

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 214

Mr. Virgona called the meeting to order at 7:33 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 23, 2013 and July 1, 2014 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, Councilman DeBerardine, Councilman Durante, Mr. Friedman, Mr. Wortmann, Mr. Prober, Mr. Stutman, Mr. Bakal

Absent: Mr. Preusch, Ms. Rosenthal, Mr. Richardi

Also Present: Mark Madaio, Esq., Planning Board Attorney
Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer
Joseph Burgis, P.P., Beatrice Burgis, P.P., Burgis Associates, Borough Planner

WORK SESSION

1. Traffic Study/Plymouth Drive and Hillside Avenue (Joseph Burgis, P.P., Borough Planner)

Mr. Burgis advised the Mayor and Council have asked for the Planning Board's recommendations related to the traffic study prepared by the Police Department regarding the daily traffic along Hillside Avenue and Plymouth Drive.

Mr. Burgis provided a broad overview of the report outlining the safety concerns for vehicular and pedestrian traffic along the narrow width roadway characterized by poor alignment, and limited site distances that would be further impacted by development on Hillside Avenue.

Mr. Burgis reviewed two options for the Board to consider that would improve safety conditions: the installation of a cul-de-sac at the end of Plymouth Drive at Hillside Avenue or the blocking of Hillside Avenue at Plymouth Drive via a landscape feature.

Mr. Burgis advised the first option to install a cul-de-sac at the northern end of Plymouth Drive was not a viable solution due its violation of the RSIS (Residential Site Improvement Standards) and the increased response time for emergency services due to there being no quick access. Mr. Burgis reviewed the second option that would block off Hillside Avenue via a landscape feature.

Members suggested posting signs prohibiting left turns and discussed the need for additional research to be conducted pertaining to the impact of traffic on the east side.

Mr. Burgis said the second option to block Hillside Avenue is the most appropriate addressing

the immediate concern for safety.

A motion by Councilman DeBerardine seconded by Councilman Durante to poll Members regarding the recommendation to block Hillside Avenue via a landscape feature seconded by Councilman Durante. All Members present with the exception of Mr. Virgona, who abstained, were in agreement to recommend blocking Hillside Avenue provided additional research is conducted on the impact of traffic to the east.

Public Comment

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

Adjournment

A motion by Councilman Durante seconded by Mr. Friedman to adjourn the Work Session Meeting was unanimously approved by all Members present. Meeting adjourned at 8:18 p.m.

REGULAR MEETING

Mr. Virgona called the meeting to order at 8:21 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 23, 2013 and July 1, 2014 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, Councilman DeBerardine, Councilman Durante, Mr. Friedman, Mr. Wortmann, Mr. Prober, Mr. Stutman, Mr. Bakal

Absent: Mr. Preusch, Ms. Rosenthal, Mr. Richardi

Also Present: Mark Madaio, Esq., Planning Board Attorney
Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer

CORRESPONDENCE

1. After reviewing correspondence from John Lamb, Esq., and Michael Profita, Esq., Mr. Virgona announced the applications of **Martin Wojcik/Creative Gardens and Concerned Citizens of USR, Inc. 409 East Saddle River Road, Block 810 – Lot 6** are carried to the October 8, 2014 meeting at 7:30 p.m. Mr. Virgona advised there will be no further adjournments.

2. After reviewing correspondence from Robert Maloof, Esq., Mr. Virgona announced Mr. Raghunathan has withdrawn his opposition to the application of **Ribellino – 31 Hampshire Hill Rd. – Block 205 – Lot 12**

3. After reviewing correspondence from Bruce Whitaker, Esq., Mr. Virgona announced the application of **Ribellino – 31 Hampshire Hill Road – Block 205 – Lot 12** has been carried to the Wednesday, October 8, 2014 meeting at 7:30 p.m.

APPROVAL OF MINUTES: A motion to adopt the minutes of the Thursday, July 24, 2014 meeting by Councilman DeBerardine seconded by Councilman Durante was unanimously approved by all Members present

RESOLUTION (*Memorialization*)

1. Application of **Vito & Sandra Modugno** **APPROVED**
431 East Saddle River Road – Block 810 – Lot 8.01
(Side Yard Setback; Use Variance/*Detached Garage Cabana*)

Mr. Madaio reviewed the Resolution. A motion by Councilman Durante seconded by Mr. Friedman to adopt the Resolution as presented.

Roll Call

Ayes: 7 Councilman Durante, Mr. Friedman, Mr. Prober, Mr. Stutman, Mr. Bakal, Mr. Polizzi, Mr. Virgona

PUBLIC HEARING

1. Variance Application of **Richard & Francesca Ribellino** **Carried to October 8, 2014**
31 Hampshire Hill Road – Block 205 – Lot 12
(Improvement Coverage/*Driveway Modification*)
2. Application of **Michael & Giuseppina Nirchio**
16 Oak Drive – Block 1210 – Lot 3
(Improvement Coverage; Building Coverage; Front, Side & Rear Yard Setback/*Inground Pool, Cabana, Outdoor Kitchen, Covered Patio*)

Bruce Whitaker, Esq., representing the applicant, advised the property currently contains a two story single family home with a patio, driveway and other improvements. The applicant proposes to install an inground pool and modify the existing patio located in the rear of the property. The applicant will remove some of the impervious coverage to construct a cabana, pool, retaining walls and modify and cover the existing patio area requiring variances for improvement coverage, building coverage, front, rear and side yard setbacks. Due to the elongated and shallow depth of the lot and the location of the existing structure there is insufficient area for the backyard amenities the applicant is proposing. The applicant seeks variance relief under N.J.S.40:55-D-70(C) (1).

Mr. Whitaker advised the existing front porch that has a front yard setback of 46 ft. versus the required 50 ft. The applicant is seeking approval of this non-conformity which is proposed to remain.

Douglas Doolittle, P.E, was duly sworn by Mr. Madaio testified to being familiar with the plan, visiting the site, the surrounding area and the existing conditions.

Mr. Doolittle reviewed the *Plot Plan – dated January 3, 2014 last revised February 19, 2014* identified as **A-1**. Mr. Doolittle described the existing conditions as a single family home located on the south side of Oak Drive at the crest of a hill. The property is rectangular in shape, 243 ft. wide x 150 deep consisting of a single family masonry building with a driveway, garage, septic system and rear patio. The applicant is proposing to a series of changes that will reduce the overall existing impervious coverage to under 30% by removing the existing driveway that encroaches into the 10 ft. southeast side yard buffer, installing a new walkway to the front door and removing the non-conforming shed in the rear property.

Mr. Doolittle testified due to the shallow depth of the lot, the building fits in, but does not leave much of a rear yard. The modest 18 ft. x 36 ft. pool is proposed to be located off the west side and the 8 ft. x 16 ft. cabana on the street side but facing the rear yard. The pool sits 5 ft. lower with a series of steps and a walkway leading up to the covered porch and entrance to the house. The improvements require the following variances: rear yard setback measured to the pool is proposed to be 19 ft. vs. 35 ft. required; the side yard setback measured to the pool is proposed to be 20 ft. vs. 35 ft. required; the side yard setback measured to the cabana is proposed to be 97 ft. vs. 100 ft. required; the side yard setback measured to the cabana is proposed to be 31 ft. vs. 35 ft. required; the front yard setback measured to the cabana is proposed to be 97 ft. vs. 100 ft. required; the rear yard setback measured to the outdoor kitchen is proposed to be 31.34 ft. vs. 35 ft. required; the rear yard setback measured to the proposed covered patio roof overhang is proposed to be 26.29 ft. vs. 35 ft. required.

The proposed improvement coverage is 32.07% vs. 30% maximum permitted. The proposed building coverage is 18.82% vs. 15% maximum permitted.

In response to comments from the Board, Mr. Doolittle testified the porch area is to be on (4) columns, with a solid roof, totally open from the framed roof line. The pool is conservative, with a patio area located on only (2) sides.

Mr. Doolittle advised the applicant will comply with all comments provided in the Boswell Engineering review letter dated April 15, 2014.

In response to comments from the Board, Mr. Doolittle testified the non-conforming front porch existed at the time the home was constructed in 2006.

Mr. Whitaker advised the non-conformity of the front porch was discovered when the final inspection was conducted. The certificate of occupancy was issued based upon the applicant's agreement with the Building Department to come before this Board to have it rectified.

Board Members said they would like to see an aerial photo of the existing property.

Mr. Madaio confirmed the lot and building coverage become conforming with the removal of the shed, and narrowing of the driveway; the front porch can stay with a total coverage of 1.45% greater than permitted. The proposed improvements will increase the coverages to a greater extent than existing.

Christopher Karach, Landscape Architect, duly sworn by Mr. Madaio testified to preparing the Colorized Site Plan (**A-2**) Mr. Karach testified the concept is to provide buffers to the east, west, north

and south by planting mixed evergreens along the property lines, layered with flowering shrubs and perennials, and screening around the AC units and generator. The overall effect will provide a solid screen without taking up too much planting space in the rear yard. The proposed plantings create an appropriate buffer, effectively screening the cabana and pool from the street and along the rear and side yards.

Discussion followed if any thought had been given to reconfiguring the pool to minimize and reduce the requested variances by rotating the pool and moving it closer toward the house.

In response to Ms. Boland, Mr. Doolittle testified the drainage will be located on the plan.

A motion to open the Hearing to Members of the public by Councilman DeBerardine seconded Mr. Friedman.

Renee Frei, 23 Grandview Avenue, expressed her support of the application. Ms. Frei advised that he has resided in the home directly behind 16 Oak since 1971 and there was a pool in the same location up until the previous home was demolished and Mr. Nirchio purchased the property.

With no further comments from the Board or Public, upon the motion by Councilman DeBerardine seconded by Councilman Durante, that portion of the meeting was closed.

Mr. Whitaker requested the application be carried to the Wednesday, October 8, 2014 meeting at 7:30 p.m.

3. Application of **Bergey, LLC**
154 Lake Street – Block 1109 – Lots 6.01 and 6.02
(Soil Moving; Variances: Height, Side & Rear Yard Setbacks/
New Home Construction)

James Jaworski, Esq., representing the applicant, advised the Board approved the subdivision of the subject property in 2007 creating (2) fully conforming lots, Lot 6.01 and Lot 6.02. A soil moving permit is required for the demolition of the existing single family dwelling, cottage, driveway access and site grading. The applicant is proposing to construct a new (5) bedroom dwelling, inground pool and patio on Lot 6.01, however both lots need to be graded at the same time. A second home will eventually be constructed on 6.02. The exceptional topographical conditions result in the request for a 3.4 ft. height variance, for the proposed new dwelling on Lot 6.01 meeting the criteria for the granting of a C-1 variance. The proposed home measures less than 5,000 s.f. coverage is under the requirements, and all setbacks conform.

In response to comments from the Board, Mr. Jaworski advised the application is for soil moving only on Lot 6.02. Lot 6.01 is for soil moving and variances to permit the construction of a new dwelling. The following documents were marked for identification: **A- 1:** *2007 PB Resolution approving Subdivision*; **A-2:** *Minor Subdivision Plan prepared by Conklin Associates, dated November 20, 2007*; **PB – 1:** *Boswell Review letter dated, August 11, 2014*; **PB-2:** *Boswell Review Letter dated, August 22, 2014.*

Tibor Latincsics P.E. duly sworn by Mr. Madaio, referencing **A-3: Aerial Photograph, Block 1109 – Lot 6, dated 2000**, testified to the location of the subject property on Skyline Drive and Lake Street at the hairline turn. Mr. Latincsics reviewed the elements of the current and prior application pertaining to the construction of curbing and a guard rail along Lake Street.

Mr. Latincsics reviewed the Primary Plan, **A-4: Plot Plan of Lot 6.01 & 7 6.02 last revised August 22, 2014** advising the Tax Assessor asked that the Board approve the street numbers: #68 Skyline Drive (new home) and #72 Skyline Drive (proposed future home). Mr. Latincsics testified when the curbing is constructed it will cut off access to number #72 Skyline Drive, therefore a new driveway to Lot 6.02 is proposed at this time.

Mr. Jaworski advised the Memorandum submitted Police Chief Rotella is favorable to the proposed Plan (**PB-3**).

Mr. Latincsics reviewed specifics with respect to the proposed dwelling on Lot 6.01: located in the R-1 Zone is a fully conforming lot, the north side was modified to conform, the front, rear and side yards are all conforming, and all coverages are conforming.

Mr. Latincsics testified the roof height variance is due to the sloping property, having a 6 ft. elevation across the depth of the home, with lowest grade in the rear left corner of the dwelling. If the height is measured at the rear of the home, the roof ridge would measure under the Ordinance requirement.

Mr. Latincsics reviewed the elevations testifying the highest part of the hip roof is in the front, from the rear of the home you do not see this highest point, however in front of the house the roof is actually measures 34.2 ft. from the finished grade. The topography slopes down 6ft to the front of the building. The hardship is clearly the steep sloped property. The roof has been modified to minimize volume and to fit the lot, supporting the negative criteria by providing no negative impact to the surrounding properties.

Mr. Latincsics testified the total quantity of soil to be moved is 1,306 c.y. of excavation, and 2,859 c.y. of fill, coming from the septic and foundation at Lot 6.01 and demolition driveways on Lot 6.02.

In response to comments from the Board, Mr. Latincsics anticipates Lot 6.02 would be re-graded.

Mr. Latincsics testified he met with Shade Tree Site Plan Review Chairman, Matt Koski, who approved the tree removal and re-landscaping plan. The wall along the property line is for grading purposes, and at 3 ft. or less is permitted anywhere on the property.

Mr. Jaworski advised the applicant is requesting a waiver for the 3 ft. high wall directly parallel to the Rockland Electric easement and the properties to the immediate north. The applicant is proposing a 1-3 ft. rubble wall with landscaping planted on top of the wall.

Mr. Latincsics testified significant impervious coverage will be removed and when the home is constructed (6) 2,000 gallon seepage pits have been specified for each Lot. Reviewing the *Drainage Photos, A-7*: Mr. Latincsics testified there will be a greater improvement with the proposed curbing that will cut water off from entering the subject property and directly into inlets located on the shoulder of Lake Street. Mr. Latincsics advised granite curbing was specified in the 2007 Resolution however the applicant is requesting to continue concrete curbing for continuity.

Ms. Boland advised the Architectural Plans and Engineering Plans must be consistent. In response to Ms. Boland, Mr. Latincics advised the window well not on the plan can be addressed with grading; and an additional seepage pit will be provided for the footing drain.

In response to comments from the Board, Mr. Latincics testified both properties would be connected to the United Water Line.

Upon a motion by Councilman Durante seconded by Mr. Polizzi, Mr. Virgona opened the Hearing to the public for questions regarding Mr. Latincics testimony. No one appeared to provide comment.

Discussion ensued regarding the requested height variance. Mr. Virgona explained measured from the existing or natural grade, when finished the rear of the house will be only 6 inches over the Ordinance requirement of 35 ft.

Mr. Latincics testified the grade will be raised, requiring no variance post construction.

Mr. Stutman confirmed that when done with moving the 1,900 c.y. of soil, it will then be considered existing grade for the next property. Mr. Jaworski advised when the applicant comes back with the application to build the other dwelling they will accept the condition.

Mr. Virgona opened the Hearing to Members of the Public regarding the application. No one appeared to testify. Mr. Virgona closed the Hearing.

A motion by Mr. Friedman seconded by Mr. Polizzi to approve the soil moving application; 3.4 ft. height variance for the roof ridge elevation and variance for a 3 ft. high retaining wall within the 10 ft. northern buffer

Roll Call

Ayes: 9 Mr. Friedman, Mr. Polizzi, Councilman DeBerardine, Councilman Durante, Mr. Prober, Mr. Wortmann, Mr. Stutman, Mr. Bakal, Mr. Virgona.

ADJOURNMENT

A motion to adjourn by Mr. Friedman seconded by Mr. Bakal was unanimously approved by all Members present. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Linda Marmora
Clerk

