

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, AUGUST 26, 2021

Mr. Virgona called the meeting to order at 7:04 pm. 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 e-mail to The Record and The Ridgewood News on December 10, 2020 and August 10, 2021 at which time the date and purpose of the meeting was set forth and notice was posted on the Boro Website: www.usrtday.org

PLEDGE OF ALLEGIANCE

Present: Mayor Minichetti, Mr. Virgona, Mr. Polizzi, Mr. Preusch, Mr. Masi, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Mr. Wiederholz

Absent: Mr. Donato

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

APPROVAL OF MINUTES: August 11, 2021

A motion by Mr. Polizzi to adopt the minutes of the Thursday, July 22, 2021 meeting seconded by Mr. Bonjuklian.

Roll Call

Ayes: 6 Mr. Polizzi, Mr. Bonjuklian, Mr. Masi, Mr. Preusch, Mr. Bakal, Mr. Richardi

RESOLUTIONS (Memorialization)

1. Application of **Wojcik (Creative Gardens)** ***APPROVED***
409 East Saddle River Road – Block 810 – Lot 1
(Reaffirmation of Planning Board Resolution Granting Subdivision Approval dated July 12, 2017 and Extension of Developer’s Agreement dated September 11, 2017)

Mr. Madaio reviewed the Resolution. A motion by Mr. Preusch to adopt the Resolution as presented seconded by Mr. Bakal.

Roll Call

Ayes: 7 Mr. Preusch, Mr. Bakal, Mayor Minichetti, Mr. Richardi, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

2. Variance Application of **Pontone** ***APPROVED***
2 Old Chimney Road – Block 712 – Lot 8
(Location, Front & Side Yard Setbacks/Pool with Patio Surround, Pavilion & Walkway)

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

seconded by Mr. Bonjuklian.

Roll Call

Ayes: 7 Mr. Polizzi, Mr. Bonjuklian, Mr. Preusch, Mr. Richardi, Mr. Bakal, Mr. Masi, Mr. Virgona

3. Variance Application of **Ghossi** ***DENIED***
32 Parker Place – Block 507 – Lot 2
Rear Yard Setback, Wall Height/*Existing Patio & Wall*)

Mr. Madaio reviewed the Resolution. A motion by Mr. Richardi to adopt the Resolution as presented denying the application seconded by Mr. Bonjuklian.

Roll Call

Ayes: 6 Mr. Richardi, Mr. Bonjuklian, Mr. Masi, Mr. Preusch, Mr. Bakal, Mr. Polizzi

PUBLIC HEARING

1. Application of **80 Lake Street LLC** *(Continued P. Hearing from July 14, 2021)*
80 Lake Street – Block 1005 – Lot 1
(Certification for Valid Non-Conforming Structure/Use/*Existing 2- Family Home*)

Andrew Kohut Esq, representing the applicant advised in response to the Board’s request for additional information, he had researched the Bergen County tax records, but did not find a specific reference to a (2) family dwelling at the subject property.

Mr. Kohut submitted and reviewed the following exhibits: **Exhibit A:** *Recorded Deed – 80 Lake Street LLC dated March 10, 2021 (7) pages;* **Exhibit B:** *Subdivision Plat “Upper Saddle River Estates” dated November 1957 (3) pages;* **Exhibit C:** *Tax Records 1957 & 1958 (2 pages)* **Exhibit D:** *Deed of Abrams & Kirschner to Upper Saddle River Estates dated November 27, 1956 (4) pages;* **Exhibit E:** *Construction & Tax List New Buildings dated 1952 (2 pages);* **Exhibit F:** *Murray Manufacturing Corporation Catalogue – Devices for Electrical Distribution dated 1949 (2) pages;* **Exhibit G:** *Murray Manufacturing Corp. Service Equipment Seal. **PB-1:** *Aerial Photographs - 80 Lake Street dated between 1953 & 1965 provided by Boswell Engineering.**

Mr. Kohut stated the information presented in the Exhibits; additional information provided by Mr. Ashbahian and the aerial photographs and correspondence provided by Ms. Tiberi, are relevant to supporting this dwelling was used as a (2) family dwelling in the early 1950’s.

Discussion followed.

Thomas Ashbahian PE, remaining under oath, testified since the last meeting, he revisited the garage structure ascertaining that it was built in the 1950’s. The side- by- side electrical boxes located inside and outside the building (**Exhibit F**) were the types of equipment manufactured during the period ranging from 1949, 1950 & 1951 as evidenced by the postal code provided on the Murray Manufacturing catalogue. Zip Codes were introduced in 1963. Mr. Ashbahian testified there is no clear hard line, but circumstantial evidence supports it was built as a (2) family. Further discussion followed regarding the electrical panels and fuse boxes.

Discussion ensued regarding 1952 tax assessment records (**Exhibits C & E**) and the Subdivision Plat (**Exhibit B**)

Board Members discussed whether the placing of the (2) electrical meters on the garage demonstrate that a (2) family dwelling existed prior to 1955.

Mr. Madaio advised the Board has to evaluate the proofs and make a decision.

Mr. Kohut stated he did not find any historical photos or tax record at this time, but requested the application be carried to the Thursday, September 23, 2021 meeting in order to conduct additional research.

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

Mr. Virgona announced this application is carried to the Thursday, September 23, 2021 Planning Board Meeting at 7:00 pm via ZOOM.

Note: Mayor Minichetti adjourned the meeting at this time: 8:58 pm

2. Major Soil Moving Application of **30 Yeoman Drive LLC**
30 Yeoman Drive- Block 215 – Lot 1
(New Home/Pool)

James Jaworski Esq, representing the applicant, presented a brief summary of the Plan to construct a new dwelling with a pool that is fully conforming to the Zoning Ordinance, but requires Board approval to move 2,027 cubic yards of soil and 310 cubic yards of fill, as it exceeds the 1,500 cubic yard threshold.

The following exhibits were submitted and identified: **A-1**: *Soil Movement Application Form*; **A-2**: *Plot Plan prepared by Conklin Associates last revised July 13, 2021*; **A-3**: *Architectural Plans prepared by Plan Architecture dated July 1, 2021*; **A-4**: *Bergen County Soil Conservation Approval dated July 19, 2021*; **B-1**: *Boswell Engineering Review Letter dated July 13, 2021*.

Tibor Latincsics PE, for the applicant was duly sworn by Mr. Madaio. Mr. Latincsics testified the applicant is proposing to remove the existing site improvements and construct a new (7) bedroom, 2 ½ story home, (4) car attached garage, new driveway, rear covered porch, open and covered terrace, swimming pool, fire pit, patio area, seepage pits, new septic system, new well, 3 ft. Keystone wall, (4) AC Units and (1) generator requiring the excavation of 2,069 cy of soil and 195 cy of fill.

In response to comments from the Board, Mr. Latincsics testified all existing variances will be eliminated. A total of 33 trees are to be removed and replanted with landscaping to be approved by the Shade Tree Commission.

Discussion followed. A Board Member commented the subject property is a uniquely shaped lot, with the rear being smaller and requiring more soil to be moved.

A motion by Mr. Preusch to open the Hearing to Members of the public regarding the testimony or having any comments regarding this application seconded by Mr. Polizzi.

Upon no one appearing to provide comment and no further comments from the Board, Mr. Virgona closed that portion of the Hearing.

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

Roll Call

Ayes: 8 Mr. Bakal, Mr. Preusch, Mr. Masi, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Mr. Wiederholz, Mr. Virgona

Note: Mr. Preusch adjourned the meeting at this time: 9:07 pm.

3. Application of Jeannot Estates – 54 Pleasant Avenue – Block 1305 – Lots 301, 3.04 & 3.05

50 Pleasant Avenue – Block 1305 – Lot 3.01: (Encroachment 10 ft. north side yard buffer/*Native Stone Wall*)

52 Pleasant Avenue – Block 1305 – Lot 3.04: (Encroachment 10 ft east side yard buffer and 15 ft. south rear yard buffer/*Native Stone Wall & 33.54 Lot Coverage vs. 30 % Permitted*)

54 Pleasant Avenue – Block 1305 – Lot 3.05: (Encroachment west side yard non-disturbance buffer/*Native Stone Wall*)

James Jaworski Esq, representing the applicant advised the same variance is required on the (3) lots as the wall crosses the property lines. The request for the C-2 variance is a result in a deviation for only the native stone walls.

Tibor Latincics PE, remaining under oath, explained the walls in question were the reconstruction of the existing walls on the subject property and the use of the stones and boulders generated by the foundation excavations on site grading.

The following exhibits were submitted and identified and reviewed: **A-1:** *Composite Plan for the homes under construction dated July 7, 2021;* **A-2:** *Amended Plot Plans, Lots 3.01, 3.04 & 3.05;* **A-3:** *Photographs A & B depicting existing and proposed conditions;* **A-4:** *Photographs 1-7 - Providing visual aesthetic and well-built native stone walls taken May 14, 2021.* **B-1:** *Boswell Report – 50 Pleasant Avenue dated July 1, 2021, 52 Pleasant Avenue dated July 8, 2021, 54 Pleasant Avenue dated July 1, 2021 and Boswell Supplemental Report – 54 Pleasant Avenue dated July 8, 2021.*

Mr. Latincics explained the variance request is for the disturbance and re-construction of the native stone walls within the 10 ft. or 15 ft. landscape buffer along the property lines of Lot 301, 3.02 and Lot 3.05. The walls were pre-existing and are common “Farmers Walls” found throughout the Borough that cross property lines.

Mr Latincics reviewed each of the re-constructed wall length and heights prior to final grading testifying each shall wall will be lower upon final grading and landscaping.

In response to comments from the Board, Mr. Latincics testified the walls are all part of the lots created

by the Jeannot Estates Subdivision. No fill was exported from the site in connection with the (3) new homes under construction at this time.

Mr. Latincsics testified the location of the walls in question were good planning and for practical reasons meeting the criteria for granting a C-2 variance. The 10 ft. behind the walls will be heavily landscaped to meet the intent and purpose of the landscape buffer ordinance.

In response to comments from the Board regarding maintenance of the areas planted on Lot 3.04 and Lot 3.05, Mr. Jaworski advised an agreement will be put in place.

Mr. Wetzer, applicant, 50 Pleasant Avenue duly sworn by Mr. Madaio. testified the walls and landscaping berms as constructed afford him privacy on his property – Lot 3.01.

Ms. Tiberi advised the current height of the walls is 47” but will be subject to confirmation they are less than 4 ft. and fully compliant after the fill has been completed. Lots 3.04 and 3.05 are fully conforming.

A motion by Mr. Polizzi to open the Hearing to Members of the public seconded by Mr. Bonjuklian.

No one appeared to provide comment. Mr. Jaworski advised both adjacent property owners had adjourned the meeting. Mr. Tiberi advised she had spoken to the neighbor on the west side and he was very happy about the wall.

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

A motion by Mr. Polizzi to approve the application for the location of the walls, not the height; which is subject to approval by Boswell Engineering upon submission of the As-Built, seconded by Mr. Richardi.

Roll Call

Ayes: 8 Mr. Polizzi, Mr. Richardi, Mr. Masi, Mr. Bakal, Mr. Jacobs, Mr. Bonjuklian, Mr. Wiederholz, Mr. Virgona

PUBLIC COMMENT

A motion by Mr. Richardi seconded by Mr. Bonjuklian to open the Meeting to Members of the public. No one appeared to provide testimony.

ADJOURMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Bonjuklian was unanimously approved by all Members present. Meeting adjourned at 9:52 p.m.

Respectfully submitted,

Linda Marmora, Clerk

