

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, OCTOBER 27, 2016

Councilman DeBerardine 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 31, 2015 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: Councilman DeBerardine, Mr. Preusch, Mr. Richardi, Mr. Jacobs, Mr. Bakal, Mr. Donato, Ms. Miller, Mr. Bonjuklian

Absent: Mr. Virgona, Mr. Polizzi, Mayor Minichetti

Also Present: Mark Madaio, Esq., Planning Board Attorney
Nicole Ogrosso, P.E., for Eileen Boland, P.E.
(Boswell Engineering/Board/Borough Engineer

APPROVAL OF MINUTES: A motion to adopt the minutes of the October 12, 2016 meeting by Mr. Bonjuklian seconded by Mr. Preusch was unanimously approved by all Members present.

CORRESPONDENCE:

1. Mr. Madaio reviewed a letter dated October 24, 2016 from Bruce Whitaker, Esq.,
Re: **Application of Calarco – 59 Dimmig Road – Block 1224 – Lot 10**

RESOLUTION (*Memorialization*)

1. Application of **Samir & Basma Baghal** ***APPROVED***
21 Brownstone Way – Block 306 – Lot 20
(Side & Front Yard Setbacks/Soil Moving/*Pool & Fence Location*)

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

Roll Call

Ayes: 4 Mr. Donato, Mr. Bonjuklian, Mr. Preusch, Councilman DeBerardine

PUBLIC HEARING

1. Application of **Carl & Risa Calarco** (*CARRIED TO WEDNESDAY, NOVEMBER 9, 2016*)
59 Dimmig Road- Block 1224 – Lot 10
(Side Yard Setback/*New Window Well*)
2. Application of **Douglas & Tamara James** (*Continuation*) of *August 10, 2016 P. Hearing*)
2 Birch Court – Block 1104 – Lot 1
(Side & Rear Yard Setbacks/Height/Outdoor Patio/Kitchen/Walls)

Jennifer Knarich, Esq., representing the applicant, advised after taking into consideration the Board's comments at the August 10, 2016 meeting, the original plans have been revised.

The following exhibits were submitted and identified: **A-1:** *Site Plan of Property at 2 Birch Court, dated May 4, 2016 revised through October 12, 2016 prepared by Kent Rigg, P.E.*; **A-2:** *Plan of Proposed New Wood Deck/Paved Walk dated October 12, 2016 prepared by The Montoro Architectural Group*; **A-3:** *Colorized Version of A-1 dated October 27, 2016 prepared by Kent Rigg, P.E.*; **B-2:** *Boswell Engineering Review Letter dated October 21, 2016.*

Kent Rigg duly sworn by Mr. Madaio testified to preparing the Plans and being present at the August 10, 2016 meeting. Mr. Rigg testified the applicant is now proposing a wood deck, paver walkway, planters and a seepage pit for stormwater runoff requiring (2) variances to permit a 27 ft. rear yard setbacks vs. 35 ft. required.; and a 27 ft. side yard setback vs. the 35 ft. required. The existing HVAC units located having a pre-existing non-conforming 31 ft. side yard setback vs. the 35 ft. required, are proposed to remain.

In response to comments from the Board, Mr. Rigg testified the proposed distances from the side yard and rear yard can be decreased by reducing the size of the deck.

A motion by Mr. Bonjuklian seconded by Mr. Jacobs to open the Hearing to Members of the public for questions regarding the testimony provided by Mr. Rigg.

Manny Haber, 25 Elizabeth Terrace, expressed concern regarding any potential water issues now that the plans have been changed. In response, Mr. Rigg testified everything proposed in the original plan will be provided in the new plan.

Nicole Ogrosso, P.E., Boswell Engineering advised Boswell took no exception to the drainage calculations as provided.

John Montoro, L.A., duly sworn by Mr. Madaio, testified to preparing the Architectural Plan, described the site and compared the differences between the original plan and the new plan that is proposed.

In response to comments from the Board, Mr. Montoro testified the deck is proposed on an odd shaped lot that stretches wide and is pushed back into the cul-de-sac. The proposed enlarged deck is to provide the ability to entertain comfortably, if reduced in size would put it back where it started.

In response to additional comments from the Board, Mr. Montoro testified additional landscaping will enhance and supplement the existing mature vegetation in the buffer areas. The deck is 6 ft. measured from the ground having a board on board fence featuring a latticed top. The deck will appear to be shrubbery provided with the proposed plantings.

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

Michael Hakim, P.P., duly sworn by Mr. Madaio testified to having reviewed the application, engineering, architectural plans, zoning code and master plan. Mr. Hakim submitted and reviewed a *Photo Board, identified A-5*, depicting views of the property taken of all angles as seen from the house for purposes of determining the level of existing buffering. Mr. Hakim described the property as being a long, narrow and shallow lot which due to the bulk requirements, located the house in an odd position on the lot and provided limited outdoor living space.

Mr. Hakim testified the proposed deck is very conventional. The proposed plan represents both good planning and good design while fulfilling the applicants desire to provide a sensible outdoor space.

Mr. Hakim testified to the positive and negative criteria demonstrating the variances requested can be granted without substantial detriment to the public good nor substantially impair the intent and purpose of the zone plan and zoning ordinance. In terms of positive criteria, the lot is similar in size to those on Birch Court and irregular in shape. The proposed deck is 95 ft. from the house to the east and 155 ft. to the house to the south and compatible to those of the surrounding properties.

In response to comments from the Board, Mr. Hakim testified the Master Plan can't contemplate every unusual condition; the subject lot is long, narrow and pinched by the cul-de-sac. The house built (11) years ago is consistent with the neighborhood and below the permitted lot coverage. The applicant is asking for variances to permit a deck that has been designed for personal and entertaining use with extensive buffering and having no adverse effect on the neighbors. Discussion followed.

In response to comments from the Board, Mr. Rigg testified the existing deck is 425 s.f. and the proposed deck is 1,000 s.f. with dimensions from front to back of 20 ft. to the east and 11 ft. to the south.

A motion by Mr. Jacobs seconded by Ms. Miller to open the Hearing to Members of the public regarding the testimony provided by Mr. Hakim. No one appeared to provide comment.

The Board recessed at 8:50 p.m. and reconvened at 8:55 p.m.

Douglas James, duly sworn by Mr. Madaio, described the existing deck as having a capacity of 4-5 people at maximum to be seated at a table, access to a barbeque and not much room to circulate. Discussion followed regarding a proposed amended plan that would move the stairs over to the left and the support beams further in closer to the foundation, providing access to the French Doors and softening the corner.

Board Members were amenable to reducing the variance request for the side yard setback by (2) ft.

Ms. Knarich advised everything has been addressed and is acceptable.

A motion by Mr. Preusch seconded by Mr. Bonjuklian to open the Hearing to Members of the public regarding the application. Upon no one appearing to provide comment, Councilman DeBerardine closed the Hearing.

A motion by Mr. Preusch seconded by Ms. Miller to approve the amended application to permit a deck having a 29 ft. ft. side yard setback and a 27 ft. rear yard setback.

Roll Call

Ayes: 8 Mr. Preusch, Ms. Miller, Councilman DeBerardine, Mr. Richardi, Mr. Bakal, Mr. Jacobs, Mr. Donato, Mr. Bonjuklian

PUBLIC COMMENT

A motion by Mr. Preusch 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. Jacobs seconded by Mr. Bakal was unanimously approved by all Members present. Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Linda Marmora, Clerk