

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, OCTOBER 26, 2017

Mr. Virgona 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, Mr. Bakal, Mr. Donato, Mr. Bonjuklian, Ms. Schaum

Absent: Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Jacobs,
Mr. Richardi, Ms. Miller

Also Present: Mark Madaio, Esq., Planning Board Attorney
Marisa Tiberi PE, Boswell Engineering/Borough/Board Engineer.
Edward Snieckus PP, Burgis Associates/Borough Planner

APPROVAL OF MINUTES: A motion to adopt the minutes of the October 11, 2017 meeting by Mr. Polizzi seconded by Mr. Bonjuklian was unanimously approved by all Members present.

RESOLUTIONS (*Memorializations*)

1. Application of **Toll Bros., Inc.** ***APPROVED***
1 Lake Street – Block 601 – Lot 1
(Preliminary & Final Major Site Plan, Soil Moving & Minor (2) Lot Subdivision/ w Variances
208 Residential Units/Clubhouse & Swimming Pool)

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

Roll Call

Ayes: 4 Mr. Polizzi, Mr. Bakal Mr. Donato, Mr. Virgona

2. Application of **Porven Real Estate, Inc. (Porcelanosa)** ***APPROVED***
600 Route 17 North Ramsey – Block 5102 – Lot 1
Block 1002 – Lots 4.01 & 4.02 Upper Saddle River
(*Amended Site Plan Approval w Variances, Design Waivers & Soil Moving/Additions/Office & Warehouse*)

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

Roll Call

Ayes: 4 Mr. Bonjuklian, Mr. Polizzi, Mr. Donato, Mr. Virgona

PUBLIC HEARING

1. Application of **Housing Development Corp. of Bergen County**
570 Route 17 North – Block 1002- Lot 4.02

(Preliminary & Final Site Plan Approval w Variances, Soil Moving/46 Low & Moderate Income Senior Housing Units/24 Low & Moderate Income Adult Special Needs & Veteran Housing Units)

Holly Schepisi Esq., representing the applicant, advised notice had been provided to property owners located within 200 ft. of Block 5102 – Lot 1, Ramsey; and Block 1002 – Lots 4. 01 & 4.02, Upper Saddle River. The applicant is requesting preliminary and final site plan approval, soil movement permit; d-variance for height; and c variances for the free-standing sign and possible waiver of the parking requirements.

Ms. Schepisi provided a brief history of the subject property located in the AH-2 Zone previously designated “An Area in Need of Redevelopment” in 2015 and “The Redevelopment Plan” reclassified the AH-2 Zone to the AH-2B Zone in 2016. The Housing Development Corp. entered into a ground lease with the Borough to operate the proposed low and moderate income housing on the irregular shaped property. Access and utility easements located on site were agreed upon by the Borough as part of a joint service agreement with Porcelanosa. Porcelanosa confirmed the sewer allocation of 15,000 gal. per day, more than sufficient for this project to develop the westerly portion of the site having (2) 3 story buildings with underground parking.

In response to comments from the Board, Ms. Schepisi advised Porven (Porcelanosa) has granted an easement for emergency egress and ingress.

John Biale, Director of the Housing Development Corp. of Bergen County, duly sworn by Mr. Madaio, testified the Housing Development Corp. is a non-profit. Mr. Biale reviewed the breakdown of the 70 proposed affordable units: 46 seniors, 6 veterans and 18 special needs. Mr. Biale testified one of the senior units may be re-assigned to provide an apartment for the resident superintendent.

In response to comments from the Board, Mr. Biale defined the average age of seniors from the mid to upper 70's. The special needs are those having physical disabilities, with some having emotional or behavioral issues, but all live independently. Mr. Biale testified the people applying for these units are historically in the neighborhood, town or surrounding towns or counties attached to Bergen County. The funding sources come from the State of New Jersey and other sources; all funding is attained by the Developer, no Borough funds are used. The Development will forever be used for special needs, etc. for 75 years or until the lease expires – and will still be affordable housing. The Borough will receive credit for the AH units.

Mr. Biale testified to the number of employees consisting of (1) resident superintendent; (1) office person; (1) property manager and maintenance manager. The employees are full time for all their sites, with zones set up to handle the day in and day out maintenance and operations.

In response to comments from the Board regarding the funding sources, Mr. Biale testified each fund has its own criteria of eligibility approximations. Mr. Biale testified the total number of units will not change. 30% of an individual's income is allocated for rent; the balance is subsidized.

Mr. Biale testified the proposed 71 parking spaces, 60 underground spaces and 11 surface spaces are more than sufficient to accommodate the proposed 70 housing units.

Mr. Biale testified the vetting process for applications begins (3) months from the anticipated opening of the Development.

In response to comments from the Board, Mr. Biale testified the cost of maintenance is burdened by the Housing Development Corp. of Bergen County. The agreement for maintenance of the access road is between Porcelanosa and the Borough; it will be worked out where theirs starts and the Housing Development's ends.

The Housing Development Corp. will enter an agreement with the Borough to guarantee completion of the project and will post all normal performance guarantees more onerous than ordinarily required.

Discussion followed regarding the funding process. Mr. Biale explained funding is not in place before entering an agreement with the Borough. Approval is required from the Board prior to applying for funding. Once approved, then the HMFA vets out for contractors. An extension of the Lease Option may be requested in order to get all the funding in place.

Mr. Biale distributed photographs of other projects decently designed and built by the Housing Development Corp. in Northvale and River Vale, testifying nothing is within walking distance.

Mr. Biale testified transportation is provided by the County with a detailed schedule for shopping trips, Dr. appointments, etc.

In response to comments from the Board, Mr. Biale testified the maximum number of occupants in the (1) bedroom units is 2, but most are single.

In response to comments from the Board, Ms. Schepisi quoted the definition of special needs as provided in Chapter 163, Public Law 165. Discussion followed regarding the vetting process to make sure they are taking residents that are compatible to the environment.

Mr. Biale testified the staff uses Federal standards and the criteria have to be proved in order to be deemed eligible.

In response to Mr. Snieckus, Mr. Biale testified the (11) spaces in front the building will serve as visitor parking and special needs services. The extra spaces provided on the Plan are banked for a potential future need if required. The spaces are open, but only 1 car is permitted per unit, and all are assigned spaces with issued ID permit.

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

Joseph Cadillac – 68 Brookside Drive, provided comment pertaining to the banked parking being located near Route 17.

Matt Harold – 2 Secor Road – requested clarification of the funding. In response Mr. Biale testified everyone pays rent based upon their income, the remainder of the rent is subsidized by the State.

Mary Mitsinikos – 48 Pine Hill Road - questioned the classification of people 55 years of age or more regarding veterans with special needs. In response Mr. Biale testified there is no age restriction regarding veterans with special needs, but he would review the settlement agreement entered into by the Borough regarding their affordable housing.

With no further questions regarding the testimony provided by Mr. Biale, Mr. Virgona closed that portion of the Hearing.

In response to comments from the Board regarding amenities, Mr. Biale testified a laundry room is provided on each floor; and a community room and outdoor gazebo for passive recreation. Amenities are for residents of the Development only; not shared with other facilities.

The Board recessed at 9:10 p.m. and reconvened at 9:20 p.m.

Robert Costa PE, for the applicant was duly sworn by Mr. Madaio.

The following Exhibits were submitted and identified: **A-1** *Photographs*; **A-2**: *Site Plan, “Upper Saddle River Affordable Housing Complex, 570 Route 17 North, Block 1002 – Lot 4.02, prepared by Costa Engineering Corp., dated September 13, 2017*; **A-3**: *Colorized Site Plan*; **A-4**: *Aerial Photograph*; **A-5**: *Supplemental Landscape Sketch dated October 24, 2017*. **B-1** : *Boswell Engineering Review Letter dated October 20, 2017*; **B-2**: *Burgis Associates Review Letter dated October 25, 2017*.

Mr. Costa provided a general description of the project and requested variances. Mr. Costa testified the Proposed 3 story building requires a height variance due to the 20 ft. topographic change from the front to the rear. Porcelanosa is deleting (2) parking spaces from their site, providing additional buffering and green space. Referring to Exhibit **A-4**, Mr. Costa testified the distance of the residential homes located on Pine Hill Drive to the corner of the proposed building is 350 ft., 252 ft. and 376 ft. A heavily wooded area of mainly deciduous trees, even without leaves, makes it very difficult to look in.

Mr. Costa testified to the shared drainage system provided through a Joint Service Agreement between Porcelanosa and the Borough dated March 2017.

Mr. Costa testified a variance is required for the 6ft. wall vs. the 4 ft. permitted because you can't grade further into the wetlands.

In response to comments from the Board, Mr. Costa testified emergency service vehicles can circumvent around the site via the access roadway. Mr. Costa testified to some of the trees located in the area between the building and the homes located on Pine Hill are 80 ft. tall and are not being removed.

Ms. Tiberi, referencing Exhibit **A-5**, commented the greenery being installed by Porcelanosa is in the highlighted area only. Discussion ensued regarding the requirement for additional landscaping.

Mr. Costa testified the sewer calculations are more than sufficient capacity. The parking spaces, elevator access and the appropriate ingress and egress have been worked upon with the Borough Engineer.

In response to comments from the Board, Mr. Costa testified the garbage location is far away as possible, closer to Porcelanosa. Appropriate fire hydrants will be provided on site.

Mr. Costa testified the applicant will make sure there is no light spillage onto the neighboring properties; Mr. Costa testified the applicant will comply with the condition that for a period of up to 1 year the Borough can review and request the lighting be modified.

In response to comments from the Board, Mr. Costa testified the hours of illumination are 24/7. Ms. Tiberi suggested the possible use of sensors being a senior complex it is not going to have much movement at night.

Mr. Costa reviewed the soil moving calculations testifying approximately 11, 000 c.y. of soil are to be moved, with 6,000 c.y. verified cleaned soil imported to the site.

Mr. Costa testified the retention pond will be excavated, repaired and maintained by Porcelanosa and the Housing Development Corp. Boswell Engineering will monitor the pond to make sure it is being maintained.

Mr. Costa testified the proposed gazebo is a regular size not a bandstand. The proposed concrete retaining wall is to get emergency vehicles to the rear if required. In response to comments from the Board, Mr. Costa pointed the location of the retaining wall as depicted on the Site Plan, Exhibit **A-2**.

In response to comments from the Board, Mr. Costa reviewed the grading due to the site conditions, and the decision to put the parking under the building.

In response to comments from the Board, Mr. Costa testified it is not feasible to flip the building around to face the wetlands due to the DEP permits predicated upon the easements.

Mr. Costa testified deliveries to the Development are not high volume and do not require a loading dock.

Mr. Costa testified to the underground parking circulation. If necessary (1) parking space can be adjusted to permit backing up.

In response to comments from the Board, Mr. Costa testified the drainage system has been approved by the NJDEP and the Borough, set forth in a Joint Service Agreement between Porcelanosa and the Housing Development Corp.

In response to comments from the Board, Mr. Costa testified the on-site transformers and generators will be relocated closer to the commercial buildings.

In response to Mr. Snieckus, Mr. Costa testified the applicant is amenable to providing additional plantings along the retaining walls contingent with the easement.

A motion by Mr. Polizzi seconded by Mr. Bonjuklian to open the Hearing to Members of the public regarding the testimony provided by Mr. Costa.

Joseph Cadillac – 68 Brookside Drive questioned when the property was reclassified from the AH-2 Zone to the AH-2B Zone as the criteria changes.

Discussion ensued regarding the landscaping sketch and the discrepancies of what was approved at the Public Hearing regarding the application of Porcelanosa.

Ms.. Schepisi, advised the decorative landscaping is a shared cost to be discussed with the Borough Attorney and Engineers.

In response to Mr. Madaio, Mr. Cadillac advised he produced the drawing, Exhibit A-5, for Mr. Lapatka to understand the resident's concerns. Mr. Lapatka highlighted the orange area, the red and green dots were put on the plans by Mr. Cadillac.

Mr. Costa advised he will coordinate with Mr. Lapatka regarding additional landscaping before the next meeting.

Matthew Harold, 2 Secor Road, requested clarification of the building height. In response, Mr. Costa deferred to the Architect. Mr. Harold expressed drainage issue concerns regarding the water flowing from the detention basin into the Brook. In response, Mr. Costa testified the capacity of the system has been designed to decrease not increase. The Borough Engineer is required to inspect and file an annual report with the State

Mary Mitsinikos, 48 Pine Hill Drive, questioned if more trees will be coming down than what has already been cleared. In response, Mr. Costa testified they will be planting additional trees up to the point of the wetlands, which is an area of non-disturbance. Mr. Costa confirmed no additional trees will be removed.

Ms. Mitsinikos questioned the wall height and the fence in relation to the view for the AH residents and said that she can see Porcelanosa in the winter months.

With no further questions from the Board or public, Mr. Virgona closed that portion of the meeting.

Mr. Virgona announced the application is carried to the next meeting, Wednesday, November 8, 2017 at 7:30 p.m.

ADJOURNMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Bonjuklian was unanimously approved by all Members present. Meeting adjourned at 10:45 p.m.

Respectfully submitted,

Linda Marmora
Clerk

