

UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, JANUARY 23, 2014

Mr. Virgona called the meeting to order at 7:33 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, 2013 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, Councilman DeBerardine, Mr. Preusch,
Mr. Prober, Mr. Friedman, Mr. Wortmann, Mr. Bakal, Mr. Richardi

Absent: Councilman Durante, Ms. Rosenthal

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

APPROVAL OF MINUTES:

A motion by Councilman DeBerardine to adopt the minutes of the January 8, 2014 meeting seconded by Mr. Wortmann was unanimously approved by all Members present.

CORRESPONDENCE

Mr. Virgona reviewed correspondence received from Michael Profita, Esq., regarding the application of *Martin Wojcik and Creative Gardens*; and correspondence from John Lamb, Esq. regarding the application of *Concerned Citizens USR, ACG, Inc.*

ANNOUNCEMENTS

Mr. Virgona announced the applications of *Martin Wojcik and Creative Gardens*, 409 East Saddle River Road, Block 810 – Lot 6; and *Concerned Citizens USR, ACG, Inc.* 409 East Saddle River Road – Block 810 – Lot 6 are both carried to the Thursday, February 27, 2014 meeting without further noticing required.

Mr. Virgona announced the Wednesday, February 12, 2014 Planning Board meeting has been canceled due to the observance of the legal holiday. The next meeting is scheduled to be held Thursday, February 27, 2014 at 7:30 p.m.

RESOLUTIONS(Memorializations)

1. Variance Application of **Todd Berry** ***Denied***
22 Oak Drove – Block 1210 – Lot 4
(Side Yard Location; Accessory Building Setback/Inground Swimming Pool)

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

Roll Call

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

2. Variance Application of **Sydelle and David Aarons** ***Approved***
56 Echo Ridge Road – Block 916 – Lot 14

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

Roll Call

Ayes:8Mr. Richardi, Mr. Wortmann, Councilman DeBerardine, Mr. Prober, Mr. Stutman, Mr. Bakal, Mr. Polizzi, Mr. Virgona

PUBLIC HEARING

1. Variance Application of **Ping Lei**
56 Echo Ridge Road – Block 601 – Lot 13.04
(Front & Side Yard Setbacks/ *Reconstruct Dwelling*)

Bruce Whitaker, Esq., representing the applicant provided a brief overview of the application requesting front and side yard setback variance to reconstruct a dwelling that had been destroyed by a fire, using the existing foundation with modifications. Mr. Whitaker stated the purpose of the application is to create a more architectural pleasing design with minor infringements into the setbacks.

The following exhibits were submitted and identified: **A-1:** *Photographs of Burned Home*; **A-2:** *Plot Plan, Soil Erosion Plan prepared by Conklin Assoc. dated November 5, 2013*; **A-3:** *10' Scale Blow-up of Plot Plan*; **A-4:** *Aerial Photo Area Plan, dated November 22, 2013*; **A-5:** *Final Subdivision Map, dated April 3, 2002*; **A-6:** *Blow-up of 50 ft. front yard setback/corner of home*; **A-7:** *Landscape Plan prepared by Christopher Karach, dated December 17, 2013*; **A-8:** *Architectural Plan prepared by Thomas Canzani dated October 31, 2013*;

A-9: Architectural Rendering Photo; **A-10:** NJDEP Freshwater LOI, dated January 7, 2002; **A-11:** NJDEP Transition Area Averaging Plan, dated January 7, 2002; **A-12:** Letter from Wander Ecological, dated January 21, 2014; **A-13:** Bergen County Soil Conservation Waiver, dated January 7, 2014; **A-14:** Zoning Official Letter of Denial, dated December 20, 2013; **A-15:** Paper Cut Out representing actual size increase in squaring-off corner; **B-1:** Engineering Report prepared by Eileen Boland, P.E., Howell McClave Engineering, dated January 13, 2014.

Mr. Whitaker advised other than the front yard setbacks to Sandstone Ridge, the house is being setback on the same foundation with the same limits: the 34.4 ft. setback on the north side is exactly where the prior house was located, the 49.3 ft. front yard setback to Autumn Court is exactly the same location, the only small distinction is the squaring off of the northeast corner on Sandstone Ridge that increases the footprint of the house by 1.18 s.f. requiring a 47.7 front yard variance vs. 50 ft. permitted. An additional variance is required to permit the construction of a rockery within the 10 ft. side yard landscape buffer vs. only landscaping.

Tibor Latincsics, P.E, duly sworn by Mr. Madaio, testified after reviewing the surrounding lots and the property file of the home pre- fire, he prepared the plans identified as **A-2**. Mr. Latincsics testified the former dwelling located on an oversized lot is to be reconstructed on the existing foundation, however taking into account the former and proposed overhang, the front yard setback to the eave is 49.3 ft. vs. 50 ft. permitted. The north side yard setback measures 34.4 ft. vs. 35 ft. permitted. Another element is that the front yard setback also has a curve to it, as do all the lots approved by the Planning Board when the subdivision was created in 2002.

In response to comments from the Board, Mr. Latincsics testified the northern side yard setback is a result of the original measurements being taken from the foundation rather than from the eaves. The proposed construction is in the same location, on the same foundation, however still requires a variance due to the current method of measurement. Mr. Latincsics reviewed the 34.5 ft. side yard setback required to permit window wells on the north side of the house.

Discussion followed regarding the setback required considering the depth of the window wells.

Mr. Whitaker requested the 34.4 ft. side yard setback be amended to be 31.4 ft. to permit the window wells on the north side of the house.

In response to comments from the Board, Mr. Latincsics testified the proposed window wells extend less than the air conditioning units that were in this location prior to the home being destroyed by fire.

Mr. Latincsics testified a rockery wall would replace a retaining wall on the north side of the property, near the wetlands delineation line. The proposed wall would be constructed of a natural stone material and be no higher than the existing retaining wall. Mr. Latincsics testified no trees are proposed for removal and landscaping plans have been filed with the Shade Tree Commission.

Mr. Virgona opened the Hearing to Members of the public regarding Mr. Latincsics's testimony. No one appeared to provide comment.

Kevin Spink, R.A., was duly sworn by Mr. Madaio. Mr. Spink testified to preparing the Architectural Plans identified as **A-8**. Mr. Spink described the style of the proposed building as "French Manor" with a squared off mansard roof and architectural elements surrounding the front door. Mr. Spink

testified to the overall plan being the best plan utilizing the existing foundation and providing the best aesthetics, with a lot of movement with shade and shadow.

In response to comments from the Board, Mr. Spink testified if the home were to be reduced and pushed back it would not utilize the existing foundation. The proposed plan meets the height requirements and all other bulk requirements, other than for the (4) requested variances.

Mr. Spinks testified window wells proposed on the north side of the house provide some light into the basement, become part of the structure and are included in the setbacks, requiring a 32.5 ft. side yard setback vs. 35 ft. permitted. Mr. Spinks testified (1) bedroom is proposed in the basement requiring an egress window in the rear of the dwelling.

Referring to Ms. Boland's review letter, paragraph #15 regarding roof elevation, Mr. Spink testified wiggle room was incorporated into the design. The Code will be followed and the pitch adjusted in the field to get it below the 35 ft. requirement. The upper roof will be membrane with aluminum coping, matching the same color as the slate roof.

Mr. Virgona opened the Hearing to Members of the public regarding Mr. Spink's testimony. No one appeared to provide comment.

Mr. Whitaker stated variance relief can be granted applying the C-1 and C-2 criteria. The aesthetics can be a public benefit outweighing any detriment. From a standpoint of soil disturbance, not starting over again, but working from what exists there now is a benefit.

Discussion followed.

Mr. Virgona opened the Hearing to Members of the public regarding the application. No one appeared to provide testimony.

Mr. Virgona closed the Hearing.

A motion to approve the application as presented by Mr. Friedman seconded by Councilman DeBerardine.

Roll Call

Ayes: 9 Mr. Friedman, Councilman DeBerardine, Mr. Preusch, Mr. Wortmann, Mr. Prober, Mr. Stutman, Mr. Bakal, Mr. Polizzi, Mr. Virgona

2. Application of **Pellum Benju**
25 Parker Place – Block 506 – Lot 7
(Side Yard Setback/Building Height/Reconstruct New Dwelling)

Mr. Benju advised that he would be representing himself. Mr. Virgona asked if the applicant was familiar with and able to provide certain legal proofs required by Municipal Land Use Law.

Mr. Latinsics, P.E., for the applicant requested a brief recess.

Mr. Benju requested the application be carried to the February 27, 2014 Public Hearing without further notice required.

PUBLIC COMMENT

Mr. Virgona opened the Meeting to Members of the public.

Daryl Moscovitz, 6 Stonegate Road asked if it were the appropriate time to provide comment regarding the application of Benju, 25 Parker Place.

Mr. Virgona advised testimony cannot be provided on an application that has not been heard.

ADJOURNMENT

A motion to adjourn by Councilman DeBerardine seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Linda Marmora
Clerk