

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES**

**WORK SESSION & REGULAR MEETING: WEDNESDAY, FEBRUARY 11, 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 by fax and mail to The Record and The Ridgewood News on December 23, 2014 by E-Mail and Regular Mail 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:** Councilman DeBerardine, Councilman Durante, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs, Mr. Polizzi, Mr. Virgona

**Absent:** Mr. Wortmann, Ms. Rosenthal, Mr. Donato

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

**WORK SESSION**

1. Application of **Martin Wojcik** *(For Completeness)*  
**409 East Saddle River Road – Block 810 – Lot 6**  
(Major Subdivision/4 Lots)

Michael Profita, Esq., representing Mr. Wojcik, advised the applicant proposes to subdivide the existing 4.45 acre property creating (4) single family building lots. The new lots will be accessed by a new single cul-de-sac road from East Saddle River Road; (2) lots will be located on either side of the proposed 24 ft. wide roadway.

Tibor Latincsics, P.E. for the applicant, reviewed the outstanding items and information needed as provided in the Boswell Engineering review letter dated February 5, 2015.

Reviewing blown-up renderings of the Site Plan, Mr. Latincsics pointed out the Hidden Glen Brook located north of the proposed development is identified by the NJDEP as being a C-1 Waterway having a 300 ft. buffer restriction from the edge of the waterway. Mr. Latincsics said that because the areas of development have been previously disturbed they are approvable by the NJDEP. Mr. Latincsics stated the applicant recognizes any Board approvals are subject to NJDEP approval.

In response to comments from the Board regarding requested variances and waivers, Mr. Latincsics advised the applicant will present a series of conceptual foot prints that provide good planning and balance the zoning requirements. Regarding the waiver requested for a traffic study, Mr. Latincsics advised the applicant is proposing an easement to prevent landscaping from interfering with the site distances onto East Saddle River Road.

Mr. Latinsics reviewed the topographic grade and contour issues associated with disturbances proposed in the rear of the site.

In response to comments from the Board, Mr. Latinsics advised footprints will be shown with swimming pools that do not require variances.

Discussion ensued regarding the applicant's request to accept measured roof heights from the lowest proposed grade vs. the required lowest natural grade.

In response to comments regarding the requested waiver for existing grade and contour information within 200 ft. of the property, Mr. Latinsics advised that additional survey information will be provided regarding the 25' overlap from the Creative Gardens property line onto the adjacent (4) properties to ensure they are not negatively impacted by the proposed development.

In response to the Board's concern that the proposed 24 ft. width roadway will not provide adequate access for emergency vehicles, Mr. Latinsics advised the plan would be revised to reflect a 28 ft. width roadway.

Mr. Virgona advised being the property is located in the Scarce Resource District, Mr. Profita contact Joseph Burgis, Borough Planner regarding the COAH obligation.

A motion to open the Meeting to Members of the public by Mr. Preusch seconded by Councilman Durante. No one appeared to provide comment.

A motion by Councilman DeBerardine to deem the application complete and schedule a Public Hearing on Wednesday, March 11, 2015 at 7:30 p.m. seconded by Mr. Polizzi.

### **Roll Call**

**Ayes:** Councilman DeBerardine, Mr. Polizzi, Councilman Durante, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs, Mr. Virgona

### **DISCUSSION**

#### **Block 1002 – Lot 4.02**

(Redevelopment Study/*M& C Resolution #31-15*)

Mr. Madaio reviewed the Mayor and Council Resolution authorizing the Planning Board to undertake a preliminary investigation in order to determine if Block 1002 – Lot 4.02 is a property in need of redevelopment.

Mr. Madaio advised he has prepared a Resolution for the Board authorizing Burgis Associates, Borough Planner, to undertake studies regarding Block 1002 – Lot 4.02.

### **ADJOURNMENT**

A motion by Mr. Bakal to adjourn the Work Session seconded by Mr. Jacobs was unanimously approved by all Members present. Work Session Meeting adjourned at 8:22 p.m.

## **REGULAR MEETING**

### **ROLL CALL**

**Present:** Mr. Virgona, Mr. Polizzi, Councilman DeBerardine, Councilman Durante, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs

**APPROVAL OF MINUTES:** A motion by Councilman DeBerardine seconded by Mr. Preusch to adopt the minutes of the January 29, 2015 meeting was unanimously approved by all Members present.

### **RESOLUTIONS**

1. **Burgis Associates**  
(*Authorize Study/Block 1002 – Lot 4.02*)

Mr. Madaio reviewed the Resolution. A motion by Councilman Durante to adopt the Resolution as presented seconded by Mr. Polizzi.

#### **Roll Call**

**Ayes:** 9 Councilman Durante, Mr. Polizzi, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs, Mr. Virgona

2. **Professional Service Resolutions**

*Mark Madaio, Esq., Planning Board Attorney*  
*Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer*

Mr. Madaio reviewed the Resolutions. A motion by Mr. Preusch to adopt the Resolutions as presented seconded by Councilman Durante.

#### **Roll Call**

**Ayes:** 9 Mr. Preusch, Councilman Durante, Councilman DeBerardine, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs, Mr. Polizzi, Mr. Virgona

3. Application of **Richard & Francesca Ribellino**  
**31 Hampshire Hill Road – Block 205 – Lot 12**  
(*Improvement Coverage/Driveway Modification*)

Mr. Madaio reviewed the Resolution. A motion by Councilman DeBerardine to adopt the Resolution as presented seconded by Mr. Polizzi.

## **Roll Call**

**Ayes:** 8 Councilman DeBerardine, Mr. Polizzi, Mr. Preusch, Mr. Richardi, Mr. Bakal  
Mr. Stutman, Mr. Jacobs, Mr. Virgona

## **PUBLIC HEARING**

1. Variance Application of **Dean Loeffler & Ann Eisenhauer**  
**67 Rolling Ridge Road – Block 916 – Lot 21**  
(Left Side Yard Setback/*Addition*)

Bruce Whitaker, Esq., representing the applicant, advised the Loeffler's are requesting variance relief pertaining to existing conditions of a home that was constructed in 2006-2007 after receiving approval from the Borough Engineer. The improvements indicated all overhangs and gutters must have a 35 ft. side yard setback. The final As-Built survey indicates the eaves of the home encroach into the required 35 ft. setback by 2. 1 ft. The distance from the side yard to the wall of the house is conforming, but the eaves are not. The request is to permit what exists to remain.

Mr. Loeffler, duly sworn by Mr. Madaio, testified he has been the owner of the property since the construction began, and has engaged the services of Mr. Whitaker to represent him to obtain the required variances in order to receive a final certificate of occupancy for the home. Mr. Loeffler distributed a series of photographs in the area of the eaves overhanging the garage and first floor. (*Exhibit A-1*)

In response to comments from the Board, Mr. Loeffler testified that he has been residing in the home since being issued a temporary certificate of occupancy. The discrepancy was discovered when applying for the final certificate of occupancy and it was determined a variance was required. The error was made by the construction company when calculating the setbacks to the foundation rather than to the eaves of the roof overhang.

Mr. Whitaker submitted a letter from LAN Associates dated February 11, 2015 (*Exhibit A-2*) and an As Built Survey prepared by LAN Associates, last revised March 8, 2013. (*Exhibit A-3*)

Mr. Loeffler testified to the extensive landscape buffers between his home and the neighboring properties. Mr. Loeffler submitted a Google Map of the property and surrounding neighbors. (*Exhibit A-4*)

Mr. Whitaker advised the impact is minimal and not discernable due to the large front yard setback, 30.5 ft. building height and the building and improvement coverages being far less than what is permitted by Ordinance. The deminimus variance request to permit the eaves to remain provides a desirable visual environment without impacting the adjoining property owners.

A motion to open the Hearing to Members of the public by Mr. Preusch seconded by Councilman DeBerardine. No one appeared to provide comment.

Upon no further comments from the Board, Mr. Virgona closed the Hearing.

A motion by Mr. Preusch to approve the application as submitted seconded Councilman DeBerardine.

**Roll Call**

**Ayes:** 9 Mr. Preusch, Councilman DeBerardine, Councilman Durante, Mr. Bakal,  
Mr. Stutman, Mr. Jacobs, Mr. Richardi, Mr. Polizzi, Mr. Virgona

**PUBLIC COMMENT**

A motion by Councilman Durante to open the Meeting to Members of the Public seconded by Mr. Bakal. No one appeared to provide comment.

**ADJOURNMENT**

A motion to adjourn by Councilman Durante seconded by Mr. Richardi was unanimously approved by all Members present. Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Linda Marmora  
Clerk