

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES**

**THURSDAY, MAY 25, 2017**

Mr. Polizzi called the meeting to order at 7:40 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 16, 2016 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. Bakal, Mr. Donato, Mr. Richardi, Ms. Miller, Mr. Bonjuklian,  
Mr. LaBarbiera

**Absent:** Mr. Jacobs, Mr. Koski

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

**APPROVAL OF MINUTES:**

A motion to adopt the minutes of the May 10, 2017 meeting by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present.

**RESOLUTION** (*Memorialization*)

1. Application of **156 Carlough Road LLC**  
**156 Carlough Road – Block 501 – Lot 6**  
(Stipulation of Settlement Agreement/*Revised Minor Subdivision Plan*)

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

**Roll Call**

**Ayes:** 8 Mr. Bakal, Mr. Preusch, Mr. Bonjuklian, Mr. Donato, Mr. Richardi, Ms. Miller,  
Mr. Polizzi, Mr. Virgona

**Nay:** 1 Councilman DeBerardine

## **PUBLIC HEARING**

1. Variance Application of **Hilda Jata**  
**47 Skyline Drive – Block 1108 – Lot 3**  
(Height/Grotto/Retaining Walls)

***Mr. Madaio counseled the record reflect this application is a request for a D-6 Variance, therefore Mayor Minichetti and Councilman DeBerardine being ineligible have recused themselves and adjourned the Meeting.***

Bruce Whitaker Esq., representing the applicant, provided an overview of the proposed plan to construct a new home with a unique architectural feature, a below grade Grotto located in the rear of the dwelling. Mr. Whitaker reviewed the (2) variances associated with the proposed improvement: a 10 ft. height variance to permit the construction of the foundation walls and the walls around the Grotto vs. 3 ft. permitted; and an 8 ft. variance for building height exceeding the 35 ft. permitted. Mr. Whitaker explained if the Grotto had a roof, it would not be calculated for height; and being located below grade the Grotto, is not discernible to the adjacent and surrounding properties.

Mark Martins, PE and Peter Mercorelli, AIA were duly sworn by Mr. Madaio. The following Exhibits were submitted and identified: **A-1:** *Site Plan prepared by Mark Martins Engineering dated November 4, 2017*; **A-2:** *Colorized Site Plan*; **A-3:** *Architectural Plans prepared by Peter Mercorelli, dated November 17, 2016 revised through February 16, 2017*; **A-4:** *Alternate Plan Depicting Roof for Grotto*; **B-1:** *Boswell Engineering review letter dated April 12, 2017.*

Mr. Martins testified to the dimensions of the property in connection with the placement of the dwelling centered within the lot lines. Mr. Martins reviewed the height measurements around each side of the proposed building testifying the Grotto being the lowest level of the dwelling and from which the height is calculated per Borough Ordinance, measures 43 ft. in height. The Grotto, described as a sunken patio located at the basement level is intended to be a private secluded outdoor area for the homeowner to enjoy without disturbing the neighbors. Mr. Martin testified if it weren't for the Grotto the home would conform to the height requirement.

In response to comments from the Board, Mr. Martins testified if standing in the yard, the Grotto is totally below surface, and including the stair well measures 290 s.f.

In response to additional comments, Mr. Martins testified to the grade elevations of the proposed window wells which would have railings installed around them for safety.

Mr. Whitaker amended the application to include a soil moving permit.

Mr. Martins testified the estimated soil moving calculations required for the project: 1,100 cy excavated and 924 of fill; excess excavation will be removed off site.

Discussion followed. A Board Member suggested raising the Grotto (2) ft. on the inside of the building, thereby reducing the requested height variances.

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

In response to comments from the Board, Mr. Martins testified existing trees buffering the property on the right side will remain in addition to the tree replacement and planting plan depicted on Sheet 5.

Peter Mercorelli, AIA, testified he was engaged by the applicant to prepare the Architectural Plan. Mr. Mercorelli reviewed the design of the dwelling, Grotto and both front and rear elevations.

In response to comments from the Board, Mr. Mercorelli testified the walls of the Grotto will be stone veneer with railings. The window wells have been designed to meet safety codes.

Mr. Mercorelli testified he concurred the magnitude of the variances would be reduced as previously suggested.

Mr. Whitaker referring to Exhibit A-4 described the alternative Code compliant design, being a roof system with skylights and column, resulting in a boxy enclosure and not aesthetically appealing.

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

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

Thomas Oliva, 46 Skyline Drive, commented he came to the Hearing because of the height but after hearing testimony, it was not a concern.

Discussion ensued regarding the height of the requested height variances.

The Board recessed at 8:30 p.m. and reconvened at 8:35 p.m.

Mr. Whitaker amended the application proposing to reduce the depth of the Grotto by (2) ft., providing steps up from the basement to a landing and steps down into the Grotto. The Grotto elevation would be 326.17 resulting in a measured height of 41 ft.; the proposed retaining wall heights reduced from 10 ft. to 8.8 ft. The window well elevations remain the same, 328.33 ft. on the north right side; and the rear window well 329.33 ft.

In response to comments from the Board, Mr. Whitaker advised a drain will be installed at the bottom of the steps; maximum coverage will be modified while under construction to ensure compliance.

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

A motion by Mr. Polizzi seconded by Mr. Preusch to approve the application as amended.

#### **Roll Call**

**Ayes:** 8 Mr. Polizzi, Mr. Preusch, Mr. Donato, Mr. Richardi, Br. Bonjuklian, Mr. LaBarbiera, Ms. Miller, Mr. Virgona

**Nay:** Mr. Bakal

## **PUBLIC COMMENT**

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

## **ADJOURNMENT**

A motion to adjourn by Mr. Polizzi seconded by Mr. Preusch was unanimously approved  
by all Members present. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Linda Marmora  
Clerk