

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, APRIL 11, 2018

Mr. Virgona called the meeting to order at 7:41 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 13, 2017 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, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Ms. Schaum

Absent: Mayor Minichetti, Mr. Donato

Also Present: Mark Madaio Esq, Planning Board Attorney
Marisa Tiberi PE, Boswell Engineering/Borough Engineer

APPROVAL OF MINUTES: A motion by Mr. Polizzi to adopt the minutes of the March 22, 2018 meeting seconded by Mr. Preusch was unanimously approved all Members present.

PUBLIC HEARING

1. Application of **George Otras** *(Continued from December 13, 2017)*
63 & 69 Eagle Rim Road – Block 705 – Lots 2 & 3
(Minor Subdivision; Soil Moving Permit; *Land Swap/Addition*)

Harold Cook Esq., representing the applicant, advised in response to comments from the Board and Borough Planner at the last meeting, the application has been revised to be variance free other than existing non-conformities. Mr. Cook advised the revised plan will not exacerbate these non-conformities.

The following exhibits were submitted and identified: **A-1:** *“Otras Residence” Minor Subdivision & Residential Plot Plan prepared by Onello Engineering, last revised March 27, 2018;* **A-2:** *Onello Engineering Roof Height Calculations dated April 9, 2018;* **A-3:** *Architectural Plans prepared by William Brown last revised March 29, 2018;* **B-1:** *Boswell Engineering Review Letter dated March 28, 2018;* **B-2:** *Boswell Engineering Review Letter dated April 10, 2018;* **B-3:** *Burgis Review letter dated April 6, 2018.*

Angelo Onello, PE remaining under oath, testified to preparing the subdivision map and described the differences between the last plan and the revised plan. The applicant has entered into an agreement with his adjacent neighbor, the Krells, located at 69 Eagle Rim Road – Block 705 - Lot 2 shifting

a 10 ft. strip of land between Lots 2 and Lot 3. The Plan now proposes to construct a new covered porch and addition with an indoor pool to the rear of the existing dwelling located on Lot 3 (proposed Lot 3.01). No variances are generated by the proposed addition; it remains a fully conforming single family home with an addition.

Mr. Onello reviewed the existing non-conformities located on Lot 2 that are proposed to remain: existing driveway side yard setback; existing shed in the side-yard to be relocated to a conforming location; front yard and side yard setback of the existing dwelling are to remain and not intensified by the proposed subdivision. The existing non-conforming shed located on Lot 3 will be removed.

Board Members requested documentation from the owners of Lot 2 that they have consented to the application made by Mr. Otras and consent to the transfer of a 10 ft. lot line shift of their property to Mr. Otras.

Mr. Madaio advised the applicant needs written consent from the Krells for the land swap and moving their shed, but the Board would be able to approve the application subject to their providing the required documentation. Mr. Cook advised at this time, Mr. Krell has sent a text advising of the agreement and consent.

A Board Member raised a concern the addition with a second kitchen, bathroom and other improvements may present an opportunity for a rental unit or use as a (2) family home.

In response Mr. Cook advised the applicant would be amenable to adding a restrictive covenant by title.

Mr. Madaio explained the R-1 Zone does not allow two family homes. The two separate kitchens proposed in the one-family home may be subject to modification if not acceptable to the Construction Code Official. Discussion followed.

Mr. Madaio advised the applicant has completely eliminated the accessory structure and is not seeking any additional approvals other than subdivision approval, which would have to be approved provided it does not create variances. The applicant has offered a deed restriction and does not need board approval for construction.

Mr. Onello testified the application is variance free and does not violate building or lot coverage; proposed Lots 2.01 and 3.01 both remain fully conforming.

Mr. Cooke advised he would be willing to withdraw the addition from the subdivision application and submit construction plans directly to the Building Department. Mr. Cook further advised the applicant has no intention of utilizing the addition as a rental or (2) family. Discussion ensued.

Mr. Madaio advised the building plans will remain part of the application. The applicant has agreed to a covenant that the building department will make the determination if the second kitchen violates the ordinances or construction codes, if so, the plans will modified to what is permitted.

A motion to open the Hearing to Members of the public by Mr. Preusch seconded by Mr. Bonjuklian. Upon no one appearing to provide comment, Mr. Virgona closed the Hearing.

Board Members questioned a portion of a 4 ft. fence that will exist on the Krell's property. In response, Mr. Onello explained the Building Department requires a pool compliant fence

since a pool will exist on the property. The issue has been discussed with the Krells and agreed upon.

A motion by Mr. Jacobs to approve the application subject to Building Department review and interpretation regarding the issue of the second kitchen; and with the applicant's consent to the covenant and a deed restriction seconded by Mr. Bakal.

Roll Call

Ayes: 9 Mr. Jacobs, Mr. Bakal, Councilman DeBerardine, Mr. Preusch, Mr. Richardi, Mr. Bonjuklian, Ms. Schaum, Mr. Polizzi, Mr. Virgona

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Linda Marmora
Clerk