

UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, FEBRUARY 27, 2014

Mr. Polizzi called the meeting to order at 7:30 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 by fax and mail to The Record and The Ridgewood News on December 23, 2013 at which time the date, time, place and purpose of the meeting was set forth and notice was posted on the official bulletin board in the Borough Hall.

PLEDGE OF ALLEGIANCE

Present: Mr. Virgona, Mr. Polizzi, Councilman DeBerardine, Councilman Durante (Mayor's Rep.)
Mr. Preusch, Mr. Friedman, Mr. Stutman, Ms. Rosenthal, Mr. Bakal, Mr. Richardi

Absent: Mayor Minichetti, Mr. Prober, Mr. Wortmann

Also Present: Mark Madaio, Esq., Planning Board Attorney
Eileen Boland, P.E., Planning Board Engineer

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to Mr. Preusch and Ms. Rosenthal.

APPROVAL OF MINUTES:

A motion by Mr. Virgona to adopt the minutes of the January 23, 2014 meeting seconded by Councilman DeBerardine was unanimously approved by all Members present.

CORRESPONDENCE

Mr. Polizzi reviewed correspondence received from Michael Profita, Esq., regarding the application of *Martin Wojcik and Creative Gardens*; and correspondence from John Lamb, Esq., regarding the application of *Concerned Citizens USR, ACG, Inc.*

ANNOUNCEMENTS

Mr. Polizzi announced the application of *Martin Wojcik and Creative Gardens, 409 East Saddle River Road, Block 810 – Lot 6*; and the application of *Concerned Citizens of USR, ACG, Inc. 409 East Saddle River Road – Block 810 – Lot 6* are both carried to the Thursday, March 27, 2014 meeting without further noticing required.

RESOLUTIONS

(Professional Services)

1. Planning Board Attorney – Mark Madaio, Esq.

A motion by Councilman Durante to adopt the Resolution engaging the services of Mark D. Madaio, Esq., to serve as legal counsel to the Planning Board seconded by Ms. Rosenthal was unanimously approved by all Members present.

2. Planning Board Engineer – Eileen Boland, P.E., Boswell Engineering

A motion by Councilman DeBerardine to adopt the Resolution engaging the services of Eileen A. Boland, P.E., Boswell Engineering to serve as Planning Board Engineer seconded by Councilman Durante was unanimously approved by all Members present.

(Memorialization)

1. Variance Application of Ping Lei

Approved

1 Sandstone Ridge- B lock 601 – Lot 6

(Front & Side Yard Setbacks/Reconstruct Dwelling)

Mr. Madaio reviewed the Resolution. Discussion followed. A motion by Councilman DeBerardine seconded by Mr. Preusch to adopt the Resolution with the amendment to Page 5, Paragraph 3: *“the 3’ deep window wells extend a distance of 3’ off the house resulting in a north side setback of 32.5’ where 35’ is required.*

Roll Call

Ayes: 7 Councilman DeBerardine, Mr. Preusch, Mr. Friedman, Mr. Stutman, Mr. Bakal, Mr. Polizzi, Mr. Virgona

PUBLIC HEARING

1. Variance Application of Pellum Bengu

25 Parker Place – Block 506 – Lot 7

(Side Yard Setback/Building Height/Reconstruct New Dwelling)

Bruce Whitaker, Esq. representing Mr. Bengu explained the applicant is proposing to demolish an existing home located in the R-2 Zone by expanding the foundation in order to accommodate a (2) car side loading garage and (2) stories of living space on top of the existing foundation. The proposed building height is 38.72 ft. vs. 35 ft. permitted, requiring a variance due to the location of the existing foundation and topographic conditions. Mr. Whitaker reviewed the C-1 and C-2 criteria under which variance relief can be granted.

Tibor Latinesics, P.E. duly sworn by Mr. Madaio submitted the following exhibits for identification: **A-1:** Plot Plan titled *“Plot Plan, Soil Erosion Control Plan, Lot 7 – Block 506 dated October 3, 2013 last revised February 14, 2014”*; **A-2:** 2007 Aerial Photo *“Area Plan”*; **A-3 & A-4:** Photographs

of adjoining homes; A-5: Front elevation of home with roof height dimensions; A-6: Colored Architectural rendering of prepared by Margaret Petersen; A-7: Architectural Plans (3) sheets prepared by Margaret Petersen dated February 7, 2014; A-8: E-Mail letter from USR Shade Tree Commission dated February 27, 2014.

Mr. Latincsics reviewed the existing conditions testifying the split level home was expanded from the original bungalow and is in very poor condition being unoccupied for the past (5) years. A significant topographical feature of the site is a 9 ½ ft. elevation differential along the width of the home, presenting a hardship; the grade on the uphill side of the home is higher than the 1st floor.

Mr. Latincsics reviewed the primary variance testifying it is for the height along the garage side of the home. The existing home will be demolished down to the top of the foundation, but will be expanded to accommodate the side loading (2) car garage, typical for the neighborhood. Mr. Latincsics referenced the definition of height per Ordinance as being measured from the lowest existing natural grade to the highest point of the roof. However, on this house, it is measured from the proposed side loading garage, with the lowest point being along the rear right hand corner.

In response to comments from the Board, Mr. Latincsics testified the proposed HIP roof, measuring 33 ft. in height from the highest ridge at the first gable, does not span the entire length of the home. The only area that is higher is located at the rear of the house, measuring 38.5 ft. and is not visible from the front of the house.

Referring to comments regarding the retaining wall provided in the Board Engineer's review letter dated February 20, 2014, Mr. Latincsics testified the proposed 4 ft. tall retaining wall located in the western side of the driveway qualifies as a structure, as it is between 4 ft. and 6ft. tall meeting the building setback requirements of the primary structure. Discussion followed.

Mr. Whitaker advised if the Board determines a variance is required, the applicant is requesting the variance.

Mr. Latincsics reviewed soil movement associated with tree removal, grading, driveway construction and installation of seepage pits.

In response to various comments from the Board, Mr. Latincsics testified the grading is raised for aesthetics. The drainage improvements are proposed where none exist, and the driveway is curved to direct runoff to the seepage pits. The proposed modifications and construction are well under the permitted coverage.

Mr. Latincsics testified to the proposed landscaping plan that has been approved by Matt Koski, Shade Tree Commission Site Plan Review Chairman. The species of plantings include arborvitae and 8 ft. tall Norway Spruce to block headlights in that area. In terms of the no-disturbance zone, there is no disturbance proposed within 5 ft. other than the installation of landscaping along the eastern property line.

In response to comments from then Board regarding the septic system, Mr. Latincsics testified weather conditions have restricted site inspections, however the septic system and other improvements will be subject to Board of Health approval.

Mr. Latincsics testified the applicant will comply with all comments provided in the Board Engineer's review letter dated February 20, 2014.

Ms. Boland, Board Engineer, advised the 38.5 ft. roof ridge provided on the engineering plan does not agree with the architectural plan. Mr. Whitaker advised the architectural plan is to be revised and will be in agreement.

Mr. Polizzi opened the Hearing to Members of the public regarding testimony provided by Mr. Latincsics. No one appeared to pose questions or provide testimony.

Margaret Petersen, Architect, duly sworn by Mr. Madaio testified to preparing the architectural plan for the renovations after reviewing the survey and engineering plans prepared by Conklin Associates. Ms. Petersen briefly review the proposed floor plans that include a foyer, living room, family room, powder room and open kitchen on the first floor. Three (3) bedrooms, an office and (3) bathrooms are proposed for the second floor. Most of the basement is not high enough for use.

In response to comments from the Board, Ms. Petersen testified the standard height for first floor ceilings is 9 ft.; because it is an open floor plan, any lower and it will look very squatty.

Mr. Polizzi opened the Hearing to Members of the public regarding testimony provided by Ms. Petersen. No one appeared to pose questions or provide testimony.

Mr. Whitaker provided a summation of the two aspects supporting the requested variance. Applying C-1 criteria, the side loading (2) car garage, retaining wall, slope and building setback 52 ft. in the R-2 zone reduces the effect of the height variance which runs for a minimal area and represents good planning. Applying C-2 criteria, better driveway access, better side loading garage, not over building the lot and the proposed plan not being out of character in the neighborhood far outweigh any detriments.

Mr. Polizzi called for comments from the Board.

Mr. Virgona clarified the (3) story retaining wall is not an additional variance and that it be so noted in the Resolution. Mr. Madaio advised regardless of room configuration, this is a (4) bedroom house.

Mr. Polizzi opened the Hearing to Members of the public regarding the application. No one appeared to pose questions or testimony.

With no further comments from the Board or public, Mr. Polizzi closed the Hearing.

A motion by Mr. Friedman seconded by Mr. Stutman to approve the application as presented with the stipulations discussed.

Roll Call

Ayes: 9 Mr. Friedman, Mr. Stutman, Councilman DeBerardine, Councilman Durante, Mr. Preusch, Ms. Rosenthal, Mr. Bakal, Mr. Polizzi, Mr. Virgona

The record reflects Councilman Durante adjourned the meeting at this time: 8:40 p.m.

The Board recessed at 8:45 p.m. reconvening at 8:56 p.m.

2. Variance Application of **Todd Berry**
22 Oak Drive – Block 1210 – Lot 7
(Rear Yard Setback/*Inground Swimming Pool*)

Bruce Whitaker, Esq. representing Mr. Berry advised he had reviewed the Board Resolution denying the previous application and also read a transcript of the prior public hearing. The application now before the Board is radically different therefore the context of Rex Judicata does not apply.

Mr. Whitaker provided a brief overview of the application to construct a modest swimming pool to the rear of the proposed new single family dwelling requiring a 28.1 ft. rear yard setback vs. 35 ft. permitted. The proposed house and driveway are appropriate for the elongated piece of property and totally conforming. All fencing will be estate quality metal fencing and comply with Ordinance requirements. The prior application was to permit a pool in the side yard due to the lack of the lot's depth. Adequate space between structures, not infringing on the privacy of neighboring properties, and the creation of a substantial landscape buffer supports the C-1 and C-2 criteria.

The following exhibits were submitted and identified: **A- 1:** *Front Elevation (from left sight line;* **A-2:** *Front Elevation (from right sight line);* **A-3:** *Rear Elevation;* **A-4:** *Plot Plan prepared by Robert Weissman, P.E, dated May 9, 2013 revised through January 28, 2014;* **A-5:** *Revised Landscaping Plan prepared by Christopher Karach;* **B-1:** *Review Letter prepared by Eileen Boland, P.E., Boswell Engineering, dated February 14, 2014.*

Kevin Spink, Licensed Architect duly sworn by Mr. Madaio testified to preparing the revised architectural plans for the single family (2) story residence having a Gambrel roof, walkway, patio and driveway. The revised plan provides for the garage portion of the home to be moved forward creating a larger rear yard to accommodate the pool and patio area.

Mr. Polizzi opened the Hearing to the Board.

Eileen Boland, P.E, Board Engineer commented the plot plan and architectural plans are a little off.

Mr. Whitaker advised the plans will be revised and in agreement.

Mr. Polizzi opened the Hearing to the public regarding the testimony provided by Mr. Spink. No one appeared to pose questions or provide testimony.

Robert Weissman, P.E., duly sworn by Madaio testified to preparing the original and revised plans. Mr. Weissman provided testimony as to the existing conditions being a property that is wide and shallow and slightly deficient in area having only 37,470 s.f. vs. 37, 500 s.f. required. The limited building envelope resulted in sliding the house east and forward gaining as much room as possible in the rear for the proposed pool.

In response to comments from the Board, Mfr. Weissman testified the proposed home meets all bulk requirements. The proposed pool measures 18' x 36' infringing 28.1 ft. into the rear yard setback vs. 35 ft. permitted. A buffer between the pool and rear property line is proposed. The pool is set slightly lower to grade so the proposed screening will have a more beneficial effect.

In response to comments from the Board, Mr. Weissman testified the 4 ½ ft. high fence is pool compliant.

Mr. Polizzi opened the Hearing to Members of the public regarding Mr. Weissman's testimony. No one appeared to pose questions or provide testimony.

Christopher Karach, Licensed Landscape Architect, duly sworn by Mr. Madaio, testified to visiting the site and working with the architect and engineer to provide a landscaping plan that would create a substantial buffer to the neighbors and also aesthetically pleasing to complement the architecture of the house. Mr. Karach reviewed the proposed species and their projected height testifying that by staggering the various plantings and trees would provide an adequate buffer between the pool and the rear yard. Mr. Karach added that the proposed plantings are deer resistant.

Mr. Polizzi opened the Hearing to the Board.

A Board Member commented that they would like to see more deciduous trees worked into the landscaping. Mr. Karach confirmed a mix of flowering and deciduous trees would be acceptable and testified the (23 trees) proposed for removal would be replaced one for one.

Mr. Whitaker advised the species of trees would be provided to the Shade Tree Commission for approval.

Mr. Polizzi opened the Hearing to Members of the public regarding the application. No one appeared to pose questions or provide comment.

Mr. Polizzi closed the Hearing.

A motion by Councilman DeBerardine seconded by Mr. Preusch to approve the application as submitted with the condition each tree removed would be replaced one for one with species subject to approval by the Shade Tree Commission.

Roll Call

Ayes: 9 Councilman DeBerardine, Mr. Preusch, Mr. Friedman, Mr. Stutman, Ms. Rosenthal, Mr. Bakal, Mr. Richardi, Mr. Polizzi, Mr. Virgona

PUBLIC COMMENT

Mr. Polizzi opened the Meeting to Members of the public. No one appeared to provide comment.

ADJOURNMENT

A motion to adjourn by Mr. Richardi seconded by Mr. Stutman was unanimously approved by all Members present. Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Linda Marmora
Clerk

