

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – THURSDAY, MAY 26, 2016

Mr. Virgona called the meeting to order at 7:40 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: Mr. Virgona, Mr. Polizzi, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Ms. Miller
Mr. Bonjuklian

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

APPROVAL OF MINUTES: May 11, 2016 - Carried to June 8, 2016

RESOLUTIONS (*Memorialization*)

1. Application of **Alexander & Debra Elezovic** ***DENIED***
67 Hidden Glen Road – Block 913 – Lot 20
(Side Yard Setback/*Construct Single Car Garage w Mudroom & Pantry*)

Mr. Madaio reviewed the Resolution. A motion by Mr. Polizzi seconded by Ms. Miller to adopt the Resolution as presented.

Roll Call

Ayes: 5 Mr. Polizzi, Ms. Miller, Mr. Bakal, Mr. Jacobs, Mr. Bonjuklian, Mr. Virgona

2. Application of **Mack-Cali Realty, LP** ***APPROVED***
1-15 Lake Street – Block 601 – Lot 1
(Soil Moving Permit/*Demolition/Regrading*)

Mr. Madaio advised he had prepared the Resolution but noted some facts stated at the May 11, 2016 meeting were of concern. The Board will adopt the Resolution, but with a heavy layer of additional conditions. Kevin Boswell, P.E., Boswell Engineering advised he met with the applicant's attorney and engineer who were in full agreement to insure all environmental concerns throughout the entire demo process would be coordinated, monitored and overseen by experts chosen by Boswell Engineering. Discussion followed. Mr. Madaio requested all work be stopped until the higher level of standards meeting Mr. Boswell's satisfaction have been implemented.

In response to comments from the Board, Mr. Boswell advised he would insist upon lead paint testing no matter when the building was erected.

A motion by Mr. Jacobs to adopt the Resolution with the added conditions seconded by Mr. Polizzi.

Roll Call:

Ayes: 6 Mr. Jacobs, Mr. Polizzi, Mr. Bakal, Ms. Miller, Mr. Bonjuklian, Mr. Virgona

PUBLIC HEARING

1. Variance Application of **John DeNobile**
40 Dogwood Hill Road – Block 1221 – Lot 10
(Bulk Variances/*As Built/Pool Cabana*)

Antimo Del Vecchio, Esq., representing the applicant, advised approvals had been received to construct a conforming pool, cabana and various associated improvements which have been completed. The As-Built Survey depicts (2) variances: *Maximum Accessory Building Height of 25.7 ft. vs. 20 ft. permitted; and Maximum Building Coverage of 15.2% vs. 15% permitted.*

The following exhibits were submitted: **A-1:** *Final Pool As Built Survey prepared by Maser Consulting, P.A. dated March 17, 2016*; **A-2:** *Series of (3) Photographs depicting Existing Conditions*; **A-3:** *Final Pool As Built Survey dated December 5, 2014 revised through January 2, 2016 prepared by First Sight Surveying, LLC*; **A-4:** *Photo Board*; **A-5:** *Site Plan dated June 30, 2014*; **A-6:** *Aerial Photograph Depicting Surrounding Properties*; **B-1:** *Boswell Review letter dated April 12, 2016.*

In response to comments from the Board, Mr. Del Vecchio advised the plan for the proposed pool and patio was submitted, approved and later amended to include the cabana. After the construction was completed it was determined there was an error in the original calculation provided for the height of the cabana.

Dan Block P.P. duly sworn by Mr. Madaio, testified to having reviewed all paper trails submitted in connection with the application; taken all exhibit photographs; visiting the site and surrounding neighborhood; and made aware of the Borough's Master Plan and Zoning Ordinance.

Mr. Block provided a brief background of the application history and referenced various communications between the previous Board Engineer and Maser Consulting agreeing the cabana would be constructed 15 ft. above grade. At the time the architectural plan was not submitted and the Building Department issued permits, unaware the plan called for the cabana to be constructed at 20 ft. above grade. Mr. Block testified the applicant is seeking a C-1 variance for the height of the cabana which due to irregular topographic conditions, the grade was filled in to make it level in order to install the cabana. Mr. Block testified the improvements do not detract from the neighborhood and is impossible to discern that it is 5.7 ft. taller than permitted due to the partially open design reducing the overall bulk of the structure.

Mr. Block concluded in his opinion, the requested variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

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

No one appeared to provide testimony.

In response to comments from the Board, Ms. Boland reviewed the existing and natural grades.

Members discussed and agreed the variance required for the 57 s.f. building coverage is de minimus.

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

Mr. Del Vecchio provided a brief summation stating the property is penalized by topographic conditions predominantly in the rear portion area where the cabana was constructed; there is no negative impact on the neighbors and the open cabana ameliorates any impact. Honest mistakes were made along the way, and would ask the Board to favorably view the application.

A motion to approve the application by Mr. Bakal seconded by Ms. Miller conditioned upon the Applicant providing additional landscaping to shield and supplement the existing landscaping at the same level of the rear wall of the cabana subject to approval by the Shade Tree Commission.

Roll Call

Ayes: 7 Mr. Bakal, Ms. Miller, Mr. Preusch, Mr. Jacobs, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

PUBLIC COMMENT

Erik Friis, 4 Sparrowbush Road advised he was in possession of additional documentation pertinent to the demolition permits concerning Mack-Cali – 1 Lake Street. Mr. Madaio explained the Borough has taken the matter into their own hands to ensure quality assurance. The Resolution has been adopted with added conditions and from this point forward Boswell Engineering and the LSRP are totally in charge.

ADJOURNMENT

A motion to adjourn by Mr. Bonjuklian seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 9:17 p.m.

Respectfully submitted,

Linda Marmora
Clerk

