

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

**THURSDAY, AUGUST 24, 2017**

Mr. Polizzi 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 16, 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. Polizzi, Councilman DeBerardine, Mr. Preusch, Mr. Donato, Mr. Jacobs, Ms. Miller, Mr. Bonjuklian

**Absent:** Mr. Virgona, Mayor Minichetti, Mr. Richardi, Mr. Bakal, Mr. Koski

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Marisa Tiberi PE, Boswell Engineering/Borough/Board Engineer

**APPROVAL OF MINUTES:** A motion to adopt the minutes of the August 9, 2017 meeting by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present.

## **CORRESPONDENCE:**

After reviewing correspondence dated August 15, 2017 from Richard Hoff Esq. Mr. Polizzi announced the application of **Toll Bros, Inc., 1 Lake Street – Block 601 - Lot 1** has been carried to the Wednesday, September 13, 2017 meeting at 7:30 p.m. without further noticing required.

After reviewing correspondence dated August 18, 2017 from James Jaworski Esq, Mr. Polizzi announced the application of **Porven Real Estate Inc., 600 Route 17 North – Block 1002 – Lots 4.01 & 4.02** has been carried to the Wednesday, September 13, 2017 meeting at 7:30 p.m. without further noticing required.

After reviewing correspondence dated August 22, 2017 from Daniel Steinhagen Esq, Mr. Polizzi announced the application of **David Mattiace – 368 Lake Street – Block 1205 – Lot 5** has been carried to the Wednesday, October 11, 2017 meeting at 7:30 p.m. Re-noticing is required.

## **PUBLIC HEARING**

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

Timothy Ford Esq. pro se advised he has appeared before the Board several times, requesting variances for the Cobblestone Road side of the property. In April 2017, the Board granted a 10.7 ft. side yard

variance to relocate an AC unit to the right side of the property resulting in a 24.3 ft. setback vs. the 35 ft. required.

The following exhibits were submitted and identified: **A-1:** *Property Survey prepared by Lakeland Surveying dated June 15, 2013*; **A-2:** *As-Built Survey of Property prepared by SurTech dated July 20, 2017*; **A-3:** *Photograph of Site featuring HVAC units*

Mr. Ford testified he had relied on a property survey that he subsequently learned contained errors resulting in the house and improvements being incorrectly located and the variances granted by the Board actually being greater from Cobblestone Drive and the right side yard setback variance being less.

Mr. Ford testified he is requesting the Board amend the prior approvals to correctly identify the dimensions and the previously granted variances.

Ms. Tiberi commented the width of the property is correct on both surveys but the home was not located correctly within that width. The (3) AC units are located approximately 20 ft; 19.3 ft. and 19.8 ft. into the right side yard setback.

In response to comments from the Board, Mr. Ford testified the new AC unit is quiet; all the AC units are on a different zone, turning on and off and at different times.

Mr. Ford circulated copies of **A-3** depicting the existing vegetation screening the units from adjoining properties.

A motion by Councilman DeBerardine seconded by Mr. Preusch to open the Hearing to Members of the Public. No one appeared to provide testimony. Mr. Polizzi closed the Hearing.

Discussion followed.

A motion to approve the application as presented by Councilman DeBerardine seconded by Mr. Preusch.

### **Roll Call**

**Ayes:** 7 Councilman DeBerardine, Mr. Preusch, Mr. Jacobs, Mr. Donato, Mr. Bonjuklian, Ms. Miller, Mr. Polizzi

2. Application of **Sam Awad & Eman Gadalla**  
**52 Ware Road – Block 1012 – Lot 3**  
(Front Yard Setbacks; Right Side Yard Setback; Height/Additions)

Robert Maloof Esq. advised the applicants are proposing to construct an addition on the western side of the existing dwelling, the front portion of the dwelling and a 2<sup>nd</sup> story above the existing 1.5 story home located on an undersized lot in the R-1 Zone and partially in the H-1R Highway and Retail Commercial Zone. The applicant is also proposing to modify the front entrance porch, steps and walkway; remove existing concrete patios and remove the chain link fence enclosing the rear yard. Mr. Maloof advised the applicant is requesting (3) variances increasing what already are pre-existing non-conforming conditions.

Arthur Michaels, PP and Richard Deubert, PE professional witnesses for the applicant were duly sworn by M. Madaio.

The following exhibits were submitted and identified: **A-1:** *Aerial Photograph Package*; **A-2:** *Site Plan prepared by Richard Deubert, dated May 10, 2017*; **A-3:** *Existing Conditions Sketch, prepared by Derek J. Kennedy & Associates, dated April 30, 2017*; **A-4:** *Survey prepared by Brunswick Surveying, Inc., dated June 17, 2016*; **A-5:** *Zoning Map*; **A-6:** *Architectural Plans prepared by Vatche Aslanian, AIA dated March 24, 2017*; **B-1:** *Boswell Engineering Review Letter dated August 2, 2017*; **B-2:** *Boswell Engineering Review Letter dated August 22, 2017*.

Mr. Deubert testified to preparing the Site Plan and reviewed the overlay of the existing conditions and proposed changes. Mr. Deubert testified the existing 1.5 story – 3 bedroom home is in disrepair; the applicant is proposing an addition on the western and front portion of the home and a second story above the existing 1.5 story home adding (2) bedrooms for a total of (5).

Mr. Deubert testified the existing non-conformities regarding lot area, lot depth and existing driveway setback will remain and not change: Mr. Deubert testified to the requested variances associated with the improvements: existing 43.2 ft. front yard setback to the front porch steps is proposed at 40.1 ft. vs. 50 ft. required; existing 30.7 ft. right side yard setback proposed at 26.6 ft. vs. 35 ft. required; proposed roof ridge elevation at 132.9 vs. 131.9 ft. permitted requiring a (1) ft. height variance.

In response to comments from the Board, Mr. Deubert testified the eastern side lot line is the residential zone; the western side lot line is the commercial zone.

A motion by Ms. Miller seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding the testimony provided by Mr. Deubert. No one appeared to provide comment.

Mr. Michaels identified the subject property on the aerial map and reviewed the existing non-conformities and conforming features of the property. Mr. Michaels testified to the non-conformities that will be eliminated: the chain link and wood fence enclosing the rear yard; existing concrete patio in the rear and western side yard; and the existing AC pad in the eastern side yard setback.

In response to comments from the Board, Mr. Deubert testified the proposed roof height is 36 ft. vs. 35 ft. required. The foot print of the front portico stays the same; the existing (2) car garage will be expanded in the front, side and rear becoming a (3) car garage.

Mr. Michaels testifying as a Professional Planner and Architect, reviewed the floor plans, elevations, first and second floor heights, front portico and steps to enter the house as depicted on **Exhibit A-6**.

A motion by Mr. Bonjuklian seconded by Mr. Jacobs to open the Hearing to Members of the public regarding the testimony provide by Mr. Michaels. No one appeared to provide comment.

Board Members questioned how the height was calculated and if it would be possible to be made a conforming structure. Discussion followed. The applicant withdrew the request for the height variance agreeing to lower the pitch of the roof to a conforming height of 35 ft.

Mr. Maloof stated the property is undersized in square footage and depth, the proposed improvements meet all the requirements as to lot and building coverage; (2) variances have been eliminated and (2)

variances are required. The proposed relief requested can be granted without detriment to the Zoning Ordinance or Zone Plan.

Board Members discussed the (2) variances required: Front yard Setback of 40.1 ft. and right side yard setback of 26.6 ft.

A motion by Mr., Preusch seconded by Ms. Miller to open the Hearing to Members of the public regarding the application. Upon no one appearing to provide comment, Mr. Polizzi closed the Hearing.

A motion by Ms. Miller seconded by Councilman DeBerardine to approve the application requesting variances for front and right side yard setbacks.

**Roll Call**

**Ayes:** 7 Ms. Miller, Councilman DeBerardine, Mr. Preusch, Mr. Jacobs, Mr. Donato, Mr. Bonjuklian, Mr. Polizzi.

**PUBLIC COMMENT**

A motion by Councilman DeBerardine seconded by Mr. Preusch to open the Meeting to Members of the public. No one appeared to provide comment.

**ADJOURNMENT**

A motion to adjourn by Ms. Miller seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

