

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – THURSDAY, AUGUST 27, 2015

Mr. Virgona called the meeting to order at 7:40 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 December 23, 2014 and July 23, 2015 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, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Wortmann, Mr. Jacobs

Absent: Mr. Polizzi, Ms. Rosenthal, Mr. Donato

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

WORK SESSION

(Informal Conceptual Review)

- 1. 2015 Real Estate LLC**
380 Route 17 North – Block 1010 – Lot 12
(Expand Existing Liquor Store)

Jeffrey Kantowitz, Esq., representing 2015 Real Estate LLC, summarized a plan to enlarge the existing liquor store by adding 1,327 s.f. to the first floor retail space and constructing a 3,329 s.f. second floor storage area. Mr. Kantowitz stated the proposed plan meets the requirements for building height, number of stories, and will not create any new variances for front, rear or side yard setbacks.

Mr. Kantowitz reviewed the increased number of parking spaces required by the proposed expansion. Discussion followed. It was determined (31) spaces are required by Ordinance, with (13) being provided. Mr. Madaio advised this would be the largest parking variance considered by the Board.

Further discussion ensued regarding decreasing the size of the expansion to create a higher yield of parking and better traffic circulation. Board Members expressed their concerns for safety regarding vehicles entering and leaving the site and for the parking spaces abutting Route 17.

In response to comments from the Board, Mr. Kantowitz advised the applicant has not gone to the DOT as there are no proposed changes to the ingress and egress, but may require DOT approval for a change in the curb cut. Board Members recommended the applicant schedule an informal review with the DOT before coming back to the Board, as additional parking spaces may be lost.

Mr. Kantowitz said the applicant was here to receive the Board's comments and reaction to the conceptual plan, and that he would consult with his client before proceeding.

PUBLIC COMMENT

Mr. Virgona opened the meeting to Members of the Public. Upon no one appearing to provide comment, Mr. Virgona closed the meeting.

ADJOURNMENT

A motion to adjourn the Work Session Meeting by Mr. Bakal seconded by Mr. Wortmann was unanimously approved by all Members present. Meeting adjourned at 8:17 p.m.

REGULAR MEETING

Mr. Virgona called the meeting to order at 8:24 p.m. The Open Public Meetings Act 1975, Chapter 231 statement was read.

PLEDGE OF ALLEGIANCE

Present: Mr. Virgona, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Wortmann, Mr. Jacobs

Absent: Mr. Polizzi, Ms. Rosenthal, Mr. Donato

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

APPROVAL OF MINUTES

A motion to adopt the minutes of the August 12, 2015 and August 17, 2015 meetings by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present.

CORRESPONDENCE

1. After reviewing correspondence received from Eric Boe, Corinthian Construction, Inc. Steven Tripp, Esq., and Neal Zimmermann, Esq., Mr. Virgona announced the application of **Blake Gardens, LLC – 62 Sparrowbush Road – Block 502 – Lot 1.01** is carried to the September 24, 2015 meeting at 7:30 p.m. without further notice required.

2. After reviewing correspondence received from Antimo Del Vecchio, Esq., Mr. Virgona announced the application of **East Crescent Development Corp., LLC – Block 601 – Lots 2 & 3** is carried to the September 24, 2015 meeting at 7:30 p.m. without further notice required.

RESOLUTION (*Memorialization*)

1. Application of **Garzon** ***APPROVED***
44 Carlough Road – Block 703 – Lot 2
(Height; Setbacks; Privacy Wall, Fence/Posts (*As Built Construction*))

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

Roll Call

Ayes: 5 Councilman DeBerardine, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Virgona

PUBLIC HEARING

1. Variance Application of **Michael & Giuseppina Nirchio** (*Continuation*)
16 Oak Drive – Block 1210 – Lot 3
(Improvement Coverage; Building Coverage; Front, Side & Rear Yard Setbacks/
Inground Pool, Cabana, Outdoor Kitchen, Covered Patio)

Bruce Whitaker, Esq., representing the applicant provided a brief overview of the previous meetings and series of revised plans requiring several variances to permit the construction of an inground pool, cabana, outdoor fireplace, patio and pavilion.

Douglas Doolittle, P.E., remaining under oath, referring to *Exhibit A-1: Plot Plan, dated January 31, 2014 last revised July 23, 2015* testified the applicant has reduced the number of variances originally requested by removing the existing driveway out of the buffer, removing the shed located in the rear yard setback, and the existing non-conforming 46 ft. front porch setback, approved at the time the dwelling was constructed, is acceptable to remain. The overall improvement coverage of 34.5% vs. 30% required has been reduced to 31.4% by removing the patio, pavilion roof and reducing the size of the proposed improvements.

Mr. Doolittle reviewed the variance relief requested: 31.4% improvement coverage vs. 30% required; 16.6% building coverage vs. 15% required; 19 ft. rear yard setback measured to the proposed pool vs. 35 ft. required; 19 ft. rear yard setback measured to the proposed pavilion vs. 35 ft. required.

In response to comments from the Board, Mr. Doolittle testified the fireplace and cabana have been relocated within the required rear yard setback. The pool equipment pad has been relocated within the required setbacks. The height of the pavilion is conforming at 15 ft.

Mr. Doolittle testified to the drainage plan consisting of (6) seepage pits and (1) proposed additional seepage pit if required. Mr. Doolittle testified the applicant has stipulated lighting would not impact adjacent properties, but would be adjusted if found to be spilling.

A motion by Mr. Richardi to open the Hearing to Members of the Public regarding testimony provided by Mr. Doolittle seconded by Councilman DeBerardine. No one appeared to provide testimony.

Christopher Karach, L.A. remaining under oath, referring to *Exhibit A-2; Schematic Landscape Plan dated July 7, 2015*, and *Exhibit A-3: Colorized Version Schematic Landscape Plan, dated July 7, 2015*, testified to the proposed landscaping installation at varying heights that was designed to provide a heavy evergreen buffer around the property.

In response to comments from the Board, Mr. Karach testified the tree height at the time of planting is 14-16 ft. with a growth pattern of 18 inches per year; the Japanese cedar trees are 25 ft. No trees are proposed for removal in connection with this application. The proposed traditional stone veneer wood burning fireplace is beyond the garage wall from the house and is not visible from the street. The proposed fence begins from the corner of the house and continues around the perimeter of the property, with landscape access.

A motion by Mayor Minichetti seconded by Councilman DeBerardine to open the Hearing to Members of the Public for questions regarding the testimony provided by Mr. Karach. No one appeared to provide testimony.

Mr. Virgona opened the Hearing to Members of the Public regarding the application.

Renata Frei, 23 Grandview Avenue, Upper Saddle River, advised she has lives directly behind the applicant and is in favor of the application.

With no further comments from the Public, Mr. Virgona closed that portion of the meeting.

Discussion followed regarding the location of the pool and pavilion.

A motion to approve the application as presented by Councilman DeBerardine seconded by Mr. Bakal conditioned upon the pool and pavilion being located no less than 21 ft. from the rear property line.

Roll Call

Ayes: 7 Councilman DeBerardine, Mr. Bakal, Mayor Minichetti, Mr. Preusch, Mr. Richardi, Mr. Jacobs, Mr. Virgona

Nay: 1 Mr. Wortmann

PUBLIC COMMENT

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

Mr. Virgona announced the Wednesday, September 9, 2015 meeting of the Planning Board has been canceled due to lack of quorum. The next Regular Meeting is scheduled to be held Thursday, September 24, 2015 at 7:30 p.m. A Special Meeting regarding the continued application of Apple Ridge USR, LLC is scheduled to be held Wednesday, September 30, 2015 at 7:30 p.m.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Richardi was unanimously approved by all Members present. Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Linda Marmora
Clerk