

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

**THURSDAY, JANUARY 26, 2023**

Mr. Virgona called the meeting to order at 7:10 pm. 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 e-mail to the Record and The Ridgewood News on December 28, 2022 at which time the date, time, place and purpose of the meeting was set forth. Notice was posted on the bulletin board in the Borough Hall and on the Boro Website: [www.usrtoday.org](http://www.usrtoday.org)

## **PLEDGE OF ALLEGIANCE**

**Present:** Mr. Preusch, Mr. Bakal, Mr. Bonjuklian, Mr. Jacobs, Mr. Richardi, Mr. Donato, Mr. Virgona

**Absent:** Mayor Fardanesh, Mr. Lyons, Mr. Wiederholz

**Also Present:** Mark Madaio Esq, Planning Board Attorney  
Jeff Morris PE, Boswell Engineering, Board/Borough Engineer

## **OATH OF ALLEGIANCE**

Mr. Madaio administered the Oath of Allegiance to Robert Richardi, Class IV Member, term ending December 31, 2026.

## **APPROVAL OF MINUTES**

A motion to adopt the January 11, 2023 meeting minutes by Mr. Jacobs seconded by Mr. Bakal.

## **Roll Call**

**Ayes:** 5 Mr. Jacobs, Mr. Bakal, Mr. Preusch, Mr. Bonjuklian, Mr. Virgona

## **PUBLIC HEARING**

1. Variance Application of **HaeWon Cadence Ryu**  
**119 Buckhaven Hill – Block 909 – Lot 8**  
(Rear Yard Setbacks/Covered Patio/Fireplace)

Ms. Ryu, stated her application for a variance is to permit building a covered porch outside her kitchen requiring a setback variance. Ms. Ryu advised Esther Kim, Architectural Designer, will be the witness providing testimony regarding the site plan.

The follow exhibits were identified: **A-1:** Site Plan, Buckhaven Hill Covered Porch, 119 Buckhaven Hill, Upper Saddle River, NJ prepared by Esther Kim Design, dated June 24, 2022; **A-2:** Location Survey for Cadence and Andrew Ryu, prepared by Surtech Surveying Technologies, dated June 8, 2022, revised October 4, 2022; **A-3:** Photo Exhibit; **A-4:** Partial Plan Elevation, prepared by Esther Kim Design; **A-5:** Location Survey prepared by Osterkorn Engineering, dated July 27, 2013; **B-1:** Boswell Engineering Review letter dated December 2, 2022.

In response to Mr. Madaio, Ms. Kim confirmed she was not a licensed Architect, but held a Masters Degree in Architecture from Columbia University, NY. Mr. Madaio explained the threshold for expert testimony is licensure. Ms. Kim advised if the Board approves the plan, a licensed architect in New York and New Jersey would review and submit final signed and sealed plans.

Mr. Madaio explained the burden upon the applicant is to prove that the right to the relief has been shown either by exceptional topographic conditions, extraordinary narrowness, shallowness or shape or practical difficulty to make it impossible to comply with the Ordinance; and that the approval will not substantially impair the intent or purpose of the Zoning Ordinance.

The Board commented if the Plan were revised by shifting the patio to the right, it would conform to the permitted setbacks thereby eliminating the need for a variance.

Mr. Madaio advised Ms. Ryu it was her choice to either proceed with the Application this evening, presenting the proper evidence and meeting the statutory criteria as per MLUL, NJSA 40:55 D or have the opportunity to return, with the services of an Attorney and licensed Engineer; and re-submitting signed and sealed plans prepared by professionals licensed to practice in New Jersey.

After deliberating, Ms. Ryu requested the Application be carried to the next available meeting.

A motion to Open the Hearing to Members of the public regarding this Application by Mr. Bonjuklian seconded by Mr. Bakal. No one appeared to provide comment.

Mr. Virgona announced the Application of Ryu – 119 Buckhaven Hill is carried to the Wednesday, March 8, 2023 meeting at 7 pm without further noticing required.

***Mr. Virgona announced the February 8 and February 23, 2023 meetings have been canceled. The next meeting is to be held Wednesday, March 8, 2023 at 7 pm.***

#### **ADJOURNMENT**

A motion to adjourn by Mr. Donato seconded by Mr. Bonjuklian was unanimously approved by all Members present. Meeting adjourned at 7:53 pm.

Respectfully submitted,

Linda Marmora, Clerk