

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

**SPECIAL MEETING MINUTES – MONDAY, AUGUST 17, 2015**

Mr. Virgona called the meeting to order at 7:37 p.m. The following statement was read: Pursuant to The Open Public Meetings Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided to The Record and The Ridgewood News On July 27, 2015 at which time the date, time, place and purpose of the meeting were set forth and notice was posted on the official bulletin board in the Borough Hall.

**PLEDGE OF ALLEGIANCE**

**Present:** Mr. Virgona, Mr. Polizzi, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch  
Mr. Bakal, Mr. Stutman, Mr. Jacobs, Mr. Donato

**Absent:** Mr. Richardi (recused), Mr. Wortmann, Ms. Rosenthal

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Kevin Boswell, P.E. Boswell Engineering, Borough Engineer  
Donna Homsqvist, P.P., Burgis Associates, Borough Planner

**PUBLIC HEARING** *(Continuation of the August 12, 2015 Public Hearing)*

1. Application of **Apple Ridge USR, LLC**  
**Pleasant Brook Estates – Carlough Road- Block 401 – Lots 2 & 4**  
(Preliminary & Final Major Subdivision w Variances, Soil Moving Permit;  
Site Remediation Soil Moving Permit/44 *Single Family Residential Lots*)

Kevin Moore, Esq., represented the applicant. Paul Phillips, P.P., Phillips Preiss Grygiel LLC, duly sworn by Mr. Madaio, described the requested variances and design waivers associated with the application to subdivide the property. Mr. Phillips testified the subdivision fully conforms in lot size with one exception, the pump station utility lot. The variances related to the cul-de-sac and series of relief with regard to the side yards landscape buffer setback are largely driven by the proposed side rather than front loading garages. The number of design waivers will affirmatively demonstrate that variance relief statutorily meet MLUL criteria. The variances are flexible c (1) & c (2), with relief related to a specific piece of property where the benefits outweigh the detriments and do not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Mr. Phillips provided testimony addressing each of the requested variances: The proposed pump station located on Lot 2.45 requires variances for lot frontage, side yard setback, lot and width to inscribed 150 ft. diameter circle as depicted on *Exhibit A-4 and A-13, dated August 17, 2015*. The Lot has been increased in size and has reduced some of the requested relief. The variances are related to the special purpose lot, intended to solely accommodate a pump house, driveway and parking space that will be rarely used, is a small structure, and does not require lot frontage, etc. required for a single family home.

Mr. Phillips testified to the proposed variance relief from the required 150 ft. frontages for Lot 2.11; 2.14; 2.15 along the southern cul-de-sac and Lot 2.33; 2.34; and 2.36 along the northern cul-de-sac. The key factor is all the Lots meet minimum lot size and exceed the minimum lot width. The problem meeting the standard would result in large and irregularly shaped lots. The benefits associated with the cul-de-sac is a double loaded roadway, privacy, and restricting vehicular traffic. For all reasons, under a flexible (C) is a better planning alternative, with no substantial detriment to the public good or zone plan.

Mr. Phillips testified to the proposed variances required for deficient side yard landscape buffer on all Lots. The applicant is seeking flexibility in connection with the (10) ft. wide landscape buffer area required on each side of the lot line. A (5) ft. buffer is proposed to afford side loading garages rather than front lading, keeping the building envelope and building centered within it. Aesthetically, side loading garages are more marketable and much more attractive with less landscape buffer. Based on (c-2) criteria the benefits outweigh any detriments.

Mr. Snieckus said there was a concern vehicles would be backing out and be more difficult to pull off meandering driveways.

Mr. Phillips testified to the proposed variance for wall height to permit a (4) ft. high retaining wall along the stormwater detention basin vs. the (3) ft. permitted by Ordinance. Mr. Phillips testified from a planning standpoint, the magnitude of the variance is not excessive.

Mr. Phillips testified to the variance relief requested for the proposed (4) ft. high fences in front of the rear building lines vs. the (3) ft. permitted by Ordinance. Mr. Phillips testified the (3) ft. height limitation prohibits homeowners to have a fence enclosing a pool on those lot fronting on (3) streets and becomes a technical issue. The (4) ft. high fence provides pool safety, security and promotes privacy, for those Lots that front to the west of Road A, with no impairment to the zone plan.

Mr. Phillips testified there are no longer requesting variances for berming.

Mr. Phillips testified to the design waivers related to the utility Lot dimension being less than permitted by Ordinance.

Mr. Virgona opened the Hearing to the Board for comments regarding testimony provided by Mr. Phillips.

In response to Members comments, Mr. Phillips testified the closest residence to the pump station is 150 ft. The dimensions of the one story pump station are (20) ft. x (35) ft., with plantings installed around it.

Mr. Omland testified the utility building will be architecturally designed to conform, but not noisy.

Mr. Boswell clarified the pump station will consist of (2) to (3) pumps operating silently; the only noise produced is when the generator operates. Discussion is still underway, to locate the generator inside the building with a hospital grade muffler and to have it supplied by natural gas.

The pump station will be buffered and unobtrusive as possible, accessed by a (20) ft. driveway having a gate, room for the parking of (3) maintenance vehicles and crane access to drop pumps if necessary.

A Board Member questioned feasibility of increasing the frontage proposed for those Lots located

on the cul-de-sac. Discussion followed. Mr. Phillips stated he will try to get to a (75) ft. frontage and will have the applicant bring back conceptual plans for the next meeting.

Ms. Holmqvist, P.P. Burgis Associates, agreed with Mr. Philips proposal to create (75) ft. frontages for those Lots located on the cul-de-sac.

In response to comments from the Board regarding the proposed Model Home, Mr. Omland testified the applicant will build (2) model homes that haven't been designed as yet. These homes, located at the Boulevard and intersecting road, will serve as a sales office only for the homes in Upper Saddle River.

Mr. Madaio advised it will be acknowledged in the Resolution the sales home is not to be occupied by a family, and is for use as a sales office only.

Ms. Holmqvist commented it would look better if the applicant could get back to the standard (10) ft. side yard setback. Discussion followed.

Mr. Omland testified he would commit to the Board there would be no back to back driveways closer than (20) ft. Mr. Moore advised the applicant will submit revised drawings with several options for the Board's consideration.

A motion to open the Hearing to Members of the public by Councilman DeBerardine seconded by Mr. Jacobs.

*John Maguire, 75 Ripplewood Road, Upper Saddle River*, questioned the location of the entrance to the development at Carlough Road and Ripplewood Road; the design grade of the road and safety concerns. Mr. Omland clarified the location of the Boulevard entrance is somewhat in the middle, is safe and having the least impact upon surrounding residences. Mr. Omland informed Mr. Maguire that RSIS dictates what can be built.

With no further questions from the public, Mr. Virgona closed that portion of the Hearing.

In response to comments from the Board, Mr. Phillips testified he concurs with Mr. Omland, the road is a good plan, however the birch tree in question located at the entrance cannot be saved.

The Board recessed at 9:00 p.m. and reconvened at 9:15 p.m.

In response to additional comments from the Board regarding the turning radius for emergency vehicles in the cul-de-sac, Mr. Omland testified the turning radius under RSIS is (80) ft., the standard in terms of emergency services.

In response to comments from the Board regarding the proposed location of the Boulevard entrance, Mr. Omland testified that he considered Boulevard access in and out, developing a layout that is fully conforming in every way. A fully conforming plan is not possible providing an exit onto Meadowbrook Rd. Alternative reconfigurations would have necessitated variance relief for lot width.

Mr. Moore advised this is the location proposed for the Boulevard and the plan they are seeking approval for.

Mr. Boswell commented the proposed road meets RSIS standards. AASHTO dictates the orientation of the (4) way intersection. An alternative plan would present other issues and create

a variance condition on the cul-de-sac.

Discussion followed regarding additional traffic generated from the subdivision onto Ripplewood Road. Mr. Boswell commented these concerns need to be discussed with Emergency Personnel.

Mr. Phillips testified the subdivision application meets the following goals and objectives of the Borough's Master Plan: enhances the existing low-density of the community; the mature vegetation is lost as part of site remediation but there will be significant plantings; the applicant is remediating the site and restoring the stream corridor; the stormwater runoff has been adequately addressed; and the applicant is cleaning up the site encouraging sustainable design practices consistent with existing zoning ordinances.

Mr. Moore advised in response to the Board's Professionals, the applicant plans to resubmit drawings.

A motion to open the Hearing to Members of the public by Councilman DeBerardine seconded by Mr. Polizzi.

*John Maguire – 75 Ripplewood Road, Upper Saddle River*, questioned standards applied to the Boulevard. In response, Mr. Omland testified both roads are stop sign controlled. In terms of an alternative location, Mr. Omland testified a right angle to a roadway is the desired approach. Mr. Maguire asked if they had considered dropping a house in order to relocate the Boulevard. In response, Mr. Omland advised the answer is no and not considered, there is a signed settlement agreement. The design is appropriate and will affect the least amount of people.

With no further comments from the Board or public, Mr. Virgona closed that portion of the Hearing.

Mr. Virgona advised the next meeting regarding this application is Wednesday, September 30, 2015 at 7:30 p.m.

Mr. Moore advised the applicant is extending the time in which the Board is to render a decision.

## **ADJOURNMENT**

A motion to adjourn by Mr. Polizzi seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 9:41 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

