

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, DECEMBER 11, 2013

Mr. Virgona called the meeting to order at 7:35 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 28, 2012 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. Friedman, Mr. Prober, Mr. Richardi

Absent: Mayor Minichetti, Councilman Durante, Mr. Stutman, Mr. Wortmann, Ms. Rosenthal, Ms. Miller, Mr. Abramson

Also Present: Mark Madaio, Esq., Planning Board Attorney
Christopher Statile, P.E., Planning Board Engineer

Approval of Minutes

A motion to adopt the minutes of the November 13, 2013 meeting by Mr. Prober seconded by Councilman DeBerardine was unanimously approved by all Members present.

Correspondence

Mr. Virgona reviewed correspondence received from John J. Lamb, Esq. regarding Creative Gardens and Robert Simon, Esq. regarding the application of David & Sydelle Aarons.

Mr. Virgona announced the application of David & Sydelle Aarons – 56 Echo Ridge Road – Block 916 – Lot 14 is carried to the Wednesday, January 8, 2014 meeting with renoticing required.

RESOLUTION (*Memorialization*)

1. Variance Application of **Laurence Dann** *Approved*
31 Ridge Road – Block 1216 – Lot 7
(Side Yard Setback/*Generator*)

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

Roll Call

Ayes: 6 Councilman DeBerardine, Mr. Preusch, Mr. Prober, Mr. Richardi, Mr. Polizzi, Mr. Virgona

PUBLIC HEARING

1. Application of **Fernando & Kim Garzon**
44 Carlough Road – Block 703 – Lot 2
(Front Yard Setback; Wall Height; Building Height/Addition)

James Jaworski, Esq., representing the applicants, reviewed special aspects supporting the requested variances to permit the renovation and expansion of a simple home. The property itself is irregularly shaped due to the curvature of Carlough Road along the lot frontage, and a formidable pond dominating the rear yard. The proposed front vestibule requires a variance for a front yard setback of 43.6 ft. vs. 50 ft. permitted; the encroachment of the proposed 8 ft. walls outside the building envelope on either side of the façade vs. 6 ft. permitted will provide privacy and add to the Mediterranean aesthetic. The requested 36.5 ft. vs. 35 ft. permitted building height is required to permit the modification of the existing gabled roof to a hip roof, softening the look.

Tibor Latincics, P.E., duly sworn by Mr. Madaio, testified the plans were prepared under his direction and the photographs were taken by him. The following documents and exhibits were submitted and identified: **A-1:** *NJDEP Flood Hazard Area Applicability Determination dated October 25, 2013*; **A-2i:** *Correspondence from Conklin Assoc. to NWBHC dated September 16, 2013*; **A-2ii:** *Email from NWBRHC to Conklin Assoc., dated December 9, 2013*; **A-3:** *Addition Plot Plan Soil Erosion Plan prepared by Conklin Assoc. dated August 27, 2013*; **A-4:** *Ten Scale Enlarged Version of Addition Plot Plan*; **A-5:** *Aerial Map of Site and Surrounding Area*; **A-6:** *Photographs of Site*. Mr. Latincics described the existing conditions, irregularity of the lot and major feature of the property being a pond occupying 40% of the lot. The objective of the proposed plan is to optimize the unobstructed view of the woods from the rear of the property.

Mr. Latincics described one characteristic of the existing home, i.e.; classic walk out basement, typical for sloping yards. Mr. Latincics testified the tendency at the time was not to move the home forward on building lots in order to provide more rear yard.

Mr. Latincics reviewed the requested variances: a 4.4 ft. encroachment into the front yard setback is required to permit the enclosure and enlargement of the existing open front porch to create an entry vestibule. The existing rear deck will be demolished and the rear of the home extended 12 ft. to include a deck and terrace requiring a 36.5 ft. height variance due to the roof height being measured from the downhill edge of the first floor terrace and because the property slopes a foot and a half from that distance. The proposed privacy walls are behind the front yard setback at 8 ft., specifically to create a Mediterranean arch walkway extending 24 ft. beyond the corner of the building.

In response to comments from the Board, Mr. Latincics testified the entire wall is coming off the front corner of the home due to the irregular shape of the property. The architectural elements are characteristic benefits, providing a stucco privacy fence. The proposed permanent walls are constructed with footings and concrete block with the northern wall being 24 ft. long and the southern wall 22 ft. long.

Mr. Madaio reviewed the Borough's Code definition for walls. Mr. Jaworski advised the northern wall requires a side yard setback, where the southern wall requires a front yard setback.

Mr. Virgona opened the Hearing to Members of the public regarding Mr. Latincics' testimony.

No one appeared to provide comment.

Fred Klenck, A.I.A., duly sworn by Mr. Madaio, testified to preparing the plan marked and identified as **A-7: Addition to Garzon Residence last revised September 4, 2013 (5 sheets)**; and a member of his staff having taken a series of photographs identified as **A-8: Photo Collage**. Mr. Klenck described the existing home as one typically built in the 1960's and 70's. The applicant loving the town, purchased the home for the beauty of the rear yard and with a vision to convert it to the Mediterranean style by creating a hip roof, replacing the existing siding with stucco, extending the façade with walls from an aesthetic standpoint in keeping with the Mediterranean style and to give length to the structure. The proposed one-story vestibule with a pitched roof extends 4 ft. into the front yard setback to break up the height of the building and blend in with the walls, and being no higher than what exists.

Addressing the request for a height variance, Mr. Klenck testified the visual impact is diminished significantly by converting from a gable to hip roof; the request for the additional 1.5 ft. of height offsets the pitched roof for the entire structure and the new ridge lines will physically lower the existing main box of the house.

Mr. Klenck reviewed the photographs evidencing the sloping property as viewed from the driveway, street, rear and sides and across the pond. Mr. Klenck testified he developed the front elevation by removing the gables, retaining the existing ridge line on the main box of the house, introduced one-half round one-story entry, attaching a wall to the corner of the house, and removing one-third of the roof over the garage to create a veranda that is lower than the existing ridge. The left side elevation retained the existing roof pitch and when looking at the home from the rear, the hip roof is in character.

Mr. Klenck testified to the floor plans of the existing dwelling as consisting of a living room, dining room, family room, kitchen, two-car garage and powder room on the first floor and four bedrooms and two full bathrooms on the second floor. The applicant is proposing to expand the use of the first floor by doubling the size of the family room, kitchen, breakfast and dining room by changing the depth of the house. An attached 25 ft. wall is proposed to the building on the northern corner and due to the garage on the southern corner came back 3 ft. extending it directly out. A blue stone terrace with a series of stair cases is proposed for the rear addition overlooking the pond. The added width of the garage extends out 17 ft. accommodating a veranda and staircase on the north and left side of the second floor. The bathroom and balcony would have new hip roofs.

Mr. Klenck testified in order to achieve a Mediterranean look the applicant is proposing a tiled roof, stucco walls on all four sides, arches underneath the patio and a veranda over the garage. Mr. Klenck testified the few requested variances are to permit a reasonable upgrade to a home built over fifty years ago.

In response to comments from the Board, Mr. Klenck testified an additional 205 sq. ft. is being added to the second floor with 759 sq. ft. of living area added to the first floor. The second floor veranda measures 17' x 22' accounting for less than 400 sq. ft. The added 1,000 s.f. to the building and 1,000 s.f. of covered veranda does not encroach beyond any setbacks. The only deviation is for the front yard setback.

In response to additional comment from the Board, Mr. Klenck testified the existing home's inside staircase is located less than 6 ft. from the front doorway. The proposed curved entry is to create a little more entry and get more distance.

Mr. Virgona opened the Hearing to Members of the public regarding Mr. Klenck's testimony. No one appeared to provide comment.

Mr. Jaworski reviewed the aesthetics. Discussion followed regarding the issue of the walls and room for compromise.

Mr. Jaworski advised the applicant is withdrawing the variance requested for the masonry walls.

Mr. Virgona opened the Hearing to Members of the public.

Tom Dillon – 6 Sandstone Ridge offered favorable comments but asked contractors to be mindful of the truck traffic as the curve is difficult to negotiate.

Mr. Statile advised there is to be no parking within 25 ft. of the intersection of Carlough Road and Autumn Court.

John Carroll, 2 Evergreen Drive provided comments in support of the application.

With no further comments from the Board or public, Mr. Virgona closed the Hearing.

A motion by Mr. Richardi seconded by Mr. Preusch to approve the application with the removal of the proposed (2) walls.

Roll Call

Ayes: 7 Mr. Richardi, Mr. Preusch, Councilman DeBerardine, Mr. Prober, Mr. Friedman
Mr. Polizzi, Mr. Virgona

Mr. Madaio counseled the record to reflect Mr. Virgona adjourned the meeting at 8:55 p.m.

1. Soil Moving Application of **Mark Petrone** (*Continuation of November 13, 2013 P. Hearing*)
59 Eagle Rim Road – Block 705 – Lot 4
(*New Home Construction/Inground Swimming Pool*)

Gregg Padovano, Esq., representing the applicant advised this is a continuation of the soil moving application as a result of the Board's comments provided at the November 13, 2013 Hearing. Shade Tree Commission Representative Matt Koski conducted a site visit meeting with the applicant, engineer and landscape architect to review the proposed tree removal and re-landscaping plan. The tree removal plan has been revised to save four (4) additional specimen trees with a series of proposed low retaining walls to provide additional protection.

Tibor Latincics, P.E., remaining under oath, testified to the primary revisions to plans dated November 19, 2013 that were a result of meeting with the Shade Tree Commission representative, Matt Koski. Four additional specimen trees are to remain with a series of low retaining walls proposed to protect the trees. The (6) seepage pits at the lower end of the property have been relocated and a window well added.

In response to comments from the Board, Mr. Latincics testified the soil moving calculations remain at 3,949 c.y. of which 3,681 are to be exported. Addressing Mr. Statile's review letter dated December 10, 2013, referring to comment #15, Mr. Latincics testified the seepage pits were relocated and spread out as recommended. Addressing comment #16, Mr. Latincics testified the right-of-way is being disturbed with the upgrading of the utility lines and planting of (5) trees. The grading is a benefit and the applicant is requesting the right to grade the right- of -way.

Brad Meumann, L.A., remaining under oath, testified to the revisions to the planting plan in an effort to save more trees and to plant more native trees; and for the provision of additional tree protection prior to working in the area. The Shade Tree representative, Matt Koski will inspect the fence location prior to excavation for control and if not satisfied it will be relocated prior to commencing work. Mr. Meumann advised the Shade Tree Commission will have full control over the no disturbance zone.

In response to comments from the Board, Mr. Meumann testified the revised plan adds substantially more native oak and red maple trees, and provides additional tree protection. The relocation of the tanks causes fewer disturbances in the rear and does not affect the trees.

In response to additional comments from the Board, Mr. Meumann testified the quantity of coniferous trees was decreased and the provision for deciduous trees was increased.

A Board Member commented this is the best effort seen by an applicant to preserve trees.

Mr. Polizzi opened the Hearing to Members of the public. No one appeared to provide comment.

A motion by Councilman DeBerardine seconded by Mr. Richardi to approve the application as submitted with the revisions presented.

Roll Call

Ayes 5 Councilman DeBerardine, Mr. Richardi, Mr. Preusch, Mr. Prober, Mr. Polizzi.

PUBLIC COMMENT

Mr. Polizzi opened the meeting to Members of the public. No one appeared to provide testimony.

ADJOURNMENT

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

Respectfully submitted,

Linda Marmora
Clerk

