

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, JANUARY 13, 2016

Mr. Madaio 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, 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: Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Virgona, Mr. Polizzi, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Donato, Ms. Miller, Mr. Bonjuklian

Absent: Mr. Wortmann

Also Present: Mark Madaio, Esq.,
Eileen Boland, P.E., Boswell Engineering
Nicole O’Grosso, P.E., Boswell Engineering

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to the following Board Members:

Mayor Joanne Minichetti, Class I	(1) year term ending December 31, 2016
Councilman Roger DeBerardine, Class III	(1) year term ending December 31, 2016
Theodore Preusch, Class II	(1) year term ending December 31, 2016
James Virgona, Class IV	(4) year term ending December 31, 2019
Joseph Donato, Alternate I	(2) year term ending December 31, 2017
Karen Miller, Alternate II	(2) year unexpired term ending December 31, 2016
Peter Bonjuklian, Alternate III	(1) year term ending December 31, 2016

REORGANIZATION

1. Election of Chairman

Mr. Madaio requested a nomination for the election of Planning Board Chairman.

A motion by Councilman DeBerardine nominating James Virgona to serve as Board Chairman

seconded by Mr. Polizzi. No further nomination.

Roll Call

Ayes: 10 Councilman DeBerardine, Mr. Polizzi, Mayor Minichetti, Mr. Preusch, Mr. Richardi, Mr. Bakal, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Bonjuklian

2. Election of Vice Chairman

Mr. Virgona requested a nomination for the election of Planning Board Vice Chairman.

A motion by Councilman DeBerardine nominating Mr. Polizzi to serve as Vice Chairman seconded by Mr. Preusch. No further nomination.

Roll Call

Ayes: 10 Councilman DeBerardine, Mr. Preusch, Mayor Minichetti, Mr. Richardi, Mr. Bakal, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Bonjuklian, Mr. Virgona

3. Appointment of Board Attorney

Mr. Virgona requested a nomination for the appointment of Board Attorney.

A motion by Councilman DeBerardine to appoint Mark Madaio, Esq., to serve as Planning Board Attorney seconded by Mr. Preusch. No further nomination.

Roll Call

Ayes: 11 Councilman DeBerardine, Mr. Preusch, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Donato, Ms. Miller, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

4. Appointment of Board Engineer

Mr. Virgona requested a nomination for the appointment of Board Engineer

A motion by Councilman DeBerardine to appoint Eileen Boland, P.E., Boswell Engineering to serve as Planning Board Engineering seconded by Mr. Preusch. No further nomination.

Roll Call

Ayes: 11 Councilman DeBerardine, Mr. Preusch, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Donato, Ms. Miller, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

5. Adoption of Planning Board By-Laws

Mr. Virgona requested a motion to adopt the Planning Board By-Laws

A motion by Councilman DeBerardine to adopt the Planning Board By-Laws seconded by Mr. Polizzi.

Roll Call

Ayes: 11 Councilman DeBerardine, Mr. Polizzi, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Bonjuklian, Mr. Virgona

6. Adoption of 2016 Planning Board Meeting Schedule

Mr. Virgona requested a motion to adopt the 2016 Meeting Schedule.

A motion by Mr. Preusch to adopt the 2016 Meeting Schedule seconded by Councilman DeBerardine.

Roll Call

Ayes: 11 Mr. Preusch, Councilman DeBerardine, Mayor Minichetti, Mr. Bakal, Mr. Richardi, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

REGULAR MEETING

APPROVAL OF MINUTES: A motion to adopt the minutes of the December 9, 2015 meeting by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present.

Mr. Virgona announced the application of **Blake Gardens LLC – 62 Sparrowbush Road – Block 502 – Lot 1.01** is carried to the January 28, 2016 meeting without further notice.

PUBLIC HEARING

1. Application of **Triangle Manufacturing Co., Inc.**
24 Parkway – Block 1301 – Lots 1.20; 1.21. & 1.22
(Bulk Variances: Height, Size & Location /As Built Ground Mounted Sign)

James Jaworski, Esq., representing the applicant, advised this application is after the fact, the sign has already been placed without approval but is identical to the monument sign previously approved by the Board and installed at 25 Parkway. Mr. Jaworski reviewed the variances associated with the freestanding sign: 14 ft. front yard setback provided vs. 35 ft. minimum required; 0 ft. clearance from bottom of freestanding sign provided vs. 10 ft. minimum required; and 48 s.f. sized provided vs. 36 s.f. maximum size permitted.

The following exhibits were submitted and identified: **A -1:** *Boundary/Topographic Survey prepared by James Drumm, L.S., dated January 10, 2013;* **A-2:** *Landscape Plan prepared by WBG Landscape Design, dated September 8, 2014 revised thru June 23, 2015;* **A-3:** *Google Earth Map;* **B-1:** *Boswell Engineering Review Letter dated January 8, 2016;* **B-2:** *USR Fire Prevention Bureau Report dated September 30, 2015;* **B-3:** *USR Police Department Report dated September 14, 2015.*

Neal Strohmeier, applicant, duly sworn by Mr. Madaio testified he is the owner of the property and operator of the medical device manufacturing facility located at 24 Parkway. Mr. Strohmeier testified to the need for the sign and landscaping project to be completed before guests would visit during NJ Manufacturing Week and that he understood the risk taken by installing the sign without Board approval.

In response to comments from the Board, Mr. Strohmeier testified the extensive landscaping has been completed and will be maintained.

Mr. Jaworski stated the sign located in front of the building having negligible traffic is better suited for a C-2 flexible variance readily grantable by the Board. If the sign was constructed according to Code it would not be located in a good place. Mr. Jaworski reiterated the applicant replicated exactly the same sign approved by the Board directly across the street providing no detrimental or negative impact.

A motion by Councilman DeBeradine seconded by Mr. Preusch to open the Hearing to Members of the public. No one appeared to testify.

Board Members reconfirmed the existence of only (2) other buildings generating little or no traffic and that the sign is exactly the same as the sign previously approved and installed across the street.

With no further comments from the Board or public, Mr. Virgona closed the Hearing.

A motion by Mr. Preusch to approve the application seconded by Councilman DeBerardine.

Roll Call

Ayes: 9 Mr. Preusch, Councilman DeBerardine, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Donato, Mr. Polizzi, Mr. Virgona

2. Application of **Alan & Irene Antonucci**
3 Dansfield Court – Block 811 – Lot 5.01
(Bulk Variance: Front Yard Setback/*Emergency Generator*)

Bruce Whitaker, Esq., representing the applicant, provided a brief background and history regarding the application requesting approval to permit an emergency generator to be located at the end of the driveway on the property located on Dansfield Court and the corner of East Saddle River Road, deemed by Code to have (2) front yards. Discussion followed.

Mr. Whitaker advised the applicant is requesting an interpretation of the Code that the generator is permitted to be located in the front yard of East Saddle River Road and, in the alternative if a violation, seeks variance relief.

The following exhibits were submitted and identified: **A-1:** *Landscaping Plan prepared by Curtis Landscaping, dated September 15, 2015; A-2:* *Landscape Rendering prepared by Curtis Landscaping, dated September 15, 2015; A-3:* *Property Survey with Proposed Generator prepared by Christopher Lantelme, dated October 1, 2015; A-4:* *Series of (9) Photographs of Existing Conditions A-5:* *Google Aerial Map; A-6:* *Correspondence from Boro Code Compliance Officer dated September 21, 2015; A-7:* *Zoning Board Resolution dated June 18, 1998; A-8:* *(6) Pages Chapter 150 – Zoning Code;*

B-1: Boswell Engineering Report dated October 16, 2015.

Mr. Whitaker described the home as having a front orientation to Dansfield Court, with a side loading garage. The home meets the front yard setback on Dansfield Court, with the shorter portion of the property being the depth of the lot. The second front yard is on East Saddle River Road and in order to create a sense of privacy, extensive landscaping was installed; between the landscaping there is a pond and waterfall. The applicant is proposing to install a (44) inch generator at the edge of the driveway with heavy landscaping so as not to be visible from all sides. Mr. Whitaker stated the generator would be over 90 ft. from Dansfield Court, basically in the rear yard and over 90 ft. from East Saddle River Road, an appropriate location for the generator. Mr. Whitaker referring to a letter issued by the Code Enforcement Officer dated September 21, 2015, advising generators cannot be located in the front of a house, reviewed definitions provided in Chapter 150-3 and made reference to Municipal Land Use Law. Discussion followed. Mr. Whitaker maintained that the Code does not prohibit generators from being located in the front yard and therefore a variance application is not required.

Discussion followed. Ms. Boland provided that the applicant's argument was not correct; the Borough has always treated generators as accessory structures falling under the definition of a building structure. Mr. Madaio advised by Code, the generator must be located in the rear yard, what is proposed is not.

Alan Antonucci, applicant duly sworn by Mr. Madaio testified the proposed plans were reviewed with the Zoning Officer, who indicated his approval of the location. The pad, electrical/gas lines were installed, passed inspection and the generator was ordered. In addition, the basketball court was removed as advised in order to reduce the lot coverage. Mr. Antonucci further testified the photo exhibit (A-4) demonstrates that the generator will not be visible from Dansfield Court or East Saddle River Road.

Robert Hagelgans, duly sworn by Mr. Madaio, testified he is the project manager and oversees the general contractor. Mr. Hagelgans testified to meeting with the Zoning Officer to discuss the location of the generator with respect to the setbacks, existing structures, and service issues. Mr. Hagelgans testified the Zoning Officer suggested the generator be located in front of the driveway. Discussion followed. It was determined a formal site plan had been requested but not submitted.

In response to comments from the Board, Mr. Hagelgans testified there are no footings associated with the construction of the generator pad; the pad was poured over a gravel base.

Mr. Whitaker requested the applicant be permitted to install a generator (44) inches in height at the end of the driveway, approximately 90 ft. from Dansfield Court and 90 ft. from East Saddle River Road, behind the rear line of the dwelling, which is actually the rear yard of the property. The generator does not encroach upon the 50 ft. front yard setbacks on either Dansfield Court or East Saddle River Road, will be heavily buffered with landscaping and unnoticeable from either road.

In response to comments from the Board, Mr. Whitaker advised the generator will be located behind tall trees; the proposed holly trees will be installed on top of an 18 inch tall berm and will be 5-6 ft. in height at time of planting. Although the generator is (44) inches in height, less than that height will be visible.

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

of the meeting.

Mr. Madaio advised the Board may consider a motion accepting Mr. Whitaker's interpretation of the Zoning Code that a variance is not required.

A motion by Councilman DeBerardine seconded by Mr. Bakal denying Mr. Whitaker's request and that a variance is required.

Roll Call

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

Madaio advised the request for interpretation is denied.

A motion by Councilman DeBerardine seconded by Mr. Jacobs to grant variance relief to permit the generator to be located in the front yard of East Saddle River Road.

Roll Call

Ayes: 9 Councilman DeBerardine, Mr. Jacobs, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Donato, Mr. Polizzi, Mr. Virgona

PUBLIC COMMENT

A motion to open the Meeting to Members of the public by Councilman DeBerardine seconded by Mr. Preusch. No one appeared to provide comment.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Linda Marmora
Clerk

