

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

**WEDNESDAY, MAY 11, 2016**

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 to The Record and The Ridgewood News on December 23, 2015 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, Mayor Minichetti, Councilman DeBerardine, Mr. Bakal, Mr. Richardi, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Bonjuklian

**Absent:** Mr. Preusch

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

**APPROVAL OF MINUTES:** A motion to adopt the minutes of the April 28, 2016 meeting by Councilman DeBerardine seconded by Mr. Polizzi was unanimously approved by all Members present.

**RESOLUTIONS** (*Memorializations*)

1. Variance Application of **Ellis & Helen Dumont** ***APPROVED***  
**75 Weiss Road – Block 306 – Lot 1**  
(Front Yard Setbacks/*Additions; Fencing/Improvements*)

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

**Roll Call**

**Ayes:** **8** Mr. Polizzi, Councilman DeBerardine, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Virgona

2. Variance Application of **Timothy & Vanessa Ford** ***APPROVED***  
**11 Sparrowbush Road – Block 102 – Lot 9**  
(Front Yard Setbacks; Right Yard Setback/*Addition/Re-locate HVAC Units*)

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

**Roll Call**

**Ayes:** **8** Councilman DeBerardine, Mr. Polizzi, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Donato, Ms. Miller, Mr. Virgona

## PUBLIC HEARING

1. Variance Application of **Alexander & Debra Elezovic**  
**67 Hidden Glen Road – Block 913 – Lot 20**  
(Side Yard Setback/*Construct Single Car Garage w Mudroom & Pantry*)

Bruce Whitaker, Esq. representing the applicant provided an overview of the variance request to construct an additional single car garage intruding 24.7 ft. into the eastern side yard setback vs. the 35 ft. required. Mr. Whitaker described the existing conditions, noting the house is located off-center on a wide lot having a 70 ft. front yard setback vs. the 50 ft. required. Due to the sloping topographic conditions, the existing (2) car garage was located under the house. Mr. Whitaker advised the applicant has elderly parent with a particular need for ease of access into the house. Mr. Whitaker advised a ramp could be installed, but would be more appropriate for a modest garage to be constructed on the paved area of the driveway. The proposed garage would be constructed with materials in keeping with the existing façade and; with an abundance of additional landscaping.

Alexander Elezovic, applicant, and Piero Gabucci, L.A., were duly sworn by Mr. Madaio. The following exhibits were submitted and identified: **A-1:** *Application*; **A-2:** *Site Plan, prepared by Piero Gabucci, AIA, dated March 8, 2016 revised through March 28, 2016*; **A-3:** *Landscape Plan, dated May 11, 2016, prepared by Piero Gabucci*; **A-4:** *Photographs of Existing & Proposed Construction*; **A-5:** *Aerial Photograph of Surrounding Properties*; **B-1:** *Boswell Engineering review letter dated April 11, 2016.*

Mr. Gabucci described the existing site conditions and testified preparing the site plan and landscaping plan to construct the proposed single car garage on the right side of the house. The garage is being placed over a paved area adjoining the kitchen entrance and providing easy access into the home. No trees are being removed; the existing landscaping will be supplemented with additional evergreen trees and boxwood hedges to soften the brick façade.

In response to comments from the Board, Mr. Gabucci testified the proposed garage is a simple one story building blending with the existing roof line and brick exterior. The garage would not be out of character, no lighting is proposed on the right side of the garage, and there is a necessity for the applicant to have accessibility to the first floor. Mr. Gabucci testified an obtrusive outside ADA ramp could be constructed but would run beyond the front and side of the dwelling and require variances.

Mr. Gabucci reviewed the plan to install an interior ramp on a raised slab of the proposed new garage floor.

In response to comments from the Board, Mr. Gabucci reviewed the steepness of the proposed ramp. Discussion followed.

Alexander Elezovic, applicant, testified the reason for wanting a front loading garage was to provide direct access to the home from the mudroom and into the kitchen, which is a necessity for his elderly handi-capped father-in-law. The dwelling would architecturally remain the same and the improvements prove a great addition to the neighborhood. Board Members questioned the reason for the garage.

In response to comments from the Board, Mr. Elezovic testified that the reason for the application was to have an additional garage directly accessing the kitchen side of the home for convenience.

A motion to open the Hearing to Members of the Public regarding the testimony provided  
By Mr. Gabucci and Mr. Elezovic.

Richard Moon – 72 Hidden Glen Road questioned the current distance from the road and the distance  
to the proposed garage.

Mr. Whitaker stated the variance relief requested permitting the applicant to have a garage at grade  
level can be granted without substantial detriment to the public good and will not substantially impair  
the intent and purpose of the Borough's Zone Plan and Zoning Ordinance.

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

Discussion followed. A motion by Mr. Richardi to deny the application seconded by Mr. Polizzi.

### **Roll Call**

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

**Nay:** 1 Mayor Minichetti

2. Major Soil Moving Application of **Mack-Cali Realty, LP**  
**1-15 Lake Street – Block 601 – Lot 1**  
(Demolition of Existing Building; Regrading)

Mayor Minichetti has recused herself from this application and stepped down from the dais.

Glenn Kienz, Esq., representing the applicant, advised the application is for a soil moving permit only  
along with recommendations as per Chapter 118. Mr. Kienz advised he would present one witness,  
a professional engineer licensed in the State of New Jersey.

William Vogt, P.E., L2A Land Design duly sworn by Mr. Madaio, testified to being familiar  
with the site and preparing the Plans. The following exhibits were submitted and identified:  
**A-1:** *Demolition & SESC Plan, prepared by L2A Land Design dated August 21, 2015 revised thru  
March 24, 2016;* **A-2:** *Colorized Version of Demolition & SESC Plan, prepared by L2A Land Design,  
LLC dated August 21, 2015 revised thru March 24, 2016;* **A-3:** *Google Aerial Photograph* **A-4:** *Photo  
Board of Existing Conditions, Equipment and Grades;* **B-1:** *Boswell Engineering Review Letter dated  
April 8, 2016.*

Mr. Vogt reviewed the plan to demolish the existing (3) story office building in three phases from  
the top down, including the slab and foundation. Mr. Vogt testified a majority of the interior debris  
was removed after being issued an interior demo permit by the Borough in October 2015. The building  
was inspected for asbestos held to floor and ceiling tiles and upon completion of removal a survey was  
submitted to the Building Department indicating everything was clean.

Mr. Vogt testified all utilities have been disconnected, however the water system is still active and  
will be used to wet down materials during demolition. Mr. Vogt reviewed the staging areas for storage  
of equipment, demolition, stockpiling of separated materials, and the jaw crusher used to grind down  
the concrete from the slab and foundation into Reclaimed Concrete Aggregate, to be utilized to fill  
the foundation area and match the existing grades.

In response to comments from the Board, Mr. Vogt testified the dust particles are controlled by wetting materials with fire hoses and fans blowing misted water directly onto the structures and materials to capture the minute particles in the air. The applicant will provide on-site monitoring, working out the protocol with the Borough Engineer. The fill will be tested and certified “clean” as required by NJDEP guidelines.

In response to additional comments from the Board, Mr. Vogt testified if any material is discolored, it will immediately be tested for asbestos. The hours of operation are 8 am – 5 pm Monday through Friday. Mr. Vogt testified the demolition phase would generate (3-10) truck trips per day with the entire process taking up to (4-5) months dependent upon weather.

Mr. Vogt reviewed the truck access to and from the site with traffic control subject to final approval by the Police Department.

In response to comments from the Board, Mr. Vogt testified the building was tested for lead paint, but none was found.

Mr. Kienz advised the applicant will comply with Borough Ordinances and the recommendations of the Borough Engineer.

The Board recessed at 8:55 p.m. and reconvened at 9:05 p.m.

In response to comments from the Board, Mr. Vogt testified (20) workers will be onsite during the demolition phase.

Mr. Vogt testified the water used for dust control that does not get absorbed in the building footprint will run off into (4) catch basins protected with filters and cleaned per state standards filtering out any sediment. In response to comments from the Board, Mr. Vogt testified at least (30) inlets are located on site. Mr. Vogt testified he does not anticipate runoff onto adjacent properties. All water is captured in inlets traveling to a tributary of the Pleasant Brook located on the southerly side of the parking lots.

Mr. Vogt testified there is no reason to test the soil for arsenic as removing this building used as an office touches very little vegetated area. The site will be revegetated with seed and mulch. A Board member requested the soil be tested once the building is demolished. Discussion followed.

Mr. Vogt testified to the projected noise level produced by the crushing machine.

In response to comments from the Board, Mr. Vogt testified it is a benefit of crushing the material on site. The crushing equipment to be utilized is state of the art machinery; there will be no blasting or worry regarding disturbance of residential foundations.

Mr. Vogt reviewed the starting point, staging area, on-site traffic patterns and physical disturbance.

In response to Mr. Kienz regarding the existence of lead paint, Mr. Vogt testified to there being a ban on the use of lead paint in 1978; this building was constructed in 1979. Mr. Vogt testified in the event lead paint is found and, as all the demolished materials are being removed, the only protection required is for the workers dismantling the building. Mr. Vogt testified they haven't found any lead paint and don't anticipate finding any based upon the year the building was constructed.

Ms. Boland emphasized monitors will be set at the property lines providing daily reports to the Borough Engineer with appropriate agencies notified if standards are exceeded.

Mr. Kienz advised as per the Building Department requirements; no water is going to the actual building. The applicant has provided all disconnect letters, asbestos certification, etc. No work is to be performed on the weekend and protective fencing will stay up after the demolition has been completed.

With no further comments from the Board, a motion to open the Hearing to Members of the public by Councilman DeBerardine seconded by Mr. Polizzi.

*Eugen Mortensen - 8 Iron Latch Court*, duly sworn by Mr. Madaio, expressed concern regarding the noise levels and the timing of truck traffic to and from the site during peak hours.

*Justin Ginsberg - 19 Hampshire Hill Road*, duly sworn by Mr. Madaio, expressed concern regarding the usage of water and any negative impact upon the residential water supply; the benefit of crushing the stone on site and lead paint testing.

*Erik Friis – 4 Sparrowbush Road*, duly sworn by Mr. Madaio, questioned if there was a violation by the applicant regarding asbestos removal, requesting the Board hires an independent contractor to test the site.

*James Lynch – 18 Autumn Court* – duly sworn by Mr. Madaio, expressed concern regarding noise levels when the crusher is running; location of the staging area for the crusher; and possible existence of lead paint.

*Barry Lieberman - 32 Skymark Court*, duly sworn by Mr. Madaio, express concern regarding asbestos and lead paint in the building; proposed grading; soil testing; water entering the Pleasant Brook; existence of underground storage tank questioning if the applicant hired an environmental engineer to perform monitoring; and if the applicant would consider relocating the staging area less obtrusive to the neighboring residents.

*Joseph Cassese – 41 Cottontail Trail*, duly sworn by Mr. Madaio, questioned if there would be a public hearing before the Planning Board regarding the proposed Settlement Agreement. Mr. Cassese also questioned the decibel level regarding the crusher.

*Eric Halpern – 25 Golfview Road*, duly sworn by Mr. Madaio, expressed concern regarding the noise level associated with the demolition and its impact on the quality of life for the community; and if the applicant would relocate the staging area and crusher machine.

*Stephen Quagliani – 10 Yeoman Drive*, duly sworn by Mr. Madaio, questioned if there would be any testing regarding water runoff.

*Justin Hart – 569 West Saddle River Road*, duly sworn by Mr. Madaio, questioned the modification of the fire hydrants to be used as the water source for the demolition.

With no further comments from the Public, Mr. Virgona closed that portion of the Hearing.

Mr. Kienz stated the demolition of the building is being done in the most prudent, appropriate and environmentally way. The applicant will comply with all recommendations of the Borough Engineer,

Police Department; NJDEP requirements. Testing of the air, water and soil will be done at the appropriate time. Issues brought up can be addressed and the applicant will meet all existing standards.

Discussion followed.

Mr. Kienz advised the applicant will work with Boswell Engineering to move the crusher to one of two different locations. Discussion ensued.

Ms. Boland commented moving the crusher to the south west corner of the site will involve removal of the knoll and incur additional soil moving, but would be a good location if acceptable to the Board.

Mr. Madaio advised he would prepare a Resolution incorporating conditions discussed and presented.

Board Members proposed imposing the following conditions: monitor air and noise levels at the property lines with daily logs sent to Boswell Engineering; relocating the staging and crusher to the south west corner of the property; grading to prepare staging area; truck route approved and monitored by Police Department; install fencing similar to that used on tennis courts and to be maintained on site after work is completed; soil, water testing and asbestos removal certifications with documentation submitted to the Borough Engineer.

A motion by Mr. Polizzi seconded by Councilman DeBerardine to approve the soil movement application conditioned upon the conditions discussed.

**Roll Call**

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

**ADJOURNMENT**

A motion to adjourn by Mr. Polizzi seconded by Ms. Miller was unanimously approved by all Members present. Meeting adjourned at 11:30 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

