

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, OCTOBER 8, 2014

Mr. Virgona called the meeting to order at 7:37 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, 2014 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, Mr. Friedman, Mr. Stutman, Mr. Wortmann, Mr. Bakal, Mr. Richardi, (*Councilman DeBerardine & Mr. Preusch arrived at 7:55 p.m.*)

Absent: Councilman DeBerardine, Councilman Durante, Mr. Preusch, Mr. Prober, Ms. Rosenthal

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

APPROVAL OF MINUTES: A motion by Mr. Polizzi seconded by Mr. Friedman to adopt the minutes of the Wednesday, September 10, 2014 meeting was unanimously approved by all Members present.

RESOLUTION (*Memorialization*)

1. Application of **Bergey, LLC** ***APPROVED***
154 Lake Street – Block 1109 – Lots 6.01 & 6.02
(Soil Moving, Variances: Height, Sid3 & Rear Yard Setbacks/
New Home Construction)

Mr. Madaio reviewed the Resolution. A motion by Mr. Friedman seconded by Mr. Bakal to adopt the Resolution as presented.

Roll Call

Ayes: 6 Mr. Friedman, Mr. Bakal, Mr. Wortmann, Mr. Stutman, Mr. Polizzi, Mr. Virgona

CORRESPONDENCE

After reviewing E-Mail correspondence dated October 8, 2014, Mr. Virgona announced the following:

The application of **Nirchio – 16 Oak Drive – Block 1210 – Lot 3** and the application of **Ribellino-31 Hampshire Hill Road – Block 205 – Lot 12** are carried to the Wednesday, November 12, 2014 meeting without further noticing required.

The applications of **Martin Wojcik & Creative Gardens; and Concerned Citizens of USR, Inc. 409 East Saddle River Road – Block 810 – Lot 6** are carried to the Wednesday, December 10, 2014 meeting without further noticing required.

PUBLIC HEARING

1. Variance application of **Eric Weiner & Vida Mylson**
7 Brookside Drive – Block 1010 – Lot 5
(Side Yard Setback/*Existing HVAC Units*)

James Jaworski, Esq., representing the applicants advised this is a simple application with respect to (1) one variance regarding the location of the air conditioning units of a newly constructed modest home on an undersized lot.

Mr. Jaworski submitted the following exhibits for identification: **A- 1:** *Survey prepared by James E. Drum, dated July 2, 2014 last revised August 21, 2014;* **A-2:** *Series of (5) photographs depicting existing conditions and a Google Earth aerial photograph;* **PB – 1:** *Boswell Engineering review letter dated September 5, 2014.*

Mr. Jaworski explained the air conditioning units were located in error 32.4 ft. in the southern side yard setback where 35 ft. is permitted. The variance requirement was discovered when the applicants submitted an As Built Survey when applying for a Final Certificate of Occupancy.

Mr. Jaworski stated the units could be placed behind the home, but are centrally positioned on the business side of the house, which is the right place for the units to be located. The applicants are asking for the requested 2.4. ft. side yard setback variance relief as their home and the property located to the south both have their AC units facing each other and therefore are not an issue.

Mr. Jaworski stated the requested variance can be granted under the C-2 flexible C variance. Landscaping is proposed on the side and front that will mitigate the presence of the units which the applicant will accept as a condition of approval. The current location and proposed landscaping promotes a desirable appearance, promoting health and safety; and provides no detriment to the public good or negative impact to the surrounding properties.

A motion by Mr. Richardi seconded by Mr. Friedman to open the Hearing to Members of the public. No one appeared to testify.

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

A motion by Mr. Friedman seconded by Mr. Polizzi to approve the application as submitted conditioned upon adequate landscaping is provided in order to screen the air conditioning units from all neighbors.

Roll Call

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

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Friedman was unanimously approved
by all Members present. Meeting adjourned at 8:01 p.m.

Respectfully submitted,

Linda Marmora
Clerk