

## **BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

### **WORK SESSION AND REGULAR MEETING MINUTES – WEDNESDAY, MAY 13, 2015**

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 E-Mail & Regular Mail to The Record and The Ridgewood News on December 23, 2014 and April 27, 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. Stutman, Mr. Wortmann, Mr. Jacobs

**Absent:** Mr. Preusch, Councilman Durante, Ms. Rosenthal, Mr. Donato

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer  
Joseph Burgis, P.P., Burgis Associates, Borough Planner

#### **WORK SESSION**

1. Application of **Apple Ridge LLC – Pleasant Brook Estates** *(For Completeness)*  
**Carlough Road – Block 401 –Lots 2 & 4**  
(Preliminary & Final Major Subdivision w Variances/Soil Moving/  
*44 Single Family Lots; 1 Utility Lot/Soil Remediation/Tree Removal*)

Mr. Madaio provided a brief background and history of the application which through a settlement agreement with Borough officials and approved by the Planning Board, now proposes to subdivide the property into forty-four (44) single family lots and one (1) utility lot.

Ms. Boland referenced the requested variances and waivers provided in the Boswell Engineering review letters dated April 29, 2015 regarding the application submitted for preliminary and final major subdivision, and the application for soil movement remediation of the property. Ms. Boland advised they take no exception to the granting of the requested variances and waivers. Outside agency approvals are a condition of approval from the Planning Board. Ms. Boland advised sufficient information has been provided for the Board to deem the applications complete.

In response to comments regarding check list Item No. 11, Kevin Moore, Esq., for the applicant, advised an aerial photo depicting the existing features map will be provided on (2) sheets at the public hearing.

A motion by Mr. Richardi seconded by Mr. Polizzi to open the meeting to Members of the public regarding completeness of the applications. No one appeared to provide comment.

Mr. Burgis advised he concurs with Ms. Boland, the applications are complete and a Public Hearing can be scheduled.

Mr. Virgona called for comments from the Board regarding completeness of the applications for subdivision and soil remediation.

A motion by Mr. Polizzi seconded by Mr. Wortmann to deem the applications complete and schedule the Public Hearing to be held on Wednesday, June 10, 2015 at 7:30 p.m.

### **Roll Call**

**Ayes:** 9 Mr. Polizzi, Mr. Wortmann, Mayor Minichetti, Councilman DeBerardine, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs, Mr. Virgona

### **ADJOURNMENT**

A motion by Councilman DeBerardine seconded by Mr. Polizzi to adjourn the Work Session Meeting was unanimously approved by all Members present. Meeting adjourned at 7:44 p.m.

### **REGULAR MEETING**

Mr. Virgona called the meeting to order at 7:47 p.m.

**Present:** Mr. Virgona, Mr. Polizzi, Mayor Minichetti, Councilman DeBerardine, Mr. Wortmann, Mr. Bakal, Mr. Richardi, Mr. Stutman, Mr. Jacobs

### **CORRESPONDENCE:**

After reviewing a letter dated May 12, 2015 from Bruce Whitaker, Esq., Mr. Virgona announced the Public Hearing regarding the application of **Nirchio – 16 Oak Drive – Block 1210 – Lot 3** is carried to the Thursday, June 25, 2015 meeting at 7:30 p.m. without further noticing required.

### **APPROVAL OF MINUTES:**

A motion by Councilman DeBerardine seconded by Mr. Polizzi to adopt the minutes of the April 23, 2015 meeting was unanimously approved by all Members present.

**RESOLUTION**    *(Memorialization)*

1. Application of **Wojciech Bobrowski**  
**72 Skyline Drive – Block 1109 – Lot 6.02**  
(Roof Height Variance/Minor Soil Movement/*New Construction/Single Family Dwelling*)

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

**Roll Call**

**Ayes:** 7    Mr. Richardi, Councilman DeBerardine, Mr. Wortmann, Mr. Stutman, Mr. Jacobs, Mr. Polizzi, Mr. Virgona

**PUBLIC HEARING**

1. Application of **GaGa Realty LLC**  
**209 Route 17 South – Block 1301 – Lot 12**  
(Final Site Plan Approval w Variances/*Construction New Commercial Building/Retail Use*)

Bruce Whitaker, Esq., representing the applicant, advised the applicant is requesting final site plan approval. All conditions of approval have been completed as stipulated in the Resolution granting preliminary site plan approval memorialized by the Board on November 13, 2013. Mr. Whitaker reviewed the nine (9) conditions of approval and advised modifications were made to the original plan in order to conform to NJDOT requirements. A Developer’s Agreement has been prepared, signed and returned to Mr. Madaio.

In response to comments from the Board, Mr. Whitaker advised the Plan will be submitted to the Fire Official. Approval for signage has not been submitted, but will conform to size and location previously approved by the Board.

Robert Weissman, P.E., duly sworn by Mr. Madaio, testified to preparing the preliminary site plan and those submitted for final site plan approval. Mr. Weissman reviewed the sign prototype, testifying the originally approved location on the southern side of the site promotes safety. The sign is fully conforming and the configuration conforms to the variance granted for location.

The only difference in the original approved plan is the location of the dumpster; this has been moved closer to Route 17, 5ft. off the building and 3 ft. from the northerly property line. Mr. Weissman, testified the deviation was to give an area of compensation to the DEP providing a reduction in flood hazard area disturbance.

In response to comments from the Board, Mr. Weissman testified the proposed use is strictly retail; there is to be no food waste.

In response to comments from the Board, Mr. Whitaker amended the application to remove all reference to “restaurant use”.

A motion by Mr. Polizzi seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding the application.

Upon no one appearing to provide comment, Mr. Virgona closed the Hearing.

A motion to approve the application as submitted by Councilman DeBerardine seconded by Mr. Wortmann.

### **Roll Call**

**Ayes: 9** Councilman DeBerardine, Mr. Wortmann, Mayor Minichetti, Mr. Stutman, Mr. Richardi, Mr. Bacal, Mr. Jacobs, Mr. Polizzi, Mr. Virgona

### **PUBLIC COMMENT**

A motion by Councilman DeBerardine seconded by Mr. Polizzi to open the meeting to Members of the public. Upon no one appearing to provide comment, Mr. Virgona closed the meeting.

### **ADJOURNMENT**

A motion to adjourn the meeting by Councilman DeBerardine seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

