

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

**MEETING MINUTES – WEDNESDAY, APRIL 8, 2015**

Mr. Virgona called the meeting to order at 7:36 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 E-Mail and Regular Mail to The Record and The Ridgewood News on December 23, 2014 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, Councilman Durante, Mr. Preusch, Mr. Richardi, Mr. Stutman, Mr. Wortmann, Mr. Jacobs

**Absent:** Mr. Bakal, Mr. Donato, Ms. Rosenthal

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer

**CORRESPONDENCE:**

1. After reviewing correspondence dated April 6, 2015 from Bruce Whitaker, Esq., Mr. Virgona announced the application of **Nirchio – 16 Oak Drive – Block 1210 – Lot 3** has been carried to the Wednesday, May 13, 2015 meeting at 7:30 p.m. without further notice required.

**APPROVAL OF MINUTES:** A motion by Councilman DeBerardine seconded by Mr. Preusch to adopt the minutes of the March 26, 2015 meeting was unanimously approved by all Members present.

**RESOLUTION** (*Memorialization*)

1. Application of **Louis & Maureen McElwain** ***APPROVED***  
**27 Drake Lane – Block 1218 – Lot 17**  
(Front Yard Setbacks/Enlarge Existing Garage/*Proposed Addition*)

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

**Roll Call**

**Ayes:** 4 Councilman DeBerardine, Mr. Preusch, Mr. Jacobs, Mr. Polizzi

## PUBLIC HEARING

1. Application of **Martin Wojcik**  
**409 East Saddle River Road – Block 810 – Lot 6**  
(Preliminary Major Subdivision w Variances & Major Soil Movement/  
*4 Single Family Lots/Installation of Road & Cul-de-Sac*)

Michael Profita, Esq., representing the applicant, advised the subject property contains 4.45 acres and is located in the R-1 Zoning District having a Scarce Resource overlay. The Governing Body agreed to satisfy the Borough's affordable housing obligation elsewhere; therefore this property reverts back to the R-1 Residential District. Mr. Wojcik is proposing to sub-divide the property into four (4) single family lots, which is permitted in the Zone.

Tibor Latincsics, P.E., duly sworn by Mr. Madaio, submitted a list of exhibits (A-1 – A-23) each identified by title and last revision date.

Mr. Latincsics described the existing 4.45 acre site as being trapezoidal in shape and in close proximity to the Hidden Glen Brook, having a 300 ft. riparian buffer. The development will require approval from the NJDEP. The site has been previously developed and disturbed, historically used as a nursery and garden center. A Wetlands Absence LOI application is pending with the NJDEP.

Mr. Latincsics, referencing *Exhibit A-3: (Preliminary Major Subdivision Plan)* described the proposed development as a four (4) lot single family home subdivision accessed by a left hand cul-de-sac. The plans show a conceptual foot print of 4 (four) homes with driveways, septic systems, wells, swimming pools and stormwater management systems for zoning purposes. In terms of meeting lot bulk requirements, two (2) lots although oversized, have shortages for lot frontage. Mr. Latincsics testified the applicant can provide conforming lots, as shown on *Exhibit A-8 (Variance Free Cul-de-Sac)*. However the solution would be to construct a larger road. Mr. Latincsics explained the major element of this application is compliance with the DEP Riparian Zone standards.

Mr. Latincsics reviewed the requested variances for lot frontages: proposed Lot 6.02 provides a 58.71 frontage vs. 150 ft. required; proposed Lot 6.02 provides a 107.41 ft. frontage vs. 150 ft. required.

Mr. Latincsics testified the applicant is requesting roof heights be measured from the lowest proposed grade vs. the required lowest natural grade resulting in the request for the following height variances: Lot 6.01: 34.5 ft. vs. 35 ft.; Lot 6.02: 34.3 ft. vs. 35 ft.; Lot 6.03: 33.6 ft. vs. 35 ft.; and Lot 6.04: 34.3 ft. vs. 35 ft. Mr. Latincsics testified the request is due to the anticipated disturbance and grading associated with the demolition, site restoration and roadway construction.

In response to comments from the Board, Mr. Latincsics testified the dwellings themselves will be no more than 35 ft. in height measured from the grade around the house. The height of the proposed dwellings are consistent or less than other modern homes built in the area, and will not block air, light or open space.

In response to comments from the Board, Mr. Latincsics testified the existing grades in the area of the proposed dwellings are consistent with the existing grades on the adjacent properties as shown on

*Exhibit A-19.*

Mr. Latincsics reviewed the variance requested to permit a four (4) ft. high retaining boulder proposed in the rear of Lots 6.02 and 6.03 vs. the maximum permitted wall height of 3 ft. In response to comments from the Board, Mr. Latincsics testified the proposed wall is to replace an existing deteriorated railroad tie wall in an area needing a swale.

Mr. Latincsics reviewed the disturbance proposed within the required 15 ft. rear yard buffer for which a variance is being requested to permit the demolition of the site, removal of trees, grading and construction of the boulder wall.

Mr. Latincsics testified meeting with Matt Koski, Shade Tree Commission Site Plan Review Chairman to review the detailed restoration and landscaping plan. Mr. Koski approved the plan as presented, but requested twelve (12) additional shade trees be planted in addition to the proposed zelkhova street trees.

Mr. Latincsics reviewed requested waivers for the provision of a sidewalk, contours and a traffic study.

Mr. Latincsics reviewed the stormwater management plan. In response to comments from the Board, Mr. Latincsics testified to the easement proposed containing a 122 ft. long drainage pipe and a grass swale. The pipe is to be maintained by the Borough and the swale by the property owners.

Board Members discussed the potential to collect water runoff from East Saddle River Road and suggested creating a highpoint with a raised street entrance.

In response to comments from the Board regarding driveway runoff, Ms. Boland advised seepage pits and trench drains are proposed to collect runoff.

Mr. Latincsics reviewed specifics of the soil movement required for site demolition, roadway construction, construction of (4) dwellings including installation of septic systems, wells, swimming pools, seepage pits and raising grade of dwellings for drainage plans.

In response to comments from the Board, Mr. Latincsics testified the applicant is requesting a waiver for the requirement of a suction point apparatus. Ms. Boland commented the next natural suction point is the inground swimming pool.

In response to comments from the Board, Mr. Latincsics testified the development will not have a traditional detention basin, but will have less runoff after development than what exists today.

Mr. Latincsics described the development process assuming the application is approved.

The Board recessed at 9:00 p.m. and reconvened at 9:10 p.m.

In response to comments from the Board regarding alternatives to installing the drainage pipe and swale, Mr. Latinsics testified the NJDEP will not allow piping to be extended within 300 ft. of the riparian zone, favoring a vegetated swale. An inground detention system is not practical and not accepted in North Jersey. The traditional detention basin increases maintenance. Discussion followed. In response to comments from the Board concerning maintenance issues and the accumulation of debris within the swale, Mr. Latinsics advised he will coordinate an appropriate low maintenance filter to trap debris with Eileen Boland.

Members expressed concern regarding the proposed height of the dwellings. Mr. Profita advised the actual height of the dwelling itself will not exceed 35 ft. but in order to achieve the drainage plan, the lots need to be filled. Discussion followed. Mr. Madaio explained the alternative to approving the request, is (4) variances applications when they want to build a house.

A motion by Mr. Polizzi seconded by Councilman Durante to open the Hearing to Members of the public for comment regarding the testimony provided by Mr. Latinsics. Upon no one appearing to provide comment, Mr. Virgona closed that portion of the meeting.

Members reviewed the requested variances. Discussion followed.

Ms. Boland recommended the homeowner be responsible for the maintenance of the easement and the homeowner for the swale.

Mr. Preusch suggested the Resolution specifically stipulate the responsibilities of the Borough and that of the homeowner.

A motion by Councilman DeBerardine seconded by Mr. Preusch to open the Hearing to Members of the public for general comments regarding the application. Upon no one appearing to provide comment, Mr. Virgona closed the Hearing.

Mr. Profita stated the plan conforms to Ordinance in most aspects and from a planning prospective, the development of the property brings a non-conforming use into a conforming use, which represents good planning.

Discussion followed. Board Members requested the drainage pipe be shortened as much as possible. Mr. Latinsics advised an 80 ft. length pipe is feasible.

A motion by Mr. Preusch seconded by Councilman Durante to approve the application with the drainage stipulations set forth on record.

**Roll Call**

**Ayes: 9** Mr. Preusch, Councilman Durante, Councilman DeBerardine, Mr. Richardi, Mr. Stutman, Mr. Jacobs, Mr. Wortmann, Mr. Polizzi, Mr. Virgona.

**ADJOURNMENT**

A motion to adjourn by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 10:17 p.m.

Respectfully submitted,

Linda Marmora  
Clerk