

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES - WEDNESDAY, JUNE 12, 2013

Mr. Virgona 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 28, 2012 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, Mayor Minichetti, Councilman DeBerardine, Mr. Friedman, Mr. Prober, Mr. Stutman, Mr. Wortmann, Mr. Richardi

Absent: Mr. Polizzi, Mr. Preusch, Ms. Rosenthal, Ms. Miller, Mr. Abramson

Also Present: Mark Madaio, Esq., Planning Board Attorney
Joel Minch, P.E, for Christopher Statile, P.E., Planning Board Engineer

Approval of Minutes: A motion by Mr. Friedman seconded by Mr. Prober to adopt the minutes of the May 23, 2013 meeting was unanimously approved by all Members present.

RESOLUTION (*Memorialization*)

1. Variance Application of **Rosanna Young** *Approved*
(38 Knollwood Road- Block 1308- Lot 9
(Existing Side Yard Setbacks; Improvement Coverage/*Inground Swimming Pool & Patio*)

Mr. Madaio reviewed the Resolution. A motion by Mr. Prober to adopt the Resolution as presented seconded by Mr. Friedman.

Roll Call

Ayes: 3 Mr. Prober, Mr. Friedman, Mr. Virgona

PUBLIC HEARING

(Unfinished Business)

1. Application of **Joseph Wolf** (Continuation of May 8, 2013) P. Hearing)
3 Strawberry Lane – Block 810 – Lot 10. 01
(Use Variance/*Maintain Existing Detached Garage*)

Robert Inglima, Esq., represented the applicant. Mr. Virgona reiterated provisions for the requested variances.

Mr. Inglima advised at the Board's request, the applicant has submitted an Architectural Plan depicting the proposed garage improvements, identified as Perspective Sketch, Wolf Residence Garage, Sk 1-5, dated June 3, 2013 prepared by Mary Fitzpatrick Scro, marked A-42; and revised Landscaping Plans, prepared by Joshua Hampton, Landscape Perceptions dated June 14, 2013 marked A-43.

Mr. Inglima referring to a colorized version of A-43, identified as A-44, summarized revisions to the landscaping plan. The rock wall along the east frontage of the property has been moved back several feet, providing a better planting area for shrubs and (20) Norway spruce trees to be installed behind the tree line of the deciduous trees along East Saddle River Road. The (54) inch tall metal fence is to be moved back slightly east of the rock wall and will completely surround the property. The clients will apply for a soil moving permit to the extent of any fill required. A number of additional plants and oriental shrubs are proposed northwest of the garage and on the southeast side of the pool. No other changes are proposed for the landscaping plan.

In response to comments from the Board, Mr. Inglima advised the rock wall will be slightly lower than what exists.

Mr. Inglima advised the intent of the architectural plan is to beautify the garage by extending the roof line, creating a gambrel roof. Windows are added to break up the walls, and a dormer window is proposed along the northwest side of the garage. The doors are depicted as sliding doors with (4) ft. panels, but it is possible to install (3) ft. swinging doors. Either door will eliminate the expanse of openings now existing.

In response to comments from the Board, Mr. Inglima advised the existing height of the garage is 16 ft., the proposed gambrel roof will add 3 ½ ft. to the height.

Mary Fitzpatrick Scro, AIA, duly sworn by Mr. Madaio, testified to having prepared the plans, marked A-42. Ms. Scro described the proposed upper level and roof line that was created to reflect that of a Saddle River barn. In order to create the gambrel roof, the roof pitch was raised 3 ½ ft. The upper level storage area is accessed by an existing hatch door via ladder. The proposed added decorative elements to the structure make it more aesthetically pleasing from the road.

In response to comments from the Board, Ms. Scro testified the height of the second level storage area would not permit one to stand. The existing floor of the structure is concrete on slab and the exterior is Hardie Shake Siding.

In response to comments from the Board regarding the project title "Wolf Residence – Garage" Ms. Sco advised in her haste, there was an error in the project title; the correct title should read "Wolf Residence – Shed".

Ms. Scro testified the proposed (6) ft. wide swinging doors would eliminate the structure from being used as a garage.

Discussion followed regarding the Board's concerns the proposed improvements are causing the structure to become larger and larger, deviating from the Board's original request. A Board Member suggested if approved, it should be stipulated that there be no stairs, no plumbing, no second floor and no occupancy whatsoever.

Mr. Inglima stated the idea is to keep the structure as a shed for storage and nothing more. Ms. Scro testified it is possible to scale it back and change to address the concerns of the Board.

Ms. Scro stated that by scaling back the dormers, the height can be lessened by (2) ft. to a height of (18) ft. Mr. Inglima advised the applicant can submit a drawing as part of the approval.

Discussion followed regarding the replacement of the (3) dead trees with a few deciduous trees in the Strawberry Lane right-of-way.

Mr. Inglima requested the application be amended to include the architectural treatment of the existing structure.

Mr. Virgona opened the Hearing to Members of the public. No one appeared to testify.

Councilman DeBerardine provided comments and opinions regarding the legal merits and presentation of the application.

Without further comments from the Board or public, Mr. Virgona closed the Hearing.

A motion by Mayor Minichetti seconded by Mr. Prober to approve the application for bulk variances to permit the garage structure to remain for use as a storage shed only with the following conditions: may not ever be used for the storage of vehicles; may not have any stairs; the upper level is to be used for storage only and accessed by a hatch only; may not have garage doors ; the (2) swinging doors are to be installed as to not to allow an opening of more than (6) ft.; the height may not exceed (18) ft.; the plans must revised to provide the dormer will not exceed (6) ft. in width; shall not have plumbing, heating, or a second floor and can never be converted back into a garage or ever used for habitation.

Roll Call

Ayes: 5 Mayor Minichetti, Mr. Prober, Mr. Friedman, Mr. Stutman, Mr. Richardi

Nays: 2 Councilman DeBerardine, Mr. Wortmann

Abstain: 1 Mr. Virgona

2. Application of **GaGa Realty** (Continuation of May 8, 2013 P. Hearing)
209 Route 17 South – Block 1301 – Lot 12
(Preliminary Site Plan w Variances/*Construction New Commercial Building/Retail Use*)

Bruce Whitaker, Esq., representing the applicant, advised in addition to the modifications to the plans requested by the Board, the applicant, after meeting with the Fire Marshall and Construction Code Official has agreed to install a sprinkler system as an added precaution.

Robert Weissman, P.E., remaining under oath, reviewed the modifications to the site plans last revised May 22, 2013: the sign has been relocated to the south end of the parking lot to open up access and provide a larger turning radius. The 20 ft. wide entrance and exits are based on the turning templates demonstrating 30 ft. long emergency vehicles, and delivery trucks can access the site from the slow lane of Route 17 South in order to avoid the parking space located directly in front of the building.

The applicant has stipulated that deliveries will be scheduled during off hours; and the building will be fitted with a sprinkler system by tapping into the water line running across the property.

Mr. Weissman addressing the comments in Mr. Statile's review letter dated June 10, 2013, advised he will provide separate sheets of the site plan with a 1/8" high printed text.

Mr. Weissman testified an application has been filed with the DEP and the DOT for the access permit, which is more controlled than what exists today and should be easy to obtain. Mr. Weissman advised of a minor change to the site plan: the access to the rear of the building provided through a door at the southern end of the building will be moved to the northern end of the building, providing steps down to the rear of the property. Mr. Weissman advised this is not a public access.

Mr. Whitaker stated based upon the changes, Mr. Weissman has testified to the safe and sufficient access to enter and exit the site; the proposed (9) ft. x (18) ft. parking stalls are accessible by today's standards and more than adequate; and the (24) ft. access aisles are standard and being provided. The variances requested for the (30) spaces where (34) spaces are required, is not a large deviation for what is being proposed for the site.

Mr. Whitaker revisited prior testimony, stating a great deal of that testimony was regarding the engineering aspects of the application. The variances and stipulations sought at the prior meeting of May 23, 2013, have not changed.

Mr. Virgona opened the Hearing to Members of the public. No one appeared to provide comment.

Joel Minch, P.E., reiterated the comments provided in Mr. Statile's review letter dated, June 10, 2013, stating he is in disagreement with the turning radius provided by Mr. Weissman. The only way delivery trucks and emergency vehicles will be able to maneuver into the site, is if there are no cars parked at the site. Vehicles responding to emergencies would have to drive perfectly, drivers are imperfect, people parking vehicles have to park perfectly, which is too much to ask for and they will not be able to negotiate the turn.

Mr. Whitaker stated the deliveries will have to comply. This proposed site is better than what is there now. The situation is the site needs rehabilitation, other similar sites have been approved, and emergency services will do whatever they have to do to get there.

In response to comments from the Board, Mr. Whitaker said the property is located in a flood zone, making it impossible to construct in the southwest portion of the property. The building could be reduced to the north, but there is a certain point it doesn't make sense to develop the site.

Discussion followed regarding reducing the size of the building, size of parking stalls, reconfiguration of parking, riparian restrictions, drainage issues and the provision of buffers for environmental concerns.

Mr. Virgona said because of the unique lot having slope and riparian restrictions, he would give a little more latitude when considering the application, but the plan has to be better and safer.

Mr. Whitaker advised he would confer with this client to see if modifications to the plan are feasible. The revised plan would be conceptual and revisited between the Engineers.

Mr. Whitaker requested the application be carried to the Thursday, June 27, 2013 meeting at 7:30 p.m. extending the period of time within which the Board shall act until June 28, 2013.

Mr. Virgona opened the Hearing to Members of the public. No one appeared to provide comment.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Wortmann was unanimously approved by all Members present. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Linda Marmora
Clerk