

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, JUNE 11, 2014

Mr. Virgona called the meeting to order at 7:31 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 23, 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. Virgona, Mr. Polizzi, Councilman DeBerardine, Mr. Friedman, Mr. Prober, Mr. Stutman, Mr. Wortmann, Ms. Rosenthal, Mr. Bakal, Mr. Richardi

Absent: Councilman Durante, Mr. Preusch

Also Present: Mark Madaio, Esq., Planning Board Attorney
Eileen Boland, P.E, Planning Board Engineer

CORRESPONDENCE:

1. After reviewing correspondence dated June 10, 2014 from James Jaworski, Esq., Mr. Virgona announced the application of **Modugno – 437 East Saddle River Road, Block 801 – Lot 8.01 is carried to the Thursday, July 24, 2014 meeting without further noticing required.**
2. After reviewing correspondence dated June 9, 2014 from Bruce Whitaker, Esq., Mr. Virgona announced the application of **Ribellino 31 Hampshire Hill Road, Block 205 – Lot 12 is carried to the Wednesday, August 13, 2014 meeting without further noticing required.**

APPROVAL OF MINUTES: *Thursday, May 29, 2014*

A motion to adopt the minutes of the Thursday, May 29, 2014 meeting by Mr. Friedman seconded by Mr. Polizzi was unanimously approved by all Members present.

RESOLUTIONS (*Memorializations*)

1. Application of **33 Hidden Glen LLC** *APPROVED*
33 Hidden Glen Road – Block 913 – Lot 29
(Major Soil Moving/*New Home Construction*)

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

Roll Call

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

2. Application of **Vincent LaBarbiera**
2 Patriots Lane – Block 213 – Lot 8.01
(Major Soil Moving/*New Home Construction*)

APPROVED

Mr. Madaio reviewed the Resolution. A motion by Mr. Richardi to adopt the Resolution as presented seconded by Mr. Friedman.

Roll Call

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

PUBLIC HEARING

Mr. Madaio counseled the record is to reflect Mr. Virgona and Mr. Wortmann recused themselves from this application and adjourned the meeting at 7:28 p.m.

1. Application of **Maric Builders LLC**
50 Lilline Lane – Block 705 – Lot 23
(Major Soil Moving; Height Variance/*New Home Construction*)

Bruce Whitaker, Esq. representing Maric Builders LLC, advised the applicant is proposing to construct a new single family home, inground swimming pool, patio and driveway on the property located in the R-1 Residential Zone District. Mr. Whitaker explained even though demolished, it was realized the house did have a series of non-conformities, was off-centered and contained a steeped sloped driveway. Mr. Whitaker advised the irregular shaped lot and topographic conditions serve as the basis for granting the C variance relief for height that is being requested. Soil moving is prompted by the new septic, drainage improvements and landscaping.

Tibor Latincsics, P.E., duly sworn by Mr. Madaio, reviewed the ***“Exhibit List”, Maric Builders, LLC A-1 through A-13*** that he had prepared and submitted. Mr. Latincsics reviewed variances required and for those for the retaining walls as interpreted by the Zoning Officer. After a brief discussion, Mr. Whitaker agreed to treat the two (2) 5 ft. high retaining walls proposed adjacent to the landing area of the front porch steps as though a variance is needed.

Mr. Latincsics testified to preparing the plans and described the 42,369 s.f. property as being irregular in shape, twice the width of a typical lot, with a curve along the exceptionally narrow frontage. Beyond the distinctive characteristics, the lot contains a 34 ft. elevation change across the property. The existing driveway runs steep as indicated on ***Exhibit A-1***. Recognizing the non-conformity, improvements are proposed in the most advantageous location. The existing circular driveway encroaches into the buffer area and with no existing drainage improvements, the runoff sheets down onto Lilline Lane. Mr. Latincsics reviewed the Plot Plan (***Exhibit A-2***) testifying the new single family home is conforming 100% as to location, unfortunately locating into the steep area of the lot, necessitates a 3.4 ft. building height variance due to the existing grade at the proposed dwelling’s southwestern corner of the covered porch. The existing retaining wall along the property will be reconstructed, with additional retaining walls proposed at the front stair case leading to the front door.

In terms of soil movement (***Exhibit A-3***) Mr. Latincsics testified relocating the home, reconstructing the driveway, installing a new septic field and series of (5) seepage pits, require a total movement

of 3,502 c.y. of soil: 1,734 c.y. of fill on site; 1,768 c.y. of export. Mr. Latincics testified to the conditions proposed: a 70.62 ft. side yard setback to the property to the south; 60 ft. to the property to the north; rear yard setback of 51.54 ft.

Mr. Latincics testified the non-conformities are being eliminated by virtue of relocating the driveway out of the landscape buffer and removing the existing retaining wall.

Mr. Latincics reviewing the topographic conditions testified to the 15 ft. elevation change in the natural topography from the front of the home to the rear. The depth of the home is 36 – 40 ft. with an 8 ft. 1-story front porch on the front of the foundation. When measured from the lowest existing grade at the southwest corner of the front porch, the ridge elevation is 38.4 ft. vs. 35 ft. permitted, requiring a 3.4 ft. building height variance. Mr. Latincics reviewed the height differential surrounding the home: the rear elevation of the home measures 28 ft. The proposed driveway features a staircase coming up from the courtyard with two retaining walls to allow for the grade change. The retaining walls are structurally separate, with a distance of 2 ft. between them. The walls are necessary to due to the topographic challenges in lowering the elevation of the driveway.

In response to comments from the Board, Mr. Latincics testified the lower wall is 15 ft. long and the upper wall is 20 ft. The concept of the driveway is to create a safer, less steep driveway. The walls cannot be broken into 3 separate walls as it would be too tight, going back to the topographic challenges, there are landings between the risers.

Mr. Latincics reviewed the proposed drainage plan, testifying currently there is no storm water management on the property. The redevelopment of the property will provide a 0% runoff.

Mr. Latincics testified to the structural integrity of the proposed plans and advised all comments have been complied with as stipulated in the Boswell Engineering review letter dated May 9, 2014.
(Exhibit A-10)

In response to comments from the Board, Mr. Latincics advised the chimney is excluded from the height calculation. The existing building and foundation have been removed.

A motion by Mr. Bakal seconded by Mr. Friedman to open the Hearing to Members of the public regarding testimony provided by Mr. Latincics.

Robert Doran, 44 Lilline Lane expressed concern regarding the location of the proposed new septic field in relation to his well, the composition of the retaining walls and the size of the proposed fence.

In response, Mr. Latincics testified the Health Department has approved the location of the septic field based upon the records on file (**Exhibits A-8, A-9**) however, if needed; the applicant will slide it north. The retaining walls will be Keystone Block with crushed stone and have their own seepage pit. The plans include a Code compliant 4ft. high fence, and is not chain link.

A motion by Councilman DeBerardine seconded by Mr. Richardi to close that portion of the meeting.

Robert Zampolin, Architect, duly sworn by Mr. Madaio, testified to designing the proposed farm house colonial home, explained the elements in the decision making of this home, the reason for the style and how it fits on this property (**Exhibits A-4, A-5**).

Mr. Zampolin testified the architectural options without the façade and roof lines would result in a flat wall and no porch. The proposed design is reducing the overall height prospective as viewed from the street. The 8ft. depth of the porch is an optimum dimension to allow for furniture and appropriate for this home. Mr. Zampolin testified he tried to respect the Ordinance as much as possible.

Mr. Madaio clarified the front porch requires a 35.6 ft. height variance.

In response to comments from the Board, Mr. Zampolin testified the maid's quarters would be located in the basement with a significant egress well with exterior fence to prevent anyone from falling into the well.

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

A motion by Mr. Friedman seconded by Councilman DeBerardine to close that portion of the meeting.

Brad Meumann, Landscape Architect, duly sworn by Mr. Madaio, testified to the existing conditions, challenges of the property, and to his overall landscape design (*Exhibits A-6, A-13*). Mr. Meumann explained the difficult nature due to the grade change, testifying a number of trees proposed for removal are not in good condition, and some the trees are in the footprint of the improvements. Mr. Meumann testified a substantial number of trees and shrubs are being planted providing a nice density. (35) deciduous trees are to be removed; (58) deciduous trees, (37) coniferous trees, and (339) significant shrubs are to be planted.

In response to comments from the Board, Mr. Meumann testified landscaping would be provided between the two retaining walls. The stair railing would be a light colored textured metal. The size of small trees would be clarified with the nursery if required.

Mr. Meumann testified the plans have been revised after meeting at the site with Matt Koski, Shade Tree Commission Vice Chairman to review the tree removal and re-landscaping plan. Mr. Meumann testified Mr. Koski has approved the revised plan (*Exhibit A-11*).

A motion by Councilman DeBerardine seconded by Mr. Friedman to open the Hearing to Members of the public regarding testimony provided by Mr. Meumann. No one appeared to testify.

A motion by Mr. Friedman seconded by Councilman DeBerardine to close that portion of the meeting.

Ms. Boland advised in addition to revised plans, the following information is to be submitted: drainage calculations in support of the proposed number of seepage pits; stability calculations for the retaining walls need to be signed.

A motion by Mr. Friedman seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding this application. No one appeared to provide testimony.

A motion by Councilman DeBerardine seconded by Mr. Friedman to close the Hearing.

Mr. Whitaker summarized the request for a soil moving permit, and for (2) C variances.

Mr. Madaio clarified the chain link fence application has been withdrawn.

A motion by Councilman DeBerardine seconded by Mr. Friedman to approve the application with an additional drywell seepage pit, the relocation of the septic field and the provision of a code compliant fence meeting pool enclosure requirements.

Roll Call

Ayes: 8 Councilman DeBerardine, Mr. Friedman, Mr. Prober, Mr. Stutman,
Ms. Rosenthal, Mr. Bakal, Mr. Richardi, Mr. Polizzi

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn by Mr. Richardi seconded by Mr. Stutman was unanimously approved by all Members present. Meeting adjourned at 9:08 p.m.

Respectfully submitted,

Linda Marmora
Clerk

