

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

**MEETING MINUTES – THURSDAY, JUNE 23, 2016**

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 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 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. Donato, Mr. Jacobs, Mr. Richardi

**Absent:** Councilman DeBerardine, Ms. Miller, Mr. Bonjuklian

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Eileen Boland, P.E., Borough/Planning Board Engineer  
Joseph Burgis, P.P., Borough Planner

**APPROVAL OF MINUTES:** A motion by Mr. Jacobs seconded by Mr. Polizzi to adopt the minutes of the June 8, 2016 meeting was unanimously approved by all Members present.

**PRESENTATION**

1. **2016 Periodic Reexamination of the Municipal Master Plan and Master Plan Amendment**  
*Burgis Associates, Borough Planner*

Mr. Burgis, provided a brief overview of the required components of the statutory Master Plan Reexamination Report and the amendments to the Master Plan's Land Use Element pertaining to the Mack Cali tract. Mr. Burgis advised the Housing Element and Fair Share Housing Plan has been amended to incorporate the Mack Cali tract as well as the latest affordable housing numbers assigned to the Borough. Mr. Burgis advised he will provide more detail at the Public Hearing scheduled to be held Wednesday, June 29, 2016.

**PUBLIC HEARING**

1. Application of **Krisujen Realty LP**  
**100 Route 17 North – Block 1304 – Lot 7.01**  
(Preliminary & Final Site Plan Approval w Variances/Major Soil Moving/  
*New (2) Story Automobile Dealership*)

Mitchell Abrahams, Esq. representing the applicant advised Krisujen Realty is the applicant/ owner of the property and; that a related entity will occupy the dealership.

John Yakimik, P.E, L2A Land Design LLC, duly sworn by Mr. Madaio , submitted and identified the following document: **A-1**: *“Preliminary and Final Site Plans Proposed Automobile Dealership dated, March 18, 2016 last revised May 6, 2016 - (16 Sheets)*. Mr. Yakimik testified the property, 100 Route 17 North borders properties located in the Borough of Ramsey, NJ. The subject property is located on a lot within (2) zoning districts. The rear portion is located in the R-1 Residential Zone with the majority of the property being located in the H-1R Highway Retail and Commercial Zone.

Mr. Yakimik, described the site and the topographic conditions. The property located in the H-1R District of the site containing 68,075 s.f. and the R-1 District containing, 18,802 s.f. The R-1 District of the property located in the rear of the site does not have any frontage on any street. Mr. Yakimik reviewed an aerial photograph and several photographs of the site depicting the surrounding properties, broken asphalt, gravel areas and a large amount of concrete.

Mr. Yakimik reviewed the proposed plan to construct a new (1) story 25,662 s.f building to be utilized for an Automobile Dealership Showroom and a (12) bay service area with parking on (3) levels: the surface, roof and in the basement. In response to comments from the Board, Mr. Yakimik testified the nearest house is located 80 ft. from the rear property line with an existing large buffer of trees and vegetation. The proposed parking on the roof and basement is not open to the public.

Mr. Yakimik reviewed the variances enumerated in the Boswell Engineering review letter dated June 7, 2016 – submitted and identified as **B-1**. Mr. Yakimik testified the only improvement in the Residential Zone is the macadam for the parking area and the retaining wall by virtue of the topography. The asphalt comes within 5ft. of the side yard.

Mr. Yakimik reviewed the calculations regarding the proposed 204 parking spaces of which 131 will be tandem spaces, and 73 will be open spaces for the general public as part of the retail use or for employees as needed.

In response to comments from the Board, Mr. Yakimik testified the proposed 9’ x 18’ parking spaces vs. the 10’ x 20’ required are provided in the following locations: (71) parking spaces at grade level; (65) parking spaces in the basement; (68) parking spaces on the rooftop. The tandem spaces provided in the rear are far away from the general public; these spaces can be delineated with directive signage.

Mr. Yakimik testified that the dealership maintains a facility in Nyack, NY from which cars are delivered individually; no car carriers will make delivery to the site.

Mr. Yakimik testified the proposed safety islands located in the parking areas have been designed for the lot to be as safe as possible; a 5 ft. sidewalk is provided around the entire building. The proposed retaining wall located (5) ft. off the property line vs. the 35 ft. required, varies in height due to the topography and is necessary to keep the operations as level as possible. Mr. Yakimik testified the portion of the wall located in the R-1 Zone conforms to the 3 ft. height requirement.

Mr. Yakimik reviewed the proposed (3) designated ADA parking spaces, testifying the number of spaces could be increased to satisfy the ADA requirement of (5) spaces.

Mr. Yakimik testified the sole ingress and egress is restricted to Route 17; no carriers deliver inventory to the site.

In response to comments from the Board regarding proposed lighting, Mr. Yakimik testified to Sheet CO-6; demonstrating that the applicant is compliant with Borough Ordinance in that there will be no spillage onto adjacent properties or onto those residential properties to the rear.

Mr. Yakimik reviewed the soil moving permit application, testifying the 9,085 c.y. to be moved from the site mainly for the foundation of the building is composed of concrete, asphalt and soil. .

Mr. Yakimik reviewed the proposed signs and their location. The pylon sign is proposed 10 ft. into the setback vs. the 35 ft. permitted for safety reasons. The remaining signs, (1) free standing double faced sign with 36 s.f. on each face; (5) wall mounted signs, (3) in the front, (2) on the southern side wall are corporate driven.

In response to comments from the Board Mr. Yakimik testified the reason why the sign can't be located further back from Route 17, is because of safety concerns due to the size of the lot, and mature trees located on the property immediately to the south people don't recognize the driveway until passed.

Mr. Yakimik, referencing the Fire Prevention Review Letter dated June 22, 2016, submitted and identified as **B-2**; testified the applicant will work with the Fire officials to satisfy their concerns and find solutions to work the site so the fire apparatus can maneuver around the site.

Referencing the Construction Code Officials letter dated June 22, 2016 – submitted and identified as **B-3**; Mr. Yakimik testified the applicant will comply with all comments and work with fire officials and the Board Engineer regarding the collapse zone.

In response to comments from the Board, Mr. Yakimik testified the shoulder is used as a de-acceleration lane under the purview of the DOT. Discussion followed. Mr. Yakimik advised the applicant expects comments from the DOT in mid-July.

A motion by Mr. Polizzi seconded by Mr. Bakal to open the meeting to Members of the public regarding the testimony provided by Mr. Yakimik. No one appeared to provide testimony.

Charles Koch L.A., duly sworn by Mr. Madaio provided an overview of the proposed Building and Floor Plan Mr. Koch testified to the renderings of the proposed structure and elevations from the front, side and rear.

In response to comments from the Board, Mr. Koch testified the oversized bay and garage doors are needed to accommodate larger service vehicles. In addition the existing trees, the applicant will be planting additional trees and vegetation to increase the buffer to the residential properties located in the rear of the site.

In response to additional comments from the Board, Mr. Koch testified the mechanicals will be located behind the 4 ft. parapet, thereby blocking the view. No external speakers are proposed in an effort to minimize noise.

A motion by Mr. Preusch seconded by Mr. Polizzi to open the Hearing to Members of the public regarding the testimony provided by Mr. Koch. No one appeared to provide testimony.

Mark Infante, Operation Consultant with Prestige Construction, duly sworn by Mr. Madaio, testified to the hours of operation; service flow system and to the variety of models featured on the selling floor.

In response to comments from the Board, Mr. Infante testified the hours of operation for the showroom are Monday through Saturday, 9 am – 6 p.m., with a late night until 8 pm; the service department opens at 8 am. No car carriers or outside speakers are employed at the site.

A motion by Mr. Polizzi seconded by Mr. Preusch to open the Hearing to Members of the public regarding the testimony provided by Mr. Infante. No one appeared to provide testimony.

Kathryn Gregory, P.P., duly sworn by Mr. Madaio, testified in support of each of the variances being requested by the applicant: Use variance; side yard setback; improvement coverage; safety island; retaining wall height; parking variances; parking space size; signage; location of signage; number of signs; size of signs. Mr. Gregory testified to the applicant meeting the terms of positive criteria by promoting purpose A – improving an eyesore, vacant site is not good; promoting purpose B – providing adequate air light and open space – the closest residence is 80 ft. to the rear of the property and by promoting a desirable visual. The application meets the negative criteria by providing no substantial detriment to the public good, and no impairment to the zone plan.

A motion by Mr. Polizzi seconded by Mr. Bakal to open the Meeting to Members of the public regarding the testimony provided by Ms. Gregory.

Erik Friis, 4 Sparrowbush Road duly sworn by Mr. Madaio, commented on the number of variances being requested.

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

Discussion followed regarding Mr. Koch's suggestion to remove (4) parking spaces from the rear of the site in order to open it up for firefighting equipment. Further discussion followed.

A motion Mr. Bakal seconded by Mr. Richardi to carry the application to the Thursday, July 28, 2016 meeting was unanimously approved by all Members present.

## **ADJOURNMENT**

A motion to adjourn by Mr. Preusch seconded by Mr. Richardi was unanimously approved by all Members present. Meeting adjourned at 10:04 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

