

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – MARCH 26, 2015

Mr. Polizzi, Planning Board Vice Chairman, called the meeting to order at 7:30 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, 2014 by E-mail and Regular Mail 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.

Present: Mr. Polizzi, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Donato

Absent: Councilman Durante, Mr. Richardi, Mr. Stutman, Mr. Wortmann, Ms. Rosenthal, Mr. Virgona

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

RESOLUTION

WHEREAS, the Members of the Upper Saddle River Planning Board deem it necessary to discuss certain actions under Section 7b of the Open Public Meetings Act; and

WHEREAS, the discussion more specifically will involve: Legal Advice

NOW THEREFORE BE IT RESOLVED that at 7:35 p.m. the Planning Board deemed it necessary to exclude the public from discussion. The outcome of the discussion will be disclosed as follows:

- 1. If and when formal action will be taken*

Motion by: Mr. Preusch ***Seconded by:*** Mr. Bakal

Roll Call

Ayes: 7 *Mr. Preusch, Mr. Bakal, Mayor Minichetti, Councilman DeBerardine, Mr. Jacobs, Mr. Donato, Mr. Polizzi*

Motion to adjourn Closed Session and Re-Enter Regular Meeting at 7:40 p.m.

Motion by: Mr. Preusch ***Seconded by:*** Councilman DeBerardine

Roll Call

Ayes: 7 *Mr. Preusch, Councilman DeBerardine, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Donato, Mr. Polizzi*

APPROVAL OF MINUTES: A motion by Councilman DeBerardine to adopt the minutes of the March 11, 2015 meeting seconded by Mr. Bakal was unanimously approved by all Members present.

RESOLUTION

1. Apple Ridge

Mr. Madaio reviewed the Resolution authorizing the Board Chairman or Vice Chairman to execute an agreement on behalf of the Board between Apple Ridge USR, LLC, the Borough of Upper Saddle River and the Upper Saddle River Planning Board.

A motion by Councilman DeBerardine seconded by Mr. Preusch to adopt the Resolution as presented.

Roll Call

Ayes: 7 Councilman DeBerardine, Mr. Preusch, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Donato, Mr. Polizzi

PUBLIC HEARING

1. Application of **Louis & Maureen McElwain** *(Continued from January 29, 2015)*
27 Drake Lane – Block 1218 – Lot 17
(Left & Front Yard Setbacks/*Enlarge Existing Garage/Proposed Addition*)

James Jaworski, Esq., stated the applicant is requesting a bulk variance deviation to construct an addition to the left side of the existing dwelling maintaining the current setback of 42.6 ft. vs. 50 ft. required. Revised plans have been submitted reducing the original relief requested. Referencing Borough Code 150-33, Mr. Jaworski debated whether variance relief was required as the proposed enlargement of a building which is non-conforming to the front yard are permitted if same does not increase or create a new non-conformity. Discussion followed. Mr. Jaworski advised he will present a case for granting a C-2 Variance.

The following plans were submitted and identified: **A-1:** *Proposed Addition/Alteration Plan, Prepared by Linda Del Nobile Menze, AIA, dated September 9, 2014 last revised March 10, 2015;* **A-2:** *Google Aerial Map;* **A-3:** *Grading and Drainage Plan, prepared by Christopher Lantelme, P.E. dated March 6, 2015;* **A-4:** *Plot Plan prepared by Christopher Lantelme, dated August 5, 2014;* **B-1:** *Review/Report prepared by Eileen Boland, P.E., dated January 7, 2015;* **B-2:** *Review/Report prepared by Eileen Boland, P.E., dated March 13, 2015.*

Linda Del Nobile Menze, AIA, remaining under oath, testified to the plans presented accurately depicting the proposed revised plans. Mr. Del Nobile briefly described the line addition to the front wall of the existing garage; the master bathroom addition; closets and the small second floor area added for office use. Mr. Menze testified the only variance required is a 42.6 ft. existing front yard setback vs. the 50 ft. required. The proposed addition intensifies this non-conformity.

In response to comments from the Board, Mr. Menze reviewed the bulk lot requirements and the floor plan, Sheet 2 of A-1.

Christopher Lantelme, P.E, duly sworn by Mr. Madaio, testified to the irregularly curved front lot line of the oversized lot and the existing topographic conditions. In response to comments from the Board, Mr. Lantelme testified pushing the addition back towards the rear of the property would result in a 5 ft. drop in elevation, necessitating construction of retaining walls and significant soil moving associated with re-grading.

In response to comments from the Board regarding the entire width of the driveway at the front of the house, Mr. Lantelme testified including to the left of the addition, the proposed driveway measures 35 ft., where 25 ft. exists, accounting for the increase in impervious coverage.

Mr. Lantelme testified the existing oversized seepage pit installed during the last addition adequately addresses runoff associated with the proposed increase in impervious surface.

In response to comments from the Board, Mr. Lantelme testified the applicant will replant as many trees as required by the Shade Tree Commission in replacement of the three (3) trees to be removed.

Mr. Jaworski reiterated no new variance relief is being requested or proposed. Mr. Jaworski reviewed the exceptional conditions of the property preventing the applicant from complying with the zoning ordinance: the irregular curved front lot line, the position of the existing house on an angle to the front curved lot line and the placement of the house on the lot due to the topography on the west side of the property. Mr. Jaworski stated relief can be granted due to the irregular front line and shape of the lot without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance.

Ms. Boland testified the applicant has satisfactorily addressed the comments provided in the review letter dated March 13, 2015.

A motion by Mr. Bakal to open the Hearing to Members of the public regarding this application seconded by Mr. Preusch.

Upon no one appearing to provide comment, Mr. Polizzi closed that portion of the Hearing.

A motion by Councilman DeBerardine to approve the application as submitted seconded by Mr. Jacobs.

Roll Call

Ayes: 7 Councilman DeBerardine, Mr. Jacobs, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Polizzi

PUBLIC COMMENT

Mr. Polizzi opened the Meeting to Members of the public. No one appeared to provide comment.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Bakal was unanimously approved by all Members present. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Linda Marmora
Clerk