

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – FEBRUARY 13, 2013

Mr. Polizzi called the meeting to order at 7:34 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 and January 28, 2013 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. Polizzi, Mayor Minichetti, Councilman DeBerardine, Mr. Friedman, Mr. Stutman, Ms. Rosenthal, Mr. Abramson

Absent: Mr. Virgona, Mr. Preusch, Mr. Prober, Mr. Wortmann, Ms. Miller, Mr. Richardi

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

APPROVAL OF MINUTES

A motion by Mr. Friedman to adopt the minutes of the January 24, 2013 meeting seconded by Councilman DeBerardine was unanimously approved by all Members present.

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to Robert Abramson, Alternate III Member, for a 2 year term ending December 31, 2014.

CORRESPONDENCE

1. After reviewing a letter dated February 13, 2013 from Bruce Whitaker, Esq., Mr. Polizzi announced the application of **Ramsey Nissan – 405 – Route 17 South – Block 1015 – Lots 1 & 2** is carried to the Thursday, February 28, 2013 meeting without further noticing required.

RESOLUTION (*Memorialization*)

1. Application of **Maserati of Bergen County 145 Route 17 South – Block 1301 – Lot 14**
(Preliminary & Final Site Plan Approval; Use Variance; Bulk Variances/
Automobile Dealership)

A motion by Mr. Friedman to adopt the Resolution as presented seconded by Mr. Stutman.

Ayes: 3 Mr. Friedman, Mr. Stutman, Mr. Polizzi

PUBLIC HEARING

1. Application of **Klein** (*Continued from December 12, 2012 P. Hearing*)
23 Mettowee Farms Court – Block 1203 – Lot 14.07
(Rear & Side Yard Setbacks; Impervious Coverage/*Inground Swimming Pool/Retaining Wall*)

Bruce Whitaker, Esq., representing the applicant, advised the plans have been revised at the suggestion of the Board and the Professionals. Mr. Whitaker provided an overview of proposed modifications to the application: a smaller 915 s.f. in-ground swimming pool, surrounding patio, corner decking, pool equipment, fencing, drainage plan, and landscaping.

Mr. Whitaker stated the applicant is now proposing a maximum 22 ft. rear yard setback where 35% is required and impervious coverage of 32% where 30% is required. The previously proposed side yard setback has been eliminated. The following plans were identified and marked: *A-1: Site Plan* prepared by Gdanski Consultants, Inc. revised though January 19, 2013; *A-2: Additional photographs*; *B-3: Statile review letter* dated February 4, 2013.

Mr. Whitaker reiterated the granting of the C-1 variances are warranted due to the 61.% front yard setback of the house creating a smaller rear yard within which to locate the pool; the irregularly (7) sided shaped lot; and the pre-existing driveway contributing to majority of the overall improvement coverage with the inclusion of the proposed pool and patio. Mr. Whitaker stated the proposed pool and improvements will not have an adverse impact or substantial detriment to the Borough's Zone Plan or Ordinances.

In response to comments from the Board regarding the location of the spa, Mr. Whitaker said if the spa portion of the pool is moved further westerly, it would be raised higher and become more visible. The last comments of the Board were to take it out of the side yard and encroach upon the rear yard. Discussion followed regarding the pros and cons of "Alternate I" and "Alternate II" proposed by Mr. Statile in his review letter dated February 4, 2013.

Michael Leone, contractor and pool designer, was duly sworn by Mr. Madaio. Mr. Leone testified the reason the site plan was designed as submitted on the revised plans, is due to the existing grade, and to eliminate the retaining wall. By keeping the raised side of the pool, it tucks into what is already there, and becomes more aesthetically appealing.

Mr. Leone circulated digital images of the proposed pool, spa and patio.

In response to comments from the Board, Mr. Whitaker stated employing "Alternate I" would eliminate the area for shade and locate the pool 12 ft. from the house. Discussion followed regarding the location of the pool acting as a retaining structure for the slope.

Mr. Leone testified multiple plantings were planned to control soil erosion. Mr. Whitaker advised a drainage system will be installed to the rear of the pool.

Mr. Klein remaining under oath testified he understands he can't have everything, but without shade to be provided by the proposed decking, his family will have a hard time enjoying the expense, as the rear yard is sun filled from morning to night. Discussion followed regarding possible alternatives to the

2- story shade deck, but it was determined the options were not feasible. Mr. Klein testified his neighbors did not have any issues with the proposed plans. Discussion followed.

Mr. Whitaker advised Mr. Klein is proposing the following changes: to place the spa in the belly of the pool, thereby shifting the pool to the west so that the closest rear yard is at 26 ft., where 35 ft. is required, and then widens.

Mr. Whitaker advised the application is now amended to request the following variances: 26 ft. rear yard setback to permit the location of the pool, where 35 ft. is required; 31.1% improvement coverage where 30% is required.

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

Mr. Polizzi closed the Hearing.

Mr. Abramson commented that he was in favor of the application as amended, considering the fact that the nearest property is located 70 ft. from the rear yard, the existing buffer of numerous trees and the proposed new plantings, and safety issues addressed by not having the pool located too close to the house.

Mr. Friedman requested the applicant provide a good planting plan featuring a mix of deciduous and evergreen trees for review and approval by the Shade Tree Commission.

A motion by Mr. Abramson to approve the application as revised and discussed seconded by Mayor Minichetti.

Ayes: 7 Mr. Abramson, Mayor Minichetti, Councilman DeBerardine, Mr. Friedman, Mr. Stutman, Ms. Rosenthal, Mr. Polizzi

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn by Mr. Stutman seconded by Councilman DeBerardine was unanimously approved by all Members present. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Linda Marmora
Clerk

