

## **BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

### **SPECIAL MEETING MINUTES – SEPTEMBER 30, 2015**

Mr. Virgona 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 his meeting has been provided to The Record and The Ridgewood News on September 18, 2015 at which time the date, time, place and purpose of the meeting were 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, Mr. Preusch, Mr. Bakal, Mr. Wortmann, Mr. Jacobs, Mr. Donato

**Absent:** Mr. Richardi (Recused), Councilman DeBerardine, Ms. Rosenthal

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Kevin Boswell, P.E., Boswell Engineering, Borough Engineer  
Eileen Boland, P.E., Boswell Engineering, Board/Borough Engineer  
Edward Snieckus, L.A., P.P., Burgis Associates, Borough Planner

#### **PUBLIC HEARING**

1. Application of **Apple Ridge USR, LLC**  
**Pleasant Brook Estates – Carlough Road – Block 401 – Lots 2 & 4**  
(Preliminary & Final Major Subdivision w Variances, Waivers; Soil Moving Permit;  
Site Remediation Soil Moving Permit/44 *Single Family Residential Lots*)

Mr. Virgona confirmed that testimony has concluded regarding the subdivision, site remediation and soil moving permits. The applicant will be presenting new drawings and provide additional testimony in response to comments from the Board at the last meeting held August 27, 2015.

Stanley Omland, P.E., for the applicant, submitted and identified the following revised plans: **A-14:** *Soil Moving Plans for Pleasant Brook Estates, last revised September 17, 2015*; **A-15:** *Preliminary Subdivision Plans Pleasant Brook Estates, last revised September 17, 2015*; and **A-16:** *Pleasant Brook Estates Typical Lot Plan, dated September 30, 2015*.

Mr. Omland referring to **Exhibit A-16**, testified the plans have been revised to provide a 10 ft. buffer from the driveway to the property line for the first 20 ft. and then to 5 ft. which will allow for landscaping or ornamental pillars, etc.

In response to comments from the Board, Mr. Omland testified the revisions apply to all (44) lots and; the circular driveways would not be less than 20 ft. apart.

Mr. Omland referring to the (6) lots located on the cul-de-sacs with less than the required frontage

have been reconfigured to provide an excess of 75 ft. lot frontage and a mandatory 100 ft. at the setback line.

Referring to **Exhibit A-6**: Mr. Omland testified to the increased landscaping being provided along the northerly and northeasterly property line. The heights of the plantings along Carlough Road have been staggered and significant landscaping has been added around the pump station.

Mr. Omland testified swales have been provided to address residents' concerns regarding any stormwater management issues along their common property line. The proposed improvements to the Pleasant Brook and restoration of the stream corridor will be provided for DEP submittal and review.

Mr. Omland reiterated previous testimony that the DEP controls the plantings and restoration.

Mr. Omland testified all the changes requested by the Board are reflected in Exhibits **A-14** and **A-16**. Additional numerous incidental changes to the plans do not merit lengthy discussion but are left to the Board's professionals.

Mr. Omland referring to the Police Report submitted by Chief Rotella dated September 25, 2015, submitted and identified **B-1**, stated the Report was comprehensive, testifying that one of the recommendations to widen Carlough Road might have the unintended consequence of increased speeds, but that would be for the Board to decide.

Mr. Boswell provided comments regarding the revised plans, advising they have conferred with Mahwah to get some consistency and to ensure that we are both being held to the same standard, particularly the work along the perimeter. Mr. Boswell stated that while recognizing the applicant's desire to plant buffers, he recommends testing first and seeing whether those areas along the northern property boundary need to be disturbed.

Mr. Boswell provided comments regarding the soil moving, requesting the applicant confirm that there would be an RAO for certain areas of the site upon completion of the soil remediation activity. Mr. Boswell said this is important because the phasing of the site and off-site improvements need to be set up with performance bonds in place to ensure the restoration of the entire site.

In response, Mr. Grebow, one of the owners of the Upper Saddle River and Mahwah properties, testified they are going to issue one RAO for the project, but are fine with providing multiple bonds. They will be working from north to the south and would like the opportunity to start the subdivision improvements providing the appropriate security.

Discussion ensued regarding the time frame to perform the restoration of the Pleasant Brook and the installation of improvements associated with the proposed subdivision.

Mr. Boswell provided additional comments related to the design of the roadway being fully compliant with RSIS and; the regrading of Carlough Road improving safety. In regard to the proposed pump station, Mr. Boswell recommended the operation and maintenance be provided via agreement entered into with the North West Bergen Utilities Authority.

In response to comments from the Board regarding the issue of fencing, Mr. Grebow said they

are not in agreement to provide a 3,000 ft. long, 8 – 12 ft. tall fence along Carlough Road, but a fence will be provided along the basin. Mr. Grebow testified they are proposing to allow fencing on the properties as permitted per Borough Ordinance. Discussion followed.

Mr. Omland, referring to **Exhibit A-11**, testified the plan has been modified incorporating the recommendation of Mr. Snieckus to include varying heights and additional plantings that will provide a constant buffer after a two year growth period. Discussion followed.

Mr. Grebow agreed to a condition of approval that the fence would be provided no closer than 25 ft. from the right-of-way as long as it's beyond the top of the slope.

Discussion ensued regarding diversity of architectural design for the proposed (44) single family homes. In response to comments from the Board, Mr. Grebow testified he would be willing to work with the Board to reach an agreement.

The Board recessed at 9:10 p.m. and reconvened at 9:27 p.n.

Mr. Moore proposed with respect to appearances – no (2) homes next to each other can have the same color or elevation. Mr. Madaio advised he would draft a condition in the Resolution integrating language that touches on the knowledge of the professionals but it would be up to the Board if that condition is adopted.

Mr. Snieckus advised his previous comments regarding the inconsistency between the EIS pertaining to the stream restoration plan has been addressed on the revised plan. The landscaping plan has added a tree preservation line to protect the buffer installed during the soil remediation project along Carlough Road. Mr. Snieckus asked that the final restoration plan be submitted to the Borough for further review.

In response to comments from Mr. Snieckus regarding the lack of proposed landscaping of the stormwater basin, Mr. Grebow advised the Borough is taking dedication of the basin and he would agree to install low maintenance plants.

Mr. Snieckus advised the overall landscaping plan for the subdivision has been revised to their satisfaction, but questioned the maintenance of the landscape island at the bifurcated entrance drive being there is no HOA and it would most likely fall on the DPW. Discussion followed. Mr. Grebow agreed to put down a weed control fabric under the plantings to reduce the amount of weed growth.

In response to comments from the Board regarding an irrigation system on the island, Mr. Grebow advised they are not installing one. Mr. Snieckus added that the proposed plantings are drought tolerant and low maintenance.

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

*Guy Tufo, 14 Carlough Road* questioned if there would be any signage on Carlough Road with regard to the name of the development. In response, Mr. Grebow advised no sign is proposed.

Mr. Tufo questioned when the construction, remediation and tree removal would begin. Mr. Grebow responded as soon as possible. Mr. Grebow added the builder may apply

to the building department for a temporary sign, but not a permanent one.

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

Mr. Moore advised he has concluded the applicant's direct case.

With no questions from the Board, Mr. Virgona called for a motion to open the Hearing to Members of the public for general comments regarding the application.

A motion to open the Hearing to Members of the public by Mr. Polizzi seconded by Mayor Minichetti. With no one appearing to provide comment, Mr. Virgona closed the Hearing.

Mr. Madaio advised that Board Members Bakal, Wortmann and Mayor Minichetti have certified having listened to the entirety of the tapes or read transcripts for those meetings they were not present.

Mr. Madaio reviewed the variances, conditions and deed restrictions associated with the application.

Mr. Moore agreed to acknowledge that the record includes any of the reports by Mr. Burgis and Mr. Boswell, whether in fact they have been submitted to date or not.

Mr. Madaio advised the Board would be bifurcating their votes on the (3) part application.

*A motion by Mr. Polizzi seconded by Mr. Wortmann to approve the soil movement application in connection with remediation and stream restoration.*

#### **Roll Call**

**Ayes: 8 Mr. Polizzi, Mr. Wortmann, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Donato, Mr. Virgona**

A Board Member requested clarification of the soil moving pertaining to the construction of the boulevard entrance as it relates to approval of the subdivision.

*A motion by Mr. Preusch seconded by Mr. Polizzi to approve the soil moving application in connection with the subdivision.*

#### **Roll Call**

**Ayes: 8 Mr. Preusch, Mr. Polizzi, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Donato, Mr. Wortmann, Mr. Virgona**

Mr. Madaio clarified the Resolution will include every condition and deed restriction the applicant has agreed to and reviewed by the applicant and the Board prior to adoption.

*A motion by Mr. Jacobs seconded by Mr. Preusch to approve the application for preliminary and final subdivision with certain variances and waivers.*

**Roll Call**

**Ayes: 7 Mr. Jacobs, Mr. Preusch, Mayor Minichetti, Mr. Polizzi, Mr. Wortmann,  
Mr. Donato, Mr. Virgona**

**Nays: 1 Mr. Bakal**

**ADJOURNMENT**

A motion to adjourn by Mr. Preusch seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 10:06 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

