

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – DECEMBER 14, 2016

WORK SESSION

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 fax and mail 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. Jacobs, Mr. Richardi, Mr. Bonjuklian

Absent: Mr. Preusch, Mr. Donato, Mr. Bakal, Ms. Miller

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

1. **2015 Real Estate LLC (Informal Conceptual Review)**
380 Route 17 North – Block 1010 – Lot 12
(Amended Site Plan w Variances/Enlarge Existing Liquor Store)

Jeffrey Kantowitz, Esq., representing the applicant, advised the conceptual plan proposes to expand the existing liquor store (Saddle River Liquors) by constructing a 1,327 s.f. first floor addition to be utilized for retail space and the construction of a 3,329 s.f. second story addition to be used as storage space requiring several variances.

In response to comments from the Board, Mr. Kantowitz advised the applicant previously appeared before the Board in 2015 proposing a similar conceptual plan. Since that time the applicant has gathered data regarding customer traffic, sales and use of the site that will support the requested variance relief from the number of parking spaces required.

Shrinath Kotdawala, P.E, described the site and reviewed variances associated with the proposed addition resulting in a side yard setback of 20 ft. vs. 35 ft. required; an existing 10 ft. front yard setback decreased to 4.5 ft. allowing for the provision of an additional parking space; and an existing 17.4 ft. side yard setback remains unchanged.

In response to comments from the Board, Mr. Kotdawala advised the proposed plan provides (13) parking spaces vs. (27) required. Members reviewed the number of spaces calculated by the applicant and determined they were based on the first floor only; not the second floor. The Board concluded the accurate number of required spaces is 52.

Board Members expressed concern that the applicant is providing less than 50% of the required parking spaces and that the expansion will impede safe circulation on the site.

Mr. Kantowitz explained the liquor store is not a chain or warehouse; but a small local store providing services that the larger stores do not. The applicant is non-competitive and does not expect any great increase in business. Discussion followed.

Mr. Kantowitz advised he will further consult with his client to determine if a formal application will be filed.

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

ADJOURNMENT

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

REGULAR MEETING

Mr. Virgona called the meeting to order at 8:16 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 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. Jacobs, Mr. Richardi, Mr. Bonjuklian

Absent: Mr. Preusch, Mr. Bakal, Mr. Donato, 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 November 9, 2016 meeting by Councilman DeBerardine seconded by Mr. Polizzi was unanimously approved by all Members present.

ANNOUNCEMENT

1. Application of **HKK Super Service, Inc.**
359 East Saddle River Road – Block 1203 – Lot 16

Mr. Madaio reviewed the application history to date advising there has been no activity or correspondence requesting an extension since November. Mr. Madaio advised the

applicant can re-file.

A motion by Councilman DeBerardine seconded by Mr. Polizzi to dismiss the application without prejudice removing it from the docket.

Roll Call

Ayes: 7 Councilman DeBerardine, Mr. Polizzi, Mayor Minichetti, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Mr. Virgona

RESOLUTION (*Memorialization*)

1. Application of **Church of the Presentation** **APPROVED**
271 West Saddle River Road – Block 1114 – Lot 4
(Amended Site Plan Approval w Variances; Waivers & Soil Moving/*Proposed Additions/Renovations*)

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

Roll Call

Ayes: 5 Mr. Polizzi, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Mr. Virgona

PUBLIC HEARING

1. Application of **Pioneer Developers, Inc.**
86 Pleasant Avenue – Block 1302 – Lot 8.01
(Major Subdivision w Variances & Waivers/ (2) *Single Family Lots*)

Alan Bell, Esq. representing the applicant briefly reviewed the proposed plan to subdivide the irregularly shaped property located in the R-1 Residential Zoning District containing in excess of 120,000 s.f. into (2) single family lots. The property is improved with a single family house serviced by a driveway on the westerly side of the lot. The applicant proposes to remove the existing single house, accessory structure and pavement. Mr. Bell advised Lot 8.02 fronting on Pleasant Avenue is fully conforming and the second, Lot 8.01 located in the rear of the property accessed from the Pleasant Avenue driveway, is a flag lot requiring bulk variances for lot frontage and the minimum 150 ft. diameter circle tangent to the right-of-way on an improved street.

Wayne Ingram, LE, PLS, PP duly sworn by Mr. Madaio, testified to preparing the following Exhibits submitted and identified: **A-1:** *Subdivision Plan (5) sheets, prepared by Engineering & Land Planning Associates, dated August 24, 2016;* **A-2:** *Colorized Version of the Subdivision Plan;* **A-3:** *Photos of Existing Conditions;* **A-4:** *Proposal with Road Installation vs. Flag Lot;* **B-1:** *Boswell Engineering Review Letter dated October 14, 2016.*

Mr. Ingram described existing conditions of the property as containing a dilapidated house and shed on the wooded lot having isolated wetlands. Mr. Ingram testified to the proposed subdivision creating

a fully conforming Lot 8.02 containing 39,495 s.f. and Lot 8.01 containing 81,897 s.f., requiring (2) variances. Mr. Ingram testified the frontage of proposed Lot 8.01 measures 30.81 ft. vs. 150 ft. required; and does not conform to the required 150 ft. diameter circle tangent to the right-of-way.

In response to comments from the Board, Mr. Ingram testified proposed Lot 8.01 is the largest lot in the residential area, but because of the irregular shape and practical difficulties, prevents the creation of a third lot. An application has been submitted to the DEP to fill in the isolated wetlands and also to delineate and confirm the findings.

In response to comments from the Board, Mr. Ingram testified the isolated wetlands were due to the construction activity when the adjacent neighbor built his home. The flood plain is not on this property, just a wetlands ditch.

Mr. Ingram reviewed alternate configurations for providing access to the rear lot via a road vs. the proposed driveway. Mr. Ingram testified, creating a road for one house adds additional impervious coverage, creating a cul-de-sac and one more road for the municipality to maintain. Mr. Ingram testified as a professional planner, the original plan with a driveway is the better plan.

In response to comments from the Board, Mr. Ingram testified that either of the lot configurations would require the same variances.

Mr. Ingram testified the topography of the lot slopes to the east, draining to the ditch located along the property line. Mr. Ingram testified the trees are to remain.

In response to comments from the Board, Mr. Ingram testified the applicant would have no objection to providing an 80 ft. front yard setback to Pleasant Avenue vs. the 50 ft. required and 20 ft. non-disturbance buffers vs. the 10 ft. required. Both lots have availability to water connections, and both lots can support septic systems.

A motion to open the Hearing to Members of the public regarding the testimony provided by Mr. Ingram. With no one appearing to provide comment, Mr. Virgona closed that portion of the Hearing.

Mr. Ingram testified as a Professional Planner, the proposed variances associated with the subdivision can be granted as they promote the purposes of MLUL by providing adequate air, light and open space; and do not impair the intent and purpose of the Zone Plan and Zoning Ordinance.

A motion by Mr. Polizzi seconded by Councilman DeBerardine to open the Hearing to Members of the public for comment regarding the application. Upon no one appearing to provide comment, Mr. Virgona closed that portion of the Hearing.

Mr. Bell provided a summation, requesting the Board grant approval of the proposed subdivision and variances.

Ms. Ogrosso advised DEP approvals must be received prior to the commencement of work.

Mr. Madaio advised subdivision approval is conditioned upon approvals; the subdivision map would not be signed until approvals are received from the DEP.

In response to comments from the Board, Mr. Bell advised there are no environmental issues, however, the applicant will confront if any issues are discovered.

A motion by Mr. Richardi seconded by Mr. Jacobs to approve the application for a (2) lot subdivision with a flag lot conditioned upon increasing the buffers to 20 ft; increasing the front yard setback to the setback of the adjacent house located at 92 Pleasant Avenue, Block 1302 – Lot 7.

Roll Call

Ayes: 7 Mr. Richardi, Mr. Jacobs, Mayor Minichetti, Councilman DeBerardine, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

ADJOURNMENT

A motion to adjourn by Mr. Jacobs seconded by Mayor Minichetti was unanimously approved by all Members present. Meeting adjourned at 9:14 p.m.

Respectfully submitted,

Linda Marmora, Clerk

