

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, OCTOBER 12, 2016

Mr. Virgona called the meeting to order at 7:40 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 31, 2015, August 10, 2016, September 14, 2016 and September 22, 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, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Donato, Mr. Bonjuklian

Absent: Mr. Bakal, Mr. Jacobs, Mr. Richardi, Ms. Miller

Also Present: Mark Madaio, Esq., Planning Board Attorney
Nicole Ogrosso, P.E., for Eileen Boland, P.E.
(Boswell Engineering/Board/Borough Engineer)

APPROVAL OF MINUTES: A motion to adopt the minutes of the August 10, 2016 meeting by Councilman DeBerardine seconded by Mr. Bonjuklian was unanimously approved by all Members present.

PUBLIC ANNOUNCEMENTS

After reviewing correspondence listed on the Agenda, Mr. Virgona announced the following:

The application of **Douglas & Tamara James – 2 Birch Court – Block 1104 – Lot 1** has been carried to the Thursday, October 27, 2016 meeting at 7:30 p.m. without further noticing required.

The application of **Carl & Risa Calarco – 59 Dimmig Road – Block 1224 – Lot 10** has been carried to the Thursday, October 27, 2016 meeting at 7:30 p.m. without further noticing required.

The application of **HKK Super Service Inc. – 359 E. Saddle River Road – Block 1203 – Lot 16** has been carried to the Wednesday, November 9, 2016 meeting without further noticing required.

RESOLUTIONS (*Memorialization*)

1. Application of **Krisujen Realty LP** **APPROVED**
100 Route 17 North – Block 1304 – Lot 7.01
(Preliminary & Final Site Plan Approval w Variances/Major Soil Moving/*New Auto Dealership*)

Mr. Madaio reviewed the Resolution. A motion to approve the Resolution as presented by Mr. Polizzi seconded by Mr. Bonjuklian.

Roll Call

Ayes: 3 Mr. Polizzi, Mr. Bonjuklian, Mr. Virgona

2. Application of **Malkhaz & Maka Abuladze** **APPROVED**
32 Ridge Road – Block 1217 – Lot 34
(Height/*As Built Construction/Additions*)

Mr. Madaio reviewed the Resolution. A motion to approve the Resolution as presented by Mr. Preusch seconded by Mr. Bonjuklian.

Roll Call

Ayes: 4 Mr. Preusch, Mr. Bonjuklian, Mayor Minichetti, Mr. Virgona

PUBLIC HEARING

1. Application of **Samir & Basma Baghal**
21 Brownstone Way – Block 306 – Lot 20
(Side & Front Yard Setbacks/Soil Moving/*Proposed Location/Pool & Fence*)

Robert Maloof, Esq., representing the Baghals, advised the applicant is requesting (2) variances and a soil moving permit to permit the construction of an in ground swimming pool in the side yard vs. the required rear yard; and the installation of the pool fence in line with the front building line vs. the required rear building line.

Jeff Egarian, P.E. duly sworn by Mr. Madaio, testified to preparing the *Pool Location and Grading Plan, dated August 26, 2016 revised through September 30, 2016*, identified and marked **A-1**. Mr. Egarian testified placing the pool in the side yard vs. the rear yard would have minimal effect on surrounding properties. Locating the pool in the rear yard would result in undue hardship requiring the relocation of the septic system; construction of a retaining wall having a drop of 7 ft.; and the removal of heritage trees. Mr. Egarian described the proposed location as having a mild slope screened by arborvitae trees and having minimal disturbance. Mr. Egarian testified the well is located in the rear yard and would also be impacted by a retaining wall.

Mr. Egarian testified the proposed location of the pool would be 36.5 ft. from the rear yard and 36.5 ft. from the front yard in compliance with the minimum front and side yard setbacks. The south side yard is surrounded by fencing, stone wall and mature trees.

In response to comments from the Board, Mr. Egarian testified the existing arborvitae will be removed and then replanted after construction. The pool is proposed higher than the first floor of the house and is oriented east being the preference of the client. The pool equipment is located facing the road at the same level as the pool due to the hydraulic pump system. Discussion followed regarding relocating the pool equipment pad, rotating the pool closer to the existing patio and moving the existing shed to a conforming location.

In response to comments from the Board, Mr. Egarian testified the 32'x'18'x16' pool is setback 82.5 ft. from the front yard

Mr. Maloof submitted the following exhibits: *Photo Board* identified and marked **A-2**; *Photograph of the Rear of the House*, identified and marked **A-3**; *Aerial Photograph of the Surrounding Area*, identified and marked **A-4**.

Mr. Madaio identified the Report of *Boswell Engineering, dated September 29, 2016* marked **B-1**.

Samir Baghal, duly sworn by Mr. Madaio, testified the proposed location of the pool is aesthetically pleasing, rotating the pool will not allow it conform to the required setbacks. In response to comments from the Board, Mr. Baghal testified the sliding door is located on the side yard facing the proposed pool because it is the largest part of the yard. Discussion followed.

Mr. Egarian testified the pool equipment pad would be relocated behind the pool or in the area set against the house near the current AC pad.

Mr. Baghal testified the existing shed would be relocated to a conforming location.

A motion by Mr. Polizzi seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding the testimony provided by Mr. Egarian and Mr. Baghal. No one appeared to provide comment.

Arthur Michels, P.P., duly sworn by Mr. Madaio, submitted a *Planner Outline of Testimony* identified and marked **A-5** to be documented in the Resolution. Mr. Michels testified it was his opinion the application and circumstances justify the granting of a c (1) and c (2) variance.

A motion by Mr. Polizzi seconded by Mr. Preusch to open the Hearing to Members of the public regarding the testimony of Mr. Michels and comments regarding the application. Upon no one appearing to provide testimony, Mr. Virgona closed that portion of the Hearing.

Board Members deliberated and discussed conditions of approval: the pool fence limited to 4 ft. in height and set back behind the row of arborvitae trees which run between the southern front corner of the home and the southern side lines; the pool equipment pad to be located behind the pool or against the home near the AC units; the relocation of the existing non-conforming shed to a conforming location.

A motion by Councilman DeBerardine seconded by Mr. Preusch to approve the application as submitted with the conditions discussed.

Roll Call

Ayes: 7 Councilman DeBerardine, Mr. Preusch, Mayor Minichetti, Mr. Donato, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

PUBLIC COMMENT

A motion by Mr. Preusch 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 Mr. Donato seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:25 p.m.

Respectfully submitted,



Linda Marmora, Clerk