

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, DECEMBER 11, 2019

Mr. Virgona called the meeting to order at 7:20 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 January 11, 2019 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, Mr. Bakal, Mr. Donato, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Ms. DeFuccio, Ms. Schaum

Absent: Mayor Minichetti, Councilman DeBerardine, Councilman Rotella, Mr. Preusch

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

APPROVAL OF MINUTES: November 13, 2019

A motion to adopt the minutes of the Wednesday, November 13, 2019 meeting by Mr. Bakal seconded by Mr. Polizzi was unanimously approved by all Members present.

RESOLUTION (*Memorialization*)

1. Application of **Wortmann** ***APPROVED***
54 Pleasant Avenue – Block 1305 – Lot 3
(Preliminary Major Subdivision w Variances/5 *Single Family Lots*)

Mr. Madaio reviewed the Resolution. Discussion followed regarding the driveways shared by the flag lots. A motion by Mr. Polizzi seconded by Mr. Donato to approve the Resolution with the additional condition the shared driveway proposed in the center of the contiguous flag poles of the (2) flag lots shall be created by cross easements that provide for the common maintenance, replacement, repaving and all other potential replacement and repair items. The flag pole access to Lot 3.01 and Lot 3.02 or a combination of both may be utilized only for access to said lots.

Roll Call

Ayes: 5 Mr. Polizzi, Mr. Donato, Mr. Bakal, Ms. DeFuccio, Ms. Schaum

PUBLIC HEARING

- 1 Application of **Jack Daniels Motors – Porsche**
120 Pleasant Avenue – Block 1301 – Lots 1.02 & 2
(Amended Site Plan w Variances/*Service Bays; Vehicle Storage; Interior & Exterior Parking Spaces*)

James Jaworski Esq. representing the applicant, provided a brief review of the proposed plan requesting approval to convert the interior vehicle storage of the facility to (15) service bays; reducing the (42) vehicle storage spaces to (19) vehicles storage spaces, (4) detailing bays and (1) car photo booth; restriping of the parking areas and fire lanes; and reduction of the interior and exterior parking spaces from 271 to 218 spaces.

Mr. Jaworski reviewed the requested variances and approvals: expansion of the existing non-conforming use; minimum number of parking stalls: 308 required; 218 proposed vs. 271 existing; minor amendment to prior site plan approval including continuation of multiple existing no-conformities.

The following exhibits were submitted and identified; **A-1:** *Resolution of Approval dated May 11, 2011;* **A-2:** *Pavement Repainting Plan & Zoning Analysis – Jack Daniels Motors prepared by Laptaka Associates Inc. dated March 22, 2019 last revised October 15, 2019.*

Andrew Missey PE, Lapatka Engineering duly sworn by Mr. Madaio, testified the Plans (**A-2**) were prepared under his supervision and to also having been involved in the previous applications regarding the subject property.

Mr. Missey reviewed the current building usage, testifying the upper level provides storage for (42) vehicles; the lower level provides vehicle storage for (30) cars; and (17) service bays.

Mr. Missey reviewed the proposed changes, testifying the lower level will add (15) service bays to the existing (17) bays for a total of 32 bays; the upper level will provide storage for (19) vehicles, (4) detail bays and (1) car photo booth.

Mr. Missey reviewed the existing conditions, topography surrounding the existing building and access to various areas of the building. Mr. Missey briefly reviewed the proposed shifting of the vehicle storage to other sites testifying the applicant proposes to use part of the upper level for the servicing of Audi vehicles. The lower level will be used for support services. Mr. Missey testified there are no site plan changes to the exterior; all changes are on the interior of the building.

Mr. Missey testified the applicant is not proposing changes to the parking layout other than restriping the outdoor parking area. Mr. Jaworski advised there is no longer extensive storage of new vehicles.

Mr. Missey reviewed the proposed parking: (128) spaces for new vehicles; (40) spaces for service; (45) spaces for employees and (5) spaces for visitors for a total of 218 spaces.

In response to comments from the Board, Mr. Missey testified currently there are 10 ft x 18 ft. parking spaces that will remain, all other spaces will be 9 ft. x 18 ft. including those inside the building.

The parking areas will be restriped and repaved where necessary.

In response to comments from the Board regarding the parking breakdown, Mr. Missey testified the quantity provided will work.

A motion by Mr. Polizzi seconded by Mr. Richardi to open the Hearing to Members of the public regarding the testimony provided by Mr. Missey. No one appeared to provide testimony.

Jack Daniels, applicant duly sworn by Mr. Madaio, testified the testimony provided by Mr. Missey is accurate. Mr. Daniels testified some cars are stored at 120 Pleasant Avenue, but will be relocated to a storage facility in Park Ridge after receiving the Board's approval.

In response to comments from the Board, Mr. Daniels testified some loaner cars are kept at the customer contact area. The facility is a split operation; parts and service with approximately (3) cars serviced by (1) technician per day.

In response to the Board's concerns regarding traffic build up and the need for more parking due to more trips between the facility and the dealership, Mr. Daniels testified the plan is for the client to pull-in, get written up and be delivered a loaner or be driven out. 80% of the service business is scheduled; 20% is non-scheduled.

Mr. Madaio advised the proposed plan is an expansion of a non-conforming use for a fully conforming dealership with service. The plan does not alter the site plan; the applicant is servicing more vehicles but with no other changes; and is a permitted use. The Zoning Officer did not determine it was a change of use or an expansion of use.

Mr. Jacobs adjourned the meeting at this time: 8:50 p.m.

A motion by Mr. Polizzi seconded by Mr. Bonjuklian to open the Hearing to Members of the public regarding the testimony provided by Mr. Daniels. No one appeared to provide testimony.

Kevin Stink LA, Canzani Architects duly sworn by Mr. Madaio, testified to being familiar with the facility and preparing the *Proposed Plan for Jack Daniels Audi Service. Audi Service, last revised October 21, 2019* submitted and identified as **A-3**. Mr. Stink reviewed the existing and proposed layout and use of the building. Mr. Stink testified (4) new floor drains would be installed to address the water collection from the additional service bays on the first floor. Mr. Stink reviewed all code complaint issues advising a carbon monoxide air system would be installed.

Mr. Stink reviewed and addressed the Fire Officials comments submitted in a letter dated December 9, 2019 – identified as **A-4**: Mr. Stink testified to comment #4 advising the door is not a fire rated door, but would review it further to confirm,

Mr. Stink reviewed and addressed the comments of the Boswell Engineering review letter dated November 13, 2019 submitted and identified as **B-1**.

A motion by Mr. Polizzi seconded by Mr. Bonjuklian to open the Hearing to Members of the public regarding the testimony provided by Mr. Stink. No one appeared to provide testimony.

Katherine Gregory PP duly sworn by Mr. Madaio, testified to having reviewed all application materials and Borough Ordinances. Ms. Gregory testified the applicant has satisfied the special reasons for granting the D-2 variances by encouraging municipal action to guide the efficient use of development of land in a manner which will promote the public health, safety morals and general welfare. The applicant is using the same place in terms of expansion of the interior, not expanding the building and by providing adequate air, light and open space.

In terms of satisfying the negative criteria, the use is already there and has been operating at the site for a very long time. The public is accustomed to the facility, is an appropriate use of the site and is not a detriment to the public good. Additional traffic has been eliminated by decreasing the number of trucks to the site. In terms of the Master Plan, the variances offer no substantial detriment.

Regarding the C-2 variances requested for parking, the site is overparked for what the Ordinance requires, essentially double counting the required spaces. The purposes of the MLUL would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation would substantially outweigh any detriment,

A motion by Mr. Polizzi seconded by Mr. Richardi to open the Hearing to Members of the public regarding the testimony provided by Ms. Gregory. No one appeared to provide testimony.

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

A motion by Mr. Richardi seconded by Mr. Polizzi to approve the application with the condition there is to be no parking on local streets and no parking in front of the emergency gates.

Roll Call

Ayes: 8 Mr. Richardi, Mr. Polizzi, Mr. Bakal, Mr. Donato, Mr. Bonjuklian,
Ms. DeFuccio, Ms. Schaum, Mr. Virgona

PUBLIC COMMENT

A motion to open the meeting to Members of the public by Mr. Richardi seconded by Mr. Polizzi. No one appeared to provide comment.

ADJOURNMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Bonjuklian was unanimously approved by all Members present. Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Linda Marmora, Clerk

