

TOWNSHIP OF SADDLE BROOK

ZONING BOARD OF ADJUSTMENT MINUTES

September 8, 2025 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday September 8, 2025 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

Mr. Duffy – I ask you all to please remain standing. This Thursday will be September 11th the 24th anniversary of the attack on the World Trade Center where nearly 3000 people died that day and thousands have died since. Please keep them and their families in your thoughts and also the family of Mr. Anthony Gatto. Mr. Anthony Gatto served this community for well over 50 years as a fireman, as a member of the Planning Board and as a member of this Zoning Board thank you.

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, Mr. Burbano, Mr. Manzo, Mr. Gjorgievski, Mr. Latona, Mr. Duffy – Present.

Ms. Nobile and Mr. Francin are absent, Mr. Manzo sits in for Ms. Nobile.

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

5. NEW BUSINESS

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

The applicant proposes renovations as well as side and rear additions to the existing 1-1/2 story dwelling for the construction of a two (2) story dwelling with attached garage (approx. 1,561.56 roof area per plan) that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today. Associated improvements include new asphalt driveway, paver walkways, rear shed, and rear deck.

(Applicant was carried without further notice from the August 4, 2025 meeting.)

Mr. Duffy reminds Mr. Coskun he is still under oath. Mark Reme the applicant's engineer is sworn in. He gives his address as 20 Church Street in Allentown, NJ.

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

Mr. Duffy – There were some concerns from the last meeting so what was addressed?

Mr. Reme – In order to address the comments from the last meeting a couple of things were done to reduce the amount of coverage and to reduce the building size on the lot. The shed was removed at the rear of the project. The house was narrowed up a little bit to get us a five foot setback from the north side yard on the right side of the property if you're facing the property. I think we had four foot one and a half inches previously it's now five foot setback. The garage was also reduced in depth a little bit as well. It reduced the amount of impervious coverage on the project. The driveway was also adjusted a little bit to help reduce the amount of impervious that we had.

Mr. Duffy – Those calculations have all been submitted?

Mr. Reme – Yes.

Mr. Duffy – Originally I think it was 3.875 feet and then you reduced the width of the garage in order to bring it to five foot correct?

Mr. Reme – That is correct.

Mr. Kurus – If you could just go over what the total lot coverage was last hearing and what you have right now.

Mr. Reme – Last hearing I'd have to go back and look. I believe we were at 51.2% lot coverage and now we're at 47.0%

Mr. Kurus – if you could talk about the seepage pit.

Mr. Reme – We're proposing a seepage pit at the rear yard to infiltrate any runoff from the roof designed in accordance with the New Jersey DEP BMP manual the water quality in a two year storm.

Mr. Kurus – Those are my questions.

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

Mr. Schilp – I appreciate that you took our suggestions into account it looks good thank you.

Mr. Duffy – The garage on the north side isn't there a bit of an overhang does that still exist?

Mr. Reme – There is a little bit of roof overhang that exists.

Mr. Duffy – I didn't see the measurement on it.

Mr. Reme – I don't have the architectural plans with me.

Mr. Reme establishes that it is a one foot overhang.

Mr. Duffy – Anyone else have any questions? What's the purpose of the one foot overhang all the way around? Is it aesthetics is there a structural issue?

Mr. Reme – I believe it's aesthetics I would have to consult with the architect to see if that can be reduced a little bit. I know sometimes we do six inches, eight inches, twelve inches. There is a little bit of a structural reason behind it.

Mr. Mazzer – It's just to keep the water off.

Mr. Reme – It helps shed the water right.

Mr. Duffy – We are five foot now off the property line and actually if you pitch a ladder anybody has to do work on there you actually put them in a position where they have actually a four post. Based upon the height of this that ladder would stand at an unsafe pitch. I have a concern about that.

Mr. Reme – Okay.

Mr. Burbano – It looks like you reduced the combined by under a foot. Looking at the new compared to the old the old was 9.2 feet the new is 10.13 feet. So if you have five foot one with a one foot overhang it's really only four foot one.

Mr. Reme – The dimensions on the zoning table are taken to the base of the building.

Mr. Burbano – The foundation.

Mr. Reme – Right. With that one foot overhang that does reduce the setback at the roofline.

Mr. Duffy – I would prefer that the side be reduced structurally to where it can be as opposed to that to reduce that problem because we're that close to the property line.

Mr. Reme – Understand.

Mr. Coskun – If we can do it we can do it we don't have any problem.

Mr. Duffy – The front and the back are fine.

Mr. Reme – It's just on the side.

Mr. Coskun – We can reduce it.

Mr. Duffy – To what is architecturally necessary so if you can go down six inches then do that. Do whatever we can to make it a little bit because you have stated that you didn't say whether you were going to rent it or whether you were going to sell it so any one of those possibilities exist.

Mr. Coskun – Okay.

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 makes a motion to approve the application with the following stipulations. That the side of the garage is reduced back to what's structurally necessary.

Mr. Cialone – The side overhang. You want it reduced or removed.

Mr. Duffy – Reduced or removed to what is structurally sound if it has to be six inches then so be it but I would prefer it to be flush would be the best. Was there anything else we need for this?

Mr. Cialone – We have minimum combined side yard, maximum building coverage and maximum lot coverage are needed.

Mr. Duffy – Do we have to have any correction on the numbers?

Ms. Murray - The new numbers are on the new plans.

Mr. Duffy – Okay. There's a motion on the floor.

Mr. Schilp seconds the motion.

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

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

The Applicant proposes a side 15' x 16' deck 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 they may proceed.

Robert Di Giovanni and Frances O'Brien are both sworn in and give their address as 35 Central Avenue in Saddle Brook.

Mr. Di Giovanni – We are interested in putting up a deck on the side of our house fifteen by sixteen. Right now we would need a variance for minimum single side yard from 10 feet to 5 feet and minimum building coverage from 26% to 28.3%.

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

Mr. Schilp – Is this going to be on the ground or up in the air?

Mr. Di Giovanni – In the air.

Mr. Schilp – How high?

Ms. O'Brien – It's a bi-level.

Mr. Di Giovanni – Approximately eight foot.

Mr. Schilp – Are you going to put anything underneath?

Mr. Di Giovanni – Currently we have a patio there which would stay and be existing but would be modified so they can put footings in.

Mr. Schilp – The bottoms going to stay the same.

Mr. Di Giovanni – Yes.

Mr. Cialone – There's concrete underneath?

Mr. Di Giovanni – Yes.

Ms. Murray – I noticed the chimney for the fireplace goes up the side and has a cleanout are you going to have access to that?

Mr. Di Giovanni – Absolutely.

Ms. Murray – How high up?

Mr. Di Giovanni – I would say approximately a foot.

Ms. Murray – No how high is the deck off the ground?

Mr. Di Giovanni – About eight foot.

Ms. Murray – The footings inside those walls are on top of the walls sort of.

Mr. Di Giovanni – The footings will be inside the walls and it will overhang the walls in certain areas.

Ms. Murray – So it's just going to clear the wall.

Mr. Di Giovanni – Yeah.

Ms. Murray – Now I have a picture of how it's going to look.

Mr. Di Giovanni – Yeah they're basically a U shaped wall section and we're above that.

Ms. Murray – Okay.

Mr. Kurus – Is it going to be open or covered?

Mr. Di Giovanni – Open.

Mr. Kurus – The steps in they'll be from the yard?

Mr. Di Giovanni – Yes and we'll be putting a door off the side of the house.

Mr. Kurus – So you're cutting a door in. Next to the chimney?

Mr. Di Giovanni – Yeah which will probably be a standard thirty six inch door. We don't have the space to do a slider.

Mr. Mazzer – The steps should be put in.

Mr. Duffy – Where would they be?

Mr. Di Giovanni – The steps would be in the back.

Ms. O'Brien brings forward drawings from the contractor showing the steps.

Mr. Duffy – We're going to mark these as exhibit A1 which is what would you call it?

Mr. Di Giovanni – Aerial shot showing the footings looking down.

Mr. Duffy – Okay that's A1, A2 is a side elevation and A3 another aerial showing the pad where the steps would be coming down.

The drawings are passed around for the Board to review.

Mr. Duffy – Does anybody else have any questions?

There are no further questions.

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

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – Any final thoughts from the Board?

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

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

C.) 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.

This application was not able to be heard due to an issue with the notice.

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

The Applicant proposes a garage addition and rear covered patio 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 they may proceed.

Mr. Cialone swears in Russell Kelley and Matthew Kelley.

Mr. Duffy – Would you walk the Board through what this plan is all about?

Mr. Russell Kelley – What we're looking to do is put a one car garage on the side of the existing home and the size is sixteen by twenty seven and six inches. In the rear we're looking to put a covered roof over the patio that measures fifteen by fifteen. In doing so we will be reducing the lot coverage from 50% to 36% so we're reducing the existing lot coverage by 14%. The addition is one story high.

Mr. Duffy – On your plans you're going to put a washer dryer and a bathroom in the garage?

Mr. Russell Kelley – In the rear of the garage that is correct. I'm looking to bring the washer and dryer from downstairs upstairs to have that on the first floor as well as we're doing some changes interior. I'm looking to make everything comfortable for my wife have everything on the first floor so she's not going up and down the stairs to do laundry or the pantry. When my children moved out two years back we went from having one of the largest homes in Town to one of the smallest. The only thing she missed was a central vacuum and a garage so I'm here tonight asking permission to put on a garage to save my marriage of 48 years.

Mr. Cialone – That's a half bath in the garage.

Mr. Russell Kelley – That's correct because on the first floor now the existing bathroom that's on the first floor that's going to be the new pantry. Right now the pantry is down in the basement. We're looking to bring that upstairs bring the washer and dryer upstairs and keep everything on one level.

Ms. Murray – I see there's an existing addition behind the first floor plan all I saw was block.

Mr. Russell Kelley – That's correct we started that project we got the building permits through the Building Department and then we decided to add this to the project.

Ms. Murray – So you're going to continue with the project.

Mr. Russell Kelley – Yes.

Mr. Schilp – What kind of heat are you going to put in there?

Mr. Russell Kelley – We're just going to tap off the existing system it's forced hot air.

Mr. Schilp – Are you going to heat the garage?

Mr. Russell Kelley – No.

Mr. Duffy – Does anybody else have any 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. Manzo makes a motion seconded by Mr. Burbano to approve the application.

Mr. Duffy – Before we entertain the second there is a current survey with this application not one that was drawn on right.

Mr. Russell Kelley – I marked that up to show you how I'm removing all the asphalt and concrete. That's how we're reducing the lot coverage. We do have a survey that's not marked up

Mr. Duffy – Make sure that the actual survey is with the application.

Mr. Russell Kelley – Absolutely.

Mr. Duffy – So we have a second, roll call.

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

E.) 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).

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

David Russo comes forward he is the attorney representing this application.

Mr. Cialone swears in Tyler Vandervalk the engineer for this application.

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

Mr. Russo – You prepared the plan on this explain what you're trying to do with the canopies and also the diesel. Right now there's two tanks there's two dispensers the idea would be four with one more for the diesel and then there's one canopy and you were going to go with two canopies. Nothing's permitted in Saddle Brook for the gas station anything you do is a variance.

Mr. Vandervalk – Today there exists a kiosk and a dispenser with two fueling positions along Floral Lane and that is covered by an existing canopy and then on North Midland Avenue there is another dispenser located but there's no canopy in that location. What the applicant is seeking to do as part of their station upgrades as it has come time for them to replace their underground tanks is to also upgrade the dispensers and canopies etcetera so as part of that what they're looking to do is replace the kiosk on Floral Lane with one dispenser on either side of that kiosk so we'd be increasing one additional dispenser on Floral Lane and then on North Midland Avenue we would have two dispensers towards either end of the newly proposed canopy and then a third dispenser which would only be for diesel in the center of those two dispensers. So while there's three dispensers they're not spaced far enough apart where we'd have six different fueling positions. It's really intended as just four fueling positions then in the event you have a vehicle obtaining diesel it would be blocking the other gas pumps. So we have a total proposed

dispensers of five for the site plus a replacement kiosk and then a replacement canopy on Floral Lane 24 by 32 and then the same dimensions for the new canopy on North Midland 24 by 32. As far as the variances we're located in the RA zone which doesn't permit the commercial uses and furthermore there is no zone within the municipality which does permit the gas station. So regardless we'd be here for the expansion of the nonconforming use. The proposal for the canopy on Floral Lane is to hold the same existing setback as exists today with the current canopy so we're really not looking at a change there. That canopy will be lengthening by about two feet on either end parallel to the street but not extending closer to the street. Then the new canopy on North Midland we are proposing to keep the same centerline for the dispensers. That's really what's driving the location and the edge of the canopy will be 5.7 feet from the right of way line. The accessory structures in the zone are supposed to meet the principal structure setback of 25 feet from the street line and so we have a setback variance proposed at 5.7 where required is 25. We did double check despite it not being shown on the plan we checked all our coverages building coverage, accessory coverage etcetera. We are compliant with those numbers in this case so we don't require additional variances there. Really the intent of canopies at gas stations a lot of times we just think about covering from weather for the customers or for the attendant and while that's valuable to the applicant there is a public safety aspect to this where we're protecting electrical controls and what not from weather which certainly helps to improve public safety. We also help protect the environment from the aspect of any little drips or anything during fueling are protected from rainfall in those areas being captured by the canopy instead. The canopies really have become traditional with gas stations and while the applicant is making these investments to upgrade the tanks the goal is to also add these other improvements to the site.

Mr. Kurus – Could you quickly summarize again the existing dispenser versus what's you said there's going to be five total once it's done.

Mr. Vandervalk – Five total dispensers are proposed.

Mr. Kurus – On the Floral Lane side there's going to be one new one or how many?

Mr. Vandervalk – There will be one additional but the existing is being replaced as well. So there's one existing on Floral Lane with a kiosk that's all coming out and being replaced with two new dispensers and one new kiosk. So we have one additional dispenser on Floral.

Mr. Kurus – So on Floral lane they'll be two.

Mr. Vandervalk – Two total.

Mr. Kurus – The canopy that's there the setback to Floral Lane stays it's just a new canopy that's longer on both ends?

Mr. Vandervalk – Correct.

Mr. Kurus – Then on North Midland that's getting a new canopy and another.

Mr. Vandervalk – On North Midland there's one dispenser now with no canopy. That will be coming out and being replaced with three new dispensers with a canopy covering but one of the three is a diesel only so rather than having what we would typically see like a three plus one where you could choose either diesel or regular fuel from the same dispenser he's choosing to have two separate dispensers next to each other. There's three but it essentially acts as what we would see as two from a fueling position perspective.

Mr. Kurus – Two regular and one diesel on North Midland.

Mr. Vandervalk – Correct.

Mr. Kurus – Is there any lighting proposed on the canopy?

Mr. Vandervalk – Yes so the canopy would have the traditional recessed lighting beneath the fascia of the canopy and we can certainly submit those details.

Mr. Kurus – I guess a lighting plan showing foot candles. It's all under canopy lighting so it needs to be contained.

Mr. Vandervalk – Correct.

Mr. Kurus – Hours of operation.

Mr. Vandervalk – I don't know that personally we're not going to extend it.

Mr. Cialone swears in Mr. Singh and he gives his address as 140 Cane Street, Bogota, New Jersey.

Mr. Russo – Are the hours going to change?

Mr. Singh – No we are not changing the hours.

Mr. Duffy – What are the hours now?

Mr. Singh – Like five to eleven.

Mr. Cialone – Seven days a week?

Mr. Singh – Yes.

Mr. Russo – How long have you been there?

Mr. Singh – Almost 18 years.

Mr. Russo – You rented from Al Walmach right?

Mr. Singh – Yes. We bought it now.

Mr. Russo – I think this is the first major renovation that's why we talked about when we were going to do this we figured it made more sense to do everything at once to update it with the canopies and the extra fuel dispenser for the diesel.

Mr. Duffy – Does anybody have any questions?

Mr. Burbano – Do you know where the runoff is going to go from the canopies?

Mr. Vandervalk – You would use the columns and run the gutter system down there and then it would be tied in underground.

Mr. Duffy – It wouldn't be spilling on the street or the sidewalks it would go underground?

Mr. Vandervalk – That's the intent.

Mr. Kurus – There's no plan I don't think. You don't have a drainage connection.

Mr. Vandervalk – We did not do a drainage plan at this time but certainly we'll submit that as a condition of.

Mr. Kurus – If there's no catch basin or storm sewer to connect to then it would discharge right?

Mr. Vandervalk – If there is no place to tie in then it would discharge on the surface.

Mr. Kurus – Is there any improvements to signage proposed signage on the canopy?

Mr. Vandervalk – The existing pylon sign would remain typically for the canopies we would see a 3 by 8 sign just the Delta branding.

Mr. Kurus – Similar to what's out there now?

Mr. Vandervalk – Yeah what's out there now is actually like a much larger sort of ribbon around the entire canopy I believe on Floral. On these newer replacements what we're typically seeing is just like that 3 by 8 in the one corner closest to the street. What I anticipate here is we would have both south and north on North Midland and just the east side of the Floral Lane canopy.

Mr. Kurus – Are there plans you can supply?

Mr. Vandervalk – Not in this moment but yes we will do that.

Mr. Kurus – Okay. No changes to the driveways are proposed that all stays the same.

Mr. Vandervalk – Correct.

Mr. Duffy – The height of the canopy was.

Mr. Vandervalk – Seventeen and a half feet total so it's fourteen and a half to the underside and then a three foot fascia.

Mr. Duffy – That's for the delivery truck.

Mr. Vandervalk – That's right so they could have proper clearance.

Mr. Schilp – Are the tanks going in the same place they are right now?

Mr. Vandervalk – Yes generally speaking the existing tanks are sort of in the corner between the two dispenser locations at the intersection. These tanks instead of having three smaller tanks we're going to have two larger tanks so they'll begin at a similar location and then stretch further south between the building and the new canopy.

Mr. Schilp – The islands are they going to be bigger smaller?

Mr. Vandervalk – Yes they will be extended.

Mr. Schilp – I know when they deliver they come in and they go diagonally across. They go to the north side of the one that's on North Midland and then come across. By enlarging these islands is it going to cause a problem for him to deliver?

Mr. Vandervalk – Not in this case we're not extending them wide enough it really is only two or three feet in each direction. Certainly coming off North Midland there's no interference with that driveway at all and then the other driveway on Floral Lane also ends before we hit the new dispenser location.

Mr. Mazzer – Is anything going to be done with the original building?

Mr. Vandervalk – The application doesn't propose any changes to the building itself.

Mr. Tokosh – Is the lighting going to change?

Mr. Vandervalk – There is lighting already even where there is not a canopy. There are two fixtures that come up and point in either direction so it's really just replacement the lighting. In fact with the new style of fixtures it should even be more controlled. It ends up getting recessed in the canopy.

Mr. Tokosh – Is it going to be brighter?

Mr. Vandervalk – Immediately under the canopy you'll likely see an increase but I think we'll see those levels drop off more quickly with the use of the canopy.

Mr. Tokosh – But you don't anticipate it's going to disturb the neighbors?

Mr. Vandervalk – At the property line there would be no increase.

Mr. Duffy – Mr. Kurus are you satisfied with some of the comments that you had.

Mr. Kurus – I think we need a lighting plan to show any upgrades or changes in fixtures.

Mr. Duffy – There is a new lighting ordinance that they'll have to look at.

Mr. Cialone – I also heard you comment on a drainage plan and signage plan.

Mr. Kurus – Signage showing the proposed signage for the canopies and any other changes to signage and then a drainage plan confirming whether it's going to spill to grade or whether we can connect to something underground.

Mr. Duffy – The size of the islands where the dispensers are does that change any of the traffic flow coming in and out turning getting in and out of there?

Mr. Vandervalk – No circulation would remain the same.

Mr. Duffy – How much bigger did you say it was?

Mr. Vandervalk – The islands?

Mr. Duffy – He still has an active garage right that he repairs?

Mr. Vandervalk – Yes. So the islands are extending roughly let's say on the Floral Lane side we're extending east about three feet and extending west about only one or two feet. On the North Midland Avenue side we're going equidistant on both sides extending approximately two feet from what's out there today.

Mr. Duffy – What I'm hearing is that we need a drainage plan, we need a lighting plan, the size of the islands are not it's approximately a foot or two foot so I would say really to go forward we would need to know exactly what size we're dealing with.

Mr. Vandervalk – More dimensioning.

Mr. Duffy – More dimensions to be shown.

Mr. Vandervalk – Absolutely.

Mr. Duffy – And not something that I myself am not comfortable with saying it would be a condition of approval because we don't know exactly what we're approving. So I think those things need to be addressed. How does this alteration affect snow removal over there?

Mr. Vandervalk – I anticipate the operation would be the same again since we're proposing these improvements in areas.

Mr. Duffy – I don't know if it can be considered the same since you're changing the size of the islands and we're doing some other things so.

Mr. Vandervalk – I understand but the extension is fairly minimal considering snow removal.

Mr. Duffy – Is there any thought process been put into this that you're adding a diesel dispenser where we would have large trucks at least trucks that can fit under a seventeen and a half foot canopy?

Mr. Vandervalk – Do you sell diesel today?

Mr. Singh – Yeah not a lot.

Mr. Vandervalk – But you have it.

Mr. Singh – Yeah like box trucks.

Mr. Vandervalk – The diesel is already available at the site today but they don't get large trailers.

Mr. Duffy – I wouldn't expect a trailer well you got Midland Avenue in Saddle Brook I wouldn't know perhaps there's a trailer in there.

Mr. Cialone – There's two types of diesel there's low flow and high flow and typically the smaller trucks and the pickups use the low flow and the tractor trailers use the high flow. I'm assuming maybe we can ask him the type but it sounds like they do the low flow.

Mr. Duffy – So in other words a UPS van could fit under there and they would use the low flow.

Mr. Cialone – Are they even diesel I don't know.

Mr. Duffy – I don't know if they are or they're not.

Mr. Cialone – Is it low flow or high flow diesel?

Mr. Singh – Low flow.

Mr. Cialone – Is that what you're going to continue to sell?

Mr. Singh – Yeah actually we're not really concerned about like a diesel pump because sometime what happen like in future they're going to do like self-service.

Mr. Cialone – Right.

Mr. Singh – So people they pick up their own nozzles.

Mr. Duffy – Self-service in New Jersey?

Mr. Singh – Yeah they are thinking I don't know when they are going to do so that's why we want to keep it separate.

Mr. Duffy – Myself I would prefer that we get a little bit more clarification before we go forward.

Mr. Russo – Sure.

Mr. Duffy – Anybody have any comments or questions?

Ms. Murray – Is the idea to put larger tanks in there to cut down on the amount of times you have deliveries coming in or you're just selling a lot of fuel?

Mr. Vandervalk – It's two reasons one is as you said you could have fewer deliveries if you have larger tanks. The other is just it gives you the option when prices are down to purchase more during those times and then hold out when the prices are higher. So it gives more flexibility to the owner.

Mr. Duffy – Is there anything besides what we talked about that any Board members or Mr. Kurus you'd like to see in more detail?

Mr. Kurus – Given the questions about circulation could you do a turning template showing the largest vehicle?

Mr. Vandervalk – Yes.

Mr. Duffy – That's a very difficult corner to get in and out on any given day so we'd like to see something like that. 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 – The meeting is open for this witness only. Having heard none.

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

Mr. Russo asks for an adjournment to the October 6th meeting without further notice and the Chairman tells him he needs to have the new submissions by September 26th.

Mr. Duffy – This applicant is requesting an adjournment to the next meeting possibly October 6th. They have stated they can have it by then. The application will be carried to the October meeting without any notice.

Mr. Duffy makes a motion seconded by Ms. Murray to adjourn the application until October 6th.

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

Mr. Duffy calls for a ten minute recess before the next application.

The meeting resumes at 8:21 pm.

F.) Best Budz NJ, LLC, 253 Route 46, Block 520, Lot 5.01

The Applicant previously received site plan and related d(3) and bulk variance approval to place a Class 5 Retail Adult Use Cannabis Dispensary in the prior tire/wheel shop on lot 5. Applicant now seeks to move the previously approved Class 5 Cannabis Retail Dispensary in the prior location of the vape shop on lot 5 and improve the site with parking at the front of the building only.

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

Lisa Lomelo is the attorney representing this application and she comes forward.

Ms. Lomelo – As the Board is aware Best Budz was approved previously November of last year to operate a cannabis retail store at 253 Route 46 west. The opportunity arose to operate out of what was a vape shop in the same building which is somewhat fit out for this purpose and it allows the applicant to have all of it's parking in the front of the building which was a concern with the last approval. The applicant tonight will present testimony in support of the site plan and the D3 variance for what is in essence the same application just moved to a different area within the existing building. We're going to present testimony from Robert Costa who is the site engineer, Matthew Evans who is the architect and Thomas Ricci who is the planner and I will introduce Mr. Costa to the Board.

Robert Costa is sworn in by Mr. Cialone he gives his address as 325 South River Street, in Hackensack, New Jersey.

Mr. Duffy – No need to qualify Mr. Costa as he was the Board engineer at one time.

Mr. Costa – When we came here last year and the Board memorialized it on November 4th of last year there were two retail establishments going and the two apartments upstairs. Now that the retail vape store moved out that space now is available so it really doesn't make a lot of sense to build out what this Board approved from new because obviously you'll hear testimony from the architect how it just makes sense in a few different ways. One it's centered in the building itself so as you're coming down or going past it on Route 46 it actually stands out a little better as far as signage, proximity, spaces are right in the front, you don't have to put people in the back and then create a parking lot in the back to have the retail patrons come and walk to the front only to come in the side of the building and then go back. You don't have to cross over the loading anymore because the parking is to the left where originally it was in the back and to the right and there was a question whether or not there was enough room to actually get around the building and still maintain the easements that exist between the property to the north now because it was subdivided by this Board and approved. So there's a shared driveway and a shared easement. None of those conflicts would come into play under this. You require 9 parking spaces the actual retail in this case is a little bit smaller 961 square feet. My recollection the original application was 1010 square feet on the corner. To sum it up this would be basically a phase 1 where they would open up the retail, restripe the front of the parking lot, have it set up with the ADA requirements, have it set up with the electric vehicle ordinances open up and start their business. Phase 2 we would have to come back to this Board at some point where they would look into the back piece which is warehousing which isn't being used today if they want to create that space into what it's approved for what it's zoned for manufacturing and cultivation but that's not part of this. The original application wasn't part of that it's only to move from 1010 square feet and build that out and put it where the vape store was build that out and you'll see how we came up with security measures from the architect. The vans are going to pull in the same way as we were going to do under the original application. There'll be a hallway to get into the back of the store which I think is a little bit better than what we had in the first place with 1010 square feet and any and all conditions that were in the original approval would flow into this one. Regardless we have to be here we would need your approval it's still a conditional variance even though the variance right now is still intact for this use.

Ms. Lomelo – To be clear Mr. Costa the parking is now the number of parking spaces is now fully compliant with just the spaces in the front.

Mr. Costa – If I could get the Board's attention to sheet 2 of 4 on the board it's colorized that would be the only difference.

Mr. Cialone – We're going to mark that as A1.

Mr. Costa – Sheet 2 of 4 in the right hand side there's parking calculations and again there's two residential units up top that hasn't changed. That requires 4 parking spaces the actual cannabis retail that we're proposing the 961 square feet you take that number and divide it by 200 square feet per gross floor area gives you 5 spaces add them up 9 spaces. If you use the EV credit it's ten percent even though it's .9 you don't get credit. So you require 9 parking spaces we're proposing 10 parking spaces in the front. I saw a letter today from Mr. Paparozzi who questioned what about the employees. There is parking in the back we would put any employees in the back not to take away any of the spaces in the front. We

could stripe it they could walk around the side of the building. We're keeping the two uses completely separate the warehouse and that just because I believe the cannabis regulations requires that. So they would have to either move along the grassed area as you're looking at the building to the left or they would have to come up the driveway itself to get in there.

Ms. Lomelo – To be clear under the ordinance there's the required parking spaces in the front but to the extent that there was any issue because that was a concern of the Board last time if there would be enough parking in the front even though it does not affect the parking variance in the code but in actual practice in use is it going to be enough are those parking spaces in the back and if they were allocated they would only be allocated to employees. In terms of the other variances those are all preexisting nonconforming conditions correct.

Mr. Costa – Correct. There is a planner coming behind me that is the original planner at the application last year but again for the most part the conditional use again the proofs were put on there granted it was a year ago it's still in force. Literally all you're doing is moving from one spot in this building on the right-hand side to the center that's it. That warehousing space will not be built out if the Board has any concerns the idea is not to get this approved for 961 and come back a week later and pull a building permit and open up the 1010. This is going to be the only retail in this building.

Ms. Lomelo – To that point State licensing requirements would not permit you would need in essence another license to operate out of that other facility. Even though we're not amending the approval the State Licensing Board seats the cannabis license to the square footage that is posed and presented. So you would be able to operate that other side in conjunction with this.

Mr. Duffy – In other words the Sammy's Rims we'll just call it that because that's what we all know it as will not become part of the retail establishment because we're dedicating now what was the vape shop only.

Ms. Lomelo – Exactly and that would be in the license from the State. So the current license from the State will need to be amended with the address of the vape shop.

Mr. Duffy – Those warehouse spaces that are on these plans.

Ms. Lomelo – Not part of this application at this time so to the extent that they would be used again we'd have to come back before the Board.

Mr. Duffy – They actually have to be completely separated from the entire establishment.

Ms. Lomelo – Correct.

Mr. Duffy – No doors.

Ms. Lomelo – Correct.

Mr. Duffy – There's doors on the plans.

Ms. Lomelo – The architect can address if there's any inconsistency such as that but yeah everything would have to be separated.

Mr. Duffy – What's happening to the square footage of Sammy's Rims?

Ms. Lomelo – At this point they'll just make a vanilla box and figure out a plan once these doors are open what to do with that space.

Mr. Duffy – It's all part of the package.

Mr. Costa – Correct.

Ms. Lomelo – There's no plan presently.

Mr. Cialone – Your client is leasing warehouse one and warehouse two?

Ms. Lomelo – Yes. The entire building but for the two residential units.

Mr. Cialone – Okay.

Ms. Lomelo – There's questions in the planner comments about the signage just to verify the height of the ground signs and the total square footage of the ground signs.

Mr. Costa – It's 19 feet so we're below that so we don't need variances on any of that. As far as the 40 square feet 80 on both sides I believe that's the same that was approved back in November.

Ms. Lomelo – Yes so the signage plan is the same.

Mr. Duffy – Did you mention something about charging stations?

Mr. Costa – They will be in here but again we don't get credit because 9 spaces are required so believe it or not it's not like the RSIS where you can round up. It's either it is or it is not in this case you're .9 you don't get the credit.

Mr. Costa – I think there was a couple of comments from Mr. Kurus. As far as paving in front of the garbage absolutely not a problem. I'm not sure if there was anything with lighting but we take no exception whatsoever with his letter and we'll certainly do everything in here that's required.

Mr. Kurus – The only question was back to Mr. Paparozzi's report on the parking. You said you were going to stripe some spaces in the back?

Mr. Costa – Yes. I guess Mr. Paparozzi's concern is the employees. The ordinance says 9 parking spaces are required we have 10 up front so it shouldn't become a problem. If it is we can put obviously the idea is to get as many people in here as possible to make money. If there is an issue then certainly there's plenty of macadam in the back that can be striped for employees only. If you remember the original application because the vape shop existed and the residential was there we had to create a parking area and a means of ingress and egress for pedestrians to get into the front. So under the ordinance there's plenty of parking in the event where Mr. Paparozzi's concern is maybe you're going to have more than six employees I don't think there's going to be six employees frankly but in the event there are six employees they can park in the back but it would be only for that use not for customers. There still won't be anyone using the product on site that was part of the original that there wouldn't be consumption on site. Any of the conditions from the previous approval would flow into this with the caveat being that the 1010 would be modified and would go into the 961 square feet and that 1010 would not become so in essence you're actually amending I believe. You need to amend it slightly in this resolution if it is approved.

Mr. Duffy – Mr. Paparozzi also pointed out that in the past I can't say the same in the last couple of days but there is a lot of different vehicles parked in the back. Is that being removed because if they're renting out spaces in the back we know about it?

Mr. Costa – My client I asked him that today he said he is not renting that to anyone. I know there is a young lady next door she might be using the overflow parking I do not know but he is not renting any parking spaces there.

Mr. Duffy – He has control of that parking area with the exception of.

Mr. Costa – The two residential units.

Mr. Duffy – Right and he doesn't have control over the spaces that the subdivision took care of. So everything else he has control over.

Mr. Costa – Absolutely. Everything else on that property he has control of with the exception of the residential which under your ordinance is allowed 4 parking spaces. They would have to have 4 parking spaces and they would have to have access to the ADA parking as well.

Mr. Manzo – Where do the ones living upstairs where are they parking?

Mr. Costa – Personally I don't know. They're allowed to park on site I never met them so I didn't ask them.

Mr. Manzo – Are there spaces allotted for them in the front or the back?

Mr. Costa – Everything would be in the front. So they're allotted 4 under the ordinance my opinion they would have to have access to the ADA spaces but again I don't know where they physically park.

Mr. Manzo – My concern is if I rent an apartment up there and my mother and father wanted to come visit me or I had a birthday party where are these people going to park? Are they going to go in the back?

Mr. Costa – If they're going to have a birthday party under a circumstance like that you could certainly park in the back. There would be no restriction but the whole idea is to move this space which has been occupied as the vape store and the parking spaces are there so the reality is people are going to pull in go there get the product and leave. As far as if there's a party if there's some other thing going on there's enough room on the site to accommodate it.

Mr. Mazzer – Is it still going to be where if they did park in the back there's a walkway to get around.

Mr. Costa – If anybody parked in the back they would either have to circumnavigate on the west side of the building to the front or they would have to come down the driveway. The idea is to get this space

open it meets at the last juncture we couldn't meet the parking requirement because we needed an additional I believe 12 parking spaces.

Mr. Mazzer – I remember they had the walkway there.

Mr. Costa – Right because all of the patrons of that store had to park in the rear. That's no longer the case so when the vape store went out it created the required parking that's there up front to handle that use. Let's call this phase 1, phase 2 when we come back then you would need to take the back and modify it to use the warehousing space to create possibly the cultivation and the manufacturing.

Mr. Mazzer - I was just thinking the overflow they could park in the back.

Mr. Costa – There's plenty of asphalt back there you can park there. From what I'm understanding people are parking back there. Again I didn't go there today I didn't see it myself but I asked my client he said he's not charging for parking spaces he's not renting parking spaces so if there's an agreement there's no legally written agreement between whoever is parking there and himself and he controls that back parking lot.

Ms. Lomelo – With the vape shop out all the allocated parking spaces will go to Best Budz. To the extent that the residents which is not an area that is not controlled by Best Budz or have parking or overflow or using the back area unassociated with this application and the applicant is also leasing everything except those resident spaces.

Mr. Schilp – Could you mark 4 spots for the tenants only? Then there's no he said she said this guy parked there and it should be my tenant's spot. The four spots when you're looking at the building the four spots to the west side so that they have their spots.

Ms. Lomelo – The question is how would that be enforceable?

Mr. Schilp – You're hoping that.

Ms. Lomelo – You could certainly put a sign or you could stripe it and say for resident uses.

Mr. Schilp – I'm not asking to be enforced I'm just asking this way here that at least somebody with a little brains would pull up and see that so they'll park somewhere else.

Ms. Lomelo – Sure.

Mr. Costa – That's fine I think we can mark out four spots.

Mr. Tokosh – Are you going to have a sign saying no consumption?

Mr. Costa – Anything that was part of the original application any of those conditions would be put here. So no consumption on the premises all of the security measures that were in the original application would transfer to this one. You're probably going to hear testimony that everything is going to be the same. Everything that we went through last year as far as van deliveries, hours of operation, how everybody gets maneuvered around is pretty much identical with the exception of we're not using the back lot to service this retail use. Everybody going there will go in the front buy the product and leave. No consumption on site none of the above.

Ms. Lomelo – There are signs on the site plan no onsite consumption.

Mr. Costa – You heard testimony last year they're going to police their own site. They don't want people in the back and I think that was a concern last year and it's in the resolution if this is approved it will be in this new resolution. All of those conditions have to carry into this. The operation itself except for where it's going in the building and slightly smaller everything else stays the same.

Mr. Duffy – The delivery bay that's patient zero this whole pot thing started with somebody else in that one little spot so the deliveries are in there private and they're not affecting anything else so that's good.

Mr. Costa – You'll hear testimony from the architect so we set up a hallway and think the other door is emergency only possibly for egress but I don't want to take his thunder away. There will be a hallway with no access other than you pull in load or unload the product go down the hallway and come in the back of the store. There is no more going in the front of the store. Everything is controlled from the back so there is no access from the front coming in with product. Everything goes in close the doors open the other doors come in the back.

Ms. Lomelo – Let me just say that rollup door instead of being used for the old site will be a partition wall and it will be used for this site.

There are no more questions for Mr. Costa.

Mr. Duffy – 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 – The meeting is open for this witness and this witness only. Having heard none.

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

Architect Matthew Evans comes forward to testify he gives his address as 470 Chamberlain Avenue, Paterson, New Jersey and is sworn in by Mr. Cialone.

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

Mr. Evans – What we've done is we've taken the original approval and we've modified the building to conform with the new location of the retail operation and what we have is a plan we have a two sheet submission A1 and S1 and it has a revision date of 8/21/25 with the planner's comments and what we've modified. On sheet A1 we show the existing conditions first floor plan and that shows the previous retail operation which was the vape shop. It has the counters, a surveillance room, some of the offices, utility and storage, bathroom that was shown as the existing conditions along with the warehouse sections as noted in the rear of the building. Then going to the proposed first floor plan we have approximately 981 square feet of retail operations which would be updated for this operation and we've added a break room, updated the surveillance video room. Then we have the secure vault in the rear and some storage utility and then we have an access hallway which brings us over to the delivery bay which is an existing overhead door which would connect to our tenant space. So that would be the interior modifications to the floor plan. Going to sheet S1 we show the existing and proposed front elevation. You can see the photograph showing the existing photo from the upper right hand side and then we show the proposed which would be the signage and minimal cleaning up of the façade. Then we have the right side elevation which shows the free standing sign, the dimensions of that sign and then we also show the left side elevation which shows the existing left side of the building. So there's no additions or alterations that would be significant to the exterior of the building.

Ms. Lomelo – The warehouse spaces are not part of this application correct.

Mr. Evans – Correct.

Ms. Lomelo – Is there access from those warehouse spaces to the proposed square footage for the Best Budz?

Mr. Evans – We have access off of the access hallway to warehouse 1 and 2 and that would be the extent of the operation for Best Budz. Then we have warehouse 3 and 4 in the rear which 3 is separate completely and 4 is completely separate from this tenant space.

Ms. Lomelo – That access hallway allows both security protocols to be in place and egress in essence.

Mr. Evans – Yeah so that would be up to the international building code 2021 standard for life safety egress and also security.

Ms. Lomelo – The roll up door that allows delivery access in essence delivery access would be through that roll up door in the front.

Mr. Evans – Yes a secure roll up door.

Ms. Lomelo – I'll defer any additional questions to the Board.

Mr. Duffy – I thought that the access to the warehouses which at some point they may become part of an application for cultivation or manufacturing.

Mr. Evans – That would be a separate application.

Mr. Duffy – However the access to that well you could probably use the access now if you're not using that but if that was to do that I thought the dispensary had to be completely closed off from any other aspect of the building.

Mr. Cialone – It does unless warehouse 1 and 2 is part of the licensed dispensary space.

Mr. Duffy – Then that would change the square footage of the dispensary space.

Mr. Cialone – Right.

Mr. Evans – Right so we would remove those access for these spaces in the rear as a part of an amended floor plan.

Ms. Lomelo – Those access doors will be removed from the floor plan.

Mr. Duffy – Okay I know that some people are shaking their head but we've been through this numerous times and it was always that delineation that had to occur.

Ms. Lomelo – It is an isolated space it will be an isolated space.

Mr. Duffy – It doesn't affect emergency exit or anything right.

Mr. Evans – No it enhances it for the proposed use.

Mr. Mazzer – How would you get into that space?

Mr. Evans – We have some other options for the side and the rear can connect to warehouse 4 we don't have a door to warehouse 3 but we're going to have a separate door to the left side of the building and that would be to be determined at some point with a CO or an application.

There were no more questions for Mr. Evans.

Mr. Duffy – 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 – The meeting is open for this witness and this witness only. Having heard none.

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

Ms. Lomelo – The next witness is our planner Mr. Thomas Ricci. I will say that the applicant is here if you have any questions for him.

Mr. Cialone swears in Thomas Ricci he gives his address as 92 Park Avenue, Rutherford, New Jersey. He gives his credentials and is accepted as a witness.

Mr. Ricci – I know the Board is familiar with the site given previous applications so I'll keep it brief. This is a property in the B2 secondary business district zone. Cannabis is conditionally permitted in this zone and the way that the ordinance lays it out is they actually list out certain blocks in the B2 zone in which they you see this in a lot of cannabis ordinances they pretty much put targets on certain blocks or certain lots in a municipality within that specific zone. So we're block 120 that's one of the blocks that's listed in the ordinance that conditionally accepts or allows this use to be located on this property. We're here tonight for a D3 conditional use variance basically to slide the retail unit over to the left to the retail unit that has the parking right in front of it that's facing the front. As it was mentioned that retail space became available. It's a better unit, it's fitted out for it was previously a vape shop and now cannabis is a very similar operation so it was just more desirable for the client and I think it's better in my opinion because like it was mentioned we have this parking right out front as opposed to needing the space in the back. We are here tonight rerequesting the D3 conditional use variance. The code has a series of conditions that govern the cannabis use. We meet all of them except one and I'm sure the Board remembers it's the residential requirement that there's a prohibition of cannabis uses and residential uses on the same lot or in the same building. The D3 standard asks us to demonstrate why the site can continue to accommodate the proposed use and besides the fact as I mentioned this variance has been previously granted and this is conditionally permitted in the zone I think there's a lot of things that we can look towards that really keep these two uses separate. First off these are on separate floors so there's a horizontal separation between the two uses. The retail space exists on the ground floor and the residential units are going to be located above. When we look at the entrances the entrances are completely separate from one another. The retail space entrance is essentially front and center of that unit on the building and then the residential entrances are almost off to the side. You have to kind of turn and go on that left side of the building so you do have separate entrances that don't interfere with each other. As it pertains to the business itself this is being proposed to operate as normal business hours. They're really a small scale retail operation that's being proposed here. I imagine this to operate just like any other mixed use development that you would see in a downtown where you have a very small scale retail on the ground floor and residential units above. Then lastly parking, we comply with the parking for both uses. I think it was discussed how we're going to manage that and we've come up with a plan so there's not going to be any parking interferences with one another. So I think for all of those reasons how we've taken care of the parking it's on a separate level there's separate entrances. We still maintain that the fact that this can accommodate this proposed use despite triggering the D3 variance. We have two minor C variances both related to parking. The first one is the parking stall size 9 by 18 are the minimums and 100 square feet is required. A 9 by 18 space is only 162 so it's kind of interesting how those requirements were not coordinated but what we have is 9 by 18 spaces they are industry standard size spaces. We don't anticipate any issues with that and then the location of the parking. We technically trigger a C variance because the parking is located in the front yard. This is a very old building this has existed for a long time. It's actually being restriped and cleaned up and organized and I think it makes sense with the

retail fronting along the highway to have to park in the front. That sums up the relief that we're seeking here. As I mentioned I think this is going to operate very similar to any other small scale retail use in which you would have retail on the ground and residential above. With regards to the traffic this is a conditionally permitted use for this zone so I imagine the traffic impacts were contemplated when they were writing an ordinance to allow this use to enter the zone. We did submit a traffic analysis memorandum dated September 12, 2024 that was with the last application and because and I'll give my opinion from a planning standpoint this is nearly identical size. I think it's actually about 20 square feet smaller than the results of that report which were a no impact situation I would imagine they are identical to this application. With regards to the Master Plan a lot of the sentiment in the Master Plan is to improve the Route 46 corridor upgrading the business zones and the aesthetics. I think that's exactly what we're doing here. We're eliminating a vacancy coming in with a conditional use increasing commercial activity on a commercial lot that's currently vacant now. So I think we're in line with the Master Plan I think we're in line with the zoning. One of the things that's interesting is that the residential component is what's triggering the D3 but they're actually a non-permitted use. So the new use that we're bringing in which is cannabis is the one that's allowed. So there's an existing nonconforming use on the lot so with regards to this application I think it's very in line with what the zoning intended for this property in the B2 zone. So I think the Coventry standard has been met for the D3 conditional use variance and I think that the two minor parking related variances can be granted under the C2 benefits versus detriments criteria and I don't imagine the impacts to be substantial. That sums up the planning testimony.

Ms. Lomelo – Any questions that the Board may have for the witness.

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

There were no 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 – The meeting is open for this witness only. Having heard none.

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

Ms. Lomelo – The application really is identical to what was presented to the Board a year ago. What the applicant has done here is taken the opportunity to take over a retail space that eliminates the one concern the Board did have last year which is having parking and flow to and from the front to the rear parking spaces and that has been addressed will be addressed should the Board look favorably on this application and it will allow all the parking for customers to be accessed through the front of the building. Unless the Board has any other questions we thank the Board for it's time.

There are no questions.

Mr. Duffy asks for a motion to open to the public.

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

Mr. Duffy – Having heard none.

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

Mr. Duffy makes a motion to approve the application.

Mr. Cialone – before you do that I'm looking at the resolution from last year and also the received correspondence dated August 5, 2025 from Thomas Garlick. There are just a few differences in terms of operation. Last year their hours of operation were going to be Monday through Saturday 10:00 am to 10:00 pm they've actually reduced an hour earlier. They're going to do Monday through Saturday 10:00 am to 9:00 pm and Sunday 10:00 am to 7:00 pm which is what this Board had conditioned the approval on last time. Then the maximum number of employees per shift is now going to be 6. Last time they testified it was going to be 4 to 5. Then there was testimony that the conditions from last year's approval would be drawn in to this application. They would agree to that. Some of them are not going to be applicable because they pertain to the rear parking which is not part of this application so I think we should run through what they were and omit those.

Mr. Duffy – That's acceptable.

Mr. Cialone – Condition A was that the applicant was going to plant a tree to replace the tree being removed. My recollection is that dealt with paving in the back so that's no longer a condition. Condition B no consumption of cannabis on the property for clarity this was to include the interior of the building

and the exterior of the property. That would be drawn in. Condition C the applicant shall install plastic bollards between the walkway and the parking lot driveway. That dealt with parking in the rear which is not part of the application.

Mr. Duffy – That's not drawn in.

Mr. Cialone – Condition D applicant shall install 2 dumpsters one for garage and one for recycling and shall install a divider between the two dumpsters in the refuse area. I believe they show that on the application already so D is not necessary. Condition E applicant shall relocate the charging equipment for electrical vehicles from one of the standard parking spaces to an ADA parking space. They had two they have two this time and the Board wanted one of them to be an ADA space.

Mr. Duffy – It was in the original let's draw it in.

Mr. Cialone – Condition F applicant shall install additional parking in the rear parking lot near the rain garden. That's all not applicable.

Mr. Duffy – That's out.

Mr. Cialone – Condition G this had to do with the specific space for Sammy's Rims the rear empty space adjacent to the back office in the dispensary shall be used for the storage of employee's personal items.

Mr. Duffy – That's off.

Mr. Cialone – Condition H the hours of operation on Sunday shall be from 10:00 am to 7:00 pm. That's what they testified to but I would recommend making it a condition anyway.

Mr. Duffy – Okay.

Mr. Cialone – The applicant shall install signs stating that there shall be no consumption of cannabis on the property.

Mr. Duffy – That stays.

Mr. Cialone – Condition J the applicant shall comply with the Board's Engineer report. That was of course the September 25, 2024 there was testimony that they would comply with the more recent letter from Mr. Kurus August 28th. I would recommend that come in and be amended accordingly. There was also testimony they would pave in front of the trash enclosure which I believe is also in Mr. Kurus's letter. They would mark or sign four spots for parking for residential tenants only and they would remove access between the dispensary and warehouse 1 and warehouse 2. Then there was a waiver.

Mr. Duffy – The traffic analysis be prepared that was dated September 12, 2024.

Mr. Cialone – Mr. Garlick also asked for a waiver for the requirement to submit a turning plan. I would recommend the Board if they are so inclined that they could grant those waivers or the one waiver for the traffic.

Mr. Duffy – Project shall be submitted to the Department of Transportation.

Mr. Cialone – I think that would all be subsumed in them complying with the August 13th revised August 28th letter from Neglia.

Mr. Duffy – This approval is for the D3 the D conditional variance and the two C variances.

Mr. Cialone – And preliminary and final site plan approval.

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

Mr. Burbano seconds the motion.

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

Mr. Manzo – ABSTAIN.

6. RESOLUTIONS

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

B.) Approval Mohamed Hanafy, 32 Harrison Avenue, Block 611, Lot 2

C.) Approval Leslie Polanco, 278 Madison Avenue, Block 414, Lot 1

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

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

7. MINUTES

Meeting of August 4, 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, 8/08/25 (35 Central Avenue)
Anthony Kurus to the Zoning Board of Adjustment, 8/08/25 (308 South Boulevard)
Anthony Kurus to the Zoning Board of Adjustment, 8/08/25 (22 Chelsea Drive)
Anthony Kurus to the Zoning Board of Adjustment, 8/08/25 (390 Floral Lane)
Anthony Kurus to the Zoning Board of Adjustment, 8/13/25 (253 Route 46)
Anthony Kurus to the Zoning Board of Adjustment, 8/28/25 (253 Route 46) Revised
Brian M. Chewcaskie to the Zoning Board of Adjustment, 8/07/25 Re: 405-433 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., 8/11/25, Laurikietis, 591 Oak Avenue, Block 1710, Lot 21 \$422.50
Neglia Engineering Assoc., 8/11/25, Ready Spaces, 575 N. Midland Ave., Block 1701, Lot 1.02 \$212.71
Neglia Engineering Assoc., 8/11/25, Qawiya, LLC, 82 Midland Avenue, Block 401, Lot 2.01 \$213.04
Neglia Engineering Assoc., 8/11/25, 390 Realty, LLC, 390 Floral Lane, Block 1402, Lot 1 \$800.00
Neglia Engineering Assoc., 8/11/25, Leslie Polanco, 278 Madison Ave., Block 414, Lot 1 \$150.00
Neglia Engineering Assoc., 8/11/25, Wafaa Morcos, 122 Graham Terrace, Block 1509, Lot 5 \$150.00
Neglia Engineering Assoc., 8/11/25, Fran O'Brien, 35 Central Avenue, Block 607, Lot 8 \$150.00
Neglia Engineering Assoc., 8/11/25, Russell Kelley, 22 Chelsea Drive, Block 602, Lot 24 \$150.00
Neglia Engineering Assoc., 8/11/25, J. Rothenberg, 3085 South Boulevard, Block 519, Lot 40 \$150.00
Birchwale Pellino & Cialone, LLC, 8/18/25, First Quarter 2025 Retainer \$875.00
Birchwale Pellino & Cialone, LLC, 8/18/25, Second Quarter 2025 Retainer \$875.00
Birchwale Pellino & Cialone, LLC, 8/18/25, W. Morcos, 122 Graham Terr., Block 1509, Lot 5 \$250.00
Birchwale Pellino & Cialone, LLC, 8/18/25, M. Hanafy, 32 Harrison Ave., Block 611, Lot 2 \$250.00
Birchwale Pellino & Cialone, LLC, 8/18/25, Leslie Polanco, 278 Madison Ave., Block 414, Lot 1 \$250.00

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

10. OPEN AND CLOSE MEETING TO THE PUBLIC

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. Manzo to close to the public. All in favor – YES.

11. ADJOURN

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

Meeting adjourned at 9:23 pm.

Respectfully submitted,

Frank Barrale