

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

**MEETING MINUTES – THURSDAY, MAY 23, 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 to The Record and The Ridgewood News on January 7, 2013 at which time, the date, time, place and purpose of the meeting was set forth and notice was posted on the bulletin board in The Borough Hall.

**PLEDGE OF ALLEGIANCE**

**Present:** Mr. Virgona, Mr. Polizzi, Mr. Preusch, Mr. Prober, Mr. Friedman,  
Ms. Rosenthal, Mr. Abramson

**Absent:** Mayor Minchetti, Councilman DeBerardine, Mr. Stutman, Mr. Richardi, Mr. Wortmann  
Ms. Miller

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

**APPROVAL OF MINUTES:** A motion to adopt the minutes of the May 8, 2012 meeting by Mr. Prober seconded by Mr. Friedman was unanimously approved by all Members present.

**PUBLIC HEARING**

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

Bruce Whitaker, Esq., representing the applicant, advised Mr. & Ms. Young are seeking to construct an in ground swimming and patio in the rear property of the single family dwelling that is located in the R-1 Residential Zone. The irregularly shaped property was purchased in 2012, having two (2) slightly non-conforming side and rear yard setbacks; the proposed pool and patio will not be exasperated by this application, but should be documented for any future application. The proposed location of the pool conforms to the Zoning Ordinance, but due to the existing extensive driveway, exceeds the permitted lot coverage and will require a variance.

Douglas Doolittle, P.E., duly sworn by Mr. Madaio, testified to having been to the site and preparing the plans submitted with the application. The following exhibits were submitted and identified: *A-1:* Existing Condition Photograph of Rear and Side Yard; *A-2:* Existing Condition Photograph of Rear Yard; *A-3:* Site Plan prepared by McNally Engineering last revised January 8, 2013; *B-1:* Christopher Statile, P.E. Review Letter dated May 3, 2013. Mr. Doolittle testified the proposed plan provides for a free style patio surrounding a free form pool with spa and shallow area, a small wall to adjust the grade, and a generator. Mr. Doolittle reviewed the existing setbacks to be documented: rear yard setback of 34.9 ft. where 35 ft. is required; side yard setback of 34.5 ft. where 35 ft. is required. Mr. Doolittle testified that the proposed addition of the pool and patio area requires a variance for lot coverage: 35.09% proposed where 30 % maximum is permitted. Drainage will be picked up and collected into a seepage pit.

Mr. Doolittle testified the existing overabundant landscaping is to remain screening the pool from the roadway.

In response to comments from the Board, Mr. Doolittle testified the current improved lot coverage is 29.77%; the proposed pool and patio accounts for an additional 5%. The 9% building coverage is well under the 15% maximum permitted.

Mr. Whitaker advised because the dwelling was built having a 111 ft. setback, twice the 50 ft. requirement, it necessitated an extensively long driveway configuration in order to reach the house and access the side loading garages. The driveway accounts for a large percentage of the improvement coverage. Any effort to reduce the lot coverage would require removing a large portion of the driveway, now providing a safe ingress and egress to the site.

In response to comments from the Board, Mr. Doolittle testified the pool equipment will be located within the setbacks permitted by code. The generator, proposed for the other side has been included in the coverage calculations. Mr. Doolittle explained the pool must be located in the exact location provided on the plan in order to meet the required setbacks. The fencing plan for the pool will conform to the New Jersey Pool Code requirements.

Members discussed having less patio area to reduce improvement coverage. Mr. Whitaker advised the applicant has agreed to reduce the size of the patio by 1 ½% and will comply with any additional drainage conditions imposed by Mr. Statile and also with the comments provided in Exhibit B-1.

Mr. Statile recommended capturing drainage with an additional seepage pit, and increasing the landscaping on the patio's 5 ft. plateau above the neighboring property.

Mr. Whitaker stated the proposed pool and patio located in the rear of the property and within the required setbacks will have no adverse impact or provide any substantial detriment to the Zone Plan or the Borough's Zoning Ordinance.

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

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

A motion by Mr. Prober seconded by Mr. Preusch to approve the application conditioned upon the applicant submitting a revised set of plans reflecting a 1 1/2% reduction in the size of the patio, submitting a revised planting plan, and providing an additional seepage pit as required by the Borough Engineer.

### **Roll Call**

**Ayes:** 7 Mr. Prober, Mr. Preusch, Mr. Friedman, Ms. Rosenthal, Mr. Polizzi,  
Mr. Virgona, Mr. Abramson

### **PUBLIC COMMENT**

Mr. Statile advised of a drainage issue regarding a (2) lot subdivision that was approved by the Planning Board in 2003.

Mr. Madaio adjourned the dais and counseled the record reflect he has recused himself from participating in any discussion concerning this issue as he represented the property owner in other matters.

John Gloria provided a brief history of the subdivision and proposed drainage improvements that have not been completed as stipulated in the Resolution of Approval. Mr. Gloria advised the house built on his property, 320 Lake Street, Block 1201, Lot 7.01 is sold and a TCO has not been issued. Discussion followed. Mr. Virgona advised since no application has been submitted for the Board to take action, suggested Mr. Gloria consult with a professional.

**ADJOURNMENT**

A motion to adjourn by Mr. Preusch seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 8:37 p.m.

Respectfully submitted,

Linda Marmora  
Clerk/Recording Secretary