

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES**

**WEDNESDAY, OCTOBER 14, 2015**

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 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. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Wortmann, Mr. Donato

**Absent:** Mayor Minichetti, Councilman DeBerardine, Ms. Rosenthal

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Eileen Boland, P.E., Boswell Engineering, Planning Board/Borough Engineer  
Edward Snieckus, P.P., Burgis Associates, Borough Planner

**PUBLIC ANNOUNCEMENT**

Mr. Virgona advised the Application of *Blake Gardens, LLC, 62 Sparrowbush Road, Block 502 – Lot 1.01* scheduled on the Agenda has been carried to the November 12, 2015 meeting at 7:30 p.m. without further noticing required.

**APPROVAL OF MINUTES:** A motion to adopt the minutes of the September 24, 2015 meeting by Mr. Polizzi seconded by Mr. Richardi was unanimously approved by all Members present

**RESOLUTION** (*Memorialization*)

Application of **Ramsey Auto Body** ***DENIED***  
**265 Route 17 South – Block 1301 – Lot 8**  
(Lift Condition of 2003 Stipulation Agreement/*Permit* (3) Additional Tow Trucks)

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

**Roll Call**

**Ayes:** 6 Mr. Richardi, Mr. Polizzi, Mr. Preusch, Mr. Jacobs, Mr. Donato, Mr. Virgona

## **PUBLIC HEARING**

### **1. Ordinance #17-15/Amendment to Borough Code Chapter 150-19** *(Recommendation to Mayor & Council)*

Members reviewed and discussed Ordinance #17-15 amending Chapter 150-19 Zoning of the Borough Code. The Ordinance deletes paragraph H entitled “Stables”.

A motion by Mr. Polizzi seconded by Mr. Bakal to open the Hearing to the Public regarding the Amendment. Upon no one appearing to provide comment, Mr. Virgona closed that portion of the Hearing.

A motion by Mr. Preusch seconded by Mr. Polizzi for the Board to recommend the Mayor and Council adopt Ordinance #17-15.

### **Roll Call**

**Ayes:** Mr. Preusch, Mr. Polizzi, Mr. Jacobs, Mr. Bakal, Mr. Wortmann, Mr. Richardi,  
Mr. Donato, Mr. Virgona

### **2. Application of Rosa and Anthony Grippa** **10 Partridge Hill – Block 901 – Lot 9** *(Variances: Front & Side Yard Setbacks/As Built Construction)*

Bruce Whitaker, Esq., representing the applicant, provided a brief overview of the application requesting variance relief for front and side yard setbacks in connection with a new home constructed using an existing foundation. The infringement into the setbacks were discovered when the As-Built Survey was submitted to the Building Department upon completion of construction.

Mr. Whitaker summarized the requested variances: 34.8 ft. southerly side yard setback measured to the overhang vs. 35 ft. required; 34.4 ft. northern side yard setback measured to the overhang vs. 35 ft. required; 48.1 ft. front hard setback measured to the overhang vs. 50 ft. required. Mr. Whitaker submitted photographs identified as (A-2) depicting the rear portion of the building.

Gerald Gardner, P.E, Houser Engineering, duly sworn by Mr. Madaio, testified to having prepared the *As-Built Plan Site Plan, dated September 10, 2015 submitted and identified as (A-1)*. Mr. Gardner reviewed the plans, testifying to the home being constructed over the existing foundation, with the walls of the building and foundation meeting the zoning requirements but infringing due to the overhangs.

In response to comments from the Board, Mr. Gardner testified the roof pitch determined the overhang. The approved plan required no variances however it was shorter than what was built; the rear portion stopped approximately (1) ft. from the corner; the Plan shows the soffit matches the approved plan. The foundation of the new construction was not expanded; the home was built over the existing foundation as the previous home.

Eileen Boland, commented the plan was approved by the former Board Engineer and showed the intent was to make it conform.

A motion to open the Hearing to Members of the public by Mr. Polizzi seconded by Mr. Jacobs.

Upon receiving no comments from the public or additional comments from the Board, Mr. Virgona closed that portion of the Hearing.

Mr. Whitaker stated to eliminate the overhangs would have an adverse effect on the architecture of the house and asked that the Board approve the application for the requested variances based upon the de minimus overhang measurements that are not readily discernable from the street or neighboring properties.

A motion by Mr. Polizzi to approve the application as presented seconded by Mr. Donato.

### **Roll Call**

**Ayes:** 8 Mr. Polizzi, Mr. Donato, Mr. Preusch, Mr. Wortmann, Mr. Jacobs, Mr. Richardi, Mr. Bakal, Mr. Virgona.

3. Application of **Gabriela & Narcis Naydenov**  
**21 Brook Road – Block 209 – Lot 7**  
(Soil Movement Permit/*New Home Construction*)

Bruce Whitaker, Esq., representing the applicant, stated this application pertains only to soil movement in connection with construction of a new home; no waivers or variances are required.

Tibor Latinsics, P.E., duly sworn by Mr. Madaio, testified to preparing the Plans for which no variances or waivers are required. *Exhibits A-1 through A-5* were entered into the record as enumerated on a list provided by Mr. Latinsics. Mr. Latinsics testified to the existing conditions of the property located in the Flood Plain featuring a topographic knoll that is the location of the existing and future home. The soil conditions are ideal for the proposed septic and storm water management systems.

Mr. Latinsics reviewed the proposed plans to construct a new 1 ½ story home with an attached (3) bay garage, a single bay garage attached to the dwelling and various improvements as provided in the Boswell Engineering review letter dated October 8, 2015. The proposed soil moving permit includes 1,057 c.y. of excavation and 1,632 c.y. of fill.

In response to comments from the Board, Mr. Latinsics testified the soil imported to the site will be certified as coming from a reliable source. Due to the flood plain restrictions, the proposed home features a crawl space but no basement.

Mr. Whitaker advised the applicant recognizes A Flood Hazard Area Permit is required from the NJDEP prior to the issuance of any Borough Permits.

Mr. Latinsics testified existing drainage patterns will be maintained and improved with the installation of (8) additional seepage pits. Any removal of wood vegetation is reviewed and regulated by the NJDEP.

In response to comments from the Board, Mr. Latincics testified the proposed plan calls for cutting and filling in the flood plain, mounding the house up to be above the flood plain. Referencing the Riparian Zone restrictions, Mr. Latincics testified any removal of woody vegetation requires NJDEP review and replanting.

Mr. Latincics testified he is confident the foot print will be approved by the NJDEP, with any change in soil movement requiring the applicant to come back to the Board in accordance with Borough Ordinance. Mr. Latincics stressed there are no plans for an outdoor pool or tennis court, though this property is one of a few that could support it. However if and when, would require an application to be filed with the NDEP.

Discussion followed regarding the applicant's request to live in the existing house while the new house is being constructed. Mr. Whitaker said the old home would be demolished (60) days after the new home has been completed, agreeing to a time constraint and the issuance of a letter of credit as a guarantee.

Mr. Latincics testified to the limits of the Flood Hazard Area of the proposed new home being consistent with the Preliminary FEMA Maps scheduled to be adopted at the end of this year. Mr. Latincics testified the proposed new home has no basement, nor underground garage; flood waters coming down the river will not enter the low portion of the property. The driveway runoff will be collected by trench drains.

A motion by Mr. Polizzi seconded by Mr. Richardi to open the Hearing to Members of the public regarding testimony provided by Mr. Latincics.

*Edward Cenci resident, 8 Brook Road*, duly sworn by Mr. Madaio, circulated various communications and photographs, *identified as O-1*. Mr. Cenci provided comments objecting to the application. Discussion followed. Mr. Whitaker objected to Mr. Cenci's statements as they are under NDEP regulations and advised the applicant will meet the standards under Borough Ordinance.

Mr. Latincics testified the existing driveway elevation is 276 and the proposed driveway is 276. The gravel is part of the soil moving application; and the applicant will be using a low boy to keep the water table from entering the seepage pits. The new home is being placed higher on the knoll, the existing home is lower.

*Brian Waldbaum resident, 4 Corn Mill Court*, duly sworn by Mr. Madaio, expressed concern regarding the imported soil having an impact on his well water. In response, Mr. Latincics advised the soil comes from a reputable company, and will not impact well water.

*Elena Ganialina resident, 9 Brook Road*, duly sworn by Mr. Madaio, expressed concern regarding the size of the proposed home next to her house. In response, Mr. Latincics reviewed the building coverage testifying the proposed 80 ft. width, 1 ½ story home is less than the standard in Upper Saddle River.

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

A motion by Mr. Bakal seconded by Mr. Wortmann to approve the application as presented.

## Roll Call

**Ayes:** 7 Mr. Bakal, Mr. Wortmann, Mr. Preusch, Mr. Jacobs, Mr. Donato, Mr. Polizzi, Mr. Virgona

**Nay:** 1 Mr. Richardi

The Board recessed at 9:30 p.m. and reconvened at 9:40 p.m.

2. Application of **East Crescent Development Corp., LLC**  
**558 & 572 East Crescent Avenue – Block 601 – Lots 2 & 3**  
(Preliminary & Final Site Plan Approval; Use Variance, Bulk Variances;  
Soil Moving Permit/*Redevelopment for Office & Retail Use/Restaurant*)

Antimo Del Vecchio, Esq., representing the applicant, advised the subject property consists of 1.57 acres and is located in the IP Zone. The applicant is requesting preliminary site plan approval requiring use and bulk variances and a soil moving permit. The following documents were submitted and identified: (A-1) *Public Notice*; (A-) *Site Plan, dated May 18, 2015 revised through September 28, 2015, prepared by MAP Engineering*; (A-3) *Architectural Plans (Schematic Set) dated July 7, 2015 prepared by Zampolin & Associates*; (A-4) *Drainage Calculations dated May 4, 2015 prepared by MAP Engineering*; (A-5) – *Traffic Analysis dated September 30, 2015, prepared by Dolan & Dean Consulting Engineers*; (A-6) *Dolan & Dean reply Memo to Police Chief dated September 30, 2015*; (A-7) *Single Sheet Colored Site Plan displayed on Easel*; (A-8) *Aerial Photographs via Google Map*; (A-9) – *Color Rendering of Proposed Building prepared by Zampolin Engineering*; (A-10) – *Photographs of Surrounding Property Uses*; (B-1) – *Boswell Review Letter dated July 8, 2015*; (B-2) – *Boswell Review Letter dated October 12, 2015*; (B-3)- *Burgis Review dated July 23, 2015*; (B-4) *Burgis Report dated October 12, 2015*; (B-5) *Police Chief Rotella Memorandum dated July 22, 2015*; (B-6) – *Drainage Review dated July 30, 2015 prepared by Foremost*.

Mr. Del Vecchio advised after receiving an extensive memorandum from the USR Police Chief regarding traffic safety issues, the applicant consulted new professionals, tweaked the original plans and is now ready to present a much better application that what was reviewed at the conceptual stage by this Board. Mr. Del Vecchio stated the quality of the upscale development is the right size office and retail/restaurant space proposed within the neighborhood. The site rising up to the rear of the property caused the applicant's professionals to work with the topographically challenged grade. The proposed development features the retail space in front and the office space accessed from the rear, requiring a (2) storied Lobby with an elevator provided as part of function.

Mark Palus, P.E., duly sworn by Mr. Madaio, testified the maps, plans, aerial photographs, and colored rendering were prepared by him or under his supervision and; to being familiar with the neighborhood and the regulations applicable to this project. Mr. Palus provided an overview of the proposed development for the current (2) independent lots located in the IP Zone. All existing improvements are to be removed from the sloping undersized property and redeveloped with a (2) tier approach having retail along the front with banked parking and a driveway to the rear, with access to the proposed professional office suites directly onto the second floor. The proposed restaurant is located on the far right side; the proposed coffee shop with a drive - thru feature is located on the far left side. The drive-

thru exits out into a (1) way traffic aisle which was re-worked based upon the Police Chief's comments.

Mr. Palus reviewed the general uses of the surrounding properties and larger commercial buildings. Mr. Palus testified the reproduction of the original site plan and each of the surrounding parcels accurately reflects and represents the current conditions. The new proposed 21,000 s.f. structure is smaller than the 25,000 s.f. structure approved for the previous application approved by the Zoning Board in 2007. Mr. Palus reviewing *Exhibit A-8* testified from an environmental standpoint, the subject property is a completely clean site.

Mr. Palus reviewed the proposed front site layout providing a bank of (59) parking spaces meeting ADA requirements; a large promenade area located between the parking lot and the building with landscaping and plantings to facilitate pedestrian traffic across the entire front of the building. The rear site layout provides (47) parking spaces and an additional (9) spaces and; entry to a (2) story lobby accessing the professional office suites. The valet area is located on the right side of the building, and based upon the comments of the Police Chief, will only be used Thursday, Friday and Saturday. The valet area can double as a loading area having a 14 ft. height, and when occupied there is still means to access the rear property by bypassing and continuing around.

Mr. Palus reviewed the functions of the proposed coffee shop: menu board and drive-thru is located on the northern side of the building, accessed via a one way traffic aisle; the coffee shop anticipates (16) seats inside; stacked employee parking is located on the east side to minimize in and out traffic. A variance is required for the width of the drive aisle.

Mr. Palus testified the applicant will connect to the same existing utility services for water, gas, cable, electric and telephone. The existing properties use a septic system. The applicant proposes to connect to the sanitary sewer service subject to the Ten Cee's Agreement shared by the Borough of Upper Saddle River and the Borough of Ramsey. The calculated daily sewerage flow for the proposed development is 5,067 gallons per day. The existing permitted allocation per day for each property is 1,600, making it necessary to acquire additional sewer rights.

Mr. Palus testified to the grading and soil moving required to modify the topography for the proposed uses. The applicant estimates a total of 7,000 c.y. of soil required to excavate the site: 5,584 c.y. net export and 1,126 c.y. of fill.

Mr. Palus testified drainage review would be provided at a subsequent meeting.

In response to comments from the Board, Mr. Palus testified to an 11 ft. grade difference from the front to the back of the property.

In response to comments from the Board regarding the valet parking, Mr. Palus testified the valet service is not full time and will only be operational during busier periods. Vehicle owners enter and exit their vehicles in a 7 ft. wide area; the vehicles are then taken by valet attendants to the rear of the property to be parked.

Mr. Palus testified to the variances required for the proposed parking: 115 spaces proposed vs. 127 required. The size of the proposed spaces is 9 ft. x 18 ft. vs. 10 ft. x 20 ft. required.

Mr. Virgona advised continuation of this application is carried to the Thursday, October 22, 2015 meeting at 7:30 p.m. without further noticing required.

**PUBLIC COMMENT**

A motion by Mr. Polizzi seconded by Mr. Wortmann 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. Wortmann was unanimously approved by all Members present. Meeting adjourned at 10:34 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

