

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, JUNE 14, 2017 – 7:30 p.m.

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 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. Virgona, Mr. Polizzi, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Richardi, Mr. Jacobs, Ms. Miller, Mr. Bonjuklian, Mr. Koski

Absent: Mayor Minichetti, Mr. LaBarbiera

Also Present: Mark Madaio, Esq., Planning Board Attorney
Kevin Boswell, PE, Borough Engineer
Marisa Tiberi, PE, Boswell Engineering/Borough/Board Engineer
Joseph Burgis, PP, Burgis Associates/Borough Planner

PUBLIC HEARING

Mr. Madaio counseled the record reflect Mr. Donato has recused himself from this application and stepped down from the dais.

1. Application of **Martin J. Wojcik**
409 East Saddle River Road – Block 810 – Lot 6
(Amended Preliminary Major Final Subdivision Approval; Soil Moving with New Variances & Waivers/ 4 Single Family Residential Lots)

Michael Profita, Esq. representing Mr. Wojcik, advised a (4) single family lot Subdivision was granted by the Board in a Resolution memorialized April 23, 2015 conditioned upon receiving approval from the NJDEP. Mr. Wojcik filed an application to the NJDEP for approval and waivers for setbacks which necessitated additional changes resulting in variances to meet their requirements.

Tibor Latinscics, PE duly sworn by Mr. Madaio, testified to the previously granted variances and waivers and to the modifications of the previously approved application. Mr. Latinscics testified the NJDEP has requested the applicant provide a greater separation from the Hidden Glen Brook, providing a 40 ft. right of way vs. 50 ft. required.

The following exhibits were submitted and identified: **A-1:** *Sheet 1 of 4 -Preliminary Major Subdivision Plan dated December 30, 2014 last revised August 26, 2016 NJDEP;* **A-2:** *Sheet 2 of 4, Construction and Grading Plan; Soil Erosion & Sediment Control Plan dated December 30, 2014*

last revised August 26, 2016 NJDEP; A-3: Sheet 3 of 4, Profiles & Details dated December 30, 2014 last revised August 26, 2016 NJDEP; A-4: Sheet 4 of 4 Planting Plan dated February 19, 2015 NJDEP; A-5: Final Map dated February 19, 2015/NJDEP; A-6: Sheet 1 of 2/Soil Movement Plan dated January 23, 2015; A-7: Sheet 2 of Soil Movement Plan dated January 23, 2015; A-8: Boswell Engineering Review Letter dated February 13, 2017; A-9: Resolution of Approval dated April 23, 2015.

In response to comments from the Board, Mr. Latinscics explained due to the 10 ft. riparian zone the NJDEP requested the proposed home located on Lot 6.04 be pulled back as far as possible from East Saddle River Road. In order to allow flexibility due to its environmental constraints, setbacks are requested to be measured to the concrete foundation roof overhangs up to 18"; the soffits, bay windows be permitted to encroach into the front and side yard setbacks; the front stoop and steps to encroach into the front setback up to 6 ft. and the portion of the garage door overhang to encroach 4 ft. into the side yard setback. Waivers are requested for Lot 6.04 that has no dedicated 10 ft. landscape buffer along the western sideline; and Lot 6.03 has no dedicated 10 ft. buffer along 45 ft. of the eastern sideline.

Mr. Latinscics testified other than the modification of previously granted variances and the new variances, the changes in the Plans will not intensify the previously approved plans. The NDEP maintenance of the swale and grass would be specified on the Map and be a Deed Restriction on Lot 6.03. Mr. Latinscics testified a small portion of the swale extends onto Lot 6.02; maintenance is a minor matter and anticipated to be maintained by landscapers.

Mr. Boswell referring to the Boswell review letter dated February 13, 2017 advised comments 11-18 need to be conditions of approval. Mr. Latinscics advised the applicant will comply advising the applicant has received all the approvals listed in the Boswell Report.

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

Discussion followed regarding a potential problem with the proposed swale. In response, Mr. Latinscics testified he could slide the lot line, rotating it slightly so that the swale is located entirely on Lot 6.03. The size of Lot 6.02 would decrease slightly.

Mr. Latinscics testified in his opinion, the requested variances and waivers requested in connection with the modifications will result in a more efficient use of the Lots, and will not impair the intent or purpose of the zoning ordinance or zone plan. The proposed modifications provide no negative impact on surrounding properties and the redevelopment is a vast improvement over the current commercial use, promoting a desirable visual environment.

A motion by Mr. Polizzi seconded by Councilman DeBerardine to approve the application with the changes discussed regarding Lot 6.03 and the conditions provided in the Boswell Review Letter dated February 13, 2017.

Roll Call

Ayes: 9 Mr. Polizzi, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Jacobs, Ms. Miller, Mr. Bonjuklian, Mr. Virgona

2. Application of **Toll Bros., Inc.** (*Continuation of May 10, 2017 P. Hearing*)
1 Lake Street – Block 601 – Lot 1
(Preliminary & Final Major Site Plan, Soil Moving & Minor (2) Lot Subdivision/w Variance
208 Residential Units/Clubhouse & Swimming Pool)

Mr. Madaio counseled the record reflect Mr. Donato has returned to the dais.

Richard Hoff, Esq., representing the applicant advised this is a continuation of the Public Hearing held May 10, 2017.

In response to Mr. Madaio, the following objectors to the application came forward and were identified: **James Lynch, Esq.**, 18 Autumn Court advised he was being represented pro se, submitted correspondence dated June 14, 2017 concerning the current proposed Plan and his response to a report prepared by *Kauker & Kauker LLC*. **Jure Miletic, Esq.**, advised he was representing the East Crescent Estates Condominium Association, Inc. located on the property adjoining 1 Lake Street and had submitted copies of the report prepared by *Kauker & Kauker* dated May 31, 2017 regarding the proposed Plan.

The following professionals for the applicant were duly sworn by Mr. Madaio:

Jeremy Green LA, Craig Cherry, Toll Bros. Representative; Karl Pehnke PE, Langan Engineering and Jay Kruse, ESE Consultants.

Craig Cherry testified his position with Toll Bros. encompasses overseeing projects, land acquisition and development. Mr. Cherry reviewed the design layout and site location of the proposed Lake Street/Carriages. Mr. Cherry described the custom elevations and different models with varying layouts built so they are interchangeable. Mr. Cherry testified the Units are for sale with common elements and an HOA to oversee the maintenance of the common areas. The customization features include cabinets, elevator, mud rooms, etc. that fit within the framework.

Mr. Cherry referring to Exhibit A-12 – Club House – testified the 3,400 sf. club house is for the use of residents only, features a kitchenette, card room, club room, great room, fitness area, office and outdoor pool.

In response to comments from the Board, Mr. Cherry testified the neutral color schemes depicted are generally anticipated for the project. The price point ranges from the high \$700,000's up to \$800,000's with options.

Mr. Virgona opened the Hearing to the Objectors regarding the testimony provided by Mr. Cherry. Mr. Miletic advised he had no questions of this witness.

Mr. Lynch provided comments relative to the negative impact imposed onto his property values by the location of a building unit nearest to his property.

A motion by Mr. Polizzi seconded by Mr. Richardi to open the Hearing to Members of the public regarding the testimony provided by Mr. Cherry.

Rose DeBerardine, 49 Clover Lane expressed concern regarding the number of people that will be residing in the Development and its impact on the Community. *In response, Mr. Hoff advised Richard Reading will be available at the next meeting for questions regarding the fiscal impact report.*

In response to comments from the Board, Mr. Cherry testified Toll Bros. does not build on speculation; 2/3 of the units are sold before construction commences. Restrictions regarding the facades of the units will be controlled.

A Board Member expressed concern the lower level offering a full bath, could be rented out.
In response Mr. Cherry testified the Condo Association is self- policed with strict provisions.

In response to additional comments from the Board, Mr. Cherry testified the general time line for completion of the Plan is 5 years; 32 units per year and approximately 7 months to construct each unit. The Units will be stepped horizontally providing both variation and depth on the street.

Councilman DeBerardine requested the applicant provide a colorized landscape rendering of the project.

Mr. Cherry explained and testified to the parking provisions for events and gatherings at the Club House. The Club House is restricted for the resident's use only with rules set up by Toll Bros. and passed to the HOA.

In response to comments from the Board referencing exploration to relocate Units 204 and 208 out of the high spot at the north leg of the development from which anything built appears taller, Mr. Cherry testified a lot of landscaping, street trees and architecture will be seen.

The Board recessed at 9:15 p.m. and reconvened at 9:33 p.m.

Karl Pehnke, PE, Langan Engineering, testified to preparing the Supplemental Traffic Report Impact Study dated December 2016 and the Supplemental Traffic Analyses Report dated May 2017. Mr. Reading provided the basis for the traffic study after visiting the site, reviewing other traffic studies, and meeting with the County to review accident history data at the intersection of Mountain View Road and Lake Street. Mr. Pehnke compared the trip generation of the prior commercial use to the proposed new use of the property for residential development. Mr. Pehnke testified to the positive benefits eliminating the eastern most access on Lake Street and changing the vegetation along the property frontage to re-establish proper site lines. Regarding the distribution of the roadway network, the predominate flow is to Route 17. Mr. Pehnke testified after performing a full flow account and other engineering considerations, working with Board Professionals the applicant will approach Bergen County for a permit to install a traffic light and will do so upon approval.

Mr. Pehnke testified in terms of the site, the speed limit is 25 mph, parking is adequate as per RIS and the common area is properly distributed to serve residents of the community. Access from East Crescent Avenue needs to have the vegetation cut back and is not a concern.

In response to comments from Councilman DeBerardine regarding the need for an additional traffic light at the intersection of Carlough Road and Lake Street, Mr. Pehnke testified Bergen County would have to investigate. Discussion followed concerning restricting turns, and a better location for the installation of a traffic light.

Mr. Boswell stated he reviewed the original traffic report prepared in 2016 and feels strongly the sooner application is made, the County will fix what is broken on Lake Street trying to make it safe for automobiles, pedestrians and bicyclists.

A motion by Mr. Polizzi seconded by Mr. Preusch to open the Hearing to Members of the public regarding the testimony provided by Mr. Pehnke. No one appeared to provide comment.

Mr. Virgona announced the application is carried to the June 22, 2017 Meeting pending a quorum, if not the next Public Hearing date is Wednesday, July 12, 2017.

RESOLUTION (*Memorialization*)

1. Application of **Hilda Jata**
47 Skyline Drive – Block 1108 – Lot 3
(Height/Grotto/Retaining Walls)

APPROVED

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

Roll Call

Ayes: 8 Mr. Polizzi, Mr. Richardi, Mr. Presuch, Mr. Donato, Mr. Bakal, Mr. Bonjuklian
Ms. Miller, Mr. Virgona

APPROVAL OF MINUTES:

A motion to adopt the minutes of the May 25, 2017 meeting by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present.

ADJOURNMENT

A motion to adjourn by Mr. Preusch seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 10:25 p.m.

Respectfully submitted,

Linda Marmora
Clerk

