

TOWNSHIP OF SADDLE BROOK

ZONING BOARD OF ADJUSTMENT MINUTES

January 12, 2026 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday January 12, 2026 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

3. OPEN PUBLIC MEETING ACT:

Adequate notice of this meeting has been sent to all members of the Zoning Board and to all legal newspapers in Accordance with all the Provisions of the "Open Meetings Act", Chapter 231, P.L. 1975.

4. ROLL CALL

Ms. Murray, Mr. Mazzer, Mr. Schilp, Ms. Nobile, Mr. Burbano, Mr. Francin, Mr. Latona, Mr. Schmelz, Mr. Duffy – Present.

Mr. Tokosh and Mr. Gjorgievski are absent.

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

Mr. Paparozzi the Board Planner is absent.

5. NEW BUSINESS

A.) Wladyslaw Gusciora, 475 Hobson Avenue, Block 702, Lot 22

The Applicant proposes to convert a single family dwelling to a two family dwelling that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

(Applicant was carried from the December 1, 2025 meeting without further notice required.)

Mr. Cialone reminds Mr. Gusciora that he is still under oath.

Mr. Duffy – As I recall there were some questions from the Board in regards to your plans. That they were missing a bit of information and I understand that you have supplied that to us.

Mr. Gusciora – Yes.

Mr. Duffy – Just review that with the Board before we go with any questions.

Mr. Gusciora – After our last meeting I was advised to have our architect draw up the existing building which is the second floor and the first floor and also give you our existing elevation which is not being changed but as per request with the drawing see our stairs and entry ways to the house. The new drawing gives us the existing and the old drawing shows the new proposed first floor change and that's the only thing we're doing. We're not doing any exterior changes except converting the first floor to a separate apartment. I think the question was mainly about the front entry which is a split level. The new drawing shows you our entry and how it comes to the second floor and the first floor so I hope it clarifies.

Mr. Schilp – It looks good.

Mr. Duffy – It did show us what we needed to see. Any questions Mr. Kurus?

Mr. Kurus – No questions.

Mr. Duffy – If no Board members have 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. Duffy – So we have a variance for these are preexisting right.

Mr. Cialone – They're all preexisting yeah. Other than I guess lot size that's probably the only variance that technically he's going up to a two family and that requires 7500 square feet.

Mr. Duffy – Right that looks like minimum lot frontage.

Mr. Cialone – Minimum lot frontage and the square footage are the two variances needed. Although it is preexisting and in the other it's maximum accessory coverage, maximum lot coverage that's all preexisting and he's not changing anything on the exterior so those are not exacerbated.

Mr. Schilp makes a motion to approve the application with the two variances necessary.

Mr. Cialone – I would just add to the condition that the applicant complies with Neglia's report.

Mr. Duffy – Does that satisfy your motion?

Mr. Schilp – Yes.

Ms. Murray seconds the motion.

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

B.) Christopher Paricio, 365 President Street, Block 702, Lot 22

The Applicant proposes to convert a single family dwelling to a two family dwelling that does not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

Dominic Iannarella is the attorney for this application and he comes forward with Mr. Paricio.

Mr. Iannarella – We have our architect here tonight Mr. Mesuk who is going to be providing testimony with respect to the conversion and the plans that were provided. He's working in conjunction with the architect of record Mr. Thomas Bona.

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

Mr. Iannarella – We have our one witness tonight our architect Mr. Mesuk.

Thomas Mesuk is sworn in by Mr. Cialone he gives his credentials and is accepted as a witness.

Mr. Duffy – I just have a question before we proceed. Who is Thomas Bona?

Mr. Iannarella – Mr. Bona is the architect who prepared the plans Mr. Mesuk works with Mr. Bona. He's here testifying on his behalf this evening.

Mr. Iannarella – Mr. Mesuk you work with Mr. Bona correct.

Mr. Mesuk – That is correct yes.

Mr. Iannarella – Even though Mr. Bona is the one who prepared the plans you're fully familiar with them and you're prepared to testify on those?

Mr. Mesuk – I am.

Mr. Iannarella – Is that acceptable to the Board?

Mr. Duffy – Acceptable.

Mr. Iannarella – Mr. Mesuk if you could take us through the plans.

Mr. Mesuk – We're here for a conversion of a single family to a two family dwelling. It is in the zone RB which two family dwellings are allowed. Primarily our variances that are required are lot size for a 7000 square foot requirement our existing lot is 5000. The lot frontage 70 feet is required where 50 is existing. The front yard setback required is 25 feet the existing and proposed is 15.1. Just so I'll note right now there is no proposed footprint expansion on this project. It's really just converting the basement into a habitable unit and the proposal for two window wells for egress out of the bedrooms. To quickly review the rest of the variances. Corner lot 20 feet is required where 1.7 is provided. Maximum building coverage 26% where existing is 40%. Accessory coverage is 18% where the existing is 29.5. Maximum lot coverage is 44% where 66.5% is existing and the distance between the garage and the primary structure 20 feet is required and the existing is 4. That covers the list of variances that are required for this project. These are all existing nonconforming conditions that we have. The original submission was only the floor plan sheets Z3 and Z4. We have prepared the balance of it also showing the zoning analysis as well. I have copies I can hand out to everybody.

The new drawings are labeled A1 as an exhibit.

Mr. Mesuk – The set that I had given you the Z1 sheet pretty much goes through the coverage calculations. As you can see the proposed is unchanged from the existing in the building, the accessory and the improved lot coverage. The Z2 sheet has the zoning analysis that shows where we have existing

nonconforming conditions. I had read through the list of prior variances but this also shows the survey showing the existing house, existing garage behind. It is a corner lot it's on the corner of President Street and Third Street. There is an existing garage with an existing driveway on the Third Street side of the property. The two window wells would be in the side yard and those are indicated on the site plan as well. Z3 is the proposed basement plan and that shows the existing stairs on the right hand side to the basement and then with two proposed bedrooms, living area, a bath and the living area would have its kitchen open to it. The Z4 sheet is the existing first floor plan and that plan remains unchanged. The last page in the set was a quick study of the residences on President Street. The one in pink lot 9 is the subject property. The blue properties are all additional two family and I think there may be two multi families mixed in there as well but as you can see they're all 50 by 100 lots. The proposed project is on a similar size lot so we're not looking for anything that is out of the ordinary in this area.

Mr. Iannarella – Turn your attention to the Neglia report there are some comments from Mr. Kurus specifically the sump pump. On the Z3 sheet you'll notice that there's a sump pump at the bottom of the stairs. That sump pump is proposed to be removed. There are 2 additional sump pumps if you look at the upper left corner of the plan there's a sump pump which will be put in a closet in bedroom 1 and then there's a sump pump in the lower left which would be part of the common utility room. We felt that the third one wasn't necessary with the two others already there.

Mr. Iannarella – With respect to parking there's going to be assigned parking is that correct?

Mr. Mesuk – Correct there is enough space in the driveway to accommodate the parking.

Mr. Iannarella – The understanding for the utilities will there be separate meters?

Mr. Mesuk – There will be separate meters for gas and electric.

Mr. Iannarella – The ceiling height?

Mr. Mesuk – The habitable area would meet the code required 7 feet.

Mr. Iannarella – You testified already to the egress that would be the window wells.

Mr. Mesuk – Each bedroom would have a window well compliant with the building code.

Mr. Iannarella – How would moisture control be handled?

Mr. Mesuk – Within code as well the existing block would probably have a vapor barrier and the walls would be studded out around that and any additional humidity control that may be required.

Mr. Iannarella – Those are all the questions I have for the Architect.

Mr. Kurus – There's no changes to the attic?

Mr. Mesuk – No proposed changes other than to the basement.

Mr. Kurus – Will the window wells have drains tied to the existing system?

Mr. Mesuk – I would imagine that we would have to look at draining the bottom of those wells because they will collect water. That would be something we would address during our construction document.

Mr. Duffy – What's the depth of the window well?

Mr. Mesuk – I believe they may be around four and a half feet so it could clear the bottom of the egress window needs to be 40 inches above the floor. So we need to accommodate the bottom of the pit would be a little bit lower than the bottom of the window.

Mr. Duffy – The system will have a ladder?

Mr. Mesuk – Yes they make systems for basement egress.

Mr. Duffy – Does the window well have any cover over it because now you have this opening on the side so it's from a safety perspective.

Mr. Mesuk – I have 3 in my own house that do have a cover so in case of an emergency when you climb up it just pushes over. So nobody falls in that is a requirement.

Mr. Duffy – Presently where are the sump pumps ejected out to?

Mr. Mesuk – To be honest I don't know where they are discharged. The homeowner may have that information.

Mr. Iannarella – He believes they're going to the sewer my client. They must be going to a drain pipe that goes out to the street.

Mr. Duffy – Yeah because it can't go into the sewers.

Mr. Iannarella – Yeah it wouldn't go into the sewer so it most likely he doesn't see anything going out to the street so I'm guessing there's an underground drain to the street not into the sewer line.

Mr. Duffy – That's going to need to be determined.

Mr. Iannarella – We can do that in compliance.

Mr. Duffy – So this apartment already exists.

Mr. Iannarella – No the apartment's not built out the space exists but there isn't an apartment. It's currently a single family home. He did not already convert it.

Mr. Duffy – He did not convert it. Does anybody else have any questions?

Mr. Schilp – I'm looking at Z# where the basement well comes out and they're right below windows on the second floor. What happens when somebody comes out of the first floor windows and steps on one of those plastic covers on there and falls into the hole?

Mr. Iannarella – The first floor has separate egresses. Is that what you're asking if somebody is egressing through the first floor windows?

Mr. Schilp – Yes and they're right above the windows in the basement. My question is if there is a fire and the person on the first floor can't get out and they want to get out through the windows the guy downstairs is coming out and you got somebody trying to stand on top of the guy and now you got some people seriously injured. Even if there's nobody coming out from the basement the guy gets out of the first floor and I know those plastic covers they'll break if you jump on them. So if somebody comes out the window they're going to break that and go right down into that hole.

Mr. Mesuk – We could look at moving the window wells a little bit so they avoid the upstairs windows.

Mr. Mazzer – The first floor already has two means of egress so you're not going to get anybody jumping out of a first floor window. The idea of the egress windows is to give a second means of egress to the bedrooms in the basement. So they're put in the bedrooms they could be moved but they're in a central location where they normally should be.

Mr. Iannarella – There are two windows on each side on the first floor as well.

Mr. Burbano – Those wells are made now with two three hundred pound rated covers.

Mr. Mesuk – Mine I had myself and the building inspector stand on it.

Mr. Burbano – Mine looks like a rock wall with a ladder.

Mr. Schilp – Is that right the one I saw was just thin plastic like a small piece of Plexiglas.

Mr. Burbano – It's like a plastic insert that they make now. You dig out the hole you put it in there you fill it with rocks around and it looks like a rock wall you would just walk out and there's like a cover you push up and it comes down. You can jump out the window land on it and you won't go through it.

Mr. Schilp – The older ones I had seen are the clear plastic. That's good thank you.

Mr. Duffy – On Z3 I'm reading EXTG to be existing.

Mr. Mesuk – Existing correct.

Mr. Duffy – So this is already done.

Mr. Iannarella – The basement exists.

Mr. Duffy – It says existing bedroom one existing bedroom two. I'm looking at proposed basement level plan. Existing bedroom one , existing bedroom two it says proposed apartment number two but then existing living and dining area, existing utility and storage, existing bath. So this tells me it's all there already.

Mr. Iannarella – So it's not being used as a two family I think that's I was confused by the question he wasn't renting it out as a two family he's trying to make it official it was used as a single family home.

Mr. Duffy – With a basement apartment. So what we're looking at on Z3 already exists.

Mr. Iannarella – If you want the applicant can testify as to the condition.

Mr. Duffy – Yes I would like to have that entered into record.

Mr. Iannarella – Once we're done with the architect I'll bring him up.

Mr. Duffy – Which door is the entrance down to the basement. If I stand in front of the driveway looking at the garage door to the left there's a door right there before you go under that overhang.

Mr. Mesuk – That's correct that's the door that's on the right hand side where the sump pump in question is.

Mr. Duffy – I'm talking about this first door in the lower right hand corner.

Mr. Mesuk – Yes that's correct.

Mr. Duffy – That's the entrance now or is it down towards the sump pump?

Mr. Mesuk – It's down towards the sump pump is the entrance to the apartment.

Mr. Duffy – So they're going under the overhang. Then what is this other door for?

Mr. Mesuk – That's the door to go in the stairs there are going up.

Mr. Iannarella – If you look at Z4 that section shows a new pantry on the first floor.

Mr. Duffy – So that all becomes a pantry.

Mr. Iannarella – Correct.

Mr. Burbano – Are the pumps on a French drain or are they just pits so when the basement floods it pumps the water out?

Mr. Iannarella – As far as I understand they're just pits.

Ms. Nobile – Is the property in a flood zone?

Mr. Iannarella – No it's not.

Ms. Nobile – Is there going to be any change in the heating and cooling?

Mr. Iannarella – Yes.

Mr. Mesuk – It will be separated from the first floor.

Ms. Nobile – Can you walk me through what changes will be made?

Mr. Mesuk – A separate boiler for the basement the existing boiler would be relocated from the center of the basement into the utility room and then two electric panels will be installed one for each apartment and two water heaters as well.

Ms. Nobile – The cooling is it just going to be window AC's.

Mr. Mesuk – I believe that is all they are proposing.

Ms. Nobile – So no change.

Mr. Mesuk – No change.

Mr. Duffy – So the boiler the water heater and the electrical panels that service both apartments will have to be accessed through the basement apartment.

Mr. Iannarella – Correct.

Mr. Duffy – Does anyone have any questions for the architect?

There are no more 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.

Christopher Paricio the owner of the house comes forward to testify.

Mr. Cialone swears him in and he gives his address as 89 West Glen Road, Denville, New Jersey.

Mr. Iannarella – If you could explain the basement history.

Mr. Paricio – I purchased this house from the owner and the owner is an older woman so her family member is handling the affairs. I purchased it about 6 months ago. When I went in the house there was the basement area was being lived in by the owner and she had a family member living in the upstairs. I believe that went in line with the variance she took in 1999 to put the addition and to make the bathroom and everything in the basement. It was vacant when I bought it she had gone to the nursing home and all we did was clear out everything so we have a clean slate to work with.

Mr. Iannarella – So Mr. Paricio when you bought it it was set up as a mother daughter. It was a common family living together not separate apartments.

Mr. Duffy – It was set up as a common area?

Mr. Iannarella – No like a mother daughter a common family is what I said.

Mr. Duffy – A mother daughter is still a two family there's no such thing it's a misnomer.

Mr. Cialone – It's technically a one family there is no zoning term for mother daughter but we've had other situations like this and they are treated as a one family.

Mr. Iannarella – I think the differentiation here would be that there's the one entrance and it's the family that was living there helping the elderly woman that was living in the lower level. So it wasn't necessarily being that it was separate living space they could all access the whole area of the whole house at all times which would eliminate the two family concern.

Mr. Duffy – Okay.

Mr. Mazzer – There's one boiler, one water heater.

Mr. Iannarella – Correct.

Mr. Cialone – It's not two separate units so that's what makes it a one family.

Mr. Duffy – Okay. The room setup is exactly the way this is already? It's all existing the one change you are going to make is the door going downstairs.

Mr. Paricio – No the door going downstairs is the same as well.

Mr. Duffy – You're just going to make a pantry on the upper.

Mr. Paricio – Yeah that other entrance there is going to be closed off where they're showing as a pantry because it's not safe at the moment going down it's a steep staircase. So the other one that goes down to the sump pump is going to be the primary entrance there.

Mr. Cialone – Also installing new closets.

Mr. Iannarella – To address the Chairman's other concern if there's anything that has to be done with the utilities you'll coordinate with the tenants because obviously it would have to be accessed through that one apartment correct.

Mr. Paricio – Yes.

Ms. Murray – Is there any indication that there's a lot of water that the sump pumps are running a lot or is it just for precaution. That you've noticed I know that you've only owned it for six months.

Mr. Paricio – I've been there during a lot of the heavier rain storms and everything I haven't seen anything. There's no dehumidifier running there's no evidence of water, mold, must anything like that. I do need to clarify they do go into a French Drain I saw that. They go into a French Drain the existing pumps.

Mr. Iannarella – When you've been there in the heavy rains you haven't noticed them running.

Mr. Paricio – No.

Mr. Burbano – The reason why I asked that just be aware that usually French Drains they pitch all the pipes with the perforation on the top to those pumps. So if you shut that pump down and fill it and there's a heavy rain and the water has no pump to go to you might start getting water in that corner. That's the only reason I asked because a lot of people don't know that if you close a drain and you have three of them they all pitch to those associated drains.

Mr. Duffy – Are you going to redo the bathroom I guess and all of it?

Mr. Paricio – Everything not structure wise but yeah updated newer toilet, shower.

Mr. Duffy – So there's no with the exception well there's just the pantry but otherwise there's no structural changes going on. Well the exception of the well that's not structural the window wells not a structural issue.

Mr. Burbano – They're going to have to do structural those windows are not going to be. They're going to have to put headers over those windows and make the windows bigger to be able to access those wells.

Mr. Duffy – That'll be to be compliant with code. 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. Duffy – Any final thoughts or questions?

Ms. Murray – Are you going to some cleanup on the outside?

Mr. Paricio – Absolutely.

Ms. Murray – I noticed it was a little neglected.

Mr. Paricio – Yeah the whole thing will be.

Mr. Duffy – I meant to ask what's in that timber wall. Is that just a garden?

Mr. Paricio – Yes it's a garden.

Mr. Cialone – I just want to point out two things. This conversion is permitted in terms of this is not a use variance because it's a two family zone and other than minimum lot size and all the variances are all preexisting and other than like prior application other than minimum lot size and minimum lot frontage the applicant doesn't really need any other variances. They're not exacerbating any of the conditions that

are on the property. So really the only variances they need are minimum lot size and minimum lot frontage everything's preexisting.

Mr. Duffy – Minimum lot size.

Mr. Cialone – Right they have 5000 square feet where 7000 is required and then lot frontage they have 50 feet where 70 feet is required.

Mr. Duffy – In that case I make a motion that we approve the application based on those two variances.

Mr. Schilp – I'd like to put a stipulation in there. That they determine where these sump pumps go.

Mr. Duffy – Duly noted so we would make it a stipulation that some construction drawings or something relative to explaining where that water is discharged and so if it's not going where it's supposed to be it can be corrected.

Mr. Iannarella – Will do understood.

Mr. Duffy – As a point of advisement I would double check your pitch to Mr. Burbano's recommendation.

Ms. Murray seconds the motion.

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

Mr. Duffy – Let's take a five minute recess.

The Board resumes the meeting at 8:02 pm.

C.) Carmen Sta Maria, 145 Market Street, Block 609, Lot 9

The Applicant proposes a mixed use structure consisting of a restaurant on the first floor and apartments on the second and third floors that do not conform to the zoning ordinance for the Township of Saddle Brook as it exists today.

(Applicant was carried from the December 1, 2025 meeting without further notice required.)

Joseph Mecca the attorney for this application comes forward along with Michael Donly the engineer who had begun his testimony at the December 1, 2026 meeting but was unable to finish due to the time.

Mr. Mecca – I think at the last meeting we were up to discussing the landscaping plan and the comments from Neglia Engineering. With the Board's pleasure I will continue with Mr. Donly's testimony.

Mr. Duffy – We can address any questions after that.

Mr. Mecca – Mr. Donly you are still under oath and the last thing we went through was the lighting plan. I think we're up to the landscaping comments in the Neglia report. If you could go through the landscape plan and if you need to refer to your plans just please indicate the plan number and last revision date.

Mr. Donly – We're referring to sheet C107 and the last revision date is August 20, 2025. In summary we're proposing to plant 31 evergreen shrubs, one deciduous shrub and one perennial shrub. I'll go through those planted areas in more detail. Two existing trees are onsite they're going to remain. There's a 16 inch pine tree in the right rear corner. That's going to be protected and to remain and then there's it doesn't qualify as a tree there is an ornamental Japanese maple in the front yard that's 6 inch caliper that's going to remain. It'll be trimmed. As far as the new plantings at the front left corner to screen the new parking area will be five boxwood shrubs 7 gallons. Those are evergreen. Three blue junipers one gallon and then they'll be a small lawn area. That's the left front corner. The front yard to screen the outdoor seating area we're going to have five boxwood shrubs 7 gallon along with an upright hydrangea and mating grass along with some blue fescue grass for color. All of these plants in the front yard are sun tolerant. There will also be a small lawn area in the front. Along the right property line there's an existing fence that's going to be replaced. There are rose bushes on that fence those may have to be transplanted or replaced. The trees on the adjoining lot 8 to the east we show on our plan a dark bubbled line along the right property line it's offset about three feet. That's the line that we're going to trim the existing neighbor's trees back to. So we'll have approximately six or seven feet clear distance between the new building and those trimmed trees. We're also going to be trimming the trees along the rear lot line. You'll see along the rear lot line it's sort of a meandering bubbled line. That's what we're showing as the edge of the trimmed trees. We also show the edge of the existing tree line in the light color. It's approximate but we wanted to give the Board something to see. The left rear corner we're proposing two holly bushes an azalea bush the sizes are two holly bushes three gallon, and an azalea and some fescue grass. This area is partial sun in the left rear corner. In the back of the new building we'll have the A/C units. Those

are going to be screened by two holly bushes and then the refuse area we also have three holly bushes and those are all three gallon. Then a lawn are in the rear yard and the right side yard will be grass. The planting beds will be mulched. I think that 31 evergreen shrubs is a nice effort here in my opinion.

Mr. Mecca – That basically is the landscape plan. Does it address all of the comments of the Neglia review letter?

Mr. Donly – I believe it does.

Mr. Mecca – We'll comply with any Town ordinance with respect to landscaping.

Mr. Donly – I think we were just asked to provide testimony on the landscape plan.

Mr. Mecca – That completes Mr. Donly's testimony as to the plans I'm sure you have questions.

Mr. Duffy – Mr. Kurus have your questions been satisfactorily answered?

Mr. Kurus – With respect to the landscaping I know you said you're going to trim those pine trees back on the easterly lot line. If it comes to a point where you have to trim too much of it and that's something you have to coordinate with the neighbor as far as removal and replanting. Some of that growth is pretty overgrown right.

Mr. Mecca – We've also and we can stipulate to this. We'll consult with an arborist first before any trimming takes place to make sure it's safe to do that without killing the tree. If that's an issue then obviously we'd have to address that issue and consult with the neighbor. We're certainly willing to consult with the neighbor anyway and make that a condition of any approval. We already thought about the fact that we probably need an arborist to look at those trees they are quite large. If there's any issue with the neighbor we want to be good neighbors and we're going to make sure those are addressed.

Mr. Kurus – Did you go through the variances and did you go through the Planner's report?

Mr. Mecca – We have our planner here so I think that might be appropriate for him to do that.

Mr. Kurus – Okay.

Mr. Mecca – We also have our architect so the architectural comments will be addressed as well.

Mr. Kurus – The circulation exhibits we heard about those last meeting.

Mr. Donly – We did provide testimony at the last meeting.

Mr. Kurus – Nothing further on engineering.

Mr. Schilp – I would like to see on the parking area a no parking zone down along the building.

Mr. Donly – We do show that.

Mr. Schilp – It was on there didn't see it.

Mr. Donly – It's on the site plan.

Mr. Schilp – If it's on the site plan that's fine. I looked at it there's so much on it I didn't notice.

Mr. Donly – It runs all the way to the sidewalk from the sidewalk all the way back to the refuse area.

Mr. Schilp – Are they going to put in an EV charger?

Mr. Donly – I don't think that issue has even been raised.

Mr. Schilp – No matter where you go I know somebody that's annoyed that he did some work on his business he's only got like 10 spots and they made him put an EV charger in. Just a comment you might have to look into. If you don't have to that's fine too. There's a note that it has sump pumps right now obviously you're digging the basement deeper to do what you want to do. Do you intend on putting French Drains in and a new sump pump and where would it discharge?

Mr. Donly – There's going to be a need for some soil testing whether test pits are done or soil bores to see what we're dealing with prior to excavation.

Mr. Schilp – You guys are at the top of the hill it won't be bad there. Down at the bottom where the Police Station is its lower and it's a disaster.

Mr. Donly – We provided an extra seepage pit.

Mr. Schilp – I saw that that's where you're going to put the sump pump.

Mr. Donly – We'll be pumping to that seepage pit.

Mr. Schilp – Okay. That shed in the back that's all coming down?

Mr. Donly – It's all coming down.

Mr. Duffy – At our last meeting we were going back and forth on the parking issue then a comment was made but then it came up that there would be the use of parking spaces for To Go orders. I have issues

with the parking because we're dealing with two residential units where you're dedicating three spaces out of the nine to handle that.

Mr. Cialone – The testimony was that parking spaces one and two would be designated for takeout only. Mr. Duffy – Now we're limiting what was talked about prior so now three are gone two are going to be takeout and that leaves the other four one of which is going to be a handicap because the takeout can't be a handicap. So there's four parking spaces allocated for the restaurant.

Mr. Donly – Takeout would be part of the restaurant use.

Mr. Burbano – They said most of their business is takeout.

Mr. Duffy – We haven't even established hours of operation yet or any of those things.

Mr. Mecca – We have the applicant here who's going to testify. She operates a similar type of restaurant so she knows the operation. It's basically a fast casual type of takeout restaurant but she'll testify to that.

Mr. Duffy – Okay. There was also testimony from Mr. Donly about the delivery issues which again was relative to operating hours but there was references as to different types of vehicles that were going to be used to deliver. I can give you and I think anybody who lives in Town can give you perfect examples of spots in Town where the not the takeout but the delivery of supplies is a tractor trailer. We've had it on other roads because you can't guarantee I've seen the tractor trailers pull up to the pizzerias and they've got two pallets and that's all that's in the tractor trailer because that's the guys last stop and now we're tying up a section of the road which is exacerbated already.

Mr. Mecca – I can tell you this my client uses Sysco which is pretty well known and there's a truck that comes to her other place which is the same size truck. It's not a tractor trailer she has a picture of the truck. That's the truck that she has a contract with for her other use and that would be also applicable to this use. The extent that she is able to coordinate that she'll make sure that that's the type of truck that will be used for deliveries. The only other delivery is a meat delivery which she gets on Tuesdays which is when she's close. Other than the residential you'll have no other people on the site for that delivery. I think she understands the concerns as do we but because she's operated previously and she knows that she doesn't want to have difficulties certainly with tenants and complaints. She's got to manage that not only for you and her own site but for neighbors as well so nobody complains.

Mr. Duffy – She'll speak shortly anyway correct.

Mr. Mecca – exactly.

Mr. Duffy – How will they address employee parking?

Mr. Mecca – She'll testify to that as well but you'll hear testimony that none of her employees drive and they're the same employees.

Mr. Duffy – That's a rather large what if. We'll have to talk about that one.

Mr. Mecca – Absolutely.

Mr. Duffy – We'll deal with it with the owner and her testimony. The other question I had was the refuse area. You were going to be using a specific type of collection. It was brought up twice a week and particular types of drums that would be used.

Mr. Donly – We're proposing plastic cans that have an attached lid. I believe they're 95 gallon and they're currently used by the applicant at her other restaurant. We provided a calculation on our site plan C102. There's a calculation that shows how we came to that size refuse area and also to accommodate the truck that's proposed. The applicant is looking at a specific carting company with a certain truck that would be easier to maneuver on the site. Similar to what the junk companies use. It's a shorter truck it's easier to maneuver. The garbage bags would be removed and thrown into that truck.

Mr. Duffy – There's no recyclables in that right.

Mr. Donly – We're using similar cans plastic cans for the recycling. So we would have within that refuse area lines of cans for recycling and lines of cans for refuse. I imagine they will be labeled as such.

Ms. Murray – What we've heard from our planner in the past that there has to be a separation between the garbage and the recycling.

Mr. Mecca – I think we can accommodate that within the dumpster area to put some sort of a separation in the two cans although it will be within the same dumpster area.

Mr. Donly – Right now we're showing a double swing gate so we could have two swing gates each four foot wide with a fence to divide that refuse area down the middle. I think that would satisfy your request.

Mr. Cialone – Yeah he indicates in his report separation is required for refuse in the municipality.

Mr. Mecca – Certainly he means separate cans I don't know he means a separate area within.

Mr. Cialone – No he means a separation that's always a requirement of the Board Planner.

Mr. Mecca – Okay we can accommodate that.

Ms. Nobile – To go back to the landscaping since you just talked about it. I am concerned about that maple that's staying in the front just for clearance for pulling out. It's a busy road so I can't visually see if that's going to be an obstruction.

Mr. Donly – During the last meeting I did provide testimony. That maple is going to have to be trimmed back a bit.

Ms. Nobile – But it grows and if it doesn't get maintained it going to cause an obstruction so I'm just wondering the necessity of it.

Mr. Donly – It's just a specimen tree.

Mr. Mecca – It's a nice tree.

Mr. Duffy – Everybody loves the Japanese maples.

Mr. Donly – if you bought that tree it would probably be from what I was told fifteen to twenty thousand dollars to bring that tree to the site but safety is paramount.

Ms. Nobile – I'm just concerned going forward if it's not maintained properly it will be an obstruction pulling in and out of a busy road.

Mr. Donly – It currently needs to be trimmed back. We checked the site distances and does need to be trimmed.

Ms. Nobile – So if it's not maintained.

Mr. Donly – We can consult with the same arborist and see if we can cut it back so it's good for two years or something. Maybe there's a mechanism for that.

Mr. Mecca – It's a property maintenance issue of course and we would stipulate that continue and make sure that there's adequate clearance and that it doesn't obstruct anything on the site.

Mr. Donly – It provides some screening for that outdoor area and it's already there.

Mr. Duffy – I just found it Hino 195 truck 95 gallon cans.

Mr. Donly – We did provide a breakdown that shows the projected volume of trash based on the applicant's other restaurant with a twice weekly pickup. We have adequate space in the refuse area adequate number of cans.

Mr. Schilp – You made a comment that the business will be closed on Tuesdays. That would be a great day to schedule at least one of the pickups.

Mr. Mecca – That's probably what they're going to do. Again they can schedule it for a certain time and day and that is what she intends to do.

Mr. Duffy – Just so you understand some of my thought process. What if the restaurant fails? Two years down the road it doesn't pan out like they anticipated they shut the doors now it's approved for a restaurant somebody else goes in there and now all of a sudden we're sitting there with all this other stuff that we approved. So that's what I'm thinking I think down the road a little bit because we all have great expectations when we star something but circumstances can change so part of our responsibility is to keep that in mind going forward. That's why I bring these back up and ask again and want clarification. Before I can make a decision I need to be able to sit with it and understand it. I expect the same from all the Board members.

Mr. Mecca – She wants to be a good neighbor because obviously it makes sense if you want to attract business but who knows I two years four years hopefully not but somebody else comes in.

Mr. Duffy – She can win the lottery and say I don't need to do this anymore.

Mr. Mecca – The only thing I can say to that as your attorney would say if the stipulations are in a resolution of approval whoever comes in there has to comply with those stipulations.

Mr. Duffy – Correct so that's why I make sure that we keep this in the forefront of our minds.

Mr. Schilp – Is it possible to put in the resolution if we so decide to approve this that the establishment have a maximum number of tables three or four?

Mr. Cialone – The architectural renderings do provide a schematic with the number of tables and more importantly the number of seating. Yes that would be the condition if it's two, four, six, eight, ten, twelve interior.

Mr. Schilp – That would continue.

Mr. Cialone – Yes that would limit it and I guess we'll get testimony about the outdoor seating. I don't think they provided a schematic for outdoor seating.

Mr. Mecca – We'll provide that because that also plays a part in the amount of parking spaces you need that's how it's coordinated. In order for us to comply with the parking we have to be limited in the number of seats.

Mr. Donly – The testimony provided in December was 12 seats inside and possibly 6 seats outside if the applicant elects to put those seats outside.

Mr. Cialone – I believe on your plan you showed a total of 18 when you did the parking calculations.

Mr. Duffy – There was testimony about going downstairs and putting the tables and chairs in the storage area.

Mr. Donly – We have a door on the left side of the building.

Mr. Duffy – Do we have any further questions for Mr. Donly?

There are no further questions for this witness.

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

Mr. Duffy – Having heard none.

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

Mr. Mecca calls up William Severino who is the architect for this application.

Mr. Cialone swears him in he gives his qualifications and is accepted as a witness.

Mr. Severino – What we see on the coversheet here is the existing building and the proposed building. The main reason we have both is to show that the main mass and volume of the façade as you see it from Market Street is virtually the same. There's a note on the bottom that says the top of the ridge off the existing building is 34.3 proposed building top of ridge is 34.4. We are under the maximum allowable height and the reason I show this is as you can see in the existing façade we have the door and two levels of windows above. In our proposed façade we have the main level and two levels above. There's really not a significant increase in mass to what we're proposing. Moving on to the plan as stated earlier for the front of the first floor we have the restaurant and public area. There will be 12 seats and the counter to pick up takeout. You'll see that there's the rice cooker, ice machine, drinks and point of sale area. As we move back we go through the commercial kitchen going from the front back to the walk in. Deliveries are from the rear door into the restaurant. There's also an access to the basement that can be from the kitchen and from the side of the building to bring things easily down to the basement. The restaurant is sized for accessibility. Looking at the basement then utility and storage as shown. The elevations are shown both here in color and on the subsequent sheets. Some examples of the materials I have a roof tile matching that color that you see. We have the color for the general where you see the tan areas on the façade. This stone at the base which is this nice dark grey color. We selected a stone at the base for durability so you can pack snow against it you could avoid it with your car and it would make the bottom of the building a little more durable. You can see that they have the orange colored façade there that we can put the signage on that should match the roof and above it they'll be a basic small roof on metal panel.

Mr. Mecca – As far as the mechanicals where is that going to be?

Mr. Severino – All the HVAC units are going to go to the rear corner here. That's shown on the site plan. I anticipate although I don't know the size that there will be an exhaust fan somewhere out behind the stove. There is the ANSUL hood that will go over all the cooking equipment and there most likely will be some sort of ductwork off the side there. Whether we bring them up and through or whether it goes on the outside it showed on some of the elevations that it's going to be out and on the side of the building. You can see that on this sheet that basic dotted line where I anticipate where the ANSUL will vent through the roof but it's outside so it's not delineated as such. The second and third floors are two bedroom apartments per floor. They are virtually identical coming into a decent size living, kitchen and dining area. Single bathroom for the unit there's a washer dryer. There's two decent sized bedrooms with closets so

that it could be a comfortable space for someone to live. There will be a relatively shallow roof area I don't anticipate that they'll be anything up there other than some ductwork. Not really ample space for storage just be ductwork and some mechanical under the roof. Once again as far as the elevations are concerned there's four elevations that we have on sheets 201 and 202. The materials as I stated earlier have been delineated with colors on the elevations as I've been required. You can see where the panels are where all the lighting is going to be both for the wall mounted lighting and the gooseneck lighting that'll light up the signage. Everything is shown the text of course Mama Fina's as opposed to Mama Fina. You can see all four facades here all four corners of the building to see what it will look like from the parking area from the rear. It was very difficult I took the one in the back corner there a little bit higher so you could see where that duct is. A lot of these trees as was stated earlier are existing. They will be a decent shield. That really is about it that we have here.

Mr. Mazzer – There's a little fence there's no height on it. Then how does anybody go through there there's no gates no openings.

Mr. Severino – I think the initial idea would have been that someone would be coming from the parking lot and going up onto that platform from the drive aisle. If that needs to be cut back to make it more accessible for someone walking up that could be done. If it could be where you want a small sidewalk that would go from that platform to the sidewalk at the street that could be done as well to make it more accessible to pedestrians.

Mr. Mazzer – The whole building's got to be sprinklered.

Mr. Severino – Yes and there's a note to that effect on the cover sheet.

Mr. Mazzer – I saw the note but there's no drawing where you're going to have your mechanical.

Mr. Severino – I would anticipate they would all be in the basement. We have a full basement that we could use.

Mr. Mazzer – The basement's going to be sprinklered also.

Mr. Severino – Of course it's windowless so it has to be. As we come into that bottom utility area at this corner here I would anticipate that would be a sprinkler pump room and that would be where the inlet would be. Maybe the space adjacent to it would be some equipment where you can see where a water heater is there as a marker. They kind of were located under where all the plumbing is on the floors above to try and make it easier but as a mechanical engineer comes to it they'll make their decisions and hopefully not put it somewhere where I get more gray hair.

Mr. Mazzer – The other thing is the parking. It's crowded it's a lot. I looked up the parking ordinance and the parking ordinance is one and a half spaces but that's for one and two families. They're supposed to be two spaces for each apartment in a mixed use. So that's going to put a damper on your parking. You're going to have to do something maybe get rid of those apartments up there or maybe one apartment but the requirement is two spaces per apartment. So just throwing it out this way because it's going to change kind of what you're doing.

Mr. Mecca – We went by the review letter that we received so we did it as one and a half. It needs another space basically.

Mr. Mazzer – Yeah but there's not that's what I'm saying. It's a mixed use it's two spaces per apartment that one and a half is for one and two family homes.

Mr. Mecca – We have our planner here to provide testimony.

Mr. Mazzer – Okay.

Mr. Kurus – I think that the one question that Mr. Paparozzi had was related to the overall floor area. I guess we may hear that from the planner as well but he's got the total floor area ratio at .54 I guess utilizing the square footage of the outside walls. I know the engineering plan has .46 so what is your total floor area?

Mr. Severino – As shown on the cover sheet our total floor area for third, second and first is 3450 square feet.

Mr. Kurus – Then the basement is another 1150.

Mr. Severino – Yeah but that's commonly not included in FAR if I'm not mistaken.

Mr. Mazzer – I know mechanical rooms are exempt.

Mr. Severino – And storage which is what we have there.

Mr. Kurus – His overall question is the footprint of the building. Floor area ratio is outside wall to outside wall.

Mr. Severino – Twenty three feet by fifty feet. It's 23.66 times 50 times three floors divided by 7500 is the lot area it comes to 0.47 which is what we show on our plan.

Mr. Kurus – I guess we'll hear that testimony when we hear the variances from the planner.

Mr. Severino – Okay.

There are no further questions for the architect.

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

Mr. Schilp makes a motion seconded by Ms. Murray 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. Mecca calls up Paul Grygiel the planner.

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

Mr. Mecca – If you can just go through with the Board what you did to prepare and the scope of your work.

Mr. Grygiel – It's taken some time to get to this point and have reviewed the plans as they've evolved from first as a reuse of the existing building to what's now proposed for a new building. I've reviewed the architectural and site plans, visited the site and surrounding area on multiple occasions, reviewed the zoning ordinance and Master Plan of the Township and generally familiar with the proposal and what's required in terms of relief from the zoning ordinance.

Mr. Mecca – If you could go through with the Board the description of the property now and the surrounding area before we get into what's being proposed.

Mr. Grygiel – You have an existing building which is theoretically two and a half stories but essentially is a similar mass to what's proposed. There's an existing building that's in need of repair and upkeep. You also have a property that's seen better days. It's a property in a mixed use area. Market Street as the Board is aware has a mix of commercial, retail, office as well as some residential and there are a number of mixed use and or residential developments in the vicinity. Actually a pretty new really nice one just up the street on the other side of Market that has a mix of uses similar to what's proposed on a larger scale. In terms of the property itself we're looking to replace the existing parking arrangement and layout of the building and everything else with something that complies with various standards with regard to the design of the parking area and such. As we've talked about and the Board has heard already there are some variances being sought from the zoning requirements.

Mr. Mecca – Let's go through that let's move toward what's needed.

Mr. Grygiel – Just briefly with regard to the improvement just to point out for the record I'll come back to these too. We are improving storm water, the refuse enclosure's a nice new touch and we'll comply with however that needs to be designed. The fencing being proposed, landscaping and the shade trees are being preserved to the extent possible. The biggest change again is replacing the building with an attractive new building with a mix of the ground floor retail space and two apartments on the upper floors. What's interesting is the applicant requires the use variance for the mixed use. The apartments are actually not permitted. The restaurant is permitted whether it was a variety of stores or shops or services, banks, offices, restaurants and taverns those are all permitted uses in the B1 zone in which the property is located. Just to be clear for the record the property could be developed with a commercial use if it made economic sense or there's a way to do it to provide the parking that's required on site and to provide for a new building or reuse of the existing building to allow for that. The primary variance in terms of the D variances is the Use Variance for the residential on the upper floors. The Board's Planner did list a bunch of other variances as well and we concur with regard to most of these. Certainly the side yard of 10 feet being proposed where 15 feet is required. That's on the east side. There's also the maximum height in terms of stories. Three stories is proposed where two and a half is permitted. We complied with the overall number in terms of feet however. Lot coverage 50% is permitted currently it's 80.8% existing. We're actually reducing it to 77.5%. In terms of parking the parking spaces are not permitted in the front yard. There are three that are currently shown as being proposed in that area and landscaping there's a buffer required of 10 feet along the rear property line where there's two feet proposed. Although there is

solid fencing that's intended to serve that purpose as well as some landscaping. We can maybe come back to the Floor Area Ratio I didn't have a chance to go digging deep on that. Our calculations show that we comply with the FAR requirements. In my experience as a planner cellars or basements are typically excluded especially a space that's not having anyone living there. It's not utilized for customers. It's ancillary space that is commonly found in commercial buildings, office buildings and other buildings. So again we can go into more detail on that issue but my opinion is that it's not a Floor Area Ratio variance that's required.

Mr. Mecca – You can run through the requested variances that you agree with.

Mr. Grygiel – Let's start with the D1 variance proofs the Use Variance because that's the primary issue here. The Board I'm sure has heard plenty of testimony on this so I won't belabor it but essentially we need to demonstrate that the site's particularly suitable to accommodate the mix of uses. The residential upstairs and the commercial on the ground floor that would satisfy the positive criteria of the law. There's also what's called a negative criteria that there's no substantial detriment to the public good from this mix of uses and that there'll be no substantial impairment to the Master Plan or zoning ordinance of the Township. In my opinion all those are addressed. With regard to the positive criteria I think something for the Board to consider and you've heard already is there'd be substantial improvements to substandard conditions on this property in terms of aesthetics, storm water management, lighting, circulation and such. We're removing essentially what's not an attractive property today quite frankly and replacing it with an upgrade in terms of the appearance of the building and the way it'll be designed to improve existing conditions. As I mentioned restaurant is a permitted use on the ground floor. It's a very suitable location though to add the mix of uses with residential upstairs for certain reasons. First the context is on Market Street you have existing bus lines. So there's an ability for patrons and residents and others to utilize transit to get to this site as opposed to just driving. I know there's concerns about parking but for example the employees and others can utilize existing bus lines. You also have other commercial uses nearby and other services so it's the type of place where adding residential actually fits in well in the context of supporting nearby retail and other uses but also having services such as a childcare center on one side having offices and retail facilities and other types of services in the vicinity to serve residential needs. I think the mixed use would actually enhance the commercial and pedestrian retail environment and I'll get into momentarily address Master Plan objectives to promoting economic development along this corridor in the Township's business districts. As I mentioned 110 Market Street's a similar mixed use environment. It's a bit larger but that's a nice example of how you can have a coexistence of retail and service uses with residential upstairs. That's just about 500 feet away from the site also in the same B1 zoning district. I think again for these reasons the site's clearly suitable to accommodate residential above retail uses. One thing to note in terms of the intensity of the use that's proposed there's no density requirement per se in this B1 zone but the Township's ordinance at section 206-51 has the maximum allowable density where residential is permitted. That's 13 units per acre when you do the calculations here these two units work out to on this site 11.6 units per acre proposed. So we're actually below the maximum density that you have Township wide for residential uses. I think that speaks to the ability of the site to accommodate the use and it's suitability for this mix of uses. Lastly with regard to the positive criteria I do believe we advance certain purposes of the Municipal Land Use Law by again redeveloping a site with an attractive new use that would enhance the economic environment of the area further purpose "A" of promoting the general health, safety and general welfare. Also providing for purpose "G" sufficient space and appropriate locations for a variety of commercial, residential and other uses. This is right out of the State Municipal Land Use Law. In this case we have a lot that will provide for a mix of residential and commercial uses on a main commercial corridor in a business district where it's an appropriate use to enhance the economic environment in the surrounding area. Lastly purpose "I" promoting a desirable visual environment through the upgrades and the aesthetics of the site. With regard to the negative criteria I think it's important for the Board to consider and you may or may not agree with me but this is a commercial zone where commercial uses are permitted so in terms of substantial impacts it can be considered in that context that this site is existing now could be reused as it is it could be redeveloped with other commercial uses. What we're proposing is a parking lot that's similarly scaled to what you have for any commercial use. We're providing landscaping and lighting that is up to current code. We're

providing for storm water management and trying to mitigate any negative impacts from any development the site. I do think that overall this it's essentially a Main Street, Market Street for your Township so provide for a mix of the upper floor residential and retail on this property would be a nice touch and consistent with promoting economic investment in this section of Saddle Brook. That speaks also to the Master Plan impacts and zoning impacts. The Master Plan doesn't speak specifically as best I can tell in even the most recent reexamination report or prior documents about mixed use developments but it does talk about more generally investing in business districts including Market Street and Route 46 trying to improve the aesthetics and economic climate in these areas. I think more broadly there's been a change since the last Master Plan of 2014 in terms of viability of commercial. So before even COVID retail was on the downswing because of internet shopping, competition from other sources. The old fashioned retail zones don't work the way they used to. There's not so much demand for brick and mortar retail and again COVID only made that worse. I think in this case a very viable way of doing this here and other towns in Bergen County is to have residential upstairs to support your retail districts. In this case the site probably wouldn't redevelop just with commercial unless you have the economic viability generated by residential uses on the upper floors. It's a lot of investment to buy and clear property to put in the storm water management to put in the parking all the landscaping that was discussed and unfortunately most small retail building alone would be hard pressed to make that work. So I think in terms of the Use Variance proofs we have addressed them and the site is suitable for the proposed mix of uses at the intensity and size that's proposed.

Mr. Mecca – Let's go through the C variances.

Mr. Grygiel – The site is only 75 feet wide so in terms of setbacks of the building the 10 feet that's proposed is appropriate. Having a 15 foot wide building would not allow for a reasonable use of the property and parking. As it is the Board is aware it's a bit tight even as it is. We're trying to make sure we can fit a two way parking aisle and appropriately sized spaces. We do need a bit of relief to narrow the aisle width in the parking area slightly but essentially that variance is required to allow any viable use of the property for a new building. Overall we are conforming in terms of if you have to combine setbacks of say 15 and 15 thirty feet. We have 52.5 feet combined side yard setback. So the building is the minimum width it can be and still provide parking and the use of the site. We also have buffering along that sideline and plenty of landscaping that's existing and we'll work to make sure that it remains to the extent possible. In terms of the number of stories I think it's a pretty minor variance. We're below the maximum height of 35 feet. There are several buildings nearby that appear to be similar height about 30 feet to 35 feet already even if they're under the three stories. We do have a traditional architectural appearance that I think was shown by the architect fits in well with the area but also is similar in terms of bulk and massing with what's out there today. We've tried to break up the mass through extensive windows and different building materials trying to not have a blocky appearance but to have an attractive building that is broken up to the three stories with multiple sections of it. The number of stories also allow for the reasonable use of the property with the restaurant on the ground floor and the income generated from upstairs apartments to essentially help pay for the improvements that are required to develop a site of this nature. With regard to lot coverage we're reducing from what's there today by about 246 square feet. SO it's an improvement over existing conditions with further improvements of adding dry wells associated drainage swales and taking what's an overdeveloped property in terms of coverage and reducing it somewhat and addressing concerns about storm water management. Lastly there's a residential buffer along the rear line as I mentioned two feet's proposed where 10 feet is required. We do have a 6 foot vinyl fence and screening that exists along there to try to buffer that. This is a commercial zone you have a similar issue with almost any commercial use to be able to provide parking on this site. So for all of those variances I do believe they could be granted under the C2 criteria that the benefits would substantially outweigh the detriments because of the overall benefits of redeveloping the site with an appropriate mix of uses, upgrading it to current standards, improving the existing conditions over what exists today. Negative criteria I think these are minor variances that are resulting from the unique nature of the property it's size, it's shape, it's arrangement in having to work within those constraints.

Mr. Mecca – With regard to the mixed use there's some concerns about parking and how that's going to work with residential and the commercial. Can you give your opinion as to how you feel that works within this context?

Mr. Grygiel – The shared parking is what's being utilized for this that's very common in mixed developments. So you have a use that is busier during the day. The restaurant doesn't open we haven't heard it on the record yet but until late morning almost lunch time and doesn't run all night. This isn't a 24 hour operation it's one that's 8 or 9:00 if I remember correctly but that is minimal in terms of the hours. It's closed one day a week but you also have the issue of throughout they're modestly scaled. As was talked about the one way to deal with this concern was to limit the number of seats as we have. It's mainly takeout and that's another thing that's shifted dramatically. I do work for and review applications from fast food and restaurants and the amount of takeout and delivery is exploded in the last few years. I would expect it to be similar for this use to have people come in quickly pick up their meals or have a delivery service bring it to them as opposed to sitting down. You're not going to sit here for an hour or two this isn't the kind of restaurant designed for that. The two spaces per unit for residential frankly is more than the one or two family standard says 1.5 spaces per a two bedroom in a one family or two family house. It's interesting that the RSIS has a higher number the reality is it should be treated similarly. If you're renting an apartment such as this it's self-selecting. You're not going to have two cars or more it doesn't make sense to do that especially given that there's a bus nearby, bus service right outside, stores and services nearby that type of thing.

Mr. Mecca – Looking at this proposed use of the property the bus use as you said the nine spaces is that adequate to accommodate the uses on this site?

Mr. Grygiel – I do believe it is for the limited type of commercial they're proposing. If this was a retail store such as something with a much higher turnover that's attracting a lot more traffic like a bagel store or nail salon, convenience store there are a lot of things that have a lot of traffic coming and going in higher volume. This is a very small restaurant very unique in terms of it's demands compared to other higher more intense uses. The apartments you have the owner here would be able to regulate that and go beyond even the standards. I do believe in my experience it's self-selecting there's certain environments where you don't choose to live somewhere like this if you have multiple cars there's other places that people can choose to do that.

Mr. Mecca – I have no further questions.

Mr. Kurus – I heard the testimony about the 9 spaces and the 1.5 spaces per unit versus 2 spaces per unit. You agree the code is 2 spaces per unit for an apartment.

Mr. Grygiel – If it's based on the garden apartment standard which is right out of the RSIS. I will note for the record the residential site improvement standards RSIS doesn't specifically say that you can't have a different requirement for residential in a mixed use. I didn't locate anything in your code that deals with it though.

Mr. Kurus – I'm referring to the Township ordinance.

Mr. Grygiel – Does it have a mixed use standard? Just the 2.0 you're saying.

Mr. Kurus – It says 2.0 for the apartments and then it has the standard for the restaurant.

Mr. Grygiel – Yes I would acknowledge those are the numbers that are listed and are applicable yes.

Mr. Kurus – Then you would need to request a variance for one space.

Mr. Grygiel – We are compliant now with 1.5 so yeah 1 additional space yes that's correct.

Mr. Mazzer – If you were to eliminate an apartment now there's 2 spaces.

Mr. Grygiel – As of now again I think it's adequate for the other thing we did mention there is on street parking not all along Market but there's an area just to the front and to the east in front of the childcare center where there's room to pull off. For example picking up deliveries from the restaurant.

Mr. Mazzer – That daycare is always crowded.

Mr. Burbano – They don't use that anymore.

Mr. Grygiel – Maybe but my experience with dealing with kids at daycare the drop offs very early and late not the same time as the restaurants. It's acknowledged that the standard is what it is. Typically ordinances do allow for some flexibility when you have different peak times and uses. We're basing the

variance request on that. We're not saying we don't need the variance we're saying there's reasons for it given the mix of uses.

Mr. Kurus – So you need a variance for number of parking spaces in addition you talked about the three spaces in the front yard that's also related to parking. We heard about the drive aisle a little bit shy. The concern is you're a little short. You're a little short on parking everything seems a little tight. That's my observation the only other question I had was height. Talk a little more about the number of stories and the feet it complies with the number of feet but you need a variance for the number of stories.

Mr. Mecca – The way the ordinance reads two and a half no higher. We're really three so that's where the variance comes in. The height is compliant.

Mr. Kurus – How does two stories of residential over retail how does that fit in to the surrounding area? Are there any other examples of it? You mentioned 110 Market Street I think it's as high or higher but it's only one. I'm trying to find where else two over one exists in this corridor.

Mr. Grygiel – There's taller if you go further west there's four and five stories but admittedly not right next door. You do have a number of buildings that are converted residential that have the again that half story the existing building steeply peaked roofs is essentially a third story but it's not designed the same way. You could design this to have more of a peaked roof.

Mr. Mazzer – You can have a business with one apartment above it and most of that corridor is just that way even where Ed's Tavern was and that looks nice but that's business and one story apartments.

Mr. Grygiel – Respectfully I understand that concern but we're looking to make substantial improvements to the site that needs it and it's come down to the Board's consideration. You may not agree with me but the balancing act between actually being able to afford to make those improvements requires maybe additional density or height.

Mr. Mazzer – The improvements are needed.

Mr. Grygiel – I understand it's just trying to fit it on this particular property but essentially the tradeoffs of providing for a mix of uses that having two apartments there will help support the retail support the economic revitalization of this corridor. It doesn't match exactly what's out there today in terms of other buildings but I think the design breaks up the mass so it's not a big blocky three story rectangle. It has pitched roofs and different façade designs.

Mr. Mazzer – Well we're going to need another variance for the parking.

Mr. Grygiel – Yes there may be other options whether it's removing the outdoor dining in front to make sure the seat numbers are reduced.

Mr. Mazzer – You're going to add to that because you can't park in the front.

Mr. Mecca – it will reduce the parking demand because it's less seating.

Mr. Grygiel – Take out that or some other seats would be an option. It is mostly a takeout and delivery business anyway. This isn't designed to be a sit down linger with a bottle of wine type of restaurant. As good as the food might be it's intended to be more fast casual.

Mr. Mecca – Before we call my client I'd like to speak with her outside or if it's the Board's pleasure at this point hopefully we have some time but hearing the concerns of the Board I'd like to speak to our people and the applicant see if we could tweak things a bit.

Mr. Duffy – I could see that would be prudent but I'd like to at least finish with the planner before we proceed with that.

Mr. Mecca – Exactly that's what I intended.

Mr. Schilp – I know no parking in front of the building but if you go next door they're parking in front of the building would you consider taking some of that grass area in the front and put a spot in parallel to Market Street. That would give you another parking spot. I'm not saying perpendicular because you don't want to back out onto Market Street.

Mr. Grygiel – I think that's a good suggestion. I would note that I did have in my notes but as far as a variance to park in the front yard it is a common condition in this area. We'll put in landscaping and improvement where possible so it would be screened from the sidewalk. That would go into our discussions but I think that variance if we had to for three or four spaces in the front yard is warranted and justified for providing adequate parking.

Mr. Duffy – I would pay attention to that because I don't think it's exactly the way the rest of the area goes putting a space in the front.

Ms. Murray – The last hearing we had some residents here and their concern was with the refuse area in the back and being right on the fence line of their property. I know it's going to have a fence and I know it's going to be protected but I also don't know when the garbage truck comes. I'm not thrilled when the garbage men come in front of my windows at home. I'm just trying to look out for what the residents behind brought up the last time. I know they're not here but the refuse is right on that back property line.

Mr. Mecca – It was brought up by one of the members Tuesday that there's no operation of the restaurant maybe schedule pickup for that day being one of the days and not too early so that the least disturbance.

Ms. Murray – It was that and maybe any parking that was on the fence line that was designated for residents and if they're there then it's not going to be a turnover.

Mr. Mecca – That was our proposal for those three spaces for the residents only designated with ground marking and or signage.

Mr. Kurus – One comment in response to the dumpster question can that slide to the south a little bit?

Mr. Mazzer – Just bring it down a little more and then maybe put some arborvitae or something in front.

Mr. Mecca – Can you do that?

Mr. Grygiel – When you say slide to the south how far?

Mr. Mazzer – Bring it 4 or 5 foot this way.

Mr. Kurus – Right now you have it 2 feet from the lot line can you create some space enough to plant something.

Mr. Mecca – There's a fence there. And there's a wall.

Mr. Grygiel – There's a wall that's going to be taken down and we're going to put a fence across the full lot line. The refuse area can have its own fence. It could be brought off of the property line 4 or 5 feet for some plants in between.

Mr. Kurus – I think that's a good suggestion.

Ms. Murray – I think that would appease at least some of the residents that might want a little bit more.

Mr. Grygiel – We're making an effort to screen it better. We've used hollies a bit is there any objection to hollies they're evergreen.

Mr. Duffy – Anyone else? 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 – We'll take a five minute recess so you can confer with your client.

The Board has a recess at 9:21 pm and comes back to order at 9:36 pm.

Mr. Mecca – I've spoken to my client about the concerns that this Board has in listening to the issue about the third story. My client would like to come back for one more meeting to talk to her professionals about redesigning this a bit for that third level. I'm not saying to eliminate the third level but there might be a way of making that third level.

Mr. Duffy – Or you might look at it from another perspective and make it two apartments the third level gone and make two apartments on the second floor.

Mr. Mecca – Could be another way of doing it.

Mr. Mecca requests a continuance to the March 2, 2026 meeting waving the tolling of time and without further notice.

Mr. Duffy – We have a request to the March 2nd meeting no requirement to notice and waving the tolling of time.

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

Mr. Duffy makes the announcement for anyone present who may be interested in this application.

6. RESOLUTIONS

A.) Approval Gino Latona, 22 Weller Terrace, Block 1813, Lot 9

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

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

B.) Approval Mark & Kari Fritsch, 175 Hayes Drive, Block 1714, Lot 1

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

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

C.) Approval Greater Bergen Realtors, 405-433 N. Midland Avenue, Block 1401, Lot 12

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

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

D.) Denial of Amendment Greater Bergen Realtors, 405-433 N. Midland Avenue, Block 1401, Lot 12

Mr. Cialone explains that this resolution requires two separate roll call votes. The first roll call the Board approved an amendment of the condition from the October meeting that restricted the printing businesses parking spaces to 7 am to 9 pm. So in the December meeting the Board approved an amendment of that condition to permit Digital Room the printing company to use their 50 spaces 24 hours. The first vote is for approving the change to that condition.

Mr. Schilp makes a motion seconded by Ms. Murray to approve that condition.

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

Mr. Cialone – The second roll call was they sought to amend their approval for 110 spaces and there was a motion to deny the amendment from 100 to 110 spaces. So this vote if you voted yes to deny the amendment you need to vote yes for the resolution.

Ms. Murray makes a motion seconded by Mr. Duffy to approve the denial of the amendment.

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

7. MINUTES

Meeting of December 1, 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, 12/08/25 (365 President Street)

Frank Barrale to the Zoning Board of Adjustment, 2025 ZBA Application Report

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

9. VOUCHERS

Neglia Engineering Assoc., 12/04/25, Fritsch, 175 Hayes Drive, Block 1714, Lot 1 \$205.00
Neglia Engineering Assoc., 12/04/25, Latona, 22 Weller Terrace, Block 1813, Lot 9 \$205.00
Neglia Engineering Assoc., 12/04/25, Stanton, 141 Cambridge Avenue, Block 1506, Lot 31 \$332.50
Birchwale Pellino & Cialone, LLC, 11/24/25, Third Quarter Retainer \$875.00
Birchwale Pellino & Cialone, LLC, 12/04/25, Latona, 22 Weller Terrace, Block 1813, Lot 9 \$250.00
Birchwale Pellino & Cialone, LLC, 12/17/25, Fritsch, 175 Hayes Drive, Block 1714, Lot 1 \$250.00
Birchwale Pellino & Cialone, LLC, 12/30/25, GBAR, 405-433 N. Midland Ave., Blk 1401, Lot 12 \$688.50

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. Duffy 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 Ms. Murray to adjourn. All in favor – YES.

Meeting adjourned at 9:47 pm.

Respectfully submitted,

Frank Barrale