

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, SEPTEMBER 28, 2017

Mr. Virgona called the meeting to order at 8:05 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, Ms. Miller, Mr. Bonjuklian, Mr. Richardi

Absent: Mr. Jacobs

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

APPROVAL OF MINUTES: A motion to adopt the minutes of the September 13, 2017 meeting by Councilman DeBerardine seconded by Mr. Polizzi was unanimously approved by all Members present.

PUBLIC HEARING

1. Application of **Porven Real Estate, Inc. (Porcelanosa)**
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*)

James Jaworski Eq., representing the applicant, provided a brief history of the 6.87 acre site divided between (2) municipalities. Site Plan approval and variances for minimum number of parking stalls, maximum building height and other bulk variances were previously granted by the Board in 2004. Mr. Jaworski reviewed the many variances associated with the proposed expansion due to the municipal boundary running through the center of the building; and modification of (2) variances previously granted by the Board: maximum building height, 36 ft. permitted; 46 ft. existing and proposed; (2) parking spaces, 251 spaces required – 143 spaces proposed. Changes have been made to site circulation but no change to site access with the NJ DOT issuing a letter of no interest. Office space will be changed but is entirely located in Ramsey, with no plan to increase the number of employees at this time.

The main component of the expansion is the warehouse. Operations change in the northern side of the property; the loading dock located mostly in Ramsey will allow circulation to move in one direction. The applicant is proposing an easement on Lot 4.02 on the western side to allow an access

point to the rear of the building. The parking lot will be modified to provide additional parking space, closer to the Ordinance requirement.

Mr. Jaworski advised the applicant has secured site plan and variance approvals from the Borough of Ramsey to be adopted by Resolution on October 3, 2017; Shade Tree approval remains outstanding.

Mr. Jaworski advised the utilization of Lot 4.02 located in the AH-2 Affordable Housing 2 District is not for building but for the purposes of access, parking, drainage, retaining walls, drive aisles, and sidewalk for which a use variance is required pursuant to Chapter 150-10.2 of the Borough Code.

Discussion followed regarding the applicant, although not putting any building on Lot 4.02, it is still being used for commercial use requiring d variance relief.

Mr. Madaio counseled the Record is to reflect due to the d-variance associated with the application; Mayor Minichetti and Councilman DeBerardine have recused themselves and stepped down from the dais.

The following exhibits were submitted and identified: **A-1:** NJDOT Letter of No Interest dated May 31, 2017; **A-2:** Site Plan prepared by Lapatka Assoc. dated March 1, 2017 revised June 12, 2017; **A-2A:** Soil Calculations; **A-3:** Colored Rendering of Site Plan prepared by Lapatka Assoc.; **A-5:** Fire Dept. Revision Sketch prepared by Lapatka Assoc., dated August 2, 2017; **A-6:** Buffer Modification Zoning Sketch prepared by Lapatka Assoc.; **A-7:** Architectural Plans prepared by Dahn & Krieger dated April 7, 2017; **A-7b:** Internal Memo; **A-8:** Colored Rendering (3) prepared by Dahn & Krieger; **PB -1:** Boswell Engineering Review Letters dated July 18, 2017, May 3, 2017, May 25, 2017; **PB-2:** Burgis Associates Memorandum dated May 3, 2017.

Al Lapatka PE, for the applicant duly sworn by Mr. Madaio testified to preparing the Plans submitted and identified as Exhibits **A-1 – A-6**.

Mr. Jaworski advised a meeting had taken place between the Construction Code Officials and Fire Department Officials of Ramsey and Upper Saddle River regarding construction concerns and it was determined they do not have any issues that the proposed expansion of the existing structure is buildable.

Mr. Lapatka reviewed the existing conditions and the proposed total expansion of 51,200 s.f. consisting of the construction of a 37,500 s.f. addition to the rear of the existing structure; a one-story 7,100 s.f. addition with loading areas along the northerly portion of the existing structure and a two story 6,500 s.f. office addition to the southwest portion of the existing structure.

Mr. Lapatka reviewed the proposed (4) new loading spaces at the northern end of the warehouse addition along with an adjacent compactor intended to be used for garbage from the receiving area. At the southern end, the plan is to keep (1) drive- in garage door, eliminating a loading space and create (3) new loading spaces perpendicular to Route 17 and a compactor to take care of shipping refuse; the orientation changes, shielding residential properties located to the rear.

Mr. Lapatka testified to the proposed easement to construct a one-way 44 ft. driveway traveling south that will accommodate emergency service vehicles. Referring to Exhibit **A-6**, Mr. Lapatka reviewed the parking area with a minimum buffer that will be buffered with landscaping. Mr. Lapatka testified to meeting with the neighbors who requested additional evergreen trees.

Mr. Boswell suggested moving the wall and providing a landscape buffer all around. Mr. Boswell advised landscaping would be part of the Shared Services Agreement between Porcelanosa and the Borough's Affordable Housing Development.

Referencing **A-3**: Mr. Lapatka testified the cul-de-sac is being moved back 30 ft. modifying the northern driveway; the southern driveway will stay the same.

Mr. Lapatka testified the existing detention basin located along Route 17 will remain the same. The applicant is proposing to build a joint detention system under the parking area of the Affordable Housing Development meeting current Borough regulations. A small sub-surface basin for the sole use of the Affordable Housing Development will flow into an existing storm drain pipe, running back to a non-utilized detention basin in the rear of the property.

Referencing the stream running from north to south, Mr. Lapatka testified the rip-rap is being upgraded to meet current standards. Neighbors asked that a mechanism be provided to help prevent any clogging of the restricted outlet. Mr. Lapatka testified meeting with the neighbors regarding their drainage concerns. Mr. Lapatka testified he intends to take a survey measurement; if there is a potential for back up from the footing drains connected to the storm drain, it will be taken care of.

Mr. Boswell suggested if there is a problem it can be modified to a parallel system.

In response to comments from the Board, Mr. Lapatka testified moving the cul-de-sac further will be at a cost born by Porcelanosa with maintenance to be shared with the Borough.

Mr. Boswell advised in 2004 Porcelanosa sold the land to the Borough. The easement is for the benefit of the Borough and goes through all the Porcelanosa property.

In response to comments from the Board, Mr. Jaworski stated NJDEP approval for the Porcelanosa site is required and in part if not whole for the Affordable Housing site. Additional landscaping is not an issue with the NJDEP.

Mr. Lapatka testified the parking demand is less than required but the applicant would like to increase the proposed 9 ft. x 18 ft. spaces to 143 spaces avoiding future issues.

Mr. Lapatka testified the (4) existing lighting poles will be relocated behind the new curb line and will be 25 ft. in height. The rear building mounted lights will be retro fit with an upgraded fixture, providing a better light pattern with less glare.

Mr. Jaworski advised as per the 2004 Resolution of approval there is a (1) year period to amend the Plan. If there is a problem, it will have to be fixed.

Mr. Lapatka testified 11,925 c.y. of soil will be imported to the site. Mr. Lapatka testified to meeting with the Construction Code Officials on August 2, 2017 agreeing to all changes which are reflected on Exhibit **A-5**.

Mr. Lapatka reviewed the requested variances. Discussion followed regarding the proposed easement.

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

Matt Harold, 2 Secor Road, questioned the length of space allocated for the northern receiving dock. In response, Mr. Lapatka explained how the truck could maneuver and back up into the driveway without compromising access to the AH property.

Mr. Harold questioned how drainage is addressed today without seeing the Affordable Housing Plan. In response, Lapatka testified the drainage system is overdesigned and based on Plans with the Engineers who have designed Housing Projects and should be compatible with the Porven Plan.

Mr. Boswell advised the Plans are coordinated. The Affordable Housing is being built by the Housing Authority.

Mr. Harold expressed concerns with water issues and the stream overburdened without seeing plans for the Affordable Housing Development.

Joseph Cadillac – 68 Brook Side Drive duly sworn by Mr. Madaio, commented on the tractor radius, suggesting (1) parking space be eliminated.

Mr. Cadillac expressed concern regarding potential spillage from the lighting polls on the Affordable Housing Parking lot. In response, Mr. Lapatka testified shielding will be provided if necessary.

Mr. Preusch advised there is a years' time to revise if required.

Mr. Harold questioned the hours of operation. In response, Mr. Jaworski advised 6 am until 9 p.m.

Mr. Preusch advised the hours restricting garbage pick- up is covered under the noise ordinance.

With no further comments from the Public, Mr. Virgona closed that portion of the meeting.

Robert Krieger, LA for the applicant duly sworn by Mr. Madaio, testified to the issues raised by the Construction Code Official regarding the larger building and use of the site. Mr. Krieger testified the applicant is required to comply with S-2 Building Code requirements.

In response to comments from the Board, Mr. Krieger testified the doors on the eastern end of the building, are not required for egress from the building, they were added at the request of the Construction Code Official in the event of a fire. S-2 Building Code requirement does not include exits in the rear, front and side. Mr. Krieger testified the existing and proposed building is fully equipped with sprinklers.

With no further comments from the Board or public, Mr. Virgona announced the application is carried to Wednesday, October 11, 2017 at 7:30 p.m.

ADJOURNMENT

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

Respectfully submitted,

Linda Marmora, Clerk

