

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

**WEDNESDAY, AUGUST 9, 2017**

Mr. Virgona called the meeting to order at 7:30 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 and July 27, 2017 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, Councilman DeBerardine, Mr. Preusch, Mr. Donato, Mr. Jacobs, Mr., Richardi, Ms. Miller, Mr. Bonjuklian

**Absent:** Mayor Minichetti, Mr. Polizzi, Mr. Bakal, Mr. Koski

**Also Present:** Mark Madaio, Esq, Planning Board Attorney  
Kevin Boswell PE, Boswell Engineering/Borough Engineer  
Edward Snieckus PP, Burgis Associates/Borough Planner

**CORRESPONDENCE:**

After reviewing correspondence dated July 24, 2017 from Daniel Steinhagen Esq., Mr. Virgona announced the application of **David Mattiace, 368 Lake Street – Block 1205 – Lot 8** has been carried to the Thursday, August 24, 2017 meeting.

**APPROVAL OF MINUTES:** A motion to adopt the minutes of the June 22, 2017 and July 12, 2017 meetings by Councilman DeBerardine seconded by Ms. Miller was unanimously approved by all Members present with the exception of Mr. Preusch, who was not in attendance at the July 12 meeting.

**RESOLUTION** (*Memorialization*)

1. Application of **Pioneer Developers, Inc.** **86 Pleasant Avenue – Block 1302 – Lot 8.01** ***APPROVED***  
(*Extension of Resolution of Approval dated January 11, 2017*  
*Granting Preliminary & Final Subdivision with Bulk Variances*)

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

**Roll Call**

**Ayes:** 5 Councilman DeBerardine, Mr. Richardi, Mr. Jacobs, Mr. Bonjuklian, Mr. Virgona

## **PUBLIC HEARING**

1. Application of **Toll Bros., Inc.** *(Continued from July 12, 2017)*  
**1 Lake Street – Block 601 – Lot 1**  
(Preliminary & Final Major Site Plan, Soil Moving & Minor (2) Lot Subdivision/  
*208 Residential Units/Clubhouse & Swimming Pool*)

Richard Hoff Esq., representing the applicant, distributed colorized exhibits submitted and identified: **A-25:** *Revised Lake Street Landscape Plan*; **A-26:** Barnfield/Briercliff/Buskirk Marquee Rendering; **A-27:** Oratam/Osburn/Overbrook Marquee Rendering; **A-28:** Allendale Rendering; **A-29:** Conceptual Renderings/Oratam/Osburn/OverbrookMarquee/Barnfield/ Briercliff/Burkirk Maquee/  
Fawnhill/Allendale – 2 Bedroom COAH Units.

Mr. Kruse, remaining under oath, testified to supplementing the landscaping along the East Crescent buffer in compliance with the recommendations of Burgis Associates. Mr. Kruse testified variances are not required for the plantings in the buffer area; if additional plantings should be required, he will meet with Mr. Snieckus.

In response to comments from the Board, Mr. Kruse clarified there have been no changes to the layout.

Mr. Hoff explained a single unit or two could have been moved, but not a block of buildings due to lack of physical space. Mr. Hoff advised it is their position; it is a better plan not to move them.

Board Members questioned why no affordable units were placed along Road B.

In response, Mr. Kruse testified they responded to the concerns of objectors by moving them.

Mr. Boswell advised the relocating of (3) affordable units from then northeastern portion of the site was reviewed in his review letter dated July 27, 2017. Mr. Boswell testified he has no objections from an engineering prospective.

In response to comments from the Board regarding the planting location of shade trees between the buildings rather than in front, Mr. Kruse testified the driveways will disrupt the utilities; and it is easier than tearing up macadam driveways.

Discussion followed regarding the feasibility of planting trees in front of the units if there was an opportunity to move one set of utility services under the driveway.

Mr. Snieckus suggested ornamental trees such as Hornbeam or Dogwood that are shallow rooted, do not grow overly tall and would go a long way of softening the façade of each unit.

Mr. Virgona proposed (1) ornamental tree averaging 50-70 ft. apart. Board Members concurred.

Mr. Hoff advised the applicant would agree to (1) ornamental tree for each unit.

Discussion ensued regarding feasibility of flipping (2) units opposite of each other rather than having all driveways and doorways lining up. In response, Mr. Kruse there is no physical implication why it can't be done.

A motion to open the Hearing to Members of the public by Councilman DeBerardine seconded by Ms. Miller

*Eric Halpern, 25 Golfview Road*, questioned the height and species of trees to be planted in the buffer adjacent to the Pleasant Brook. In response, Mr. Kruse testified the existing vegetation and supplemental plantings serve as a buffer to the homes located at a distance of 250 ft. from the rear to the property line. *Mr. Halpern* advised the existing vegetation is dead, with most of it being vines climbing up on dead trees. *Mr. Halpern* requested the berm be raised as high as possible with plantings to provide privacy year round. Mr. Kruse testified a mix of evergreens and deciduous trees are proposed.

Discussion followed pertaining to riparian rites triggered by the Pleasant Brook that would prevent work to be done in the environmentally sensitive area without additional permits.

*Jure Miletic Esq., representing the objectors, East Crescent Estates Condominium Association, Inc.* questioned the height of the proposed retaining walls in the western portion of the cul-de-sac. In response, Mr. Kruse testified (2) 10 ft. walls are proposed.

*Rose DeBerardine, 49 Clover Lane*, questioned if the affordable units are the same as the non-affordable units. *Mr. Kruse* responded they are different layouts.

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

Jeremy Green, LA, remaining under oath, testified the affordable units are stacked, each having a ground floor entrance, another having a set of stairs; both with a fire wall extending from under the roof. Mr. Greene testified the Colorized Exhibit Boards presented this evening are the refined versions of those previously presented at the June 22, 2017 meeting.

Mr. Greene reviewed changes to the elevations: additional stone has been added; fan board and trim work are added in selected areas; added more panel and trim; introduced French Doors as an option with Juliet Balconies; added dormers; and vinyl siding on all (4) sides has been replaced with a product similar to that of hardy plank The affordable units have a defined entry featuring a small roof over the door to break it up and give more character.

Board Members provided comments regarding the optional drop off area on the lower level and the provision for a bathroom in the bonus rooms. Board Members expressed their concerns the bonus room featuring a bathroom could be used as another bedroom.

Councilman DeBerardine requested the applicant provide copies of all renderings being offered to prospective buyers.

Mr. Rocco, Toll Bros., Division President duly sworn by Mr. Madaio, testified being they are probably a year or more from sale, there may be some changes and enhancements which are market driven. The conceptual floor plan is not cut in stone. Discussion followed. Mr. Rocco testified it is always their goal to improve their product.

The Board recessed at 9:00 p.m. and reconvened at 9:12 p.m.

Mr. Madaio advised the sewer allocation limits the bedroom count and is the fundamental basis of the settlement agreement. The application is for site plan approval only; the applicant is under no obligation to produce marketing materials.

Mr. Hoff advised as a condition of the Resolution of Approval the applicant will agree to 3 bedrooms with the bonus room not being marketed for use as a bedroom.

Mr. Hoff advised testimony of the applicant's professionals has concluded.

Jure Miletic Esq., stated his client the objectors, East Crescent Estate Condominium Association, located immediately north of the proposed development, has great concern with the application and the way it is drawn. Mr. Miletic referencing zoning and site plan ordinances, and Municipal Land Use Law, stated the Settlement Agreement does not mandate approval; the Board has the power to deny the application.

Mr. Miletic stated the applicant has been asked to move units from the northern section and it did not happen.

Michael Kauker, PP, Kauker & Kauker, LLC, for the objectors, East Crescent Estate Condominium Association, duly sworn by Mr. Madaio testified to evaluating the Plans, stating it is a well-designed application with an existing unusual situation in the northern neck of the property adjacent to East Crescent Avenue.

Mr. Kauker addressed areas of concern regarding the proposed presence of (42) units in the isolated narrow strip portion of the site: the disparate density locating 42 units averaging 10.81 units per acre in the most isolated portion of the site; disparate setbacks of 18 units proposed 30 ft. from the northern property line vs. the 54 ft. proposed setbacks for units located in the southerly portion of the site; limited access to amenities and open space; preservation of trees located in the northern section of the site and the access ess curve of Road B limiting time to deal with oncoming traffic.

Mr. Kauker stated relocating (18) units will solve mitigating problems and pose a greater benefit to the future residents than that of Toll Bros. Mr. Kauker requested the applicant re-think the number of units immediately adjacent to East Crescent Avenue.

In response to comments from the Board, Mr. Kauker clarified the units located in the northern narrow strip have a high localized density even though the whole project conforms. Mr. Kauker suggested relocating the (18) units, incorporating more retaining walls into the project and preserving the mature trees in the northern area.

Mr. Kauker's Report date May 31, 2017 was identified and marked O-1.

Mr. Hoff requested Mr. Kauker's client base of practice, background and professional experience.

In response to Mr. Hoff, Mr. Kauker reiterated the areas of concern when reviewing the Master Plan and Zoning Ordinances: the isolated character of the flag portion of the property, the nature of the Road B circulation, Tree Ordinance Variances and the Building Coverage factor related to the impacted area.

Discussion ensued regarding the disparity density concern.

Mr. Kauker provided testimony regarding road classifications and their function describing the reality of the design and the kind of function it becomes. Mr. Kauker testified he is not a traffic engineer, but the nature of Road B would be more trafficked and become a cut thru used as a secondary access rather than the main entrance on Lake Street.

In response to Mr. Hoff, Mr. Kauker testified to the concern regarding the 10 ft. landscape buffer as opposed to the 20 ft. buffer.

A motion by Councilman DeBerardine seconded by Mr. Jacobs to open the Hearing to Members of the public regarding the testimony provided by Mr. Kauker. No one appeared to testify.

Mr. Virgona announced the application is carried to the Thursday, August 24, 2017 meeting at 7:30 p.m. Mr. Hoff extended the time constraints.

### **ADJOURNMENT**

A motion to adjourn by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 10:55 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

