

# **TOWNSHIP OF SADDLE BROOK**

## **ZONING BOARD OF ADJUSTMENT MINUTES**

### **June 5, 2023 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday June 5, 2023 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

#### **1. CALL THE MEETING TO ORDER**

#### **2. FLAG SALUTE**

Mr. Duffy asks that everyone remain standing for a moment of silence to remember Stephen F. Pellino our Zoning Board Attorney who has recently passed.

**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**

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Mr. Burbano (arrived 7:15), Mr. Manzo, Ms. Nobile, Mr. Duffy – present. Mr. Marz, Mr. Mazzer and Mr. Champy are absent. Anthony Cialone the Board Attorney, and Gary Paparozzi the Board Planner are also in attendance. Yasseen Saad is sitting in for Anthony Kurus the Board Engineer.

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

##### **A.) Garden State Recreational Grow, LLC, 225 Route 46, Block 120, Lot 3**

Applicant requests for a Class 2 Cannabis Manufacturer in addition to a Class 1 Microbusiness Cultivator and Class 5 Cannabis Retailer that is not a permitted or conditionally permitted use per the zoning ordinance for the Township of Saddle Brook as it exists today. **(Continued from May 1, 2023 meeting)**

Mr. Duffy notes that the applicant did not need to notice as they were carried from the May 1<sup>st</sup> meeting without further notice.

Daniel Lagana comes forward he is the attorney handling this application.

Mr. Lagana – This is a continuation of a meeting that occurred last month for a repurposing of an existing commercial building to house three cannabis uses a retail establishment, a manufacturing establishment and a cultivation establishment. The last meeting we heard testimony from our site engineer as well as our operations individual and a traffic expert. We are here this evening as there were revisions requested by some Board members and we are here to present those revisions as well as conclude with our planner. Mr. Duffy – Just to let you know as a courtesy we have six voting members on the Board here this evening and you need five affirmatives if there were to be a vote this evening. I just want you to be aware of that. Mr. Lagana – Before we begin I do have a handout it is a condensed version of the revised site plan that had been previously submitted.

Mr. Lagana hands out the plan to the Board members. It is marked as A7 dated May 17, 2023.

He also has exhibit A8 which is a revised architectural layout and it is only sheet A-01.

Mr. Lagana recalls their operations expert Frank Catania.

Mr. Catania was previously sworn in at the last meeting and is still under oath.

Mr. Lagana – At the last meeting, the Board made some recommendations regarding the parking layout in the front of the building and we heard those suggestions and made some revisions can you walk the Board through what we did in terms of revising the parking layout?

Mr. Catania – At the last meeting there was some concern about the area between the awning and the EV spaces as well as the curbing in the front left hand corner of the building to get to the rear of the building. What we did as a result where I have the pointer right now is we removed one of the EV spaces and brought it over to the other side of the parking lot. We also removed one of the parking spaces non EV parking spaces as well and what that enabled us to do is move the curb where now between the awning and the curbing we have 24 feet rather than 20 feet which it was before. The hope is that will address the issues as any concerns about the Board with respect to the clearance between the awning and the curbing so by doing that we did eliminate one parking spot but we're still meeting the requirements for the parking for the application.

Mr. Lagana – The Board also made some comments regarding the interior layout and now I'm referring to exhibit A8 sheet A-01 can you go over the revisions we made on that sheet?

Mr. Catania – If you're looking at the handout that Mr. Lagana passed out again at the last meeting there was a question as to the layout that was provided, the layout was provided for the micro grow the layout was provided for the dispensary. The area was provided for the manufacturing but there was no layout so what you have on A-01 in front of you is a layout for the manufacturing area. I'm going to take you through it real quick because of all the uses I know the manufacturing is the one is the least known to everyone. If we're looking at the space which is the manufacturing to the westerly side of the building I'm going to continue right down the rooms at the top of the space. The first space you see there is called a decarb room in the decarb room we have two ovens in there as well as an exhaust fan which will be exhausted out the side of the building. At that point we warm the cannabis and again with respect to the manufacturing the whole intent is to extract the THC from what we call biomass and that being the stems, the stalks and leaves. Our first process is the warming. Once you warm it it's easier to pull the THC out. All the equipment that we need is located on this drawing. You'll see the one area there we have a four by eight area with two kitchen hoods we have work tables in that area and we have what's called vapor racks. After we warm the biomass it is then spread on stainless steel sheets once we're done with that we then take it from that room we go next door to the extraction room. The extraction room is exactly what it sounds like that's where we extract the THC out of it. It is a closed loop system this is where the CO2 is but the tanks are not located in this room. In here we use the CO2 as a closed loop system. It takes approximately six hours and at that point we'll extract the THC it's basically a honey form and consistency. We then take it over to the work tables in that area it's then put on hot plates and then we place it into a cryo freezer. Once in the cryo freezer we then increase the pressure and that pulls out the oil from the substance. We then take the oil we place it in stainless steel vats and then it leaves this room. The next room you see is a mechanical room there is no work done in that room. That is where the compressors are we have the liquid pumps in there we have diaphragm pumps in there and any other equipment needed to facilitate these other rooms. Nothing else is done in that room. The product is then taken from the extraction room into the distillation room. In the distillation room we have a hood in there as well where we take the oil and spin it off to separate even the more pure oil from the liquid that we have. We then take that we put it on stainless steel tables in there each of the tables have chillers underneath it. This is where it's turned into the oil which we inject into our products. This is where you end up with your final product. Once it leaves there you'll see across the center of the room where you see packaging department those tables there are where it is either infused into gummies or made into vapes. The reason we are before the Board here and asking for the additional 400 square feet is we don't have any storage area in here so we tried to increase the packaging area to accommodate some of the storage and that's why you have the layout that you have in front of you. If you have any questions feel free I tried to give you as much as I could with respect to a general understanding of what's going on in the manufacturing lab.

Mr. Lagana – Just a follow up question. The square footage that was originally presented as part of the application remains the same correct.

Mr. Catania – That is correct 5000 square feet is permitted in the zone we are asking for 5400 square feet just because again there is no storage here we tried to increase the packaging area to include our storage.

Mr. Lagana – The size is 5500 square feet.

Mr. Catania – I believe it's 5400 square feet.

Mr. Paparozzi – Fifty five.

Mr. Catania – It is fifty five 5500 square feet I apologize.

Mr. Lagana – The extra 500 square feet is for additional storage area.

Mr. Catania – It's to accommodate storage we don't have a specific storage area which you normally have in manufacturing. We're trying to incorporate that into the packaging area and use some of the packaging tables as storage.

Mr. Lagana – The previous iteration of the drawing only showed an open floor plan what we provided to the Board was the same area however we broke it down in terms of how the manufacturing process is going to evolve.

Mr. Catania – That is correct.

Mr. Lagana – Mr. Chairman I have no further questions.

Ms. Murray – Last month you testified that the reason why you gave us one big open floor plan was because there is nothing going in there except a bunch of tables which is why we asked for details. This is a big difference from what a big open room with a couple of tables is done this is substantial. It's just a comment it's not a question because you made the comment that it was no big deal it's just a big open room with a bunch of tables in it because I went through the minutes to make sure I understood what you said.

Mr. Catania – If that is the case the I misspoke because there is no way that everything could be done in one area that's why we came back to show you exactly what is in the manufacturing area.

Ms. Murray – Because other than offices it is one big open room. The only thing we need is a sink to be able to rinse off we use ice and carbon dioxide to extract that's what we use to extract the THC that was your testimony so there is a reason we ask for this kind of a detail because this is a lot more than a big open room there is a lot of equipment. Is any of this the ventilation everything is contained?

Mr. Catania – Everything is contained we have hoods prior to anything leaving through the exhaust fans we have micro carbon filters as well as an ionization system which prevents any smell whatsoever from getting outside.

Ms. Murray – What is the testing on this that the state requires for the exhaust? Do you have any idea? If you don't just say you don't have the information I would rather have you say that than guess.

Mr. Catania – I don't as for the testing with respect to smell wise I am unaware of any.

Ms. Murray – Okay thank you.

Mr. Schilp – I agree with Ms. Murray that there's a big change from a big empty room to a lot of rooms and a lot more equipment than what was originally stated from just a little bit of carbon dioxide. The other question I have is on all these drawings we show a 30 foot wide driveway on the west side of the building is that correct?

Mr. Catania – Yes that is correct.

Mr. Schilp – You're going to put a stairway and an exit way over there so you're going to take three four whatever feet off the driveway.

Mr. Catania – That would lead into the ingress egress on that side of the property that's correct.

Mr. Schilp – I see no measurements if this is ten foot wide it gives you a fourteen foot driveway. If it's six foot you're talking about twenty four feet. It makes a big difference on whether this driveway the legality of the width of the driveway because that's the main ingress and egress to the back lot.

Mr. Catania – We have it shown on A-01 I could scale it out looking at it from here it looks like it is exactly what you said it appears three or four feet tops so at the minimum the thoroughfare going from the front to the back would be 26 feet.

Ms. Murray – It's scaled at six foot.

Mr. Catania – It's scaled at six foot? It won't be six foot we don't need a six feet wide stairs.

Mr. Schilp – Then this is wrong or what you're telling me is wrong. I don't want to be a pain but you know that's the main ingress egress to the back and if you're cutting it down and you're supposed to have a minimum of 24 feet and it's 6 now you're down to 24 if it's 8 feet like it's measured now you're down to 22 which means that it's an undersized driveway.

Mr. Catania – The commissioner said it was 6 feet correct.

Ms. Murray – Yep.

Mr. Catania – That still leaves us 24 feet but if it's a condition of the Board to require 24 feet we have no problem adhering to that.

Mr. Schilp – It would be nice to see on these drawings. You're saying it's 6 now and somebody puts it at 7 it makes a big difference.

Mr. Catania – We have no problem if the Board makes it a condition of approval. That is just a second ingress egress just to clarify. The main entrance as we previously testified all the parking for the employees will be in the rear of the building and they'll be coming through that rear entrance.

Mr. Schilp – But it's mandatory to have as a fire exit so it has to be there.

Mr. Catania – Yes without a doubt it has to be there.

Mr. Schilp – Somebody should have put some numbers down that's my comment.

Mr. Tokosh – How often are these micro carbon filters changed?

Mr. Catania – It's different between the cultivation and manufacturing. Manufacturing you're looking at anywhere between 8 and 10 weeks and cultivation is somewhere between 6 and 8 weeks.

Mr. Tokosh – The 1000 gallon water tank where is it on the plan I don't see it. I see a picture of it but where is it in the process?

Mr. Catania – The 1000 gallon water tank has nothing to do with manufacturing that is for the micro cultivation. That is in one of the rooms across from the flower rooms is where the tank will be. That's the watering tank that provides water to the irrigation system for across the hall.

Mr. Tokosh – Is that the water room.

Mr. Lagana – It is documented on the plan as the water room.

Mr. Schilp – I'm assuming with the 7000 pound weight plus the superstructure that the floor is going to be reinforced back there.

Mr. Catania – If that is determined to be necessary than for sure it will be. It's a continuous slab there is no crawl space underneath it.

Mr. Schilp – I know that but right now it's a staples you don't have 7000 pounds sitting on a four or five foot square in the building.

Mr. Catania – We will absolutely adhere to the Town engineer as well as the Building Department working hand in hand with our MVD.

Mr. Paparozzi – No questions just that the engineers revised site plan for the record is dated 5/17/23 and the architect's revised plan I guess marked A8 is revised and the date is 5/23/23.

Mr. Duffy – Noted. Mr. Catania do you operate a manufacturing facility anywhere presently?

Mr. Catania – I'm involved in a manufacturing facility in Colorado as we speak. There is another facility which I am responsible for the consulting on and the build out of which is starting construction in Ridgefield.

Mr. Duffy – So a lot of this equipment is new to you also.

Mr. Catania – Not so much new I've learned this over the past three years and I continue to learn more and more every day in this field area but no I've been involved now in Colorado in manufacturing with the Colorado Cannabis Company of which we are affiliated out there and those are the ones coming here to operate.

Mr. Duffy – They're going to operate the manufacturing end.

Mr. Catania – Yes they're responsible for the manufacturing portion of it.

Mr. Duffy – Okay so this equipment you said there's going to be ventilation there's going to be hoods the ventilation is out through the side of the building.

Mr. Catania – Correct.

Mr. Duffy – The extraction and is there any gas line in here because there wasn't any talk of fire suppression in this area. I know certain things on the other side water is a very delicate situation but this is manufacturing equipment so this opens up another box for us.

Mr. Catania – Obviously when the permits are submitted for the engineer and the Building Department we can adhere to your concerns.

Mr. Duffy – I do have some concerns about that and I know that probably some of my concerns will be answered in the permitting process anyway. This is new to all of us. To be honest with you I still have reservations about all this not so much that I'm not going to weigh out whether cannabis is good or bad I smoked it when I was in high school I inhaled and all that crap so that doesn't faze me what bothers me what I worry about is the government getting involved in a vice and that's where I have this conundrum because we don't do it very well. We didn't do it well with alcohol we didn't do it well with gambling and now we're in the pot business so we got into booze in the government we got into the numbers racket and now the government's into pot and everybody is chomping at the bit because there are people sitting here watching this whole thing because if we don't approve on one aspect the next town over is going to take it either way Lodi or Elmwood Park. It looks like Route 46 is the avenue.

Mr. Catania – We didn't zone it on Route 46 we're going where the Township told us to go and that's what we're doing.

Mr. Duffy – I know.

Mr. Catania – I can't answer as to the government one way or the other.

Mr. Duffy – It's my observation and it's my right to voice my observation.

Mr. Catania – One hundred percent and I understand that. What I can tell you is we will adhere to all the regulations we have to adhere and we will adhere to the regulations.

Mr. Duffy – Everybody is into this because of the two percent that's why government gets involved in things like this because it has to do with money.

Mr. Lagana – It's actually four percent the two percent and the one and one.

Mr. Catania – It's two for retail, two for cultivation and now it's also two for the manufacturing.

Mr. Duffy – It's still two percent it's just two percent of each one of these businesses it doesn't add up to six.

Mr. Catania – We do work hand in hand with all the towns we're in we also give one percent of our gross.

Mr. Duffy – That's to be a good neighbor right.

Mr. Catania – It's because of the stigma that's brought on with cannabis we try to go over and above whether they want to give it to the senior citizens or the PAL we don't want people to think we're trying to steal their community and rape and pillage.

Mr. Duffy – I hope not.

Mr. Catania – So that's why we do it. We work with the community it's a one percent fund of our gross that we decide it's allocated with whoever the Township appoints to discuss with us where they want to put it.

Mr. Duffy – I know everybody has a major concern about smell. In the manufacturing end you're telling us it won't exist.

Mr. Catania – The smell itself everybody should be concerned with cultivation.

Mr. Duffy – Cultivation.

Mr. Catania – Cultivation is where you should be concerned because that is where it's the smelliest. At the same time we are learning from the mistakes of the other states. Colorado opened up you get off the plane there it smells like raw marijuana. Since that time which is twelve years ago it has come so far with that and the biggest concern of not only Saddle Brook but every municipality is smell. I mentioned to the Board once before I've taken other mayors and council down to a 150,000 square foot facility in Lakewood and they were standing outside in the parking lot and because there is no signage on any of this they couldn't argue that the 150,000 square foot grow had no smell.

Mr. Duffy – Where in Lakewood?

Mr. Catania – There's an issue going on right now in that facility I took them down there they allowed medicinal now they're not allowing recreational to go in there it's a big debacle at this point but the bottom

line is it was built pursuant to today's standards and we do not let any of the smell get out because if the smell is getting out that means that the atmosphere can get in and it's the mold and mildew from the outside atmosphere that we have to worry about the most.

Mr. Duffy – I recall that. I just don't want to see a congested area like that over there smelling like I don't even know what it would smell like.

Mr. Catania – The cultivation produces the most smell out of everything manufacturing is a closed loop system that's why you don't get any smell.

Mr. Duffy – How many employees does it take to work in the manufacturing area?

Mr. Catania – We normally have six employees what they do is everything is not going at one time. The employees basically there are two groups of three and they move with the product. The only thing they don't overlap is the packaging. There is a group that is just packaging. The other three employees will follow the initial room with the decarb and the extraction then distillation. The other three employees are set with packaging only and that's because they're specialized.

Mr. Duffy – Where does the final product go?

Mr. Catania – We sell it to other dispensaries.

Mr. Duffy – Will there be I know there were some issues about delivery I know the state has parameters as to who can cart.

Mr. Catania – Correct.

Mr. Duffy – Where are you going to store it and are other dispensaries going to be coming to you or do you deliver to them?

Mr. Catania – We deliver to them.

Mr. Duffy – So we're not going to be dealing with that kind of traffic flow the mini vans aren't going to be lining up waiting for their selection of gummies.

Mr. Catania – The manufacturing and cultivation there will be no people except for employees. It's not even if some other company comes there and said okay let me see your product it doesn't happen like that.

Mr. Duffy – So there's no showroom on that aspect of it.

Mr. Catania – We gave the retail up front that's totally different. We cannot be we have to have a separating wall between we cannot have a common entrance or an adjacent door between any one of the three locations here. What happens is it's delivered by an astrovan your product does not fill a box truck what we produce out of here I wish it did but unfortunately it doesn't. It has to be a registered vehicle to that license holder and a registered employee to that license holder. We can't just have somebody say do us a favor drive this truck and drop it off.

Mr. Schilp – We bantered names around here from the beginning can you give me the name each separate area what the name is going to be and if there is one oversight for all three?

Mr. Catania – It is Cattino Real Estate Holdings which is the tenant of the property from the landlord. Then they will be subleasing it to each of the three license holders. With respect to the micro grow that's Garden State Recreational Grown, LLC. The manufacturing will be called the Smiling Bud, LLC. The retail was Budz Prime, LLC is now known as the Dispensary of Saddle Brook, LLC.

Mr. Schilp – I just wanted to get the names thank you.

Ms. Murray – In regards to the name I'm just going to ask you a question because the Council gave you a resolution of support and they gave it to you in Budz Prime did they also give you one in the Dispensary of Saddle Brook, LLC or did you apply for a change in name?

Mr. Catania – There's no need for it because the name was changed with the state. It's still the same employment verification number as far as the state and the IRS determined it's still the exact same company.

Ms. Murray – So you've only got one is what I'm asking.

Mr. Catania – One what?

Ms. Murray – One resolution of support.

Mr. Catania – That's correct.

Ms. Murray – It's just the one for the dispensary I just need to make sure.

Mr. Catania – There's one for the.

Ms. Murray – I know there's one for each one but the dispensary is the one that had the name changed. I just want to make sure there was one resolution for each one of the sections not Budz Prime is still hanging out there.

Mr. Catania – We only have one resolution with respect to retail in Saddle Brook.

Ms. Murray – Does all this equipment fit through a three foot door because you have no loading dock on the manufacturing side. The grow side is fine because you have a loading dock but you have no loading dock on the other side does it fit through three foot doors?

Mr. Catania – No it doesn't what we do is during construction we bring it in.

Ms. Murray – Where would you store the finished product it's going to be in the big room on shelves you don't seem to have a shipping room.

Mr. Catania – There is no shipping room the stored product will be where you see the packaging tables it will be there on one of those tables.

Ms. Murray – That's where you have the stock that's ready to go out and that's how it will be shipped.

Mr. Catania – Yes.

Ms. Nobile – Can you confirm the manufacturing you're manufacturing only for this facility?

Mr. Catania – No in fact nobody would be able to run a manufacturing business based on using this facility as the retail.

Ms. Nobile – Whatever you're growing and making are you selling it in that facility only or are you outsourcing it?

Mr. Catania – No that goes to other facilities no micro grow or manufacturing would be feasible financially just to feed one retail.

Ms. Nobile – How long is your lease?

Mr. Catania – I think it's a ten year lease with two five year options.

Ms. Nobile – Okay.

Mr. Duffy – What is the projected date?

Mr. Catania – Opening?

Mr. Duffy – Yeah.

Mr. Catania – The retail would probably be the first one open, which if everything went perfect maybe the first quarter of next year.

Mr. Duffy – Somewhere between January and March.

Mr. Catania – We would like more towards the January.

Mr. Duffy – Okay.

Mr. Catania – Right after that in all likelihood would be the cultivation and then lastly the manufacturing.

Mr. Duffy – Okay so Staples is out at the end of the year.

Mr. Catania – Staples is out once they receive notice from the landlord and that has to do with us here before you guys.

Mr. Duffy – I didn't know if there was a lease that was up I'm just asking.

Mr. Catania – The lease expired they're month to month right now.

Mr. Duffy – Okay.

Mr. Catania – They know the situation they're just waiting to hear from the landlord one way or the other.

Mr. Manzo – If I'm working in the flower room and I want to go to the break room or to the locker room I have to go outside?

Mr. Catania – No you don't have to go outside the break room you see in the back is only for the manufacturing that is not for the cultivation.

Mr. Manzo – Thank you.

Mr. Duffy – How many employees in the cultivation?

Mr. Catania – Approximately six employees.

Mr. Duffy – Six in the manufacturing and six in the cultivation and cultivation are either of these a twenty four hour?

Mr. Catania – No.

Mr. Schilp – What would be the employee's times?

Mr. Catania – For the manufacturing and cultivation they may deviate a little bit but you're looking at nine to five and that would be six days a week.

Mr. Schilp – How about the other side?

Mr. Catania – The retail you're looking at ten o'clock to 9 o'clock six days a week and on Sunday to six pm.

Mr. Duffy – If they want to use the break room they have to go outside and come all the way back around?

Mr. Catania – No they're not allowed to the break room is only for manufacturing. Cultivation does not have a break room. You're not allowed to mix and match your employees you're not allowed even a common area it's totally separate and apart. Cultivation does not have a break room there'll be an area for them to sit on chairs.

Mr. Duffy – They can sit and watch the flowers grow right.

Mr. Catania – They are never at the same stage of growing at any one time if you had all six rooms at one time they would be sitting around watching the plants grow. They'll be harvesting in one room another room will be curing another room will be drying.

Mr. Saad – The pylon sign you said that there was three different names for the three different uses is that going to be reflected on the pylon sign or just for the retail use?

Mr. Catania – There will be no advertising no signage no nothing with respect to manufacturing and cultivation. The only one that will be on that sign will be for retail for security reasons.

Mr. Saad – The sign itself are you keeping that same Staples sign and refitting it?

Mr. Catania – We're not changing the sign we're not changing the box itself in any way whatsoever all we're doing is changing the façade of the sign.

Mr. Saad – And that will say the Dispensary of Saddle Brook, LLC?

Mr. Catania – That's correct it won't say LLC in large letters across with our logo is a smiley face will say The Dispensary of Saddle Brook.

Mr. Saad – The refuse area is in the rear what are the regulations? I'm assuming that's for normal refuse, not the waste associated with your manufacturing and cultivation what is the plan for that?

Mr. Catania – We are bound by the CRC with respect to any waste having to do with any part of a plant. You have to have a licensed carting company. They pick it up and take it to an incinerator. We have a bill of lading when they pick it up we have to show the state every time they come to do an inspection our disposal of every single time we dispose. Even though we extracted all of the THC out of it basically what is left is a shriveled up stem we still have to have it removed by a licensed carrier.

Mr. Saad – Where is that stored on this plan?

Mr. Catania – If you look in the cultivation we have green waste storage and contaminated material. With respect to the manufacturing it will be stored in the distillation room. On the retail there is none everything that we receive in retail is already packaged we do none of our packing for the retail. The only waste out of the retail area is normal retail waste.

There are no more questions for this witness and 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. Lagana calls up his planner to testify.

Mr. Cialone swears in Matthew Seckler and he gives his business address as Stonefield Engineering Design 92 Park Avenue Rutherford New Jersey.

Mr. Lagana qualifies the witness and the Board accepts his credentials.

Mr. Seckler – As far as my traffic testimony that I gave last time I did give the Board some background on the sites location and proximity to various other adjacent properties and again to remind the Board this is Block 120 Lot 3 is located along Route 46 a generally commercial corridor. To the north of the site is the Saddle Brook Mall behind the site is the St. Mary's Cemetery and east of the site is where we were previously before this Board seeking approvals for a similar use a few months ago. This application does not include any changes to the building itself the footprint of the building is unchanged. The only changes

to the parking field and circulation pattern is essentially what was just testified to by the operator which was a modification to the existing site plan just to make it easier for vehicles to get from the front of the building to the rear of the building by extending the 24 foot aisle around the canopy area to get to the rear of the site. Overall this site is located in the B2 zone which is the secondary business zone. The relative ordinances and this Board and the Council has passed ordinances as it relates to cannabis use. We start with ordinance 1707-21, 1726-22 and 1718-22 all relate to cannabis and the various licenses that we are seeking here which is cannabis cultivation, cannabis manufacturing and cannabis retail licenses. The reason why we are before this Board is because a cannabis manufacturing facility which is what was just spoken about in the most detail tonight is limited to 5000 square feet in the B2 zone. If it is over 5000 square feet it is to be in the I district is the only permitted zone that will allow that type of use so we're before this Board with what I believe is a D1 Use Variance solely because the manufacturing use is 500 square feet greater than what would be permitted in this B2 zone. You heard from the applicant in terms of the reasons why the extra 500 square feet is needed in terms of the operation of the manufacturing. It is for the additional storage as was mentioned there is no specific storage area within that manufacturing location. The stored manufactured product will be located on the tables themselves. It's important to remember that this is an application that is reusing the existing structure so we have a certain amount of square footage that needs to be allocated to these three uses anyway. If we were to add the extra square footage to the retail portion what you're talking about is potentially creating a parking variance right now we do meet the parking requirement but the more square footage you put on the retail aspect the higher the parking ratio goes up and also that is the more traffic generating or site intensity of the development would be the retail perspective. I think actually having this extra 500 square feet in the manufacturing use is a less intense use when you compare what the uses that can be utilized within this building itself. We're stuck with a footprint area that the building has today we're not going to cut out 500 square feet and redo the walls just to get below the ordinance requirements. Again a manufacturing use that is 500 square feet less would be permitted here. The ordinance does have a long list of requirements I believe there are ten general standards that all cannabis facilities must comply with we meet all of those. Each specific sublicense the cultivation, the retail and manufacturing all have another list of four or five conditional use requirements which we meet as well. To meet all the life, health and safety aspects of the application that includes maintaining a certain distance from schools, daycares, residential zone we meet all those. We meet the requirements that limits the sound and assure these sites are properly ventilated we meet all those as well. One thing that we don't comply with that we are in a B2 zone where only 5000 square foot manufacturing is permitted and we are at 5500 square feet. I look to balance the Medici Standard requirements of this variance that we're seeking as a D1 standard I look at a couple of items one is site suitability and unique site suitability for this property. Again it is a fully developed site and we're making very minimal changes to it. We're not increasing impervious coverage to bring this use to the site. We're not changing the building to bring this use to the site and this type of use is generally contemplated for this property it's just that we have 500 extra square feet for it. The type of use just the amount of use is the reason why we are before this Board and I do think this site has been clearly accommodated I don't think anyone driving by on the road anyone on this property would have no idea how the internal building is divided up. No one from the public will know that this has 500 square feet more than what is allowed in that zone because it's just the interior walls and how the interior design of the building has been allocated. I don't see it as a substantial negative impact as it relates to this development from a public point of view. I also reviewed the most recent reexamination of the Master Plan and actually found that this is a use that is consistent with what the goals of the Master Plan are clearly not a detriment or harming the Master Plan in any way. Ensuring that highway businesses continue to operate within the main arterials of the community. There was concern that to keep businesses if these areas have proliferated to residential districts. This clearly has been a developed site for a number of years changing a tenant that is obviously over and beyond an unlimited lease and maybe leaving at any point they'll have to fill that spot along this commercial corridor with a use that clearly is a popular use nowadays. As the Chairman mentioned if it's not located in this spot on Route 46 it could be on Route 46 in a number of nearby communities. I believe that this is an application for a D1 Use Variance but one

that when you look at the deviation that we're seeking here it is a use that is contemplated and permitted within the one it's just that we're 500 square feet larger than what is permitted. That said I don't believe this 500 square feet creates any negative impact to the public does not add any level of intensity it does not add any level of traffic any level of noise that wouldn't already be contemplated within the 5000 square foot limit. The extra 500 square feet does not exacerbate that in any way the site can clearly support it with the amount of parking they have on the property and the ventilation system that is proposed and will obviously be reviewed by the regulatory agencies the Building Department and the CRC as well. Again I do believe the D1 Use Variance we are seeking can be granted based on that Medici Standard. We have a couple of other minor deviations some of which are existing nonconformities such as the sign as your engineer mentioned. It's a nonconforming sign we're just changing out the face of it to have what the proposed business will be. There are also a number of deviations related to some of the setbacks that are not exacerbated in any way as part of this application. Overall I think the applicant has met the standard to receive variance approval for this application.

Mr. Lagana – There's two follow up points on that. The minimum lot size for this zoning is what?

Mr. Seckler – 20,000 square feet.

Mr. Lagana – What is the size of the lot area?

Mr. Seckler – 83,000 square feet so we're four times the permitted lot size.

Mr. Lagana – In your opinion would you consider this an oversized lot?

Mr. Seckler – Yes I would.

Mr. Lagana – In your professional opinion can any of the deviations from the variance relief that are being sought be accommodated based on that lot size?

Mr. Seckler – Yes considering our lot is four times the size that is permitted having a manufacturing use that's 500 square feet larger I think clearly be supported again we meet the parking requirements for that extra 500 square feet. The ventilation system obviously will be designed for that extra 500 square feet. The employee count I don't think has changed in any way based on the 500 square feet and again the building is what the building is. If this 500 square feet wasn't used for manufacturing it would be used for one of the other two uses of the building anyway.

Mr. Lagana – Mr. Chairman I have no further questions for this witness.

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

Mr. Paparozzi – I like the fact that the building is a stand-alone building and there are no other tenants or other uses other than the combined use of the cannabis. I just disagree with Mr. Seckler on one issue that the lot being four times what is permitted that it is not four times greater than what is required for this application. With the parking everything gets fixed it's not four and a half times extra space to maneuver so with that being said I am just making a correction that four times greater than required amount of lot needed is not four times greater than what is proposed for the application.

Mr. Duffy – Noted.

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.

Mr. Lagana – The goal here is to show how suitable this site is for this assorted uses. The governing body approve these uses we are slightly over on the manufacturing we satisfy the cultivation we satisfy the retail. We have an abundance of parking we have a parking layout that is conducive to the proposed uses in that the rear parking field will fit the employees of the uses that are going to be located at the rear. Those manufacturing and cultivation uses will have separate entrances at the rear they'll be no members of the public back there except for the employees and we have sufficient loading and we have sufficient refuse for location as well as truck circulation and we have sufficient emergency access to the rear of the building. We are implementing handicap parking spaces and EV parking spaces where none currently exist. We are next to a cemetery a mall and on Route 46. The access point off of Route 46 has sufficient room to maneuver due to the mall. There are minimum variances for the signage we are not touching the actual location of the sign it's been in existence for several years we're simply changing the sign face to be how we indicated the Dispensary at Saddle Brook in place of the Staples that's it. Very

minor changes to the site I hope that the Board sees the benefits of this site as compared to other sites and will look favorably on the application.

Mr. Duffy – I want to come back to one thing really quick because it's the parking on the side and the spaces that Olympic are now engaged in how is that getting handled? If I remember correctly some of the spaces they come in about eight feet into the property in question.

Mr. Lagana – There are three parking spaces on that side that are angled parking spaces.

Mr. Duffy – Okay.

Mr. Lagana – Again being an offsite improvement we can make certain suggestions on how to correct it and better than what we have done that. We really can't be bound by offsite improvement but we will attempt to do that.

Mr. Duffy – It's Olympic Pools property not yours.

Mr. Lagana – Correct.

Mr. Paparozzi – The engineers plan was revised to show parallel parking so the parking doesn't extend into the Staples lot but I think there was supposed to be some sort of an easement because they have to in order to get out of their spot they have to be on the Staples property. I thought that one of the witnesses had mentioned something and it might have been Mr. Catania that there was going to be some sort of easement because they had mentioned there was going to be a sign that they can't enter and exit that way they still have to get out of their parking space and enter the Staples property just to leave.

Mr. Lagana – There are certain things we can attempt to do but we can't force a next door neighbor to abide by certain conditions of this Board because it is an offsite. We can attempt to make a better condition we're still beholden to what that neighbor will allow. They are not here tonight they're not providing any recommendations but we're trying to make that a better condition. In terms of an easement I don't think my client could be bound by entering into an easement agreement with a property owner that has not indicated as such to this point.

Mr. Schilp – Behind the pool there is also a big parking lot back there so every time they access the parking lot they're going to be driving on your property or they're going to have to eliminate those parking spaces.

Mr. Lagana – Which is a very doable thing.

Mr. Schilp – They talked about putting big vents out the side of the building how far do they stick out in the roadway because I've seen some that are quite large.

Mr. Lagana – I can't answer that question I don't have the dimensions of that ventilation system

Mr. Catania – I can't tell you exactly how wide they're going to be but I can assure you they will not be wider than the steps.

Mr. Schilp – Thank you.

Mr. Duffy – The sign The Dispensary of Saddle Brook, LLC that's on the sign also?

Mr. Lagana – Yes.

Mr. Duffy – This doesn't show that it just says The Dispensary of Saddle Brook.

Mr. Catania – It's not saying LLC.

Mr. Duffy – But it's got to say Saddle Brook.

Mr. Lagana – Yes.

Mr. Duffy – You have to do it if I understand correctly you do not have a choice.

Mr. Catania – That's correct.

Mr. Duffy – That's the way the law is written.

Mr. Catania – Any way you advertise has to be identical except whether it's an LLC or corporation it has to be identical to the license holder.

Mr. Duffy – Can we shrink Saddle Brook?

Mr. Catania – I can do whatever you guys would like. Saddle Brook is on there because I'm required to do it.

Mr. Duffy – That's because you named it that way. That's how the requirement came into play.

Mr. Catania – But I have to.

Mr. Duffy – I know I just you know it's not our dispensary it's not ours. You're not going to win this argument from me it's not our dispensary if this goes forward that's something I want to see.

Mr. Catania – I have no problem.

Mr. Lagana – We can even do a dimming of the colors so the dispensary is.

Mr. Burbano – I believe you were the one who testified in regard to the parking something about knowing the gentlemen from the pool side and you had some testimony prior regarding that could you explain what that was?

Mr. Catania – I did have conversations before he indicated before they've been there forever and two of the brothers owned it and supposedly one of the brothers uncle was selling it to the other brother's son who is a very close friend of mine unfortunately there has been no discussion with that what I can say though is that the ingress and egress to the rear of our building absolutely can be done within our property rights and we will not have to go over to the pools property whatsoever. If they remove their parking spaces on the side they have ten feet which is more than enough for a vehicle to go back and forth to the rear parking lot but then again I have no problem working some kind of license agreement with them and coexisting.

Mr. Duffy – In regards to that it's not really in our scope either that would be between the two property owners.

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. Tokosh – Is there going to be a sign in the sales area saying that no product is permitted for use at this facility?

Mr. Catania – We are required by the CRC not only in the front of the building but on the rear of the building where we have certain directives and one of them is no cannabis or vaping permitted on the property.

Mr. Duffy makes a motion to approve the application with the following stipulations. First in regard to the sign that The Dispensary of Saddle Brook the Saddle Brook would have to be reduced to no greater than 10 inches. The coloring of the letters will be such that they do not stand out so it would be a halftone white lettering. There will be under no circumstances the granting of any license to allow consumption on this property.

Mr. Catania – We have no objection to that and as the law stands right now the state leaves that to the municipality.

Mr. Duffy – Do we have a second?

Mr. Burbano seconds the motion.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh - NO

Mr. Burbano, Mr. Manzo, Ms. Nobile, Mr. Duffy – YES.

The motion does not carry and the application is denied.

Mr. Duffy asks for a five minute recess.

### **B.) Deugen Development, LLC, 210 US Highway Route 46, Block 120, Lots 2 & 3**

Applicant requests a Self-storage which is not a permitted use in a B2 zone; therefore, this would be an expansion of a non-conforming use. Repairs to vehicles are prohibited in this zone, the applicant is also proposing 4 stories when two stories are permitted in a B2 zone the floor area ratio is proposed at 1.21 when .25 is permitted in a B2 zone and Bulk variances for parking and lot coverage will also be needed. **(Applicant was carried from the April 3<sup>rd</sup> meeting but has requested to adjourn and be carried to the June 5<sup>th</sup> meeting.)**

Brian Chewkaskie the attorney for this application comes forward.

Mr. Chewkaskie asks whether the 2 Board Members that were not present at their last appearance were able to vote on this application.

The Board Secretary confirms that both Mr. Burbano and Mr. Tokosh had listened to the recording of the meeting and signed a certification of transcript with respect to this application.

Mr. Chewkaskie – We submitted an amended application and submitted revised drawings and updated reports in response to the comments that we received earlier from the Board's Professionals. Those were submitted on May 19, 2023. What the Board should have, are revised drawings prepared by Stonefield Engineering which is May 19, 2023 and Architectura which is May 16, 2023.

Mr. Duffy asks if they had renoticed for this appearance.

Mr. Chewkaskie – We did renotice we did provide copies to the Board Secretary and the affidavit of publication I do have the original here.

Mr. Cialone says that they were not required to renotice but he has reviewed their notice and there is no issue with hearing the application.

Mr. Chewkaskie – In an abundance of caution we renoticed because we amended the application and we added another floor to the building. The reason that was done is we eliminated the basement area which exists in the facility today so we have no basement and we don't have to worry about the utilities or fire access to that area so that is the reason it was done. Tonight we have testimony as to the amendments of Mr. Roncati and Mr. Mutch. In addition I have Alan Cotto here from U-Haul the facilities manager who will testify as to any operations questions the Board may have. We did receive updated reports Neglia May 30<sup>th</sup> and Mr. Paparozzi on May 31<sup>st</sup> and we're prepared to address those items although most items in the prior report were addressed with resubmission. Unless there are any questions of me I would ask that Mr. Roncati be sworn in.

Mr. Cialone notes that Mr. Roncati had testified at the last hearing and is still under oath.

Mr. Chewkaskie – At the last meeting we were up to A4 this is part of the submission so I don't believe we want this marked that Mr. Roncati will be testifying to.

Mr. Chewkaskie – Mr. Roncati you testified here at the April meeting correct.

Mr. Roncati – Yes I did.

Mr. Chewkaskie – Subsequent to the April meeting there were revisions to the building itself correct.

Mr. Roncati – Yes that's correct.

Mr. Chewkaskie – It does not appear that there were any changes to the footprint of the building am I correct?

Mr. Roncati – That is correct.

Mr. Chewkaskie – Could you describe to the Board what revisions are depicted on your drawings of May 16<sup>th</sup> and what the differences are between what was submitted in April and what you're testifying to today.

Mr. Roncati – I have a brief presentation this evening the changes to my drawings surrounded the elimination of the lower level which was a topic that came up here at the last hearing. We've eliminated that lower level in its entirety we've moved everything up to a new fifth floor of the building. Essentially we took the square footage on the lower level basement and moved it up to the top of the building so right now we're proposing a slab on grade construction everything's been moved out of the lower level including utility entrances and of course the self-storage was down there. I submitted drawings A101 through A107 updated as Mr. Chewkaskie mentioned with May 16, 2023 date. These drawings are on the easel. The footprint of the building has not changed there are some small engineering changes that were made in the site plan and our site engineer will speak about but nothing that impacted my building at all. There was a discussion at the last meeting about utilities running under the building and because of the removal of the lower level we won't need to deal with those either so we don't have to run those utilities through a basement space in the building. The building didn't change in footprint it didn't really change on the exterior except for the additional height so everything that I testified last time with respect to program spaces, the entrance location, the loading areas for the customers, the covered loading area, the trailer hitch installation bays all of that stayed the same. I have drawing A106 on the easel everything

again is the same about the building in the left hand corner in this rendering. The glass display boxes are the same the colored panels that were part of the new U-Haul Corporate Logo and exterior program are all the same. The signage has not changed on the building the location of the loading doors entry doors on both side and then the area into the trailer hitch installation garage all of that remains the same. The difference from the last time we were here is really the top of the building. The building is simply taller. The amount of glass on the corner the location of the metal colored panels on the side all that stays the same it's just this band at the top representing that fifth floor that's been added. The building was increased in size we're now at 156,320 square feet this is for two reasons one the lower level basement was a smaller footprint than the upper floors. It was a smaller space to begin with. While we took that away and added another floor to the building we kept the size of the footprint below so we've had a small increase. Also on the ground level we lost a little bit by way of storage space so the net increase in self-storage space is actually not as great as the net change in the overall gross square footage and I can show you that on sheet A101 which I now have up on the easel. At the top of the page is Route 46 the back of the building is at the bottom of the drawing. In this area here that I've indicated this was our showroom in the corner of the building this is the west corner of the building. The D&R area is where those trailer hitches are installed indoors. We had a refuse area here but because we moved all the utilities out of the basement we added a fire service room, a water service room, gas utility room and electric room so those spaces were brought up from the lower level and they're taking up what used to be self-storage lockers and that's the only change on that floor. The fifth floor is exactly the same as the second, third and fourth floor of the building and I've described them previously. The height of the building is now 63' 11" to the top of the parapet. The roof is actually at 57'. In the original plans that I submitted only one more change which was coordinated with the site engineer. I'm now showing sheet A105 these are the south and west elevations of the building. Originally the roof pitched from front to back 188 feet in one continuous slope and was picked up by a gutter and one of the engineering comments that was made was where is all that roof water going. The corporate standard is to provide one continuous sloping roof in one direction really wasn't that practical here given the length of the building so what we did was we went back to a flat roof so instead of being four feet higher in the front requiring an even higher parapet wall I brought it down to be a flat roof which like the building here today is pitched to interim roof drains eight roof drains water is collected in a pipe through the building and taken outside into the storm water system designed by our site engineer. So instead of all that water, ice and snow sheeting off in one direction it's now collected in a more normal fashion to eight roof drains brought down to those pipes. That's one of the changes on our site engineer's drawings is picking up all of those storm water runoffs. Other than that everything I presented last time remains unchanged.

Mr. Chewkaskie – One question that was raised at the last meeting by the Chairman that we added a safety railing on the roof.

Mr. Roncati – Because of that condition with a flat roof we have a 42" parapet all the way around the roof so there will be no point where you could fall or walk off the roof.

Mr. Chewkaskie – I have no further questions for Mr. Roncati.

Mr. Duffy – Any Board Members have any questions for this witness?

Mr. Schilp – We had talked last time about putting vent fans in the two stair towers so that if there were a fire in the building we could vent out the stairway that we're not using rather than breaking out some of your big windows.

Mr. Roncati – I do remember this conversation but I think it was for roof access and we said we would put a ladder and a hatch for that alternatively would work for a smoke purge. I don't think we discussed that specifically.

Mr. Schilp – No alright.

Mr. Roncati – You're talking about hatches in the actual stair towers?

Mr. Schilp – Yeah so there would be access to the roof. You could go up there and open the roof up and it'll vent.

Mr. Roncati – Oh you mean manually cut the roof from the roof to let smoke out.

Mr. Schilp – No I'm talking about so that the stair tower at the very top you're going to have a hatch to open so we can vent.

Mr. Roncati – Correct that's what we said we would do.

Mr. Schilp – Was there any consideration about putting some kind of fan in that stair tower to either blow or suck so if we entered the building and the fire was in the north side of the building we could set the fan in the north stair tower and blow down open the door on the other side and then open a vent and suck it out the other side.

Mr. Roncati – Typically stair towers are pressurized which means air is blown into them to keep them the higher pressure so smoke can't get drawn into them while people are evacuated.

Mr. Schilp – Okay.

Mr. Roncati – If you're looking for a negative pressure smoke evac fan I would suggest we put that somewhere within the floor plan on the roof not in the stair towers but it could be tied into the fire alarm system and could be activated by the first responders.

Mr. Schilp – Yeah something like that because it's a huge area and to try and vent the square footage up there it's a lot.

Mr. Roncati – It goes without saying just for the record and I testified to this last time we have a type 2 construction building so it's noncombustible and we're fully fire suppressed.

Mr. Schilp – I agree but I've seen buildings that are fully fire suppressed and once it gets going if the sprinklers can't keep up and you don't know I mean these places are all open on top so the fire goes up and if there is a tremendous amount of furniture in every one or paper storage the sprinkler system can't handle it.

Mr. Roncati – Certainly, we can do that.

Mr. Schilp – It's a request if it could be done that's really nice.

Mr. Roncati – No problem.

Ms. Murray – Two housekeeping you have fourth floors twice on the north elevation and fourth floors twice on the south elevation.

Mr. Roncati – On A103 we have floors.

Ms. Murray – No A104 the elevation.

Mr. Roncati – Oh on the elevations we repeat fourth floor you are correct.

Mr. Burbano – Are you putting convenience outlets in the hallway?

Mr. Roncati – No.

Mr. Burbano – So there won't be any convenience outlets.

Mr. Roncati – The only convenience outlets are for staff that would then be used for polishing or sweeping floors for example. They're not in the lockers they're not intended for use by anyone in the locker. Activities that would require electric are prohibited.

Mr. Burbano – I build storage facilities and I'm an expert on them and what we find is when there's outlets in the common areas fires people are using them for heat in the winter time it causes fires. We have a lot of facilities that burned down for that and then people use them to set up TV's with very long extension cords so in all the facilities that we manage we are taking them all out just for a safer facility so it's just a recommendation.

Mr. Roncati – I think that's a great point I would suggest perhaps we could have if we do have outlets we could use lockable boxes that are only accessible by staff. Instead of eliminating them entirely and running power cords for 100 feet.

Mr. Burbano – Yeah that's something you could do we've been eliminating them or in some cases we put them up high to make it inconvenient for people.

Mr. Roncati – Okay.

Mr. Burbano – Is this going to be a 24 hour facility?

Mr. Roncati – No.

Mr. Burbano – Okay.

Mr. Roncati – We're not 24 hours.

Mr. Chewkaskie – Correct.

Mr. Saad – I'm not sure if this is you or the engineer but we spoke last time about a sanitary sewer that runs underneath the building.

Mr. Roncati – Yes.

Mr. Saad – Was there any further information found?

Mr. Roncati – I'll let him address that I touched on it only because eliminating that basement level meant we did not have to dig around it or relocate it we can leave it in place but I'll let him address that.

Mr. Chewkaskie – Mr. Chairman I stand corrected I pulled out my notes the hours for the retail operation is Monday to Thursday 7 to 7 and also Saturday. Friday is 7 to 8 Sunday is 7 to 6 and the self-storage is 24 hours a day with a security access.

Mr. Duffy – Okay. Access to anyone renting a storage compartment that's 24 hours a day they can access.

Mr. Chewkaskie – There's a security access and also cameras when the people are coming in.

Mr. Burbano – Do you have an office or is this going to be a kiosk site?

Mr. Cotto comes forward to answer the question. He is still under oath.

Mr. Cotto – We have a showroom where the customers come first.

Mr. Burbano – All the rentals will be done through the showroom.

Mr. Cotto – Yes that's correct.

Mr. Burbano – This is going to be a site run by U-Haul or it'll be a managed site?

Mr. Cotto – It's run by U-Haul.

Mr. Paparozzi – If I added correctly the units went from 1260 to 1338.

Mr. Roncati – 1338 storage lockers.

Mr. Paparozzi – So then A101 the proposed mix has to be revised you didn't put a fifth floor on there and need to change the 1260.

Mr. Roncati – Right to 1338. I will stipulate for purposes of testimony the first floor is 199 and that's a smaller floor gross area is also smaller yield for self-storage because it has those other use the office, the D&R, utility, loading etcetera and then on the second floor 287, third floor 284, fourth floor 284, fifth floor 284, Mr. Paparozzi is correct 1338 units.

Mr. Paparozzi – That's all I have Mr. Chairman.

There are no further questions for this witness.

Mr. Duffy – Can I have 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.

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

Mr. Chewkaskie – Mr. Chairman our next witness is Paul Mutch who also testified at the April meeting.

Mr. Mutch is still under oath.

Mr. Chewkaskie – Mr. Mutch you testified at the April 3<sup>rd</sup> meeting correct.

Mr. Mutch – I did.

Mr. Chewkaskie – As a result of what occurred on April 3<sup>rd</sup> the application was amended.

Mr. Mutch – That's right.

Mr. Chewkaskie – You also updated your various reports and submitted revised drawings on May 19<sup>th</sup> correct.

Mr. Mutch – That is correct.

Mr. Chewkaskie – Could you advise the Board of what revisions you made and what issues that were raised in the professional reports that were addressed in those submissions.

Mr. Mutch – The site plan update that we made were relatively minor based on the discussion with the Board and the review letters by the professionals. We've reviewed the updated reports and we intend to comply with all the comments in those review letters. What we did add plantings to the rear of the site there was a discussion point in the previous meeting so there has been an evergreen edge added in the rear to acknowledge the park and the neighbors and kind of block where some of those stored vehicles have been located. What we've done in this application and what we'll hear from our planner as well is we've located the proposed U-Haul sign. Essentially just picking up the previous U-Haul sign and putting

it in the grass areas created as part of this application outside the parking area the same size scope and height. There are some variances associated with the area and the height of the sign but it does match what is on the site today it's just a relocation and reconfiguration of the building and parking lot. Those are the main items we updated on the site plan and we come this evening with a little more information to address some of the discussions we had on parking and other operations that we had on site. I think it's important to talk about the fact that the parking associates with the increase in the building square footage as well the increase in the storage units itself. Just in general when we look at these different types of sites and self-storage facilities the parking demand for these facilities doesn't really correlate to the number of units that are provided. We studied these self-storage facilities in the area in the past we have some data that we've looked at in the past from sites ranging from 180,000 square feet and in upwards of 1500 units and overall in the ten sites that I'm looking at in front of me here what we found is what is on the record from the previous meeting is that typically the parking demand for these facilities is somewhere in the range of one per 12,000 square feet of the building. That is what we provide that's what we look at that's really the sweet spot of parking. So you're talking about thirteen spaces for a facility of this size typically what's supplied. It's important to note again that we have 18 parking spaces proposed as part of this so there's kind of two reasons for that first of all we do have a small retail component and there may be some minor parking there or some transition between you're getting your hitch installed or things of that nature so that parking demand will be more in this case than what is existing at the site but to accommodate I think we can just go with 12 spaces so there are 11 spaces provided along the frontage for that use as well as storage uses and then there's dedicated spaces and covered spaces by interior loading bays that brings our total parking to 18. In all of the sites we've studied and taken physical parking counts at these self-storage facilities in areas like Paramus, Norwood, River Edge facilities in those areas the maximum we have seen any of those require parking was 18 spaces total at any one time and that was associated with a much larger facility than 185,000 square feet. What I'm trying to put on the record that a one per 12,000 is a typical parking allotment for a use of this nature. We have seen that here because we acknowledge there is a little bit more going on at this site than that we feel that the parking provided for this site for all of the U-Haul operations as well as the self-storage operations that's going on here is sufficient for this site we think it will be successful. The increase in the square footage of this building again the self-storage component of this is a big part of what this redevelopment site is going to be. It's a very lazy and low traffic generator from a traffic perspective so that increase in that gross square footage that occurred as part of this application and the revisions we have made you see one to two cars added in the peak hour over total and you're talking cars that are total trips is 27 in the max peak hours you have 13 or 14 cars coming in or leaving at peak hour so it is a very lazy use it is again a big reduction from what the existing was used for all that truck repair. We're replacing a pretty intense use with something we feel is much calmer and much lower traffic generator. The parking as well as the traffic regardless of the increase in size what we've done here is appropriate. To continue down the parking track that we're having and some of the questions that were raised by the Board in the previous meeting we've brought another exhibit which is marked A5. It is an updated site plan. Then A6 is the U-Haul equipment storage exhibit and this is a further detail for the Board of how equipment is going to be stored on site and where employees are going to park and things of that nature so we tried to colorize this exhibit to give a general layout of the different vehicles that we have on site. We've also given a breakdown and quantity of the different vehicles that are going to be provide on this site at any one time. What we displayed here is that there's 54 total vehicles that's about the count that's there now that's the count that we proposed when this site is redeveloped and those 54 vehicles in this orientation and in several other orientations can be housed within the shunting lanes that we show on this site. I think it's going to be a significant improvement over the existing site where the trucks are more haphazardly placed along the site and things of that nature. What we've done now is we've cleaned up the front of the site and the focus of the shunting lanes will be in the rear and with the extra room that we have we've located a couple of employee owned parking signs to accommodate the employees. We're only going to see four employees on the site at any one time so we'll figure out how the parking is going to work based on the shunting lanes but there is sufficient room not only to park the employees but to also have different

configurations of these different vehicles that we're going to have to provide onsite. A big improvement organizationally for the site. I wanted to present that to the Board to make sure there is a little bit more information than just how the site is going to operate with the equipment which we have out on the site and if there's any questions I'll be happy to answer.

Ms. Murray – Could you point out the employee parking?

Mr. Mutch – In the bottom of the site there are two areas on either side of where the trucks will be stored and that will be employee parking spaces. There's also another space on the top left where next to those blue areas that employees could park so again where looking at about four employees if they all drove which is not the case of the current employee base there is sufficient area on the site to park those vehicles.

Mr. Chewkaskie – Mr. Mutch it's my understanding that those areas will be appropriately marked for employee parking.

Mr. Mutch – That's correct.

Mr. Manzo – You say you're only going to have four employees.

Mr. Mutch – Yeah onsite at any one time.

Mr. Manzo – That's in the retail and installing trailer hitches.

Mr. Mutch – Yeah four of them.

Mr. Manzo – Okay.

Mr. Chewkaskie – One other question that came up during the previous hearing there was Mr. Manzo raised that there's a sewer line that goes under the building were you able to investigate that?

Mr. Mutch – We are in the process of investigating that the records are just not producing any real information on that so there's been notes and things added to the plans as well as removing the basement. That pipe will be located during construction they'll be protected during construction to ensure it the records just it's rough to find exactly where it is. As we gear up for construction there's different methods we can use to locate it to make sure it's protected.

Mr. Manzo – There's a manhole near the truck place next door and that'll show how the line runs and then it goes right out to President Street. It's a clay pipe it's got to be a hundred years old.

Mr. Mutch – Exactly that's why it's tough to locate so during construction just to ensure that it's not in or near a foundation so it doesn't disturb it.

Mr. Chewkaskie – Mr. Mutch I guess you also updated your storm water management reports and your reports for sanitarian water service that's existing there.

Mr. Mutch – That's correct.

Mr. Chewkaskie – I have no further questions for Mr. Mutch.

Mr. Duffy – The U-Haul equipment are these blue boxes correct.

Mr. Mutch – That's correct.

Mr. Duffy – So two pickup trucks fifteen moving vans those are your ten footers eleven moving vans and fifteen where's the auto transporters?

Mr. Chewkaskie – The vehicles will sit on these trailers.

Mr. Mutch – Yes that's correct.

Mr. Duffy – What are the moving vans?

Mr. Mutch – I can have Alan come up and detail what the different vehicles are.

Mr. Duffy – Yes I'd like to hear that.

Mr. Chewkaskie – Mr. Cotto at the last meeting you testified as to the equipment that is currently on site correct.

Mr. Cotto – Yes.

Mr. Chewkaskie – In addition that equipment is proposed to be on the site to rent so the plan that was prepared by Mr. Mutch identifies a number of items perhaps if you could walk us through and tell us what those items are.

Mr. Cotto – We have two pickup trucks a GMC or Dodge. We have also cargo vans, the fifteen foot moving van, box truck and we have also a twenty foot box truck, we have open trailers, we also have an

open trailer with a ramp, we have a utility trailer which is 4 by 8 that's a closed trailer, we also have the van trailer it's a 5 by 8 enclosed trailer, we have a tow dolly and the auto transport.

Mr. Duffy – Thank you.

Mr. Burbano – How many employees do you currently have on site now?

Mr. Cotto – It's about five. Five to seven but they're never there at the same time.

Mr. Burbano – So you generally have how many at the same time currently?

Mr. Cotto – Right now probably three.

Mr. Duffy – So the employee parking you have upwards of four employees can park.

Mr. Cotto – Yes.

Mr. Duffy – Is there any overlap is there shift work do they work twelve hour days?

Mr. Cotto – It's two full timers everybody else is part timers.

Mr. Duffy – So you've only allocated parking for four so you didn't take into consideration any of that overlap with part timers.

Mr. Burbano – Where do the customers park?

Mr. Duffy – They're up in the front I believe.

Mr. Burbano – You have 206 units you're going to need at least two employees to manage the storage for 206 units but usually there's two employees managing a site that large.

Mr. Cotto – Our world has changed where a lot of our stuff now is mobile app so we can scan the whole facility within a half an hour. The customer they move in and out by themselves on the phone so we took a lot of that hard labor that we used to pay for it with all of the technology we have out there now. I understand what you're saying I've been doing this for 24 years and in the beginning at this same facility we had 40 full timers. Obviously, the world has changed for us so everything is mobile right now and the housekeeper will be in the facility for about three hours and she can cover that whole place.

Mr. Burbano – It's more of a kiosk operation.

Mr. Cotto – It's more of a do it yourself you can scan pick up a van yourself you can return it yourself and it's nothing like charging yourself.

Mr. Duffy – Thank you. Does anybody have questions for Mr. Mutch?

Mr. Burbano – I was listening and maybe I missed it but there's no security gates in this there's nothing securing the site like overnight it's just a fully open area you're just going to use keypads to get in and out.

Mr. Mutch – Yeah the doors will be locked but there's not a security fence and a lot of the reason for that and I think what you're getting at is a lot of self-storage facilities today have exterior units that you access garage doors on the outside we don't have any of those here it's just interior loading doors everything is locked unless you have an access code after hours.

Mr. Burbano – Yeah no it's just the thing that bothers me is the 24 hour. In 24 hour facilities you have a lot of criminal activity when there's no management around at night so what the gates are for is you still have the gate access to get vehicles in so the items are not stolen and then you have the door access which allows people to get in and out so with the 24 hour and zero oversight at nighttime that's when you're going to have all the issues and there's going to be a lot of issues with regards to the 24 hours and the very minimal security. Anybody can get gate access.

Mr. Cotto – I can speak to that currently every customer has a swipe access card which they go in and out which gets centrally wired to the alarm room in Phoenix Arizona. Every person coming in and out of that facility is swiped in so if someone may come in at two in the morning the general manager of the facility gets a printout of who came in after hours. There will be again that's access that's given by that one person. Not every single person can come in and say I want to have 24 hour access they have to be qualified.

Mr. Burbano – What do you mean by qualified?

Mr. Cotto – What is it going to be for what is your current address right now. We don't want anybody storing motorcycles or anything that's hazardous in the facility. So we have a good tight knit on things coming out of the facility. Our security is by far individually alarmed rooms we're probably the only one in the industry that does that. We know that a room opens and who did it and what time it's unprecedented.

Mr. Burbano – I understand that and like I said I deal with fires I deal with meth labs I deal with everything inside these facilities that's why I was talking about convenience outlets because obviously without the convenience outlets there's a lot less they can do in the facility but at nighttime like we approved something on the Board here on another part of town and it restricted to the hours because of all the issues that you have at night. Now you're in a desolate area on Route 46 where there's not many people around and you're going to have people going in those garages and hanging out of those garages at night the managers may get that report in the morning but by then it's too late. Whatever activity happens it happens. Those garage doors are probably on a ten minute timer fifteen minute timer you're truck exits at two o'clock in the morning for the next ten to fifteen minutes anybody can walk into that facility. They may not be able to pierce the net level of your security but they can hang out in there all night they can do drugs all night.

Mr. Cotto – The alarm will be set at one hour in the facility alerting us that we do have somebody on the site right now and they will call into the general manager or we have a rotating crew to make sure we're protecting the facility. Obviously, there are people that like to wander around but we get them out of that facility. We're kind of a one strike kind of deal you have to get out of there. Our facilities are built for family members and families who don't have time to get in that facility at 7 am because they're working all day and they want to go in and grab their Christmas gifts to surprise their kids.

Mr. Burbano – At three o'clock in the morning.

Mr. Cotto – At three o'clock in the morning you'd be surprised my wife does it every year for some strange reason.

Mr. Burbano – I'm just trying to protect Saddle Brook.

Mr. Cotto – I'm trying to protect the community more than anything.

Mr. Chewkaskie – If I may Mr. Burbano to follow up. There's currently storage at that facility today correct.

Mr. Cotto – Yes.

Mr. Chewkaskie – Is that the way it's been operating?

Mr. Cotto – Yes.

Mr. Burbano – How many units are there now?

Mr. Cotto – A hundred and sixty one.

Mr. Paparozzi – I brought this up last meeting and I'm going to bring it up again for I guess Mr. Mutch or Mr. Cotto. You have 1338 units it's been my experience and the towns that I'm working in that the self-storage there are I'm not even going to say a lot out of 1338 units let's say there are 100 that are rented by contractors now they all start working between six and seven so even if there are 100 units rented out to contractors how do you deal with that at six or seven o'clock in the morning at this site with 11 spaces in the front of the building? I know this is proposed but I've been to the site several times and there are U-Hauls on the east side of the building that I have to go on the other property to get off. It looks like it's crowded now.

Mr. Burbano – People are parking in the customer parking overnight.

Mr. Paparozzi – That's true and you're going to have people dropping off cars and people have to follow somebody who is dropping off a car so they can get back home or wherever they're going. Anytime there's a drop off its two cars the U-Haul and somebody to pick them up. Just contractors in general even at 100 units and there are a lot of small units which are very attractive to contractors and if they're all six or seven o'clock it looks like it's going to be a traffic jam. Right now like I said this is their site and I have to go on the other property to get off and its one story and 161 units you're going to 1338. You're going to have a business you still have the U-Hauls I don't want to be naïve but it doesn't seem to fit.

Mr. Mutch – I think to speak to the condition of the site today that the entire purpose of this project is to clean that up make it efficient and to provide dedicated spaces for the small trucks. When you see the site they're everywhere right now this site plan exhibit you're looking at is something that will address that issue. As far as the contractors lining up in all the self-storage facilities that I've worked on I just haven't seen a condition where you have all interior units no exterior garage units no convenience outlets the contractor issue has not been something that I have experienced at one of these sites it's just not a convenient use for a contractor to access the building go into a locker grab their things and leave. It

wouldn't be a daily occurrence in my opinion. If you have the exterior lockers and you back up a truck load things in the back I would agree it's a different facility I'm sure Alan is going to stand behind me and say the same thing of what they're looking for but for this type of use all interior units they're meant for residential use and I just haven't in my experience in these types of internal storage have an issue with contractors in the past. We've counted these sites and we've done traffic studies on these sites it's not something that we've seen in our experience.

Mr. Saad – Is the retail use still closed?

Mr. Mutch – It is yes.

Mr. Saad – On your initial sewer and water calculations you submitted proposed calculations indicating that you would have 3414 gallons of sewage per day and that you would need 4174 gallons of water per day.

Mr. Mutch – Yeah I can speak to that it was a mistake of the calculation in there within the entire footprint as retail that's not what it is so what we tried to do is address in an updated version of both of those reports we tried to look at what the actual demand of this site is. We do anticipate it will be very similar to what's out there today. The retail aspect of this does not have a bathroom it's not something that people with public bathrooms or anything in the retail. That's why we're trying to look at this from the definition that we laid out in there as far as you look at this as a mini warehouse and the other components that exist there you get an accurate demand and allocation of things here. We think it's going to be comparable we do not think it's going to overload the system we're just trying to get a more accurate number certainly far less than the three and four thousand that we submitted previously.

Mr. Duffy – How many units are currently there?

Mr. Mutch – One sixty one today.

Mr. Duffy – All rented?

Mr. Mutch – Yes.

Mr. Saad – Just continuing off of that I still see the problem with the previous 3414 compared to 350 now it's a big difference.

Mr. Mutch – I think it's a blatant mistake that we made the first time and we're happy to work to see what the number is but I would have to say it wouldn't far exceed the 350 if we do come up with a different calculation but it's nowhere near the three thousand because the retail component we didn't even calculate it into the calculations that small area in the front corner so it would increase the number but again I think the system we're discharging to can handle it and we're happy to kind of work that number out or whatever the Board Professionals are comfortable with. It's certainly going to be far less than what was submitted originally which was a mistake and was tenfold more.

Mr. Saad – So the original was a mistake.

Mr. Mutch – Blatant mistake correct.

Mr. Saad – And the revised?

Mr. Mutch – It's much closer to reality this facility will be new so we understand there could be a plus or minus there. We're happy to work with you on it but the initial report was in error.

Mr. Saad – Speaking on the existing system you said you didn't find anything new regarding the sanitary sewer. You added a couple of labels to where it is now right now what I see is a sanitary sewer that is connected to two buildings we don't know where it goes. Our typical request with additional sanitary sewer loads is we want a line cleaned and televised. We want to know where it is where it goes where we discharge and we want to know if the existing main that the town owns can take those additional flows. As of now we don't have any of that information and we need to know where it is and what the projected flows are and if the existing line needs to be upsized.

Mr. Mutch – We intend to reuse the existing lines and is what we've shown on the plans and we do intend to comply with that comment to televise and provide that information. If upsizing is needed obviously we'll do it we feel that the waste flowing from this building is going to be comparable to what's there now. That information we are happy to provide as a condition of approval.

Mr. Saad – If it is found there is a sewer running underneath the existing building can you reroute it?

Mr. Mutch – That would have to be determined as we gear for construction depending on the depth and other things. We can agree to something that once we locate it we get the height of it and that sort of thing we could work that out should it be rerouted or is it safe to go under the building which we feel that it is. It's a line that without opening the ground and see if we can locate it based on the records.

Mr. Saad – That's why you've got to run the cameras.

Mr. Mutch – That line we're just still learning where that line is. Our camera can definitely do the line that we know of that's feeding our building the one that's going out of the building is a little bit more of a mystery to us.

Mr. Saad – Okay.

Mr. Mutch – We are committed to protecting it.

Mr. Saad – Okay. That's it on utilities with storm water did you get DOT comments back?

Mr. Mutch – We have not received an updated set of DOT comments.

Mr. Saad – The reason I ask is because we asked for conveyance counts and it looks like you're overloading the DOT system.

Mr. Mutch – What I would say is that the DOT system although it is under pressure it's not coming out of the inlet so we find that to be a condition that the DOT has found acceptable in the past and it's important to note that the proposed project is reducing the overall volume that's going into that system so obviously there's other comments in the report and I'm looking at this a little different that will likely change it the DOT is going to be looking at those pipes as well but we are reducing the overall volume going to those pipes so whatever the existing condition is we are improving as part of this project.

Mr. Saad – Just one comment about that statement is that you are connecting to two pipes in the DOT system. One pipe under existing conditions you're not connected to at all. The one pipe to the west is concurrently the site is connected to that system so you're splitting it up and that existing pipe to the east currently doesn't take any of the load and you're now proposing almost half the site into that system so I just wanted to correct your statement.

Mr. Mutch – I think the intention is to match the existing condition. We're going to look at the comment that was in your review letter as far as the two points of interest being existing on the proposed site and we're certainly going to work with the DOT it's their system and make sure that they're comfortable. They are just as much sticklers on ensuring that the volume is remaining the same in their systems because they don't want you to do exactly what you're saying and take an entire site and put it in a pipe that may overload it so we are committed to making sure that you are comfortable with it and certainly the DOT is comfortable with the proposed storm water management. All I can say is we are introducing a lower volume into the system we'll make sure it's routed to reflect that but it's going to be a slight improvement on the existing condition we're not looking to add any additional flow to any pipe system that we're going to make sure it is a reduction of load on the system.

Mr. Saad – In the prior testimony we discussed vehicle wash areas and additional drains and inlets that would be installed in that location.

Mr. Mutch – We didn't show that as far as these revisions but we are willing to comply with that and we're going to work with you in order for that to occur.

Mr. Saad – My final comment is with respect to emergency access you requested Sixth Street as emergency vehicle access point so we need turning maneuvers for fire trucks coming in from Sixth Street.

Mr. Mutch – Certainly happy to provide it.

Mr. Saad – No further questions.

No one else has any questions.

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

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

Mr. Duffy – Having heard none.

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

Mr. Chewkaskie – Mr. Chairman if I could recall Mr. Cotto again to address two questions we heard.

Mr. Duffy – Okay.

Mr. Chewkaskie – Mr. Cotto you heard the questions from Mr. Paparozzi regarding contractors could you tell us what your experience is at the present facility.

Mr. Cotto – Right now it's pretty much two percent of our facility is contractors and this facility here we give out 26 rooms. Our biggest rooms are 10 by 15 contractors don't like that they down size their warehouses they want big, massive rooms and we're just not in that business right now. We want to supply our rooms to families we're not into contractors.

Mr. Chewkaskie – If I recall your testimony from the April meeting that's what it's designed for these rooms are designed more for a family and a smaller storage.

Mr. Cotto – Absolutely.

Mr. Chewkaskie – Then there was a question from Mr. Burbano about the hours of operation could those be altered at all?

Mr. Cotto – Sure it's 5 am to 10 pm building access not a problem at all.

Mr. Chewkaskie – I think we could eliminate the 24 hour and do 5 am to 10 pm.

Mr. Paparozzi – Mr. Cotto did you just say that you had 26 units out of 161.

Mr. Cotto – No I'm talking about this plan here if you go by two percent of our facility is usually dedicated for contractors if that and right now in this current facility it would be about 26 units if that.

Mr. Paparozzi – How many do you have currently?

Mr. Cotto – Right now I believe four out of 161 and they have been with us for a long time.

Mr. Paparozzi – If you do the percentage that's at least 33 and that's just being light and if there are 33 and they're all at that time does that still not create a bottleneck?

Mr. Cotto – It doesn't.

Mr. Paparozzi – You still have people returning U-Haul vehicles possibly at that time as well. I'm still having problems fitting it.

Mr. Cotto – I understand that and every facility has its own kind of characteristics and I would talk about the facility on 92 Route 46 East in Elmwood Park where we have 236 units we have four contractors two sprinkler companies, one electrician and another one sells boxes of plants and stuff she makes baskets. Again our model has been since 1945 is all of our services to the family not contractors we're not that's not our business we're not the other guys. Our rooms are designed for families at home not contractors.

Mr. Paparozzi – That's true but if a contractor came and asked for a rental you're not going to say no.

Mr. Cotto – No I'm going to have to see the identification but the contractors are going to say our room is too small they want the massive 10 by 30 the big 20 by 50 they want a bigger room right now. All these contractors have down sized their business and they don't want to pay for a store front anymore. It's very minimum of the impact that our facility has with general contractors it's not our business it's not our model.

Mr. Paparozzi – The U-Haul in Elmwood Park is only one story right.

Mr. Cotto – Yes.

Mr. Burbano – Generally with these facilities the contractors want the exterior units they don't want the interior. The further you push the large units the less you'll get the contractors because they have the heavier items. I do agree with Gary that customer parking is going to be a huge issue. I don't know what it's going to do to contractors I think that it's going to be you're going to have customers coming in there in the morning because you have a lot of people storing stuff for their businesses or whatever it might be they're picking stuff up. You're going to have all of the parking spots possibly filled with returns for the U-Hauls you've only got 4 employees on site moving these in the morning that they come in at eight o'clock you're going to get that bottleneck but as for the contractor portion of it they're not really filling these facilities with their big trucks and big ladders and things like that but to your case in point we're not taking away from it you're going to have a lot of parking issues I feel there's just not enough parking spots for customers and all your trucks. You're not going to be able to tell me I mean I'm a customer of yours I appreciate it but I picked up a van in the morning left my car there all day and came back at the end of the day and that's one customer parking spot that's going to be gone and if you have how many trucks on site you know what I mean and three customers leave their cars there it may not be overnight but there's three customer parking spots. I think we need to try to figure out how to get more customer parking spots to help ease the congestion.

Mr. Chewkaskie calls up his planner David Spatz. Mr. Cialone swears him in and he gives his business address as 60 Friend Terrace, Harrington Park, New Jersey.

Mr. Chewkaskie questions him to establish his qualifications and the Board accepts him as an expert witness.

Mr. Chewkaskie – Mr. Spatz what were you retained to do on behalf of U-Haul?

Mr. Spatz – To review the plans the municipal ordinances the Master Plan visit the property and then provide planning testimony for this evening.

Mr. Chewkaskie – In connection with that can you tell the Board what you evaluated and what determined.

Mr. Spatz – I have a photo exhibit that's marked A7 just to refresh the Board as to the property. The top two photographs are of the existing building that indicate the various activities that are taking place. The bottom right hand photograph is looking to the west of our property to get an idea of some of the existing parking as well as the truck storage along 46. The center of that photograph is the Excelsior Catering facility which is adjacent to our property it's a slightly higher elevation. It's three stories in height but the floor to ceiling heights are significantly higher. The bottom left hand photograph is looking to the east again indicating the rest of the property and the current storage as well as the free standing sign which currently exists and is being replaced as part of this application. In terms of variances we are a B2 district which permits the retail use but the self-storage facility which is currently existing on the property as well as the other activities are not. Since we are creating a larger building although with similar uses we are expanding the existing nonconforming use. There are two additional D variances for maximum building height and floor area ratio and then there are a number of C variances which were described earlier lot coverage, maximum pervious service, parking and then the location of the parking and then several that relate to the signs that we're proposing. So looking first at our D variance for use, FAR and height I believe the property is particularly well suited for both the proposed retail and self-storage uses as well as the other activities that are taking place on the property. We are nearly five times the size required for the B2 zone and I'm indicating that not to indicate that the size is big enough that we can it's five times bigger than what we require but that it's a large enough site bigger than what your zone requires that I believe can accommodate the use the larger building on the property as well as the parking of equipment on the site as well and the other activities that are taking place. The same use that we are proposing is currently taking place on the property. Because of that larger site sufficient space is available on the property for the storage of vehicles for rent as well as the patrons of the establishment. Currently vehicles are repaired on the property this is being eliminated as part of the proposed development which I believe is reducing the intensity on the property and again I believe the site can support what we're doing. One of the ways to demonstrate that special reasons exist for use variances is looking toward the Municipal Land Use Law and the purposes of zoning and meeting those purposes who will provide that case for the special reasons and I believe we meet several of the purposes as stated in the Municipal Land Use Law as well as your own zoning ordinance. Purpose A is promoting public health, safety, morals and general welfare. We have an existing facility on the property that is being cleaned up. It's a larger building of course but it's enabling better control of the site which I think enhances that use. Clearly providing self-storage facilities and the rental of trucks is a use that suits the residents of Saddle Brook as well as in the surrounding areas. There are several of them already in Saddle Brook as well the immediate vicinity. I think that it is a use that's needed also purpose G which is providing sufficient space and appropriate location for a variety of uses. As I indicated the site is currently developed with a self-storage facility and a retail shop for sale of moving supplies as well as the rental vehicles which are the two uses we're proposing. The ordinance does permit self-storage facilities on Route 46 just a bit to the west of our property. There's also an existing self-storage facility on North Midland Avenue. So again that's a use that's consistent with development in the area and is typical of a highway development. We also meet purpose "I" which is promoting a desirable visual environment and we certainly do that the site is currently developed with the U-Haul retail and self-storage facility one story building that is not designed to meet the required needs of the use. Smaller facilities with smaller storage lockers and more storage lockers as indicated by Mr. Cotto this is for residential and family use and there is certainly a need for that as people downsize. People have less room in their existing homes they need to store things. Small

businesses as well and so it is a needed use the building is designed to accommodate that. Our building as being proposed will provide similar services with the exception of the vehicle repair and a better layout that improves the use of the property. In 2004 the Township amended the zoning ordinance that created the B3 Highway Business District which permitted the same uses allowed in the B2 District but it added Self-storage facilities so there's an acknowledgment of the need for the uses. That district is just to the west of our property with all the same characteristics of our site including frontage on Route 46 so I think this is acknowledgement that this is an appropriate location for the use and it does currently exist on the property. Your zoning ordinance states that the purposes of the B3 District is to provide for local, regional, commercial, retail and service leads for all the major highway or state highway and I believe our use although the B2 zone is consistent with that objective on similar type of property for what your B3 zone is located in. Let's look at the other two variances D variances that we're seeking in terms of the FAR what needs to be looked at is not whether the use is compatible with other uses in the zone or that we are particularly suited for more intense development what we need to look at is whether the property can handle the enlarged building. I believe that it can. The B2 zone which has a much smaller minimum lot size requirement is designed for smaller uses than what we are proposing and what currently exists on the property therefore there is a much lower FAR standard that we exceed. Your B3 District which now permits self-storage uses allows a much greater FAR than the B2 zone and we are closer to that so I think the building can support that in terms the FAR. We've eliminated the basement and have that fifth story as was described earlier but I think the site can accommodate what we're proposing. There's sufficient area for storage of the vehicles. We provided additional landscaping on the property. What was testified to earlier there's sufficient patron parking but I think they'll be other discussion and potentially we can increase that a bit if that's necessary but there is sufficient area on the site to accommodate all of that. Testimony was provided that the drainage facilities will be provided on the site additional looking at that is necessary but I believe that the property will support that as well. So I think in terms of the FAR that again the site is being developed to provide the use in as more efficient manner and I think we can accommodate that with a more intensive development. Looking at our height variance what we need to look at again is whether the height is consistent with the surrounding neighborhood and I believe that it is as well although taller than what is permitted within your B2 zone your B3 zone. There are self-storage uses with a four story height we are one height greater than that the catering facility which is the closest structure to what we're proposing is slightly higher elevation than us and again has a greater floor to ceiling height although we're still taller we are not significantly taller and we certainly don't dwarf the other uses and it's appropriate I think to for our height. Just as an example on Route 17 there's a public storage facility I think in Rochelle Park their safe storage is by both of the buildings so again on a highway use I think that the height is not inappropriate and I think again can be supported on the property that we're provided. I think the positive criteria are met for the variances. Looking at the C variances, although the site improvements exceed the lot coverage the proposal does provide a reduced coverage over what currently exists. The building is taller but doesn't spread out as much on the property. We've provided additional landscaping which reduces the coverage on the property. There are improved drainage facilities to be located to maintain the increased building coverage and as I indicated additional landscaping is being provided both at the rear and along Route 46. The frontage of our property that was testimony earlier that the drainage conditions on the roof for the whole building will be modified to better direct the rain and water off of that into the catch basins on the property. In terms of parking there is a shortfall of parking testimony was provided by our project engineer to justify the amount of parking we're providing as well as traffic impacts loading zones that are on the eastern side of the building. Patrons of the self-storage facility the spaces abutting the building will be utilized primarily by patrons of the retail spaces and for those who are renting vehicles on site. There was also a significant amount of parking provided at the rear of the property for rental vehicles. There are actually the same number of trucks on site but these trucks are smaller in size and it allows us to provide some additional space for them and again I think there is sufficient additional space both for employees as well as patron parking with a little bit of a look at the layout. Parking is provided in the side yard adjacent to Sixth Street. There is an access to Sixth Street for vehicles over an easement there's really nothing about this access that I think will go

to parking in the side yard. It doesn't impact the adjacent property which is a catering facility and is again a higher elevation particularly to this portion of the site. In terms of signage the ordinance permits only one identification sign along the Route 46 frontage. We're proposing three signs as the photographs indicate that is currently the situation on the property both in terms of a free standing sign as well as the signs on the building which are being consolidated somewhat. Since the use consists of several components retail, self-storage we did feel there was a need for multiple identification signs to help distinguish the various uses for the patrons so when they come they know where to park where to get into the building and the types of facilities that are taking place on the site. As I noted there are multiple signs including that free standing sign which we are relocating due to certain circumstances the height and the size of the sign is being maintained by our proposal so I think the positive criteria exists for C variances. Lastly to look at the negative criteria I don't think anything is substantially negative. The retail store self-storage establishment currently exists on the property but we're not introducing a new nonconforming use into the zone this currently exists. As I stated earlier the existing truck repair operation is being eliminated this significantly reduces the impacts caused by noise as well as traffic. I believe that our proposed use meets the zoning ordinance and Master Plan objectives for the district. The proposed building meets the setback limitations of the zone and I don't believe a taller building will have a negative impact on life, air or open space to the adjacent uses. The catering facility is a fully enclosed facility and it's similar in height due to the larger floor to ceiling heights of that building. In terms of parking testimony was provided that there is a sufficient amount of parking on the site. On site circulation is being improved as part of their proposal. The areas for the storage of various vehicles is being better designated on the site to allow circulation as well as parking, staging of the vehicles, facilities for offloading and other uses so there will not be any adjacent impacts on adjacent roads including Route 46. Lastly the free-standing sign and the retail identification sign I think provide for a safer traffic flow on the site and on Route 46 the additional signs are needed. On balance I think that the positive criteria exists for what we're proposing and it outweighs anything that might be considered detrimental to the development.

Mr. Chewkaskie – Thank you I have no further questions Mr. Chairman.

Mr. Duffy – Mr. Spatz you said our ordinance was four stories.

Mr. Spatz – In the B3 zone allows self-storage.

Mr. Duffy – Allows self-storage but the B2 zone does not.

Mr. Paparozzi – It's two stories.

Mr. Spatz – Right yes. Just indicating for the use it's not inconsistent with your zone which permits it.

Mr. Duffy – You're equating the size of your building to the Excelsior which is approximately how high?

Mr. Spatz – I don't have the exact height it is three stories but I know that our building I've indicated we are taller than that as well. I think the combination of the slightly higher elevation and the three stories of height with taller stories we're not I think out of scale with that even at five stories.

Mr. Duffy – You are taller and that's one of the biggest problems I have. On that entire corridor there is nothing of that size.

Mr. Spatz – We will be the tallest building I agree with that.

Mr. Duffy – How does that benefit Saddle Brook?

Mr. Spatz – I think the use itself benefits Saddle Brook I don't think the height has any negative impact and I think the height is consistent with the other taller buildings along Route 46 the height at five stories is also consistent with self-storage facilities in the general vicinity. The one in Saddle Brook is smaller but in terms of other highway self-storage facilities we are similar in height and in fact smaller than two that are in nearby municipalities.

Mr. Duffy – One is in Rochelle Park on Route 17 you said.

Mr. Spatz – Yes two buildings in Rochelle Park I know there are two facilities in Fort Lee which is a little bit away but again one of them is an old warehouse that's taller than that another one hasn't been constructed yet and I believe is four stories in height.

Ms. Murray – Right down east of this site in Lodi there's a four story storage unit because I checked it out on the way home to see what four stories looks like so it's already tall and it's in Lodi and it's in an area where it's about the same elevation because it goes up and it's tall. Fives a little much for that area

because you have residential right behind it. I have to concur with the Chairman I'd like to understand how more storage units benefit Saddle Brook to have that extra floor there when there's one right east of that and then there's going to be another one right around the corner on Fifth and I don't understand there's not a bunch of people going out and looking for storage units that they can't find. There's another one on the other side of town on North Midland there's storage they're not all full.

Mr. Spatz – I would defer to the U-Haul representatives who feel that they can support this number of storage spaces but I would let them describe that.

Mr. Duffy – Well from a business standpoint of course they're going to support that. We're looking at this also from a different standpoint of Saddle Brook because now we're going to put a building up that's five stories which I don't believe that it's relative between the Excelsior and that building. I don't see that the danger I see is we put up a five story building we allow that and you have North Jersey Trucking next door there's another property to the side now we start oh well we got five let's go six. I mean you know this is Saddle Brook we're not known for super buildings. There's a couple of them around a hotel and so forth but there's an aura about the Town the way it's situated and I personally don't see five stories. I'd be more comfortable with three and that's my stance. The plans are nice and everything is nice. I don't understand 1338 units that Saddle Brook like this is going to benefit the Town. I don't know how it'll benefit U-Haul of course from a business standpoint I absolutely do understand it and I do respect the fact that this is a business in Town and they're here and they want to maintain that business and I'm not trying to say I'm not discounting that. I seriously have a problem with the height of the building and I don't see anything tonight or the last time has overcome that. Any Board members have any questions for Mr. Spatz?

Mr. Schilp – I have a question for Mr. Cotto.

Mr. Cotto comes back up.

Mr. Schilp – On any given day are the number of trailers trucks etcetera that you rent are you full or overfull or are there forty percent fifty sixty how many. You gave us the number of how many vehicles you're going to have on this property on average how many of those are completely with what you got?

Mr. Cotto – It varies it's all really based on demand of the average customer of Saddle Brook moving to and from. We can have fifty-four and it may go up to sixty-four and we have a team that gets it out of there. As far as trailers it's basically supply and demand again we've been able to I like to say being so close to the city and the people wanting to move out of there there's a mass exodus out of New York coming into Saddle Brook and again they're dropping off units they just moved into the community or the surrounding area. Right now self-storage sending someone down the road no one wants storage it's a need and that's the thing no one wishes they had storage today I need something because someone passed away I got to fly in from out of state or drive in from out of state to move my parents out and put them into a place and bring their stuff and I just can't let go. Storage is a need believe me no one wants storage they need it because they downsized and things are just not going right for them.

Mr. Schilp – You show that you can store sixty-three do you ever go over the sixty-three?

Mr. Cotto – It happens it's not regularly it depends on demand but now if we have New York City a lot of communication companies come in and they reroute it from the west coast now and they come from Atlanta they come from the west coast they'll bring in some trailers and we'll get them out of there. It's very rare that we go above that fifty-four number. It's just based on the work and being so close to the city that people are going to be close to Saddle Brook.

Mr. Schilp – Thank you.

Ms. Nobile – The height do you feel that you need thirteen hundred units so you need that height you feel there's a need in our town for that many units in that facility?

Mr. Cotto – There is right now with the way society is right now and our world is changing so fast and people are not owning houses like before. A lot of these houses are being converted into multi-family units now and a lot of these families that are downsizing need the self-storage.

Mr. Duffy – Do you understand Saddle Brook at all?

Mr. Cotto – Yes.

Mr. Duffy – Saddle Brook is not taking single family homes and all of a sudden making them all multifamily dwellings. Saddle Brook is a town that is predominantly single-family homes. Yes we do have multi family but we would know this in this Board people would be sitting here with applications so they could make all their houses two and three family stories.

Mr. Cotto – I'm speaking to Saddle Brook and not Saddle Brook in general just the surrounding area. We're all seeing what Hackensack's becoming we're all seeing what the neighboring cities are becoming with these massive sites.

Mr. Duffy – We're not Hackensack.

Mr. Cotto – I understand that.

Mr. Duffy – This is Saddle Brook and one of our responsibilities as this Board is to defend our town so sometimes stretching these things above and beyond no longer it's not protecting us. We have one that's completed a couple of years ago there's another self-storage approved on Fifth Street so having those two things in place here and then looking at a five story just doesn't for me and understanding the parking implications that are going on. I'm looking at these photos and what the current parking that happens in there I just don't see it. I think that this plan would benefit better if it was scaled back and I get the changing times and I get the family and I get all that. I just don't see how this at that height how this is a good project on that height. Not that it's not a good project it will make 46 and that area aesthetically better.

Mr. Cotto – The fifth story was really based on the prior recommendation with the basement.

Mr. Duffy – Because you lost the basement.

Mr. Cotto – We lost the basement we said okay it will be safer to go up higher for the Fire Department that's what we thought about it.

Mr. Duffy – And I'm also looking at the aesthetics of it and what we open ourselves up to so it's not just a project now it's what would happen to us.

Mr. Cotto – Sure I drive by that facility I've been here for a long time I love the community and it would make it look really nice than seeing a bunch of junk all over the place that the neighbors have we want to make it look good for the community that's what we're trying to serve. We just want to serve the community.

Mr. Chewkaskie – Mr. Duffy if we could finish with Mr. Spatz and I'll ask you for five minutes.

Mr. Duffy – Certainly. Any other Board members have any questions for Mr. Spatz?

Mr. Paparozzi – Mr. Chairman I have an analysis my planning analysis if you want me to or do you want to have a recess first?

Mr. Duffy – I think we're going to go for that recess first. I will do the recess before I open up the meeting to the public on this witness.

The Board takes a five minute recess.

Mr. Chewkaskie – Mr. Chairman based upon what we heard I spoke with the team we are going to reevaluate to see if we can eliminate one story evaluate the number of units and submit an amended application so we ask that with the Board's indulgence to carry us to the next meeting.

Mr. Duffy – Do we have a motion to carry Deugen to our next meeting no necessity to notice.

Mr. Chewkaskie – We'll decide if we need to renote Mr. Chairman.

Mr. Duffy – I'm not requiring it but we have a motion coming up.

Mr. Schilp makes a motion seconded by Ms. Murray to carry the application to the next meeting.

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

Mr. Duffy – This application will now be carried to the next meeting which is July 10<sup>th</sup> and this is without further notice unless you deem that there is substantial difference in the plans.

Mr. Duffy – Just to apprise the Board normally we don't do this but for the sake of this evening to help this applicant along we're going to allow their engineer to provide his testimony and we get this at least started and we'll move it out to the next meeting. If nobody has any objection to it.

There are no objections.

**C.) DDC Investments, LLC, 249-255 U.S. Route 46 West, Block 120, Lots 5 & 6**

The Applicant proposes to annex a 13,926.7 square-foot portion of Lot 5 into Lot 6, thereby reducing the size of Lot 5 to 47,446.4 square-feet and increasing the size of Lot 6 to 32,120.5 square feet. The Applicant also proposes to relocate an existing 20-foot-wide shared access easement and proposes to expand the existing macadam parking area within the northeast portion of both lots. Additional site improvements include restriping the surface parking area and construction of a refuse enclosure area within lot 6, with no interior improvements to the existing structures proposed.

Allyson Kasetta is the attorney representing this applicant.

Ms. Kasetta – Good evening Mr. Chairman and members of the Board thank you for accommodating us letting us at least get started we appreciate. I'll be even more brief than usual. I just want to confirm before I begin that you received my proof of notice for tonight's hearing and found it adequate to give the Board jurisdiction.

Mr. Cialone – Proper notice was provided and the Board has jurisdiction to hear the application.

Ms. Kasetta – As the Chairman mentioned this is the property at block 120 lots 5 and 6 located in the B2 zone. The applicant currently occupies the building on lot 6. The property is in common ownership for lots 5 and 6 the applicant is one of Saddle Brook's own and has been operating her business there for a number of years. I was going to have her testify but given the hour I'll just summarize it. She's looking to invest in the Township by purchasing lot six subject to this subdivision which would make her lot bigger and give her parking on her own lot. You may recall from late last year when the cannabis facility made an application for lot five they leased 18 parking spaces to my client. This subdivision would make that larger and eliminate the need for her to have parking on a different lot; she would have everything contained on her own lot. Essentially all we are proposing to do is move that lot line give her more parking extend the pavement a little bit in the back and relocate an existing access easement because where it is now will become part of lot six. We'll be moving it further to the north on lot five. Nothing is changing with the building nothing is changing with the uses it's just a subdivision to adjust the lot size. We are requesting a couple of variances floor area ratio on lot five but I will note that this subdivision would eliminate an existing nonconformity for the floor area ratio on lot six by making the lot bigger we're bringing the FAR down on that lot to be compliant. Maximum lot coverage on lot five minimum parking spaces on both lots although we are working to improve the shortage and then minimum parking space dimensions. Those are the variances that we're requesting. There are a few existing nonconformities that we are not exacerbating either we are not impacting them at all or we're reducing the extent of the nonconformity. With that I would like to have Mr. Costa sworn qualified as both an engineer and professional planner.

Mr. Cialone swears in Robert Costa he gives his business address as 325 South River Street in Hackensack, New Jersey. He gives his qualifications and the Board accepts him as an expert witness.

Mr. Costa – Basically very simple no improvements to the building either building all this is currently lot five is a larger lot. Lot six my client currently runs her business out of that property you can see where the existing property line is. Basically the access is off Route 46 we've asked for a letter of no interest from the NJDOT which we're pretty confident that we're going to receive that. Right now the property line runs along the building line. As you heard earlier my client has used the property she actually has to lease spaces from the adjacent property owner who currently owns four, five and six. The idea here is to shift the property line over to create parking on her property. She's got six parking spaces in the front. She has five along the front another eight to expand a portion of the property that's actually gravel today in the rear of the property. There's a dumpster pad and basically this allows her to run her business independently of the other lot. In any event if they decide to sell it, lease it, do something else on lot six rather on lot five she can maintain her business without any aggravation in the future and yet all of these properties can now simultaneously coexist and not have one dedicated to the other and vice a versa. That's the reason we're here tonight and that's the only reason. The only changes basically by moving the lot you're changing you're adding roughly 14,000 square feet and by doing so you're changing some of the requirements in the zone as far as the minimum required. Because we're decreasing lot five the

FAR goes up on lot five but we're building nothing. It's an existing building it stays exactly the same. Lot six my client's property gets bigger the FAR actually comes down and becomes in conformance. It is other than adding some parking in the back moving the lot line slightly that's all we're doing here. Again no interest from the DOT. I read your engineer's letter and we take no exception if the Board approves it we will certainly do drainage. The additional impervious area is roughly 7,000 square feet. Your planner asked us to have my surveyor sign it. I apologize they weren't signed. I have copies of a signed plan by the surveyor if this Board approves it I will file a map in accordance with the map filing law. Literally that's it this is probably the easiest application of all this evening. My client is under extreme contractual obligations. Mr. Chairman this is one of the simplest. If the Board I'm not sure what other questions they have the last thing is planning testimony I call it the wedding test. If there is more people behind me than were at my wedding than the Board probably should not approve it. In this instance these properties exist it literally takes them separates them and it allows them to exist as they are today with the parking required and again it's not speculation because she actually runs her business from there so she knows what she physically needs and the adjacent property owner who's selling this to her knows what he needs and certainly they wouldn't come forward tonight and ask for this request if they thought it was going to do detrimental damage. I don't think there's any negative criteria here I think everything is positive. She was born and raised here she's putting in a tremendous investment and she needs you to say yes.

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

There are no questions from the Board members.

Mr. Paparozzi – There are a few things I spoke to Ms. Kasetta about it. One the new lots need to be changed obviously you can't keep five and six because they're going to be altered so that is the first one.

Mr. Costa needs to show two ADA spaces on each lot as per state requirement. You also on proposed lot 5 which I believe should be 5.01 needs a dumpster recycling separation. The dumpster on proposed lot 6.01 needs to show separation for recycling.

Mr. Costa – Not a problem.

Mr. Paparozzi – No it's not a problem just stuff that has to be done.

Ms. Kasetta – Can I just note one thing about lot what will be lot 5.01 we can show the dumpsters we can show the Board whatever details you want to see but the whole idea here is obviously we have to show the subdivision and the conditions on both lots because they're part of the application but presumably the owner will come back to the Board with a site plan for whatever use he finds to replace the cannabis facility that was intended to go there and come back to the Board with all of those details. We can show them as placeholders but that will ultimately be up to the Board when you hear whatever use that lot's going to be.

Mr. Paparozzi – It's part of the requirement and also because it may affect spaces so now you're putting two ADA spaces a dumpster you might lose one or two spaces I don't know that I have to wait to see it.

Mr. Costa – As far as that we show the dumpster area we can show two handicap parking spaces in front ADA compliant as far as the adjacent property I'm sure we can do the same. We're not going to need additional variances. We might have to make a couple of spaces for EV parking which apparently electric vehicles. What we're showing on the plan is the parking requirement that we need and there's nowhere else to grow in the property. You can't buy property in the back it's the cemetery. We can't buy property to the left or right of us so what we have here is we don't have a clean canvas. We have two buildings on the site the only difference is we're moving the lot line slightly we're creating a new easement for ingress and egress to serve both properties the only difference is she'll own the property and she controls her destiny. We'll certainly adhere to your planner and your engineer and whatever the Board requires we'll do.

Mr. Paparozzi – It's a D Variance so the application needs five affirmative votes. The D Variance is for floor area ratio that is being created on proposed lot 5.01.

Mr. Saad – The subdivision we have 14 technical comments that they would need.

Mr. Costa – We will adhere to that.

Mr. Saad – The other major comment is outside agency approval so DOT and Soils.

Mr. Costa – Absolutely.

Mr. Duffy – Does anybody else have any questions for Mr. Costa?

There are no questions.

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

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

Mr. Duffy – Having seen none.

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

There is no further testimony and Ms. Kasetta thanks the Board.

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

Mr. Duffy – Having heard none.

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

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

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

Mr. Duffy – We do have a couple of stipulations I understand.

They are all comments in the engineering letter that need to be satisfied and must comply with the Planner's report.

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

The application is approved.

## **6. RESOLUTIONS**

A.) Approval for John DaCosta, 275 Hillside Avenue, Block 409, Lot 14

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

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

B.) Approval for James Burbano, 112 Danna Way, Block 1513, Lot 9

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

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

## **7. MINUTES**

Meeting of May 1, 2023 Regular Meeting

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

## **8. COMMUNICATIONS**

Anthony Kurus to the Zoning Board, 5/10/23 (249-255 Route 46)

Anthony Cialone to the Zoning Board, 5/15/23 (225 Route 46)

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

## **9. VOUCHERS**

Basile Birchwale & Pellino, 5/01/23, Gilroy, 32 Spindler Terrace, Block 1815, Lot 7 \$250

Basile Birchwale & Pellino, 5/01/23, Pandya, 28 North Fifth Street, Block 709, Lot 34 \$250

Neglia Engineering Assoc., 5/17/23, Deugen Development, 210 Route 46, Block 105, Lots 2 & 3 \$380

Neglia Engineering Assoc., 5/17/23, Cattino Real Estate Holdings, 225 Rte. 46, Block 120, Lot 3 \$1054

Neglia Engineering Assoc., 5/17/23, Burbano, 112 Danna Way, Block 1513, Lot 9 \$135

Paparozzi Associates Inc., 4/27/23, U-Haul, 210 Route 46, Block 105, Lots 2 & 3 \$1112.50

Paparozzi Associates Inc., 5/02/23, Cattino Real Estate, 225 Route 46, Block 120, Lot 3 \$1225

Mr. Schilp makes a motion 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.

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 10:42 pm.

Respectfully submitted,

---

Frank Barrale  
Zoning Board Secretary