

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, JULY 28, 2016

Mr. Madaio 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 23, 2015 and June 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: Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian

Absent: Mr. Virgona, Mr. Polizzi, Ms. Miller

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

WORK SESSION

1. Martin J. Wojcik

409 East Saddle River Road – Block 810 – Lot 6

(Project Status/NJDEP Pending Application / PB Previously Approved Major Subdivision/Soil Movement)

Michael Profita, Esq., representing the applicant, stated the applicant had been granted subdivision approval by the Planning Board in 2015. A permit application has been filed with the NJDEP requesting a hardship waiver be granted in order to proceed with the development of the property located adjacent to the Hidden Glen Brook, a tributary to the Saddle River, which is a Category 1 waterway.

Tibor Latincics, P.E., explained that the 90th regulatory day for the application to be approved is August 3, 2016. The NJDEP is considering denying the application as they are of the opinion the Applicant has not met the conditions which would allow the granting of the waiver to redevelop the SWRPA (Special Water Resources Protection Area). The NJDEP supports the re-development but offered the following comments: why the road is not shifted, provide less homes, or smaller homes, and/or request variance to shift the homes locations. Mr. Latincics said the NJDEP specifically objects to the rear corner Lot 6.04.

Mr. Latincics said the applicant believes the approved (4) Lots are the best use, however, they are looking at a denial unless they resubmit a modified plan to the NJDEP. The applicant is requesting direction from the Board if they would consider narrowing the 28 ft. roadway to 24 ft.; reducing the 10 ft. right- of - way to 5ft.; and the 50 ft. front yard setback to 40 ft. which would allow Lot 6.04 to be shifted forward and sideways, sliding it outside the 150 ft. buffer. Discussion followed.

Board Members suggested re-designing the plan, submit to the DEP and return to the Board requesting to amend the prior approval.

2. **Affordable Housing Site Project**
Block 1002 – Lot 4.02 (Rear of Porcelanosa)
(Informal Conceptual Review)

Holly Schepisi, Esq., Bergen County Housing Authority Liaison, and John Biale, Director of Development of the Housing Development Corp., provided a brief review of the architectural site plan and conceptual perspectives proposed for the (70) unit affordable housing project to be constructed on Block 1002- Lot 4.02 located in the AH-2 Zoning District. Discussion followed regarding the roof lines, elevations; parking provisions, green features and landscaping.

Mr. Biale advised there is flexibility in the design and aesthetic fundamentals. Ms. Schepisi advised a formal application and plans would be submitted for the Board's review and approval.

APPROVAL OF MINUTES: A motion to approve the minutes of the June 23, 2016 meeting by Mr. Jacobs seconded by Mr. Bakal was unanimously approved by all Members present.

RESOLUTION

1. **Borough of Upper Saddle River Ordinance No. 7-16**
(Amend & Supplement the Zoning Ordinance & Zoning Map)

Mr. Madaio reviewed the Resolution. A motion to adopt the Resolution as presented by Mr. Jacobs seconded by Mr. Donato.

Roll Call

Ayes: 7 Mr. Jacobs, Mr. Donato, Councilman DeBerardine, Mr. Preusch,
Mr. Bakal, Mr. Richardi, Mr. Bonjuklian

PUBLIC HEARING

Councilman DeBerardine called the meeting to order at 8:25 p.m.

1. Application of **Krisujen Realty LP** *(Continuation of June 23, 2016 P. Hearing)*
100 Route 17 North – Block 1304 – Lot 7.01
(Preliminary & Final Site Plan Approval w Variances/Major Soil Moving/New Auto Dealership)

John Yakimik, P.E., remaining under oath, testified meeting with the Fire Department and Construction Code Official to outline changes requested to the plans in response to comments contained in their review letters, dated June 22, 2016. Mr. Yakimik testified the most significant change was to provide a 26 ft. fire lane around the entire building, which resulted in (4) additional

variances. Mr. Yakimik testified the Fire Department also requested an access point which the applicant demonstrated they are unable to provide due to grade changes. Mr. Yakimik testified the Fire Department has since advised the access point was no longer necessary.

Mr. Yakimik testified all comments contained in the Boswell Engineering review letter dated July 25, 2016 will be addressed on a subsequent plan.

Eileen Boland, P.E, confirmed everything has been addressed and the applicant will comply with all remaining comments provided in the review letter dated July 25, 2016.

Mr. Yakimik reviewed the parking spaces; traffic pattern and the width of the entrance and exit. In response to comments from the Board, Ms. Boland advised the width of the entrance and exit is dictated by the fire vehicles; curbs are mountable; and the shoulder is meant to be a de-acceleration lane.

A motion to open the Hearing to Members of the public by Mr. Bonjuklian seconded by Mr. Preusch. No one appeared to provide comment.

Upon no further comments from the Board, Councilman DeBerardine closed that portion of the Hearing.

A motion to approve the application by Mr. Preusch seconded by Mr. Jacobs.

Roll Call

Ayes: 6 Mr. Preusch, Mr. Jacobs, Mayor Minichetti, Councilman DeBerardine, Mr. Donato
Mr. Bakal

Nay: 1 Mr. Richardi

2. Application of **HKK Super Service Inc.**
359 East Saddle River Road – Block 1203 – Lot 16
*(Clarification/Modification/Excision of Condition 10 – 2008 Resolution
Granting Elmer’s Station LP Preliminary & Final Site Plan Approval)*

Holly Schepisi, Esq., representing the applicant, requested clarification, or alternatively, modification of condition No. 10 of the 2008 Resolution of Approval granted to Elmer’s Station.

Mr. Madaio advised of an issue related to Members of the Governing Body (Mayor Minichetti and Councilman DeBerardine) who are ineligible to participate in this application as it involves a “d” variance. Discussion ensued.

Ms. Schepisi opinioned it was more toward a bulk variance or waiver. Mr. Madaio maintained the condition was offered to a use variance, and would need the same number of notes to lift it; (5 affirmative votes). Mr. Madaio clarified in order for a condition to be lifted the applicant would have to demonstrate that the condition was improper at the time it was put in place; and to demonstrate a change of circumstance since granting of approval.

Ms. Schepisi referenced Condition No. 10 contained in a copy of a Resolution dated March 10, 2008 provided by the Municipal Court in response for discovery in connection with summonses issued for violations by the Zoning Code Official. Mr. Madaio advised the Resolution adopted by the Zoning Board is dated April 16, 2008.

Discussion followed regarding the applicant's options. Ms. Schepisi requested the application be carried to the Wednesday, September 14, 2016 Public Hearing.

PUBLIC COMMENT

Councilman DeBerardine opened the meeting to Members of the public.

Mr. Moon Tang, 258 Lake Street requested to provide comment regarding the application of HKK Super Service, 359 East Saddle River Road and was advised by Mr. Madaio the public hearing has not commenced. Mr. Tang was advised to attend the September 14, 2016 Planning Board meeting.

ADJOURNMENT

A motion to adjourn by Mr. Richardi seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Linda Marmora
Clerk

