

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – THURSDAY, JUNE 27, 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, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Stutman, Ms. Rosenthal, Mr. Richardi

Absent: Mr. Friedman, Mr. Prober, Mr. Wortmann, Ms. Miller, Mr. Abramson

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

Approval of Minutes: A motion by Councilman DeBerardine seconded by Mr. Richardi to adopt the minutes of the June 12, 2013 meeting was unanimously approved by all Members present.

RESOLUTION (Memorialization)

1. Application of **Joseph Wolf**
3 Strawberry Lane – Block 810 – Lot 10.01
(Recission of Prior Conditions of 2009 Zoning Board Resolution) (*Denied*)
(Bulk Variances/*In ground Swimming Pool, Fence, Retain Existing Garage*) (*Approved*)

Mr. Madaio reviewed the Resolution. Discussion followed regarding condition #6 appearing on Pages 19 and 20. A motion by Mayor Minichetti seconded by Mr. Richardi to adopt the Resolution as presented with the added condition that the shed shall have no greater electrical service than presently existing and no external lighting except for the one small light fixture presently illuminating the flag mounted on the shed.

Roll Call

Ayes: 3 Mayor Minichetti, Mr. Richardi, Mr. Stutman

PUBLIC HEARING

(Unfinished Business)

1. Application of **GaGa Realty** (*Continuation of June 12, 2013 P. Hearing*)
209 Route 17 South – Block 1301 – Lot 12
(Preliminary Site Plan w Variances (*Construction/New Commercial Building/Retail Use*))

Bruce Whitaker, Esq., representing the applicant, distributed three (3) conceptual plans that were prepared based upon comments provided at the last meeting to address the issues of safe ingress and egress, parking space size and the elimination of the dead end parking in the northern portion of the site.

Robert Weissman, P.E., remaining under oath, testified to having prepared *Sketch-1*, *Sketch-2*, and *Sketch-3*, all basically the same design; pushing the building back and providing varied sized parking spaces. *Sketch-1*, provides (24) – 9'x18' parking stalls; *Sketch-2*, provides (22) – 10'x 20' parking stalls; and *Sketch-3*, provides (23) parking stalls by inter-mixing 9' x 18' and 10' x 20' sized spaces.

Discussion ensued concerning drive aisle width, dumpster location, and DEP verification of Freshwater Wetlands Delineation.

Mr. Whitaker requested the application be carried to the Thursday, July 25, 2013 meeting at 7:30 p.m., extending the time within which the Board is to take formal action.

Mr. Madaio counseled the record reflect Mayor Minichetti adjourned the meeting at 8:05 p.m.

NEW BUSINESS

1. Application of **Nicholas Brusco**
16 Hidden Glen Road – Block 912 – Lot 5
(Major Soil Moving/*New Home Construction*)

Bruce Whitaker, Esq., representing the applicant, stated the property is located in the R-1 Zone for which a soil moving permit is requested for the construction of a new single family home, in ground swimming pool, patio and other improvements. The existing home is to be demolished; and there are no variances or waivers associated with this application.

Douglas Doolittle, P.E. duly sworn by Mr. Madaio, testified to being familiar with the Borough's soil moving ordinance and to having prepared the proposed site plan, last revised to June 13, 2013, submitted and identified as *A-1*.

Mr. Doolittle reviewed existing conditions testifying the oversized 64,264 s.f. property located on the south side of Hidden Glen Road, currently has an older home, pool, and patio that is to be removed and totally reconstructed. The applicant proposes to excavate 2,505 cubic yards of soil, backfill 1,846 cubic yards of soil with a net export of 658 cubic yards. The proposed maximum coverage of the proposed new home and improvements will be less than one-half (1/2) of what is existing.

Mr. Doolittle reviewed the trees to be removed, advising the Shade Tree Commission has reviewed and approved the tree removal; and the replanting/landscaping plan.

Mr. Doolittle testified to reviewing Mr. Statile's reports dated May 13, 2013; and June 13, 2013 submitted and identified as *B-1*; and *B-2*. Mr. Doolittle testified from an engineering prospective, all comments contained in the reports can be complied with.

In response to comments from the Board, Mr. Doolittle testified the proposed rockery is a combination of plantings and rocks constructed to stabilize the existing slope.

Mr. Statile commented that he will accept the report prepared by Atlantic Environmental Solutions, regarding the presence/absence of wetlands on the subject property, dated June 4, 2013, submitted and identified as A-3, but if anything is added beyond the rockery, it will require State approval.

Mr. Statile explained the difficulty in soil moving, requesting the applicant construct an access roadway and also provide a second row of silt fencing.

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

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

A motion by Mr. Preusch seconded by Councilman DeBerardine to approve the soil moving application as presented and discussed.

Roll Call

Ayes: 7 Mr. Preusch, Councilman DeBerardine, Mr. Polizzi, Mr. Stutman, Ms. Rosenthal, Mr. Richardi, Mr. Virgona

2. Application of **Douglas & Christine Nemec**
577 West Saddle River Road – Block 104 – Lot 9
(Re-Approval of 2006 Subdivision Approval & Variance Relief)

Bruce Whitaker, Esq., representing the Nemecs, advised this is an application requesting the re-approval of a minor subdivision and variance relief granted by the Upper Saddle River Zoning Board of Adjustment on August 17, 2006 but was not perfected. Mr. Whitaker advised the conditions that existed at the time of the approval remain the same and there has been no modification to the Borough's ordinances that would affect the approval.

Mr. Whitaker submitted an Exhibit List identifying the following: A-1: USR Zoning Board Resolution dated August 17, 2006; A-2: Exhibit Plan Alternative D – prepared by McGowan Engineering dated June 1, 2006 and approved August 17, 2006; A-3: Letter of Ben Cascio, Esq., dated May 5, 2006 with Deed attached.

Mr. Madaio briefly reviewed the prior history of the application for sub-division that was denied by the Planning Board and then heard and approved by the Zoning Board because of the use variance requested for the apartment above the existing garage.

Discussion followed regarding eliminating the non-conforming use.

Mr. Madaio advised if the Board were to grant the minor subdivision, it would be with a deed restriction that the existing garage remains but without the ability to live there.

Mr. Whitaker advised the applicant has amended their application to only request re- approval of the minor subdivision; the request for re-approval of the d variance for the use of the apartment located above the existing garage as a residence has been withdrawn.

Mr. Whitaker advised the kitchen, bathtub and shower located in the apartment in question located above the existing garage will be removed. The apartment will not be used for a residence; however the electric, plumbing, a toilet and a sink will remain.

Discussion followed. Mr. Whitaker stated all conditions will be incorporated in a Developers Agreement which will be passed to owners of the property.

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

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

A motion by Mr. Preusch seconded by Councilman DeBerardine to re-confirm the 2006 Subdivision with the d variance removed and with the stipulated conditions.

Roll Call

Ayes: 5 Mr. Preusch, Councilman DeBerardine, Mr. Stutman, Mr. Richardi, Mr. Virgona

Nays: 2 Mr. Polizzi, Ms. Rosenthal

PUBLIC COMMENT

Mr. Virgona opened the Meeting to Members of the public. No one appeared to provide comment.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Linda Marmora
Clerk/Secretary

