

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – THURSDAY, APRIL 25, 2013

Mr. Virgona called the meeting to order at 7:37 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 to The Record and The Ridgewood News on December 28, 2012 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, Councilman DeBerardine Mr. Friedman, Mr. Prober, Mr. Stutman, Mr. Wortmann, Ms. Rosenthal, Mr. Richardi

Absent: Mayor Minichetti, Mr. Preusch, Ms. Miller, Mr. Abramson

Also Present: Mark Madaio, Esq., Planning Board Attorney
Christopher Statile, P.E., Planning Board Engineer

APPROVAL OF MINUTES: A motion to adopt the minutes of the April 10, 2013 Work Session & Regular Meeting by Mr. Polizzi seconded by Mr. Friedman was unanimously approved by all Members present.

PUBLIC HEARING

1. Application of **Ramsey Nissan**
401 – 415 Route 17 South – Block 1015 – Lots 1 & 2
(Amended Site Plan w Variances; Use Variance/*New Truck Dealership/Offices*)

Bruce Whitaker, Esq., represented the applicant. Mr. Whitaker advised the applicant is requesting amended site plan approval with variances for the purpose of having the existing 2 storied facility located on Lot 1 occupied for the purposes of using the upstairs for offices and the downstairs for a new truck dealership sales office with some of the trucks located outside for sale, as there is no ability to have small trucks inside the building.

The property, located in the H-1R Zone does not permit the use for the purpose of auto sales and to allow inventory outside for sales. The request for some of the bulk variance relief is for what are existing conditions and the other for what is being proposed for this facility.

Mr. Whitaker provided an overview of stipulations: the facility is a new car dealership, not a used car dealership; no offloading of vehicles at site; no prep or servicing of vehicles and no indoor showroom.

The following exhibits were submitted and marked for identification: A-1 – 3: Site Plan prepared by Conklin Associates, dated August 10, 20-12 revised to January 9, 2013; A-4: Sign Plan dated January

9, 2013; A-5: Topographic Survey, dated October 10, 2012 revised to January 28, 2013; A-6: Survey of Block 1015 – Lots 1 & 2, dated December 11, 2011; A-7: Nissan Commercial Vehicles Brochures; B- 1: Photographs of Property; B-2: Christopher Statile review letter dated December 18, 2013; B-3: Christopher Statile review letter dated February 11, 2013; B-4: Fire Prevention Bureau Report – dated October 10, 2012; B-5: Police Chief’s Report dated September 28, 2012; B-6: Fire Prevention Bureau Report dated February 28, 2013.

Frank J. Miniervini, Director of Operations for the Ramsey Auto Group, was duly sworn by Mr. Madaio. Mr. Minervini testified as to what is being proposed for the site. Nissan Corporate requires them to separate the vans from the car sales. The original plan to put offices on the 2nd floor has changed, and will possibly be used for file storage for Ramsey Auto Group. The first floor will serve as sales offices, headed by an assistant sales manager and staffed by 2 or 3 salesmen, with the display of vehicles for sale located outside. Mr. Minervini testified he has reviewed the stipulations put forth by Mr. Whitaker and that they are correct, understood by himself and by the applicant.

Mr. Minervini explained the off-loading process: Ramsey Auto Group rents storage space for 2,800 vehicles located off Route 202. All truck carriers drop them at this storage location; the vehicles kept at the dealership lot would be for demo purposes. Mr. Minervini testified he anticipates traffic at the dealership site to be 3 – 4 cars per day, in and out, accounting for 15 vehicles sold per month, and under 100 vehicles per year. No work is performed at the site, but it will have the ability if approved, to integrate with the Nissan dealership site located south of the subject property.

Mr. Virgona opened the hearing to Members of the Board.

In response to comments from the Board regarding the plan to park (14) vehicles on site, Mr. Minervini explained all car dealerships put as many cars as possible on display to provide their customers with options. All vehicle prep, repair and servicing is performed at the Nissan facility located next door. Mr. Minervini advised the vans weigh from 8,550 – 9,900 lbs. Mr. Minervini further testified the applicant is not merging businesses, however, they do work in tandem and by eliminating barriers between the (2) properties would permit free passage to the other Nissan facility to the immediate south, which has been cleaned up since receiving notice from John Walsh, Zoning and Property Maintenance Officer.

Mr. Whitaker advised the applicant, RAG Realty is the owner of both properties, same principals, but are different corporate entities. There is an existing cross easement between both properties.

Councilman DeBerardine referenced a recently passed new Zoning Ordinance and advised that he would clarify terminology on the word “automobile” at the next Mayor and Council meeting. Mr. Whitaker advised the applicant is seeking a use variance because this is a truck dealership.

John Mayo, P.E., Conklin Associates, was duly sworn by Mr. Madaio. Mr. Mayo testified as to being the project engineer, and to having prepared the Site Plan, identified and marked A-1 – 6, with a final revision date of January 9, 2013. Mr. Mayo briefly testified to the existing site conditions and proposed improvements: the existing 2 story building is currently unoccupied, a few additional parking stalls are proposed, a driveway access aisle is added, a new retaining wall to be constructed on Lot 2 meeting all construction requirements and the site will be repaved and the parking stalls striped.

Mr. Mayo reviewed the requested variances: existing non-conforming – parking within 1 ft. of rear property line; access aisle located 1-2 ft. from side lot line; existing parking encroaching into the 5 ft. side yard setback; and the free standing sign located in the front yard setback.

In response to comments from the Board, Mr. Whitaker advised the lot has existing non-conforming lot frontage, lot width is deficient by 4 ft., based on what is being proposed, but does not exacerbate the existing conditions. The applicant is proposing to widen the aisle width by removing the external stair tower to provide access to the property to the south. The new retaining wall exceeds the height requirements by (2) ft. – 6 ft. required, 8 ft. proposed will benefit the site, better wall, wider drive aisle, improved drainage and impervious coverage. Parking will be restriped, fire zones marked and new curbing installed.

Mr. Mayo testified the existing free standing sign, located (2) ft. from the front yard setback, with 2 stacked facades will be brought into conformity for height, not location, by removing the top sign, and with the added stipulation the height not to exceed (20) ft. The maximum area permitted for this sign is (36) ft. – (32) ft. is provided.

Members addressed the concerns of the Fire Official regarding the proposed location of the dumpster. Members suggested reducing the size of the proposed 10 x 20 parking stalls located in the rear of the building to 9 x 18 in order for the dumpster not be located within 15 ft. of the building or property line.

Mr. Mayo advised a waiver is requested for the submission requirement of the stormwater drainage system within 500 ft. Two fire escapes are provided, (1) internal and (1) external. A full 6 inch curb will be installed, where (2) inches is existing.

In response to comments from the Board, Mr. Mayo testified the proposed 8ft. high keystone segmented wall will keep everything level. The proposed size of the parking stalls is 10 ft. x 20 ft. New trees are proposed along the rear, sides and front, and well as the islands. The circular access to the site is for safety. There is no plan to change the façade of the building, just to clean it up by painting conforming with the Nissan Dealership located to the south.

Mr. Friedman requested the applicant submit a planting plan providing additional deciduous trees, and also providing the species and caliper of the trees for review and approval by the Shade Tree Commission.

Board Members discussed parking space requirements for the 4,209 s.f. building: 37 spaces required, of which 14 are allocated for the display of vehicles; 3 spaces for employee parking and 20 spaces remaining. Mr. Statile suggested stipulating the use of the building be divided: 50% for the dealership; 50% for office use. Mr. Whitaker advised the remaining (20) spaces could be used for employee parking, however, if in the future the second floor is used for office space, the spaces would be then used by the support staff.

Mr. Virgona suggested moving the freestanding sign into a more conforming location by relocating it 35 ft. back measured from the white lane line of the highway, calculated to be 18 ft. Mr. Whitaker agreed subject to the caveat, if it can't be done, the applicant will come back to the Board.

Mr. Polizzi requested the installation of portable speed bumps at 12 Industrial Way to address the busy traffic pattern. Mr. Whitaker agreed on behalf of the applicant.

Mr. Whitaker advised the applicant will comply with the comments provided by the Fire Prevention Bureau and the Police Department.

Discussion followed regarding whether to limit the size of the wall sign now under the “d” variance approval, or permit the applicant to install one that is code compliant at 60 s.f. Mr. Whitaker advised the sign will be compliant with the Code.

Mr. Statile reviewed the contents of his review letter recommended the (14) parking stalls for inventory be striped in a different color.

Mr. Virgona opened the meeting to Members of the Public. No one appeared to testify.

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

A motion by Mr. Polizzi seconded by Mr. Friedman to approve the application for a use variance and related bulk variances with the following conditions: primary use as a new car dealership; cargo vans may not exceed 10,000 lb. weight; only off-site loading; no prep or servicing of vehicles at the site; all new pavement and striping; no indoor showroom; vans defined as compact cargo vans; no housing inventory for other dealerships; provision of cross easement between (2) lots in perpetuity; (1) sign to be removed on free standing post, other sign to be lowered to 20 ft. as permitted by Ordinance; install portable speed bumps at 12 Industrial Avenue; the dumpster is relocated to an area 15 ft. from the building or property line; fire escape inspections conducted by a qualified contractor; locate new wall 10 ft. from existing building on adjoining lot; 4ft. chain link fence provided on top of wall; provide planting plan with additional deciduous trees to be approved by Shade Tree Commission; 2nd floor to be designated for use as office and storage.

Roll Call

Ayes: 8 Mr. Polizzi, Mr. Friedman, Mr. Wortmann, Mr. Prober, Mr. Stutman, Ms. Rosenthal, Mr. Richardi, Mr. Virgona

The Board briefly recessed at 9:25 p.m. and reconvened at 9:34 p.m.

2. Application of **Joseph & Diana Wolf** (Continuation of February 28, 2013 P. Hearing)
3 Strawberry Lane – Block 810 – Lt 10.01

Ms. Rosenthal recused herself from this application and adjourned the meeting at 9:25 p.m.

Robert Inglima, Esq., represented the applicant. Mr. Inglima informed the Board that since the last meeting, he was in receipt of (3) original certified mailings returned by the post office.

John Bezuyen, P.E., remaining under oath, referred to Exhibit A-39, Site Plan for Wolf Residence, 3 Strawberry Lane, revised April 25, 2013. Mr. Bezuyen testified Exhibit (A-39) is an updated version of the previous site plan, showing the characteristics of the proposed fence. The applicant is now proposing a 54 inch metal fence encircling the property, replacing the wood fence. The southeast corner of the fence has been relocated and angled toward the rear of the property. The section of metal fence running along the rock wall has been relocated so it follows the stone wall. No physical

conditions to prevent installation as shown on the plan, this includes trees as well. The proposed 54 inch metal fence has open vertical areas, more than 50 % open.

In response to comments from the Board regarding the concern of planting trees against the rock wall, Mr. Inglima advised Mr. Hampton is handling the planting plan, and is now exploring additional plantings for screening due to the now proposed open screening of the fence.

Mr. Statile advised the fence is proposed along an existing 3 ft. wide utility easement located west of the property line. Discussion ensued regarding the planting location in the right-of-way and on the inner property; and the variances associated with the proposed fence.

Peter Steck, P.P., remaining under oath, testified as to solid wood fences that are located along county roads as depicted in the submitted photographs, A-38. Mr. Steck testified that he performed measurements with respect to solid wood fences along county roads and found that most were 6 ft. tall, and one located across from Strawberry Lane, is located on top of a 4 ft. retaining wall. The proposed fence has less impact, required to be at least 4 ft. due to the pool, but because of the applicant's son, the fence has been increase to 54 inches in height, to prevent his elopement from the property.

In response to Mr. Madaio, Mr. Steck testified the proposed fence on the southerly end of the property is approximately 23 ft. back from the pavement.

Mr. Steck testified to a number of fences being located close to the roadway, what is now being proposed is dramatically difference from the original designed fence. The applicant has compromised, and will address privacy for the pool and other issues by providing additional landscaping and with maturing trees.

Mr. Steck testified the applicant has shown reasons to support granting of the C-1 variance due to the hardship of having (3) front yards. The negative criteria have been met: unusual circumstances, passersby will concentrate on the landscape; the medical needs of their son, and the attractive nuisance of the pool.

Mr. Steck testified as to the location of the existing detached garage. Based on comparison of the existing detached garage to the colorized exhibit, the construction of a new garage would be larger and more functional than and just as visible as the existing location. The garage has been there for a long time and through many subdivisions. It is in good shape, well maintained, and a minor structure. The applicant has sustained the burden of proof meeting C-1 and C-2 criteria, as the benefits substantially outweigh any detriments. Also hardship, requiring it to be removed and replaced, it preserves the existing, C-2 support for variance. Mr. Steck testified the requirement to remove the garage would not advance any purpose of zoning.

In response to Mr. Virgona, Mr. Steck defined a front yard, what is undefined in the Borough's Ordinance is when a lot has (3) front yards.

Discussion ensued regarding accessory building setbacks.

Mr. Steck referenced earlier arguments and the acknowledgement of the garage in previous subdivisions. Mr. Inglima stated in the process of subdividing the property, the garage became more distant from the property line than originally located and when approved the garage was allowed, tantamount to the subdivision approval.

Discussion followed. Mr. Inglima stated if the Board doesn't agree, it should grant the variance.

In response to comments from the Board, Mr. Inglima advised this application is only for the pool, fence and existing garage. Mr. Inglima reviewed the (3) "prongs" of the application and stated it was not the power of this Board if the prior Board was not correct, arguing that the Zoning Board Resolution deviated from the record. Discussion followed.

Mr. Wortmann, advised he was a Member of the 2009 Zoning Board, and recalled the meeting and actions voted upon by the Board: all structures were to be removed – garage, sheds and house.

Mr. Richardi, advised he also was a Member of the 2009 Zoning Board, and distinctly remembered all buildings were coming down.

Mr. Wortmann further stated, he was on the Zoning Board when the application was heard, the Resolution as stated is correct.

Discussion followed regarding voting on the application this evening.

Mr. Virgona opened the meeting to the Public. No one appeared to provide comment.

Mr. Friedman suggested bifurcating the vote on the application and considers only the fence this evening. Discussion followed.

A motion by Mr. Friedman seconded by Mr. Stutman to approve the application for the installation of the fence as revised and presented.

Roll Call

Ayes: 8 Mr. Friedman, Mr. Stutman, Mr. Prober, Mr. Wortmann, Mr. Richardi, Councilman DeBerardine, Mr. Polizzi, Mr. Virgona

Mr. Madaio advised the Zoning Officer and the Building Department would be advised so that the applicant may apply for permits for the installation of the fence.

Mr. Virgona advised the application is carried to the Wednesday, May 8, 2013 Public Hearing at 7:30 p.m.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Linda Marmora
Clerk

