

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, AUGUST 10, 2016

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 by fax and mail to The Record and The Ridgewood News on December 31, 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, Mayor Minichetti, Mr. Preusch, Mr. Jacobs, Mr. Richardi, Ms. Miller
Mr. Bonjuklian

Absent: Mr. Polizzi, Councilman DeBerardine, Mr. Bakal, Mr. Donato

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

APPROVAL OF MINUTES: A motion to adopt the meeting minutes of June 29, 2016 and July 28, 2016 by Mayor Minichetti seconded by Ms. Miller was unanimously approved by all Members present.

Mr. Preusch requested the record reflect that he abstained from approving the minutes of the June 29, 2016 meeting as he was not present.

PUBLIC HEARING

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

James Jaworski Esq., representing Mr. & Ms. Abuladze, advised the applicants demolished an existing ranch home, retained the foundation and constructed a new home with an additional story. During the course of construction it was discovered that because of the pitch of the property, the foundation frontage outer rim-joint had been considerably compromised by storm water flowing toward the home's foundation. A decision was made to add a single block to elevate the connection between the wood and foundation, which added 8 inches to the height of the structure. An as-built roof elevation of 343.7 ft. indicates a 0.7 ft. building height variance is required.

Angelo Onello, P.E, for the applicants, duly sworn by Mr. Madaio, testified prior to construction, the front yard of the property sloped towards the foundation of the home. Construction revealed the first floor outer rim joist had been substantially compromised by the flow of stormwater, as evidenced by the exposed rotted wood. In an effort to eliminate re-occurrence in the future, the lowest elevation of 308.7 ft. was raised to a higher elevation of 309.5 ft. in order to push the water away from the front

door which made the roof-ridge elevation 34.9 ft.; however, Borough Code measures roof-height from the pre-existing grade, resulting in a request for 0.7ft. roof height variance.

The following documents were submitted, identified and reviewed: **A-1:** *Residential Plot Plan, prepared by Onello Engineering, dated May 22, 2015, last revised July 1, 2016;* **A-2:** *Residential Area Plan, prepared by Onello Engineering, dated August 9, 2016;* **A-3:** *Profile of Residence for Abuladze, prepared by Onello Engineering, dated July 7, 2016;* **B-1:** *Boswell Engineering review letter dated October 15, 2015;* **B-2:** *Boswell Engineering review letter dated July 15, 2016.*

In response to comments from the Board, Mr. Onello testified the correction of the grading issue was a practical solution. Lowering the roof-ridge would compromise the home's architectural integrity and the second floor addition is dependent on holding the designed roof-ridge height.

Mr. Onello testified there was no impact on the surrounding homes and that the property met the conditions to grant the requested height variance based upon the application meeting the following criteria: the exceptional topographic conditions; the strict application of any regulations would result in exceptional practical difficulties or undue hardship; the variance advances the purposes of Municipal Land Use Law and could be granted without substantial detriment to the public good; the benefits substantially outweigh the detriments and would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Mika Abuladze, applicant duly sworn by Mr. Madaio, testified the grade of the soil was raised in the rear to compensate for the increased ridge height. Mr. Abuladze testified the revised plans were submitted to the Borough in April after the work was performed.

Mr. Madaio advised an application should have been filed as soon as the discrepancy had become apparent. Discussion followed.

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

No one appeared to provide comment. With no further comments from the Board or public, Mr. Virgona closed that portion of the Hearing.

Mr. Jaworski summarized the application, stating it is a modest but beautifully designed and built home; the height is the only issue and due to the topography of the property qualifies for a C-1 variance. In terms of impact to surrounding property owners, in absence from an engineering standpoint, no one will be able to discern the minor deviation of 0.7 ft. from the height requirement. Mr. Jaworski requested the Board grant the requested relief after the fact.

A motion to approve the application by Mayor Minichetti seconded by Ms. Miller.

Roll Call

Ayes: 7 Mayor Minichetti, Ms. Miller, Mr. Preusch, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Mr. Virgona

2. Variance Application of **Douglas & Tamara James**
2 Birch Court – Block 1104 – Lot 1
(Side & Rear Yard Setbacks/*Outdoor Patio/Kitchen*)

Jennifer Knarich, Esq., representing the applicants, advised the application is for site plan approval with variance relief. The proposed improvements include the removal of an existing deck and the addition of several outdoor features; installation of a seepage pit; and landscaping.

In addition to receiving a letter of denial from the Zoning Officer, the Boswell Engineering review letter dated July 27, 2016 indicated an additional variance was required for the retaining wall.

Kent Rigg, P.E, duly sworn by Mr. Madaio reviewed the existing non-conforming conditions and testified to preparing the site plan and stormwater calculations. The following documents were submitted and identified: **A-1:** Site Plan of Property *prepared by Ken Rigg, P.E, dated May 4, 2016 last revised May 10, 2016*; **A-2:** Stormwater Management Calculations prepared by Kent Rigg, P.E, dated May 10, 2016; **A-3:** *Google Map*; **A-4:** *James Residence, Patio, Outdoor Kitchen & Wall Plan, prepared by Borst Landscape & Design dated January 26, 2016*; **A-5:** *Colorized Rendering Proposed Improvements*; **A-6:** *Photo Existing Conditions*. **B-1:** *Boswell Engineering Review Letter dated July 27, 2016*. Mr. Rigg described the surrounding area and outlined the existing conditions of the property located at the end of a cul-de-sac with a non-conforming lot depth of 126.2 ft. vs. 150 ft. required.

Mr. Rigg reviewed the proposed improvements which include removal of the existing deck and construction of a masonry retaining wall, masonry steps with landings and piers, outdoor kitchen, fire pit, seepage pit for stormwater runoff, and landscaping.

Mr. Rigg testified to the following requested variances: 20.6 ft. rear yard setback proposed vs. 35 ft. required; 12 ft. southern side yard setback proposed vs. 35 ft. required; 3.9 ft. high retaining wall vs. 3ft. height permitted.

In response to comments from the Board, Mr. Rigg testified a seepage pit is being added toward the front, 7 ft. off the property line.

A motion by Mr. Richardi seconded by Mayor Minichetti to open the Hearing to the public regarding the testimony provided by Mr. Rigg

Sid Davidowitz – 29 Elizabeth Terrace, provided comment regarding the proposed large retaining wall as will be viewed from his home; the proposed landscaping and the potential for drainage issues impacting his property. *In response, Mr. Rigg testified the improvements are proposed 4 ft. lower than the existing deck that is located at the first floor elevation. The proposed seepage pit will mitigate drainage issues.*

Manny Haber, 25 Elizabeth Terrace, expressed concern regarding drainage issues. *In response, Mr. Rigg reviewed the drainage improvements.*

Joseph Tuttle, Borst Landscaping, duly sworn by Madaio, testified to preparing Exhibits **A-4** and **A-5**. Mr. Tuttle reviewed the overall site plan for the patio, describing the existing foliage that provides screening, proposed plantings, the stone to match that of the house and the varying height of the proposed walls

and steps.

In response to comments from the Board, Mr. Tuttle testified the location of the proposed outdoor kitchen is a practical one nearest the entry to the indoor kitchen. Discussion followed regarding the extent of the requested variances.

The Board recessed at 9:22 p.m. and reconvened at 9:28 p.m.

Ms. Knarich advised that revised plans would be submitted, requesting the application be carried to the September 14, 2016 meeting without further notice required; and extended the time within which the Board is to render a decision.

PUBLIC COMMENT

A motion to open the Meeting to Members of the public by Mr. Preusch seconded by Ms. Miller. No one appeared to provide comment.

ANNOUNCEMENT

Mr. Virgona announced the Thursday, August 25, 2016 Planning Board meeting is canceled due to lack of quorum. The next meeting will be held Wednesday, September 14, 2016 at 7:30 p.m.

ADJOURNMENT

A motion to adjourn by Mr. Preusch seconded by Ms. Miller was unanimously approved by all Members present. Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Linda Marmora, Clerk

