested information.

Mr. Duffy – Did you check with the Town because we do have a new lighting ordinance?

Mr. Vandervalk – Okay.

Mr. Duffy – That may change the type of lighting you use.

Mr. Vandervalk – We are using LED fixtures they're fully cutoff meaning they're housed in the fixture itself. There's not going to be exposed light source.

Mr. Duffy – I'm just giving a word of caution that you should make sure that you check with them on that.

Mr. Vandervalk – Okay.

Mr. Duffy – In regards to the delivery is there a restriction on tractor trailers on Floral Lane because the delivery is coming off Midland and exiting on Floral. So when he exits onto Floral I don't know.

Mr. Burbano – He usually backs back up don't they.

Mr. Duffy – Now they're coming into the corner making his delivery and proceeding out onto Floral Lane and go down Floral Lane not turn and come back to Midland which would not be a turn I think he could make.

Mr. Schilp – They've been doing that for 40 years.

Mr. Vandervalk – My understanding is this type of delivery takes place today and we're essentially just showing that it is not impacted by the increase of the island size.

Mr. Schilp – They've been doing that fueling I pass by there all the time I live a couple of blocks away. They come down and make the right and the right and come back around and out.

Mr. Duffy – So they go down Floral to Fairlawn Parkway and go where?

Mr. Schilp – One time I saw them and he went down to Belli and he makes the left there then he makes a left on Hayes and back out to Midland.

Mr. Duffy – Okay so he loops down and comes back out.

Mr. Schilp – I've seen him back out onto Midland. A couple of guys go out and stop the traffic on Midland Avenue depending if it's around school time.

Mr. Duffy – Even though it's been done there may not be anything we can do about it. I'm just saying there's been speed bumps put in different areas because of these things so you may want to take a good look at how you're going to get out. What's the delivery every couple of weeks?

Mr. Singh – Maybe three times a week and like he said whenever there's no traffic the gas attendant stops the traffic they back up and go straight on Midland.

Mr. Duffy – There is currently a sign that says no through trucking.

Mr. Vandervalk – The delivery is on that street so I don't know if it would be considered through.

Mr. Duffy – Yeah I know I'm not trying to split hairs I'm just thinking about what's going to impact.

Mr. Vandervalk – Sure. They can certainly do that where they use the gas attendants to do traffic control on Midland on those occasions where they want to back out and continue on Midland. If the Board wants to stipulate that as opposed to following through on Floral. It seems like both is done today depending on the driver probably.

Mr. Duffy – I'll come back to that. Mr. Kurus do you have any questions?

Mr. Kurus – I don't I think they supplied the additional information we asked for.

Mr. Paparozzi – Aside from the variances listed front setback on Floral, front setback on Midland, maximum height on both and the signs which are not permitted in the residential zone. There are two other variances you need 20 feet between the principal structure and accessory structure. On Floral Lane you have 15.1 on Midland you have 19.1 so there are two other variances that need to be added to the list. This is an expansion of a nonconforming use so it's a D variance which needs 5 affirmative votes for approval. That is it.

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

No one has any questions.

Mr. Duffy – Can I have a motion to open the meeting to the public for this witness?

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. Russo – We don't have any other witnesses.

Mr. Duffy – Does anybody have any further questions?

There are no further questions.

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. Duffy – The only concern I have Mr. Russo well there's two. One is just you have to check with the Building Department as far as the lighting because there's a new ordinance. We'll make that a condition if this is to go forth.

Mr. Russo – Sure.

Mr. Duffy – The other thing I'm concerned about is the delivery going down Floral Lane. I know it's been done for the longest time but now there's signs up, there's speed bumps I think this is something that should be handled. Maybe it would be prudent to have them back out onto Midland Avenue instead of trying to go down through residential.

Mr. Russo – He says we can do that. That's okay so if you want to condition it that's fine.

Mr. Duffy – Okay. Does anybody care to make a motion?

Mr. Schilp makes a motion to approve the application.

Mr. Burbano – Do you want to really condition that they pull out onto Midland and open ourselves up to.

Mr. Duffy – To what?

Mr. Burbano – Because we told them that they had to if something happens.

Mr. Duffy – That's the same argument if I send them into a residential area.

Mr. Burbano – We're not sending them anywhere. We're just telling them hey can you backup onto Midland. I mean you're now telling them that they have to back out into traffic on Midland Avenue which is probably just as dangerous as going down Floral Lane.

Mr. Duffy – Does that open us up to anything?

Mr. Paparozzi – You can't back out onto a County road. The County does not allow that in any occupation.

Mr. Burbano – I get what you're saying but it's probably safer to go around the block

Mr. Duffy – Okay I get it. Take it off the table. I just have to make sure I ask these questions. We have a motion.

Mr. Cialone – Comply with the lighting.

Mr. Schilp – I think there were two additional variances that Mr. Paparozzi pointed out.

Mr. Duffy – And we have those. So we have a motion on the floor to approve.

Ms. Murray seconds the motion.

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

### **C.) Greater Bergen Realtors, 405-433 North Midland Avenue, Block 1401, Lot 12**

The Applicant proposes to lease 100 existing off-street parking spaces to four (4) different tenants: Digital Room Printer (50 spaces along rear north property line); Cosmos Beauty School (6 spaces along the rear 1st row); A.W. Auto (40 spaces along rear row and rear property line) and Stefan Williams (4 parking spaces along the rear 2nd row). The spaces leased to A.W. Auto would be for overnight parking and the spaces leased to the three other tenants will be from 8:00 A.M. to 6:00 P.M. There are no site improvements or building modifications proposed as part of this application.

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

Brian Chewcaskie the attorney for this application comes forward.

Mr. Chewcaskie – What we have today is an existing building was previously used as restaurants Steak and Ale and Bennigans. Greater Bergen purchased the property and obtained approval from the Planning Board on March 15, 2021 for the facility as it exists today. At that point in time it was determined that 87 spaces were required to service the facility where there are an excess of 200 spaces there. At the time the Planning Board acknowledged that there were 15 spaces that were leased to an adjoining business which was the Digital Room printer. Greater Bergen has certainly improved the facility but it also has encountered certain decrease in some of it's membership. As a result of that it leased additional spaces primarily to it's neighbors. The Digital Room printer increased to 50, Cosmos Beauty was 6 and Stefan

Williams with 4. Those are all existing businesses in the area and they are being serviced with parking on the site. AW Auto is an auto wholesaler. Vehicles are stored there as we see all over the State however there are very strict restrictions put on AW Auto. There are no vehicle sales there. There is no visitation there a vehicle is dropped off and moved. There are no tow trucks there are no car carriers. These are driven in two people come might have a car and take care of that. Unfortunately, this has been going on for a while. The Zoning Officer Identified the issue we originally made an application to the Planning Board. It was determined that since there was a use variance required we should come to the Zoning Board. What's unusual about this site is that it is in 3 zones. It is in a B1, a CH2 and an Industrial zone. The industrial zone does permit wholesale storage but we're here for the use variance as identified by the Zoning Officer. As indicated there is no physical change to the building or site. We did receive one report and that was from the Neglia Group that was June 30, 2025. I have 3 witnesses this evening George Jorge Ledesma who is the Director of the Greater Bergen Board of Realtors, Andy Missey who is our Civil Engineer and David Spatz who is our Planner. Unless there are any questions for me we can have George sworn in.

George Ledesma is sworn in by Mr. Cialone.

Mr. Chewcaskie – George can you briefly give the Board the benefit of what your position and what you do for Greater Bergen Board of Realtors?

Mr. Ledesma – I run the day to day association at the location 405 North Midland Avenue, oversee our staff and provide educational classes for our members along with meetings such as committee members on a day to day basis. We operate Monday through Friday.

Mr. Chewcaskie – In that regard you're familiar with the demands that are placed on the facility there correct?

Mr. Ledesma – Yes.

Mr. Chewcaskie – Based on your observation and your experience do you believe there are sufficient parking on site to service the need of Greater Bergen?

Mr. Ledesma – Yes.

Mr. Chewcaskie – Now we're here today to request a variance for the leased spaces. It's my understanding that the leases are on a month to month basis they're all written agreements and provide the opportunity to Greater Bergen to terminate those leases. So could you expand on that please and advise the Board if what I said was correct and any other provisions in those leases you deem relevant.

Mr. Ledesma – We took the opportunity to get to know our neighbors as soon as we moved in. The lot was vacant for some time we moved in purchased in 2019 did renovations right around the COVID era 2020 did a build out and finally moved in around 2021. During that time we were able to work alongside some of our neighbors that came to us and were requesting additional parking spaces. So we made sure that we made this agreement on a 30 day basis for termination and we put it in place always making sure that we were providing the space for their staff such as the Digital Room, Cosmo Beauty and Stefan Williams.

Mr. Chewcaskie – With regard to those three uses those have 30 day termination clause correct?

Mr. Ledesma – Correct.

Mr. Chewcaskie – Now you also said it's for staff. This is not customer parking or other parking this is solely to serve employees for those three businesses.

Mr. Ledesma – Yes that is correct.

Mr. Chewcaskie – AW Auto is the auto wholesaler could you describe to the Board what they do on the site?

Mr. Ledesma – They essentially just have the vehicle there. They'll bring two individuals one that drives from their office location and then one that will pick up the vehicle if and when they need to move the vehicles. All vehicles requested from them to make sure there is nothing on the windshields that it's particularly no one coming into the site to take a look at those vehicles and we always monitor it because at 405 North Midland Avenue my office our staff's offices are right along the windows. So we're always looking at any of the traffic that's coming into that building and we're making sure that they're staying true to that aspect.

Mr. Chewcaskie – In terms of the intensity of the use for AW Auto how often are vehicles transported or moved on the site?

Mr. Ledesma – I would say that during a week's timeframe they're there maybe every other day or every other two days and essentially they're coming in as mentioned. One vehicle will come in with two people they'll drive the vehicle out and that's essentially it.

Mr. Chewcaskie – It's also my understanding that with respect to AW there is nothing indicated on their website or any of their material that they utilize this site for vehicles is that correct?

Mr. Ledesma – Correct.

Mr. Chewcaskie – I have no further questions for Mr. Ledesma.

Mr. Duffy – All the tenants are on 30 day?

Mr. Ledesma – Yes.

Mr. Duffy – The breakdown is 40 for AW, and how are you going to monitor that because there's depending on the day or the time right now there's I counted 55? Somebody else counted a couple more if it's 40 who's regulating it?

Mr. Ledesma – Each of the tenants have their designated area and so myself and my operations officer walk every morning truthfully in the beginning and at the end of the day just throughout the area and we take a look and monitor these parking spaces. So I'm in there in the evening sometimes just because overflow of work and I'll also monitor that situation as well. If there's any issues we contact any of the tenants right away.

Mr. Duffy – So if you're leasing 40 now what are you doing about that problem right now?

Mr. Ledesma – Say it again.

Mr. Duffy – If you're leasing 40 to AW Auto how are you handling it now since there are 11 over? Actually 16 over.

Mr. Ledesma – So they have their designated areas that may have just been some of our members that parked in the back or some of my staff.

Mr. Duffy – No I was just there before I came here and every one of the vehicles has their paper license so all of them are. You're leasing them per space correct?

Mr. Ledesma – Yes location of where it is.

Mr. Duffy – So you're charging them for however many.

Mr. Ledesma – Spots specifically correct.

Mr. Duffy – So either they're getting a good end of the deal right now and you're not is that what's happening?

Mr. Ledesma – That sounds to be the case.

Mr. Duffy – This is not just today. See here's the problem you're dedicating 40 there's 100 spaces at question altogether and 40 are dedicated to one client and they're abusing that right now. I'm not even going to talk about how long this has been going on which is I'm sure other Board members are going to bring it up too but if it's going to be 40 it's going to be 40.

Mr. Ledesma – Understood.

Mr. Duffy – So how are you going to regulate that?

Mr. Ledesma – We have a camera system on location that we put into the system throughout the entire building. If it's something that we now need to monitor that it's something we will monitor and make sure that X amount is strictly at that amount. They were the ones that came to us actually all of the tenants came to us so we set forth the restrictions and if at any point they're not following it then we would most certainly terminate.

Mr. Duffy – You would terminate and rent to somebody else.

Mr. Ledesma – We would definitely advise them.

Mr. Duffy – I understand that okay and 50 of them are for Digital and the beauty school is 6 and I don't know what Stefan Williams is. Then again who you're renting them to is not really that important it's the actual allocation of the spaces. We're not going to be where Digital is going to give up their 50 and you're going to have a used car lot back there.

Mr. Chewcaskie – I think Mr. Chairman the intention is that there would be a maximum of 100 spaces rented pursuant to those agreements. Certainly, we can probably do from what I'm hearing I did not count

when I was there but do a better job of policing and the reason that they're on the 30 day if the demand increases at the site Greater Bergen understands that probably the maximum number of spaces that we use at any given time can be between 100 and 120. If that goes up then we may have to terminate these. Most of this came from the fact that it was an accommodation to the neighboring businesses which existed back 4 or 5 years ago. In terms of the auto we have to do a better job of policing them but when we speak if the Board is considering the approval it's conditions how to implement that approval.

Mr. Duffy – There's a big concern that I have. Anybody that's from the Digital Room printer or the beauty school and Stefan Williams where is his business located?

Mr. Ledesma – He's a business in Saddle Brook.

Mr. Duffy – Is he in the same set of buildings or someplace else?

Mr. Ledesma – He's on the opposite side of Midland Avenue.

Mr. Duffy – My concern about the Digital Room printer and the beauty school is they have to step up the curb and walk across divider it's like an island in order to get to their place of business right?

Mr. Ledesma – No Digital Room is if you're looking at the building they're located at the far back right side so they actually have a front entrance and a back door entrance for their staff. When they come out from the back or the front it's a curb I would say.

Mr. Duffy – Yeah step up walk across four or five feet of grass and step down.

Mr. Ledesma – Yes.

Mr. Duffy – With this parking this takes snow removal and puts it whoever does your lot is going to put it wherever they can fit it. My concern is that I would prefer that if we were to go forth one of the things that I would want is a walkway made so these people didn't have to walk across like that. Where it could be designated where this is how you get from one side to the other. I know this is various lots and I don't know the answer to how that maybe Mr. Chewcaskie could help there but I think that would be a smart move. You're talking 56 people going back and forth. So walking up like that I think is a problem and inclement weather snow removal that type of stuff at least they'd have a clear path to go from parking spaces to their place of employment.

Mr. Chewcaskie – In that regard Mr. Chairman that's certainly something we could request Digital Room to provide if it's on the adjoining lot.

Mr. Duffy – They own that property?

Mr. Chewcaskie – I don't know if they do they've been there a long time.

Mr. Ledesma – Prior to us.

Mr. Chewcaskie – I'm trying to go back because I represented the original property owner for years. So I don't know if Digital Room owns that I remember being over there for some reason and speaking with them. I think they may actually own it but we'll find out.

Mr. Duffy – Okay. Those are a couple of my concerns.

Mr. Kurus – They answered the question about who the parking was for employees not customers. There is existing lighting back there.

Mr. Ledesma – Yes and on timers as well.

Mr. Paparozzi – Do the four rentals have access 24/7 to the back or once Greater Bergen closes the lot is closed. How does that work?

Mr. Ledesma – The lot is open there's no guard rail or anything so anyone actually has access to that lot.

Mr. Paparozzi – You said you had security cameras are they tied into the Police Station?

Mr. Ledesma – I would say no because we've worked with the Police Station on numerous occasions because of the bar located across the street and they've requested our film because of whatever incident has occurred from time to time and we work with the police every time.

Mr. Paparozzi – The reason I'm mentioning it only because people can go in the back and let's just say even if it's damaging cars or something else or stealing cars. If they're allowed there after Greater Bergen is open a suggestion for the Board is to tie the cameras into the Police Station. All the leases are 30 days?

Mr. Ledesma – That's correct.

Mr. Paparozzi – There are no cars that are dismantled all of them are drivable and registered?

Mr. Ledesma – Correct and we made it a point that no vehicle could be worked on for anybody.

Mr. Schilp – In the original lease you were allowed to lease out five or six spots to one of the neighbors so you knew that you should have come to the Board to lease these spots out. How long have you been leasing these spots to used car lot that's one and the other business as well?

Mr. Ledesma – Originally we were given permission for 15 parking spots for Digital Room. We moved into the building in 2021. We purchased in 2019 but it was still a Bennigans on the interior. So we had to demo everything out and rebuild everything. That took some time AW was the last tenant that came to us so I would say 12 to 18 months maybe.

Mr. Schilp – You can pull up the November of 23 Town meeting and it was brought up at the Township meeting in 23. So you people knew that you're allowed to lease 15 spots back in 23 when it was first brought up to the Council. So you've been doing at a minimum of two and a half years. So for two and a half years you did whatever you wanted and you should have known because you knew there was a 15 spot lease there. I pass there because I live only a couple of blocks away I pass there all the time and I drive around the back. I don't think I have ever in the past year and a half or two years seen less than 50 cars back there that belong to the dealer.

Mr. Ledesma – For the A and W?

Mr. Schilp – Yes sir. Now I passed there tonight and I counted again I counted 55 cars back there and there were at least 9 or 10 other cars that I am guessing belong to the other businesses that are being parked over there. You said they're only allowed there from 8 to 6 I passed there at 6:35. Obviously your 8 to 6 is not true either.

Mr. Ledesma – The 8 to 6 remains for Digital Room and Cosmo Beauty which hold normal hours of operation for their staff. The A and W remain over the weekend.

Mr. Schilp – I realize the A and W I'm talking about cars with license plates parked up against that divider between the two buildings on the north side of the property. There are at least 9 cars parked there tonight that had plates on them which I'm guessing belong to the businesses over there. So your 8 to 6 is not true either.

Mr. Ledesma – Digital Room from my understanding is a warehouse that prints production.

Mr. Schilp – I know what it is.

Mr. Ledesma – My understanding is they run off three shifts that go into the night.

Mr. Schilp – Yes you're right I have friends that work there and they work 24/7 there. You saying they only park there 8 to 6 it's not true. They could park there 24 hours a day for that business. If somebody stays overtime in the other business they could be there late too.

Mr. Ledesma – You're correct we don't monitor their overtime or when they stay.

Mr. Schilp – If you want 8 to 6 then it better be 8 to 6. There should be no cars there after 6:00 at night. That's what you're saying. You requested this variance and you said 8 to 6 so at 6:00 there should be no cars back there except for somebody that works for your business.

Mr. Ledesma – When Digital Room approached us they did request parking because they have limited to no parking for their people.

Mr. Schilp – I'm with the Fire Department 52 years been back there many times and I am very familiar with the situation and I appreciate you guys leasing the property to them but if you're going to do it you should do it legally and if you want to say it's going to be 6 to 8 or 8 to 8 or 8 to 10 whatever but if you say it's 8 to 6 then at 6:00 at night there should be no cars in there from anybody else except the dealer and the offices. The offices are usually closed at night so obviously those cars belong to one of the other two businesses. Am I being picky probably because you've been working illegally a minimum of two and a half years. I agree with the Chairman there should be some kind of walkway. If they plow the lot and they plow it up to that north curb they're going to have to climb over six inches eight inches if we have a bad winter it could be two foot high of snow. There should be a six foot wide walkway with stripes on both sides so they can't park and that it's clean so the people can get through. That should be a bare minimum that's safety for the people that are out there.

Ms. Murray – You said the gate isn't closed. I went on a Sunday to go in the back and the gate was closed so how can the access be 24/7? Is there access off times is A and W able to go in there 24/7 to move their cars?

Mr. Ledesma – The gate if you've driven by and it's closed that would be on a rare occasion because unless the landscaper when they're there they may move that gate but anyone off of North Midland Avenue consumer, patron general individual can come into the lot. The gate is not generally closed by any of my staff. I'll take a look at that film thank you.

Ms. Murray – Like I said all of us we drive past there we live on that side of Town we drive on Midland Avenue all the time and numerous times I had to park to go into the back to look because I couldn't drive into through the gate.

Mr. Ledesma – We'll take a look at the video.

Ms. Murray – Mr. Schilp made my point you've been doing it so long why didn't you stop when you knew it was wrong when it wasn't allowed why didn't you stop and come here because you knew that you had to. That's what bothers me is that you went two years of it before coming here which doesn't make me happy.

Mr. Schilp – Its' over two and a half years.

Ms. Nobile – My concern is the long term parking situation. I don't have an issue with the employee parking I think that's a good neighborly thing. I do have a concern for long term parking just because you're leasing these spots to him obviously he's give or take abusing the usage of the spaces and what if now we're giving you the right to have these spots for long term parking what if you decide they don't want to rent from you anymore and now who are you going to get in there to rent? Are you going to get contractors to go in there and rent spaces? I'm talking about the future because if this situation changes and they can say they're leaving and we don't need to rent from you anymore we got a better deal somewhere else and we're going to move. Now you want this supplemental income you're going to try and fill it and we just gave you this right to have this long term parking.

Mr. Ledesma – Yeah valid question. We've received requests from a number of businesses on North Midland Avenue. We're not in the business to park spaces our business is our members and so from the different other individuals that have approached us we've stopped any future requests. We didn't look for these individuals they came to us and valid point they can terminate at any point in time or up and move let's say. It is not our intention to go out looking for individuals. These businesses have approached us and continue to approach us from time to time and these are businesses that are located on Midland Avenue because of the limited parking that they have. So if we were to lose the particular tenant our position is not to go out and look for any other tenants. We were just trying to work hand in hand with some of our neighbors that's all.

Mr. Chewcaskie – If I may Ms. Nobile if the concern is like contractor or storage or something like that we're here for regular passenger vehicle parking that's all we're here for. We don't want to be a storage yard we don't want to be a contractor's yard. This is basically vehicles that will move and not be stored except for that A&W. I think that's what the concern is and that will not happen.

Mr. Cialone – What I would suggest if the Board is so inclined to approve this is perhaps a condition that if the applicant is going to lease spaces to somebody else he has to come back here. He's limited to these only because I can appreciate what Mr. Chewcaskie is saying but some day they may sell the property and the approvals are going to go along with the property and what they're saying is not going to be applicable anymore and then you don't know who they're renting to and what type of vehicles so that would be my suggestion to the Board if they were so inclined to approve the application.

Mr. Duffy – You have to just understand that there's two and a half years of you operating one way. Now here asking for permission and it's like this somebody screws up and then they come here and want us to clean up their mess and that's not our job. This mess is sitting here now so now there's things that have to be done. If this were to get approved there would be restrictions put on. AW Auto is already in two instances exceeding what your agreement's going to be. The agreements are you're only going to go 40 spaces there at any given time they're at 55 and above. The other is it's passenger cars only. Well there's a utility truck in the parking lot right now that's one of theirs. So now they're operating outside of it and they're really is after a certain point in time you don't know what you leave work at 6:00 and they have access at 7:00 at night to drop it off and then this goes on. So just you have to understand the angst that my fellow Board members have is that how do we trust this what precautions do we put in place to

make sure it's adhered to exactly what you're requesting because what you're requesting puts others in that parking lot. It puts them at a point that they've got to find something else.

Mr. Ledesma – Understood and I want to apologize for any inconvenience first and foremost. We've worked with the Saddle Brook Police Department since we've been on site and on location at numerous occasions and they come on our lot frequently as mentioned at any point in time. Whenever there's any issue on North Midland Avenue our cameras are able to capture that and we're always working hand in hand with them. So apologize for the inconvenience on this matter this was our fault and we want to correct this issue now.

There were no more questions for Mr. Ledesma

Mr. Duffy – Can I have a motion to open the meeting to the public for this witness?

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. Chewcaskie calls his next witness civil engineer Andy Missey.

Mr. Cialone swears in Andrew Missey he gives his address as 12 Route 17 North, Suite 230, Paramus, New Jersey. Mr. Missey gives his credentials and the Board accepts him as a witness.

Mr. Chewcaskie – What were you retained to do on behalf of Greater Bergen with respect to this application?

Mr. Missey – Our primary function was to update the as-built survey to reflect the conditions out there at the present time and to reflect on a zoning schedule type format the proposal to have the four tenants occupy a total of 100 spaces to the rear and side of the overall site.

Mr. Chewcaskie – It's my understanding that up on the screen is the second sheet of your plan set. Is this the same plan set that was submitted to the Board as part of the application?

Mr. Missey – It is.

Mr. Chewcaskie – Can you identify that by title and date?

Mr. Missey – The drawing is area map slash excess parking sublet plan Greater Bergen Realtors 405 North Midland Avenue block 1401 lot 12 in Saddle Brook Bergen County New Jersey. It has an initial issue date of 4/21/25 sheet 2 of 2 and it's unrevised.

Mr. Chewcaskie – Mr. Chairman I don't know if you want that marked since it's part of the application.

Mr. Duffy – Not necessary.

Mr. Chewcaskie – What's depicted on it Mr. Missey?

Mr. Missey – To the left side of the sheet we depict at a 30 scale the overall 3.9 acre site at 405 North Midland and in various shadings we indicate where the individual tenants parking will be. For instance in the dots the Digital Room printer spaces are indicated along the northerly and the westerly lot lines of the parking area. Cosmo Beauty school is indicated with a cross hatch and it is located about the midpoint of the northerly property line but one aisle in. There's six spaces. Stefan Williams is on the southerly side of the rear parking area and we have shaded cross hatched four spaces and then with the 3 dash hatching we've indicated the 40 spaces for AW Auto.

Mr. Chewcaskie – As I indicated in my opening statement there's no physical change to the building correct.

Mr. Missey – None.

Mr. Chewcaskie – There's no physical change to the site improvements.

Mr. Missey – None.

Mr. Chewcaskie – ingress and egress is still the same.

Mr. Missey – Correct.

Mr. Chewcaskie – Did you have the opportunity to review the report that came from the Neglia Group dated June 30<sup>th</sup>?

Mr. Missey – Yes I did.

Mr. Chewcaskie – There was some engineering review comments could you review those and please comment on those?

Mr. Missey – On the bottom of page 3 of 4 of the Neglia review letter item 8 requests that this be submitted to the County for review. We will make that submission we believe that this will be ruled to be exempt

from County review since there are no improvements proposed. We have not received to date any comments from the Saddle Brook Fire or Police Departments. Either I or Mr. Chewcaskie will make an attempt to reach out to both those departments. The next item says the applicant shall revise the plans to include a striping and signage layout with numbered parking spaces and applicable tenant related signage for control and enforcement purposes. For the purpose of this application I'm not sure that's completely necessary because the signage probably would be misleading. For instance Digital Room printers it's their employees that are parking here the same is true with Stefan Williams and also with Cosmo Beauty School it's either the employees or the students. For AW Auto that is storage and I think that those four individual businesses would have some knowledge of where it is that they are to be parking. As the prior witness testified there will be a more thorough diligence on policing that the parking is occurring where it is supposed to occur and I think that would probably suffice for this particular location. If the circumstances were a little different if this were a more prominent parking area visible and accessible to the public on around the clock basis that would be necessary. Finally the comment has to do with number 11 testimony with respect to trip generation and traffic impacts. In this instance the trip generation is minimal because the adjacent business employees constitute 60% of the spaces that are proposed to be leased and presumably those employees would already be on North Midland Avenue to get to their place of employment or to where they go to school. So the other 40% of the parking that's proposed to be leased would be the overnight storage and as Mr. Ledesma described earlier the A&W employees visit the site on an every other day or every two days basis. So it's quite infrequent for A&W to actually be on the site. It's more on a daily basis for the other three tenants.

Mr. Chewcaskie – There was a question raised as to providing some sort of walkway or the like. Is that something that would be feasible? I know you haven't studied it but being aware of the locations do you think that could be accomplished?

Mr. Missey – Yes it certainly can be accomplished at this location.

Mr. Chewcaskie – I have no further questions for Mr. Missey.

Mr. Kurus – Can you go over the total number of parking spaces on the site and the requirement for Greater Bergen versus what's there?

Mr. Missey – There are right now 282 spaces out here 63 spaces are in the front of the building. All the barrier free spaces are at the front of the building. So that leaves 219 in the side or rear yard. The Greater Bergen building is 13,220 square feet or so of gross leasable office area. So at a 150 square feet per parking space that building requires 89 spaces for it's office use. That would leave 193 spaces that would be excess. Greater Bergen is proposing to lease 100 of those so that still leaves a 93 excess.

Mr. Kurus – So there is plenty of parking is what you're saying.

Mr. Missey – Yes there is ample parking.

Mr. Kurus – You said all the ADA is in front.

Mr. Missey – All the ADA is in front as part of the 2021 application we did right size all the ADA spaces and construct them to the proper grades.

Mr. Kurus – Are there any EV spaces contemplated or proposed?

Mr. Missey – Not yet.

Mr. Kurus – That's all I have.

Mr. Paparozzi – On sheet one of two on the plan submitted that's a survey and the engineer signed it.

Mr. Klein needs to sign and seal that survey.

Mr. Chewcaskie – We submitted a separate survey that Mr. Klein did sign.

Mr. Paparozzi – Alright thank you that's all I had.

Mr. Duffy – The spaces that are the dotted ones that's the north side of the rear correct.

Mr. Missey – Yes.

Mr. Duffy – That's for Digital Printing and that totals 64 spaces according to your numbers here right or do I have to count them out?

Mr. Missey – Yes actually you can't just because when we're indicating 36 spaces that applies to the entire row.

Mr. Duffy – Okay just wanted to get the explanation straight.

Mr. Missey – Yes so there are 28 on the northerly line and then another 22 on the westerly line.

Mr. Duffy – Okay. My suggestion about the walkway I was thinking more on the northern side which is the 28 spaces. You would probably lose a space on that side. You would not probably. That's where I think would be the most advantageous point for anybody that's parking here to go to those two establishments.

Mr. Missey – We can make that adjustment.

Mr. Duffy – That would mean that your other one on the rear end that would have to pick up another space I guess.

Mr. Missey – Yes.

Mr. Duffy – I don't know what the code is. What were the size of these spaces?

Mr. Missey – These are 9 by 18 spaces.

Mr. Duffy – So losing one would be and setting a walkway is a perfect size. Your point to signage could you repeat that again?

Mr. Missey – My point as to signage has to do with the fact that the tenants of Greater Bergen who are using these parking spaces are furnished with the information as to where those spaces are. That's where they are to park. It doesn't really seem to be necessary to call out by signage where those spaces are as you might at say a physician's office where you want the patients that need ambulatory assistance to park in certain areas others physicians and staff to park in another area. This isn't like that because three of the businesses are right here in the immediate neighborhood. Digital Room being half the parking, Cosmo Beauty School being six and Stefan Williams being four. All those businesses would be aware of where they are to park. In the case of A&W Auto perhaps that needs to be policed a little better but that's easily enough accomplished I think.

Mr. Duffy – How so?

Mr. Missey – Because you hopefully are going to place a restriction that it will be enforced by Greater Bergen if this application is successful and if that's not happening then it's Greater Bergen would be brought back before this Board to explain why and none of us want to do that. We want to make this a one and done and I think making the improvements to get from this site to Digital Room would be sufficient to place everybody on notice that Saddle Brook wants them to operate the site in accordance with what's been presented to the Boards that approved the site plan.

Mr. Schilp – You say you went before the Planning Board in 2021 so that means you've probably been leasing these spots the two and half years that I commented before. My personal opinion I think there should be at least one or two handicap spots in this area of this is going to be for the two businesses. You have 50 spots out there actually 54 spots that people are going to use and you could have some handicap people which means that they would have to park in front of the real estate office.

Mr. Chewcaskie – The issue with handicap parking it's supposed to be associated with the facility itself. This now is offsite parking so you typically would not provide a handicap space. The concern also would be is that you may create a space that no one will use because of it's location. I think George would be better to answer the question because I don't know if any employee who would qualify as handicap that would be using a space there. Can't say that for sure but I just did actually Mr. Missey and I because we like doing this every night of the week were out and we did an offsite parking lot and that issue came up and the main business area where the building is, is the one required to provide the ADA spaces. Since this was an offsite lot we were not required to provide it. It's not impossible because certainly the applicant has more than sufficient parking it's just that the intended use may not function in that fashion. I'll leave it to the Board as a condition.

Mr. Schilp – As far as marking you commented before I've been there many times in the past two and a half years and there's always been I don't think I've ever gone there without 50 cars in the lot and most of the time 55 or better. The gentleman says he goes out there every morning and the afternoon either he doesn't have enough fingers to count on or he's just not counting. I don't want to be mean about this but it just annoys me that this has gone on for so many years and now you're finally coming here and begging to do something. I really think that at a bare minimum the spots for the dealer that is there put an A or a B or C or something in the spot so that when the owner walks outside or looks in the camera he can see that there are cars parked in the spots that aren't marked. It wouldn't take much to mark it and if he looks in the TV screen and there are cars that are parked in the spots that they're not supposed

to park in get them towed out of here. As far as the spots that go to this dealer I think at a bare minimum because they're pushing the envelope every single day. Just a comment I don't know if you were here when Jack Daniels requested to use this lot for storage. We approved it the church next door took it to court.

Mr. Duffy – We didn't approve it the application was pulled.

Mr. Schilp – This is only for your information the church was going to go to court and Jack Daniels backed out of it.

Mr. Chewcaskie – The owner of the church property is associated with All American.

Mr. Duffy – Okay.

Mr. Schilp – That's all I have.

Ms. Murray – Just curious how they divided up the spots because Digital Printing has the perimeter and somebody parking down at the end on either side to get into Digital Printing I'm not sur why they didn't say okay the closest ones and put the overnights around the back.

Mr. Missey – I think probably the primary goal would be to have the spaces closest to Greater Bergen accessible on a fairly regular basis to those going to Greater Bergen and to designate the spaces further from the building for the tenants.

Ms. Murray – I would have just put Digital Printing in part of where they have AW Auto and put AW Auto along the back perimeter.

Mr. Ledesma – When Digital Room approached us they requested it. That was the reason why we had put them in that section.

Ms. Murray – Okay.

Mr. Duffy – Since you have a key set up as to the parking with 1 being Digital, 2 being Cosmo and so forth that could be put on the parking spots couldn't it not signage but decaled on? This way Digital knows we park wherever there's a number 1 or A whatever you choose.

Mr. Missey – Yes that could work.

Mr. Duffy – This way to Mr. Schilp's comments as far as the 40 if those are all marked number 4 and then they stop and anything beyond that then they're in violation of the agreement if those goes forward.

Mr. Ledesma – I just wanted to your remark there are month to month leases on all the tenants I just wanted reiterate that.

Mr. Duffy – I understand that but you're asking for a specific setup and you've set the key up for it so now if you turn around and say okay these spots now I'm going to take 10 away from this person and give them to this one. Right now we're dealing with 100 spots that are in here.

Mr. Chewcaskie – I think to accomplish that Mr. Chairman I understand George's concern. This is not let's say specifically identified it's A, B, C, D, 1, 2, 3, 4 we have a key for the parking.

Mr. Duffy – I know he's like how we gonna do that listen two and a half years look at it from that standpoint. Two and a half years you've done this and if this were to go through and this were a requirement I would say that you let it go.

Mr. Schilp – We're not asking a lot.

Mr. Duffy – We're not.

Mr. Burbano – Do we have to do them per tenant or can we just say we have 100 spots and mark those as rentable spots?

Mr. Duffy – Their application stipulates specific spots for specific purposes.

Mr. Chewcaskie – Forty overnight.

Mr. Duffy – Right and those 40 are supposed to be overnight not second shift third shift which may very well happen but the overnight and they're actually a quasi short term long term parking because those cars are going to be there they could be a couple of days a couple of weeks it depends on how they're inventory moves.

Mr. Burbano – So you're doing A for overnight B for not overnight.

Mr. Duffy – Mr. Missey already set the key up on his plan. I would just say follow that.

Mr. Burbano – I'm trying to understand we're saying these six are for here these 10 are for here these 40 are for here. If you're grouping them you group them as these are for day these are for night because if you're giving them the ability to rent these spaces it doesn't have to be six for like we're all concerned if

they're going to re-rent these spaces right. If we're giving them the ability to rent spaces it doesn't matter if 60 per day for one tenant and 40 at night for another tenant if they can reorganize those. All I'm saying is marking them out you'd be marking the day and the night so that way we know these are day and these are night. Whether one of their tenants has six spaces and uses eight what's the difference if the other ones not using those two spaces. It just makes it easier in my mind that if you know these are for day these are for night doesn't matter who parks there as long as there's not more than 100 cars 40 overnight 60 during the day it doesn't matter. It makes it a lot easier and I'm trying to work with both sides. He has six people he marks them A for those six people they move out 30 days later and then B tenant wants to take those spaces because they're day now he's got to scrape all the floor off and put B there as opposed to just day night. That's just a recommendation just trying to understand the parking. If he's turning them over and we're allowing him to do it he's allowed to turn over for as many tenants as he wants and group them together. We're not saying a tenant has to only use six spaces and then he's got to find another tenant for six spaces. We're saying we're allowing this many spaces to be used this many during the night this many during the day. Am I right or wrong?

Mr. Duffy – I understand your point but they took that away by asking for the spaces 100 spaces and breaking them out a particular way. If they asked for just 100 spaces you're right but they asked for 40 here 50 here 6 here and 4 here and labeled who they go to. One of those is abusing it and I think the biggest concern is how do we justify approving something that's been abused before it got here and guarantee that it's not going to be abused before so we're not embarrassed as a Board. Then all of a sudden he goes from 100 to 150 and we put him back in a position where if he goes over your back to get more spaces. It's already been alluded to that there's a possibility that this could go to 120 spaces. That was stated by George.

Mr. Chewcaskie – I indicated that the use for GBAR Mr. Chairman. I think I could probably make some suggestions. What we did was to identify the 100 spaces this is who it's for we want the 100 spaces. We expect these to be the parking tenants. However as Mr. Burbano indicated we shouldn't really be handcuffed. If the six leaves and fifty becomes fifty six that's what we should do. The concern was there was I guess a discussion with you and me and Mr. Cialone regarding well if we lease other spaces. I'm looking at it we have a cap of 100 spaces. That cap of 100 is 60 for day use 40 for night use. If for some reason Digital Room sells their business to a different entity and they want to continue to use this I really don't want to come back to the Board. My suggestion would be here's our limitation if you enter into a new lease provide a copy of that lease to the Zoning Officer so we have a record that's supposed to be there as long as it adds up to 100. Here's our present leases here's what it is because if for some reason Stefan Williams leaves which is four spaces and Cosmo Beauty says you know what we could use those spaces now we want ten. I look at that as no harm no foul that's really my suggestion. My main concern is policing the overnight parking. There are a lot of good suggestions that were made and I am going to ask for a break after the planner ends because Mr. Schilp made a good point I want to make sure that Digital Room is 8 to 6 or are they beyond that because that's what I'm asking for. This is our daytime use which is similar to what Greater Bergen does but when somebody leaves five thirty six o'clock and other shift workers are there that's why I want to have a discussion with the client.

Mr. Duffy – Okay so do you want to conclude?

Mr. Chewcaskie – I have one more witness our planner.

There were no more questions for Mr. Missey.

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.

The Chairman requests a 10 minute recess.

David Spatz the planner for this application comes forward and is sworn in by Mr. Cialone.

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

Mr. Chewcaskie – Can you provide the Board with your analysis and your opinion please?

Mr. Spatz – As was discussed earlier it's been determined that a D1 Use Variance is needed to sublease the spaces to other property users. To support that I think the property itself is particularly well suited for

proposed sublease. As the parking lot currently exists there are 282 parking spaces on it which exceeds the need of the tenants of the building. As was indicated earlier 89 spaces are required for the existing tenants in the building which leaves 193 spaces available and that certainly is accommodated within the subleases that have been discussed this evening as was also noted no improvements are proposed either to the lot or to the building although we did discuss putting in a walkway so that would be a site improvement. To support the use variance we look to the Municipal Land Use Law and the purposes of zoning and if purposes are met by the proposal that would support that use variance and I think a number of the purposes are met. We need purpose A which is promoting public health, safety, morals and general welfare. Using the existing parking lot for tenants in surrounding buildings I think meets that public purpose. Purpose G which is the provision of sufficient space and appropriate location for a variety of uses. The site is currently occupied by a commercial building and a parking lot and that use will continue after our proposal. Then lastly purpose I which is the promotion of a desirable visual environment. The parking lot currently exists no changes are required to sublease the parking spaces. No changes are proposed to the building itself. There is lighting available on site all other traffic impacts are addressed by the existing approvals. The parking lots were not anticipated as a principal use in your zoning ordinance and your Master Plan however they are allowed as accessory uses to commercial and industrial uses and that is what's taking place here. The use of the property and the parking lot is not changing from current conditions or prior approvals. The provision of parking for existing buildings that lack sufficient spaces in the surrounding area, I believe, provides a public benefit by supporting those businesses and reducing impacts on those sites and local streets as well. Cars are parked there and then the users of those spaces will be walking to their businesses. I think there's a reduction then in overall traffic impacts. There are several bulk variances that were noted in the letter of denial associated with the site however these were approved in 2021 and those approvals really effect the building and they are not affected in any way by the proposed sublease of the spaces. There are no changes to the site at all so I think the positive criteria is met for what we're proposing for the D variance. Looking lastly at the negative criteria I don't believe anything rises to the level of being substantially detrimental. The site is already developed with a commercial use in the parking lot. There is a surplus of parking on the site 193 surplus spaces for the current use 100 of them are as part of the sublease as part of this application which leaves 93 spaces available for any changes in the existing building new tenants, new partial tenants there's certainly sufficient space to accommodate any changes in the existing use so additional parking does still remain for the existing or future tenants of the building. No improvements are required to the building or the site as part of this so therefore there's no increase in the impact on the existing approved variance conditions. Lastly the provision of parking to nearby businesses, I believe, reduces the impacts on those sites as well as local streets. Discussion earlier in the evening as far as putting in a walkway from one of the sites to our property I think further goes towards reducing that. So on balance I think the positive criteria is met. It far outweighs anything that might be considered negative and I believe it would be appropriate to grant the use variance that we're seeking.

Mr. Chewcaskie – The site that we're discussing has excess parking and that in and of itself can be considered suitable for the accommodation of additional off street parking for surrounding businesses.

Mr. Spatz – Yes there are based on calculation of our project engineer 89 spaces are needed for our particular uses there are 282 spaces on the property so again there's a surplus of 193 spaces on the site the leases only utilize 100 of them so there remains a substantial amount of usable open space to satisfy the current tenants.

Mr. Chewcaskie – I have no further questions for Mr. Spatz.

Mr. Duffy – You were granted 15 parking spaces by the Planning Board.

Mr. Chewcaskie – Correct.

Mr. Duffy – This 100 includes those 15 correct.

Mr. Chewcaskie – Correct.

Mr. Duffy – I just wanted to make sure that it's not 100 additional.

Mr. Paparozzi – I agree with Mr. Spatz the lot can handle the additional parking without any impact to the neighborhood or the Township.

Mr. Duffy – If no one has any questions 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. Chewcaskie – Greater Bergen is not soliciting parking. I believe maybe because of the size of the lot and those in the surrounding area recognize that and they made those requests. I'm not going to rehash the issues the timing and the like. It was brought to our attention we certainly did get a letter of denial we were originally sent to the Planning Board and then we ended up here so that took time but it didn't take two and a half years so I'm not even going to try and address that. Let's look at the application for what it is. We identified the uses and we're very specific about those uses when we showed the design and the like because that's where we have the lease the licenses for these uses. We use the words lease they're really parking licenses which are terminable on a 30 day notice. So we identified the four that we have. A lot of good discussion here with regard to what we're asking for. We're asking for those hundred spaces of those hundred spaces 60 are to be an accommodation for the businesses that we've identified. However if in the future those 60 spaces one of the licenses is terminated we'd like to continue subject to the limitations that we've identified and I believe an appropriate method to do that is we can provide the licenses we have now to the Zoning Officer and we can do that in the future. I think that will provide the appropriate regulation. Mr. Schilp made a good point and I asked the question about Digital Room printing. There may be vehicles parking there after 6:00 pm because of the number of shifts that they have. Their largest shift is the day shift and then since I'm getting old I don't remember I did assist them when they installed the compactor on the side to make more room they do have limited parking. So I'm going to say that those spaces are probably used beyond 6:00 pm but I'll characterize it this way it's not overnight parking. It's parking for the eight hour shift. On weekends we don't see the demand there when George is on the site on weekends but there may be some of that those parking spaces used in the evening for the evening shift. So I would request that be permitted. The overnight parking is limited to the A&W Auto. The 60 parking spaces are for employee parking and certainly we can come up with a mechanism where those spaces will be identified. Can a walkway be installed yes it is possible and that's something we can coordinate with Digital Room. It would be my expectation that whoever is operating at Digital Room will need this parking for that purpose. The concern is that once you give it you can't take it away and that's why I'm suggesting these conditions. The limitation is the hundred spaces. There is no intent to lease or license more spaces than a hundred here because Greater Bergen will have its own demands and when I say that just like we said at the Planning Board our usual is like 90 spaces but if there are conferences or training or something like that it may go up. We may need another 40 spaces to go from that 90 to 130 so that's why the intent is to limit it at a hundred. I go back and I do understand that yes there's been time that has gone by but now we're here and we want to do it right and we really don't want to come back so that's why I'm suggesting these conditions. I think from the testimony you heard from Greater Bergen, from Mr. Missey, from Mr. Spatz there is a valid purpose for providing this parking. This is quite a large facility that provides parking not only for Greater Bergen but for the surrounding businesses. So I request the Board to grant an approval with reasonable conditions thank you.

Mr. Duffy – 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 Board members have any closing comments?

Ms. Murray – It does bother me that for two years so it kind of what makes me kind of concerned is like how'd you get here how'd you get caught who caught you what made you get here tonight to appear in front of us after two years. That's a concern of mine. It makes two trust issues for me I'd prefer that the overnight parking is distinctly delineated so that the overnight parking is limited to 40. Whatever we do here stays with the building whether Greater Bergen Realty stays there or not. I don't want it to become a place where someone else comes in and it's not marked and all of a sudden a hundred spots are overnight. I would prefer that the 40 spots that we're granting are specifically delineated so that it's easier

to monitor those spots especially for a Zoning Officer that may have to go in there and look at it if there's a complaint. That way he can see specifically 40 spots 40 marks anybody else over there at midnight well guess what they're overnight and they can easily be seen. That way you take out the overnight workers next door. Those 40 spots are specifically AW and that's my opinion on that piece. I don't like that people do these things and end up here two years later.

Mr. Burbano – I do agree my intent was not to get overnight parking for all spots or to try to change that. I think that we need to be clear on which is overnight and which is not because what my concern is, is that we may allow 40 overnight parking spots and then we now are not setting a timeline for the tenants there's going to be no way to lease who's parking in those spots. I don't know what the hours are next door but it's going to be very difficult to police it. Just say that all 100 spots are tenants next door now I think that there has to be some sort of a timeline for day and night or else it's going to be virtually impossible to police. So where do you extend those hours to whatever the shift may or may not be and then if there's a car here or a car there they notice it and the Zoning Officer says something. There's not going to be any way for him to know which is theirs and which isn't. So like that dealership goes out and somebody else brings cars in and parks overnight and they have license plates you're leasing to license plates now there's no way to depict it so you have to mark out those overnight spots and you have to put some sort of a timeline on the other unfortunately or else again if Bergen Realty moves out and now you have 100 spots that you're allowed to kind of sneak in for a period of time. So I think that in my opinion we need to mark out the overnight spots and we can mark out the other rentable spots different then you can utilize them however you want but there has to be a timeline on those tenants. I'm sure the Zoning Officer is not going to come in and be like there's five cars here extra from the neighboring tenant that happened to be working overnight but if there's a hundred cars there at all times overnight he's not going to be able to know which ones are which.

Ms. Nobile – I already expressed it but after hearing everything I still have a lot of concern about it. I'm not going to repeat what everyone said but I heard everyone's comments and I still have concerns.

Mr. Duffy – This is for us how can we address your concern?

Ms. Nobile – The existing situation is not it seems to be working. My concern is the future because if you leave the future I don't know who the new tenants going to be I don't know who the new owner is going to be so going forward five ten years from now what if they want to downgrade and want to go to something smaller they don't need that big space and they're going to sell the property. They're going to sell it the way we approved it with 100 subleases that are allowed in Town and I don't know who the new owner is going to be and how they are going to handle that.

Mr. Burbano – You can limit it to passenger vehicles only.

Mr. Mazzer – Greater Bergen is leasing these if he leaves all bets are off. Those leases don't make a difference. Those leases are with him if he sells and he leaves.

Board members – The variance stays with the property.

Mr. Mazzer – No we're giving him they're only 30 days.

Mr. Cialone – We're not giving him the ability to lease it for 30 days we're saying to him as an additional use on the property you can lease 100 spaces.

Mr. Mazzer disagrees.

Mr. Cialone – That's like is we said he can run a bagel shop there and that's not a permitted use and then he sells it to somebody else they continue it. They don't give it to the person it sticks to the property.

Ms. Murray – This would run with the property for overnight parking and 100 leased out spots.

Mr. Duffy – Which if I'm not mistaken is the reason why we couldn't say AW gets these spots. We cannot specify a particular tenant we can say the use which is these 40 are for overnight parking of cars only no trucks. We can do that we don't have to turn around and say whether it's ABC Auto or anybody else we can't be specific on a tenant but the use of.

Mr. Mazzer – We're giving Greater Bergen the permission if he leaves all bets are off.

Everyone – No it's not.

Mr. Cialone – Whenever we give a variance whether it's a bulk variance a use variance it runs with the property it's not specific to the applicant or the property owner it runs with the property. Once we give it, it stays with the property in perpetuity.

The debate continues for some time as to whether the approval is for Greater Bergen only or the property itself.

Even Mr. Chewcaskie the applicant's attorney agrees it runs with the property.

Mr. Chewcaskie – The issue you have to grapple with are the conditions and as I've indicated the hundred spaces 40 are going to be the overnight spaces 60 are going to be for the adjacent business spaces.

Mr. Paparozzi – I would just add just residential vehicles so no commercial vehicles.

Mr. Duffy – Yes passenger vehicles only.

Mr. Paparozzi – Passenger vehicles can be vans just keep it simple.

Mr. Schilp – Can there be a stipulation that he can lease the spots as long as the property abuts their property?

Mr. Cialone – No because I think some of the tenants don't at this point.

Mr. Schilp – It was a question I was asked if we could put a stipulation on there that he could only lease it to the businesses that are adjoining.

The Board determines that that is not feasible.

Mr. Duffy – I think what would be prudent is to identify what we feel the conditions are that are viable that we would want before we make a motion.

Mr. Duffy – Let's start with Mr. Burbano.

Mr. Chewcaskie – I just spoke with the client the 60 spaces that you're concerned about. We have no objection if they're limited to businesses in Saddle Brook. That's what we do now if there's a change it may not be an abutting business but those 60 spaces will be used to accommodate. That was one of the reasons we set forth we're accommodating businesses in Saddle Brook so there's no objection to a condition.

Mr. Duffy – Okay. Let's hear it before we go any further.

Mr. Burbano – I think you have to have overnight marked out as overnight. Then you have to put a time limit on the other 60 spots because it will be virtually impossible to police it no matter how you do it. No offense but with the history of the parking with allowing the parking to happen without zoning how are we going to say we're going to be able to police who's a Saddle Brook resident who's not a Saddle Brook resident. You have to put parking from 7:00 am to 11:00 pm or something like that so there's a way that you drive by at night you know it's not being abused. Having that other limited to overnight but with shifts will be virtually impossible to police and the other thing I would say I no commercial vehicles just residential vehicles. I would love to see Saddle Brook residents be there but you're going to get somebody else that's just going to rent to somebody that's not in Saddle Brook and you're never going to know because they don't have Saddle Brook stickers on their cars.

Mr. Duffy – He was going to lease the 60 spaces to Saddle Brook businesses they don't control that.

Mr. Burbano – How are you going to know it's a Saddle Brook business?

Mr. Duffy – It's going to be on the lease.

Mr. Schilp – I would like to see the 40 spots marked if they're going to be overnight.

Mr. Duffy – Okay.

Mr. Schilp – We talk about the print shops got 24 hour shifts designate 10 of those other spots as being permitted to park overnight as well for the other employees. Are we staying with the eight in the morning to six at night?

Mr. Duffy – No we're going to change that.

Mr. Schilp – That's one of the things I don't know what time you want to change it to.

Mr. Duffy – You only have to increase it by four or five hours because most standard shifts go seven to three thirty I don't know what their shifts are.

Mr. Schilp – That's what I'm saying but I'm sure there are people there at seven in the morning.

Mr. Duffy – Correct me if I'm wrong but doesn't necessarily Digital Printing runs 3 shifts every single day.

Mr. Schilp – Five days a week.

Mr. Duffy – They run three shifts they're that busy?

Mr. Schilp – Yes I know guys that work there. They work five days a week 24 hours a day.

Mr. Duffy – They're actually not overnight if you think about it. The cars will be changed. The 60 spaces not even their 50 are going to change and it's not going to be all 50. It could be 50 people are there in

the daytime and maybe 25 on the second and maybe another 20 on the third. It's going to revolve it's not going to be I understand the 40 absolutely overnight parking marked. I think that's an agreement between everybody.

Mr. Schilp – How about making the hours seven to seven and designate 10 spots 12 whatever that would be for anybody that's working overnight. You got the lease you have to tell them these guys stay overnight they got to only park in these spots. You tell the guys in the print shop that anybody clocks here after the middle of the night they have to park in these spots.

Mr. Burbano – Why did they only ask to 6:00 if they knew people were going to be parking overnight?

Mr. Duffy – I don't think it was clear and we have to actually be careful from a procedural standpoint of posing questions out there because then I have to open the meeting to the public again.

Mr. Burbano – I'm only asking because obviously there was some sort of brainstorm behind it so like that print shop might have 300 employees where they only have 100 to 250 parking spots during the day but at night they only have 200 employees so they don't need those parking spots at night.

Mr. Duffy – How would this sound taking Mr. Schilp's train of thought going 7:00 am to 10:00 pm or 6 to 10. That eliminates the overnight in those 60 spots and grants enough latitude where if they're in shift work they can be there otherwise we're going to be splitting hairs trying to figure out this spot this spot this spot should be for overnight. We already know that the 40 overnight are going one way and that's it.

Ms. Nobile – For the Auto they're considered overnight slash storage.

Mr. Duffy – Right.

Ms. Nobile – So we're going to allow these cars they're going to be stored for a long period of time.

Mr. Duffy – I wouldn't think he'd be in a good car business if he was there for a long time.

Ms. Nobile – Let's say a week a month.

Mr. Duffy – Probably a week at a time a week or two.

Ms. Nobile – Let's say a month or two three months tops. So they're sitting there so that will in essence that can continue going forward in the future.

Mr. Duffy – Yeah but only 40 spaces we wouldn't allow any more and we could regulate the other 60 by imposing a time on it. How does that sound so far?

Mr. Schilp – Sounds good to me.

Ms. Murray – I'd like the 40 overnights to be non-commercial.

Mr. Schilp – All spots.

Mr. Duffy – All of them.

Mr. Cialone – All spots should be non-commercial vehicles.

Mr. Duffy – Right.

Mr. Schilp – Right now they have 15 I just want to make sure when they're asking for 100.

Mr. Duffy – I already said that not an additional 100.

Mr. Schilp – An additional 85 I just want to make sure that was clear.

Mr. Duffy – Those 15 spaces were originally allocated for the print shop. So they're actually picking up 35 more spots. I make a motion that we approve the application before anybody seconds lets list the conditions absolutely the way they have to be because they're going to go into the resolution. Before I go any further I do have a question for you. There's a dumpster in the back aren't they supposed to be enclosed?

Mr. Paparozzi – They were enclosed when I was there.

Mr. Duffy – There's a green one all the way back in the corner that's not.

Mr. Paparozzi – The enclosure is closer to the back of the building.

Mr. Duffy – Okay.

Mr. Paparozzi – I don't know if that dumpster got pulled out for a reason but the enclosure is close to the back of the building.

Mr. Duffy – Okay I didn't notice it.

Mr. Paparozzi – There is an enclosure they were all in when I was there.

Mr. Duffy – The first condition is that the 40 spaces that are currently dedicated to AW Motors are the 40 spaces that are dedicated for overnight and they would be on number 4. I don't have to worry about

exactly where they lie in the parking lot we can go by the plan. Those 40 are to be designated and marked for overnight parking. I leave the methodology in marking them up to the realty company.

Mr. Cialone – With the reasonable approval of the Board Engineer.

Mr. Duffy – Yes. The other 60 spaces are to be time limited from 7:00 am to 9:00 pm.

Mr. Cialone – Are they being marked at all?

Mr. Duffy – Those are to be marked also with the same methodology approved by the engineer.

Mr. Cialone – As the applicant proposes right.

Mr. Duffy – Yes. There will be no commercial vehicles and the 60 spaces on the time limit are to be leased to Saddle Brook businesses only. That was put forth by the applicant.

Mr. Cialone – They would also supply the leases to the Zoning Officer when they have a change of tenancy

Mr. Duffy – Yes. A walkway is established and so marked in whatever fashion that's necessary according to code between the properties.

Mr. Cialone – On the northern property line.

Mr. Duffy – Actually I would say it's beneficial to be in the center.

Mr. Schilp – If you go by the drawings he had a little number in the middle.

Mr. Duffy – Yes right there would be a great spot. That would be the width of the parking space so we'd lose a parking space and they could pick up one of those parking spaces on the rear property west line. Lighting for the walkway from one side to the other.

Mr. Cialone – The walkway they only have control of their property.

Mr. Duffy – I did mention it earlier and Mr. Chewcaskie had said that they would be able to work with the other property owner to accomplish this.

Mr. Schilp – I'm sure if they're leasing the spots they'll cooperate.

Mr. Duffy – Yeah especially it would make it a lot easier for people to walk back and forth.

Mr. Cialone – We can't compel them to install it on the neighboring property.

Mr. Duffy – This is not a major thing I don't think it's that difficult to accomplish that. They have to figure it out.

Mr. Cialone – It's going to be up the neighboring owner to allow them to extend it onto the neighboring property.

Mr. Burbano – If they don't they can't rent it.

Mr. Duffy – Before I ask for a second did I cover my bases?

Mr. Schilp – I think so I'll second that.

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

Ms. Nobile – NO.

## **6. RESOLUTIONS**

A.) Approval Huseyin Coskun, 101 Westminster Place, Block 519, Lot 62

B.) Approval Robert Di Giovanni & Frances O'Brien, 35 Central Avenue, Block 607, Lot 8

C.) Approval Russell Kelley, 22 Chelsea Drive, Block 602, Lot 24

D.) Approval Best Budz, LLC, 253 Route 46, Block 120, Lot 5

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

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

## **7. MINUTES**

Meeting of September 8, 2025 Regular Meeting

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

## **8. COMMUNICATIONS**

Lawrence Calli to the Zoning Board of Adjustment, 9/09/25 Re: 575 North Midland Ave.

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

## **9. VOUCHERS**

Neglia Engineering Assoc., 9/04/25, Laurikietis, 591 Oak Avenue, Block 1710, Lot 21 \$755.00

Neglia Engineering Assoc., 9/04/25, Best Budz, 253 Route 46, Block 120, Lot 5 \$1,222.50

Birchwale Pellino & Cialone, LLC, 9/18/25, Di Giovanni, 35 Central Avenue, Block 607, Lot 8 \$250.00

Birchwale Pellino & Cialone, LLC, 9/16/25, Coskun, 101 Westminster Place, Block 519, Lot 62 \$287.50

Birchwale Pellino & Cialone, LLC, 9/22/25, Kelley, 22 Chelsea Drive, Block 602, Lot 24 \$250.00

Birchwale Pellino & Cialone, LLC, 9/22/25, Best Budz, 253 Route 46, Block 120, Lot 5 \$912.50

Return of Unused Escrow, Sita & Sons, 214-216 Midland Ave., Block 101, Lot 3 \$11,486.22

Return of Unused Escrow, Omar Gutierrez, 603 Oak Avenue, Block 1710, Lot 18 \$93.00

Return of Unused Escrow, Eduardo Castro, 84 Ackerman Avenue, Block 607, Lot 67 \$18.00

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 makes a motion seconded by Mr. Burbano to adjourn. All in favor – YES.

Meeting adjourned at 9:42 pm.

Respectfully submitted,

Frank Barrale