

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, APRIL 27, 2017

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, 2016 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. Preusch, Mr. Bakal, Mr. Bonjuklian, Mr. Donato, Mr. Jacobs, Mr. Koski, Mr. LaBarbiera, Ms. Miller
Mr. Richardi

Absent: Mayor Minichetti

PUBLIC ANNOUNCEMENT

Mr. Virgona announced the application of **Toll Brothers, Inc. - 1 Lake Street, Block 601 – Lot 1** has been rescheduled to Wednesday, May 10, 2017 at 7:30 p.m. Re-noticing is required.

APPROVAL OF MINUTES: March 23, 2017 (*Carried to May 10, 2017*)

RESOLUTIONS (*Memorialization*)

1. Variance Application of **Timothy & Vanessa Ford** ***APPROVED***
Sparrowbush Road- Block 102 – Lot 9
(Easterly Side Yard Setback/*HVAC Units*)

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

Roll Call

Ayes: 7 Councilman DeBerardine, Ms. Miller, Mr. Preusch, Mr. Donato, Mr. Richardi, Mr. Koski, Mr. Virgona

2. Application of **Salamon Rozenberg** ***APPROVED***
4 Overbrook Road – Block 1011 – Lot 6
(Side Yard Setback/*Pool & Fence Location*)

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

Roll Call

Ayes: 7 Mr. Richardi, Ms. Miller, Councilman DeBerardine, Mr. Preusch, Mr. Donato, Mr. Koski, Mr. Virgona

PUBLIC HEARING

1. Application of **156 Carlough Road, LLC** (Continued P. Hearing/March 23, 2017)
156 Carlough Road – Block 501 – Lot 6
(Stipulation of Settlement Agreement/Revised Minor Subdivision Plan)

Mr. Madaio advised the following Board Members have provided certification establishing their eligibility to vote on the application: Mr. Bakal, Mr. Bonjuklian, Mr. LaBarbiera, Mr. Polizzi.

Mr. Whitaker briefly reviewed the applicant's previous presentation at the March 23, 2017 meeting regarding the terms of the settlement agreement entered between the town and the applicant.

Mr. Boswell, P.E., reviewed the foundation for the settlement agreement regarding the proposed development of the property advising the Borough entered into the settlement agreement to protect the neighborhood.

In response to comments from the Board, Mr. Whitaker advised his client was not named as a defendant of the lawsuit; the stipulations of the agreement are shown on the revised plan dated April 10, 2017. Mr. Whitaker reiterated the applicant has revised the Plans to address concerns raised at the last meeting; all stipulations contained in the April 24, 2017 Boswell Report will be met.

Daniel LaMothe, PE, remaining under oath, reviewed modifications to the Plan dated April 10, 2017. The driveway to be shared by both proposed Lots 6.01 and 6.02. has been widened to 20 ft., extending further past the first driveway and into the easement allowing for (2) cars to pass each other and also providing sufficient access for emergency vehicles.

In response to comments from the Board, Mr. Boswell stated putting the curb along the southerly property driveway will provide ample way to get around (2) way traffic, either alternative is acceptable for emergency access.

Discussion followed. In response to comments from the Board, Mr. LaMothe testified the width of the driveway could be reduced to 15 ft. The curb proposed the entire length of the driveway with an inlet at its' lowest point, functions to allow easy access via a more mountable curb; and better collection of storm water runoff from the driveway.

Mr. LaMothe testified the proposed berm along the southerly property line will ensure collection from all runoff from the southerly property line and will be enhanced with plantings.

Mr. LaMothe referred to an Aerial Exhibit testifying the dark areas are the existing wetlands and are not to be disturbed. Mr. LaMothe testified several trees need to come down for the septic system,

but are outside the wetlands area.

Mr. Whitaker confirmed no setback variances are being requested as all setbacks meet the zoning code. The 3ft. height variance on proposed Lot 6.01 is required; the wall height will comply with the 3 ft. permitted.

Mr. LaMothe reviewed the revised plans implementing a drainage system directing water underground to control the runoff and surface water. The drainage system consists of (4) seepage pits and (1) retention system for the roof leaders and driveway inlet drain. Mr. LaMothe testified (2) additional water inlets located south of the wetlands area will be set at a low point with an inlet designed with 200 year flood, will collect water minimizing water runoff from the site. Mr. LaMothe testified the applicant agreed when installing drainage, additional test holes will be conducted to prevent any negative impact.

In response to comments from the Board, Mr. LaMothe reviewed the location, construction and function of the proposed drainage system and proposed septic systems. Discussion followed.

Mr. Boswell commented the area has bad drainage due to the high water table and soil conditions. In response, Mr. LaMothe testified if bad soils were encountered when construction commences, the applicant would have to come up with a plan that would achieve reductions testified to this evening.

Board Members expressing concerns, questioned if there was anything else to control the direction of the water flow toward the southerly end of the property.

Mr. Boswell commented being the whole area has bad drainage and with no defined or hard connection to a drainage system or an easement exiting from this property to a drainage system, suggested a solution to a long standing problem. Mr. Boswell advised he would strongly recommend the Board and the Borough consider allowing the applicant to connect to the sanitary sewer system via an easement through a proposed Borough owned property located on Sparrowbush Road.

In response to comments from the Board, Mr. Boswell advised the applicant would require a DEP permit.

A motion by Mr. Polizzi seconded by Ms. Miller to open the Hearing to Members of the public regarding testimony provided by Mr. LaMothe.

Roger Wagner, 29 Glen Carl Road, duly sworn by Mr. Madaio, advised of excessive water flow across the front of his property since 1983 and expressed concern that there is reasonable level of confidence the proposed development is not detrimental to his property.

In response, Mr. Boswell advised the swale proposed across the top portion of the property will direct more water to the rear of his property rather than the front of his house and would follow a better defined swale, if the property behind can get an easement and connect to the storm drain.

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

Mr. Whitaker stated there will be an overall benefit to a fair and adequate compromise helping

resolve water issues on the subject property that have affected other properties. The applicant requests the Board approve the subdivision plans proposed under Whispering Woods with all proposed and requested stipulations part and parcel of that settlement.

A motion to approve the Stipulation of Settlement Agreement by Mr. Polizzi seconded by Mr. Bonjuklian.

Roll Call

Ayes: 9 Mr. Polizzi, Mr. Bonjuklian, Councilman DeBerardine, Mr. Preusch, Mr. Donato, Mr. Bakal, Mr. Richardi, Ms. Miller, Mr. Virgona

PUBLIC COMMENT

A motion to open the Meeting to Members of the Public by Mr. Polizzi seconded by Councilman DeBerardine. Upon no one appearing to provide comment, Mr. Virgona closed the meeting.

ADJOURNMENT

A motion to adjourn by Mr. Preusch seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Linda Marmora,
Clerk