

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, JANUARY 10, 2018

Mr. Madaio, Esq. 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 17, 2017 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 (arrived 7:45 pm)
Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian (arrived 8 pm)
Ms. Schaum

Absent: Mr. Donato, Ms. Miller

Also Present: Mark Madaio, Esq., Board Attorney
Marisa Tiberi, PE, Boswell Engineering/Board/Borough Engineer
Joseph Burgis, Borough Planner (arrived 8 pm)

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to the following Board Members:

Mayor Minichetti	1 year term ending December 31, 2018
Councilman DeBerardine	1 year term ending December 31, 2018
Theodore Preusch	1 year term ending December 31, 2018
Todd Bakal	4 year term ending December 31, 2021
Roy Polizzi	4 year term ending December 31, 2021
Karen Miller	2 year term ending December 31, 2019
Meredith Schaum	1 year term ending December 31, 2018

REORGANIZATION

1. Election of Chairman

Mr. Madaio requested a nomination for the election of Board Chairman.

A motion by Mr. Polizzi nominating James Virgona to serve as Board Chairman seconded by Mr. Richardi.
No further nomination.

Roll Call

Ayes: 7 Mr. Polizzi, Mr. Richardi, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Ms. Schaum

2. Election of Vice Chairman

Mr. Virgona requested a nomination for the election of Board Vice Chairman.

A motion by Mr. Bakal nominating Roy Polizzi to serve as Board Vice Chairman seconded by Mr. Richardi.
No further nomination.

Roll Call

Ayes: 7 Mr. Bakal, Mr. Richardi, Mayor Minichetti, Mr. Preusch, Mr. Jacobs, Ms. Schaum, Mr. Virgona

3. Appointment of Board Attorney

Mr. Virgona requested a nomination for the appointment of Board Attorney.

A motion by Mr. Preusch to appoint Mark Madaio, Esq. Planning Board Attorney seconded by Mr. Polizzi.
No further nomination.

Roll Call

Ayes: 8 Mr. Preusch, Mr. Polizzi, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Ms. Schaum,
Mr. Virgona

4. Appointment of Board Engineer

Mr. Virgona requested a nomination for the appointment of Board Engineer.

A motion by Mr. Preusch to appoint Kevin Boswell Planning Board Engineer seconded by Mr. Richardi.
No further nomination.

Roll Call

Ayes: 8 Mr. Preusch, Mr. Richardi, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Ms. Schaum
Mr. Polizzi, Mr. Virgona

5. Adoption of Planning Board By-Laws

Mr. Virgona requested a motion to adopt the Planning Board By-Laws.

A motion by Mr. Polizzi to adopt the Planning Board By-Laws seconded by Mr. Preusch

Roll Call

Ayes: 8 Mr. Polizzi, Mr. Preusch, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Richardi,
Ms. Schaum, Mr. Virgona

the variance causes no substantial detriment to the public good or without impairing the intent and purpose of the zone plan and zoning ordinance.

In response to comments from the Board, Mr. Olsen testified the existing home meets all the required fire safety codes.

In response to comments from the Board, Ms. James testified she now resides in Florida; being the home is occupied by tenants, making it safer would put her mind at ease. Ms. James testified to the size of the home and that it would also help her in the future to sell the house if it had the added safety feature of the exterior staircase.

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

Daniel Wolf – 39 Hopper Farm Road, said there is more than 1 rental unit in the house.

Mr. Madaio advised the building inspector will come out and make sure it is a single family home.

In response to comments from the Board, Mr. Olsen testified from his personal observation of the first floor entry level, the second floor and the mezzanine, it is a single family dwelling; however he did not visit other areas of the home.

Ms. James testified the home has one kitchen and a wet bar; the entire occupancy of the house is one single family unit. The reason for the proposed staircase is because the house is very high and a very long way to exit the house from the second floor.

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

Mr. Virgona requested a motion to approve the application. A motion to approve was not entertained.

A motion to deny the application by Councilman DeBerardine seconded by Mr. Richardi.

Roll Call

Ayes: 9 Councilman DeBerardine, Mr. Richardi, Mayor Minichetti, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Ms. Schaum, Mr. Polizzi, Mr. Virgona

2. Application of the **Housing Development Corp. of Bergen County** (*Cont'd from October 26, 2017*)
570 Route 17 North – Block 1002 – Lot 4.02
(Preliminary & Final Site Plan Approval w Variances, Soil Moving/46 Low & Moderate Income Senior Housing Units/24 Low & Moderate Income Adult Special Needs & Veteran Housing Units)

Mr. Madaio counseled the record is to reflect Mayor Minichetti and Councilman DeBerardine recused themselves from this application and stepped down from the dais.

Holly Schepisi Esq, representing the applicant, advised Mr. Biale and Mr. Costa, both testifying at the October meeting, are unable to be here this evening; but believes sufficient testimony was provided by Mr. Costa.

Ms. Schepisi clarified Mr. Biale's testimony regarding the allocation of units. The project is composed of essentially one building with two wings; it was contemplated one wing with 24 units and one wing with 46 senior housing units. However, funding sources mandate the interspersing of seniors and special needs

housing. Also because of an esoteric rule, they are not permitted to have less than 80% of the units in one building; at least 80 % of the units' residents must be 55 years of age or older, the remaining units can be any age for disabled.

In response to comments from the Board, Mr. Schepisi advised the interspersing is mandatory under federal funding. The application can't be funded unless having received approvals. Ms. Schepisi advised there are no children. Ms. Schepisi explained although there is a resident superintendent, the project could not receive funding for children's special needs; it is independent living for people who can get around by themselves.

Kurt Vierheilig, AIA, DMR Architects, duly sworn by Mr. Madaio provided a brief recap of the Site Plan, Exhibit (A-2) prepared by Mr. Costa previously presented at the October 26, 2017 meeting. Mr. Veirhelig described the underground parking portion of the garage Exhibit (A-1) referring to a colorized version of Exhibit (A-11) providing 60 sheltered spaces. Mr. Vierheilig reviewed the first floor of the residential building consisting of a main entrance central to (2) wings; (2) activity rooms with (2) outdoor terraced areas; central mail and package room, laundry room, and small prep kitchens. The residential units on the first and second floors are uniform in size, 100 % handicapped accessible and each floor has a trash room. Mr. Vierheilig submitted and reviewed Exhibit (A-13) a colorized version of Exhibit (A-3) representing the second and third floor plan.

Mr. Vierheilig reviewed the exterior of the building, Exhibit (A-10) described as being a presentable high quality reflective of the community. The entrance is designed as a focal element with red stone veneer as accent material with a copper metal roof canopy. The majority of the building is cement board siding while the roof is fiber glass shingle. The overall aesthetic is on a residential scale. The front height of the building is 40.6 ft. and 54 ft. in the rear due to the topography. Mr. Vierheilig testified the only way to reduce the height is to remove the roof; but it is an important architectural element, not a flat roof.

Mr. Vierheilig submitted Exhibit (A-14) a colorized version of Exhibit (A-6) reviewed and described the rear elevations depicting the materials and configuration.

In response to comments from the Board, Mr. Vierheilig testified the separation for the first floor and second floors is 10.8 ft.; the third floor is 8.8 ft.

In response to comments from Mr. Burgis, Mr. Vierheilig testified he did not have the information as to what the tenants in the rear of the building would view. Discussion followed regarding the provision for additional landscaping.

In response to comments from the Board, Mr. Vierheilig testified the proposed Gazebo to be located in the surface outdoor area of the southern wing of the building, is a standard pre-fabricated design measuring 14 ft. x 14 ft. and 15 ft. in height.

Mr. Vierheilig reviewed the project identification sign featuring internally back-lit lettering.

In response to comments from the Board, Mr. Vierheilig testified the total sign height is 4.8 ft. and the length is 7 ft.

Board Members questioned if the open back of the garage can be louvered to screen the vehicles. Ms. Tiberi confirmed the refuse area located off the central drop off area is enclosed with a 6 ft. vinyl screening.

Board Members clarified the project is (3) stories high and suggested strategies be explored to make the building look lower in the back. In response, Mr. Vierheilig said he would look into it. Discussion ensued regarding the ventilation of the bathrooms and modifying the roof line in the back.

In response to comments from the Board, Mr. Vierheilig elaborated on the common areas and location of the heating and AC units.

A motion to open the Hearing to Members of the public regarding the testimony provided by Mr. Vierheilig.

Joseph Cadillac – 68 Brookside Drive, questioned the site restrictions and funding requirements for the Borough to be compliant with the Affordable Housing Units. In response, Mr. Burgis advised as per the settlement Agreement reached with Mack-Cali, the Borough has no ability to provide less than 70 units.

Mr. Cadillac questioned the fence located in the rear portion of the property. In response, Ms. Tiberi explained a 4 ft. fence is located atop the 3-5 ft. wall. Ms. Schepisi advised the style and color of the fence has not yet been selected but will be worked out in conjunction with the Engineer.

Mr. Cadillac provided comment regarding the retention basin. In response, Ms. Schepisi advised it is a shared obligation between the Borough and Porcelanosa.

Matt Herold, 2 Secor Road, questioned if the Borough has a fire truck capable of reaching the height of the building and also expressed his concern for safety regarding the ingress and egress of the parking garage. In response, Mr. Burgis clarified the gravel driveway existed in a very early version of the plan, but has since been eliminated. Mr. Madaio advised if it is changed in a way that alters the site plan, the applicant must return to the Board for approval.

Mr. Herold said he was upset that the zoning changed to accommodate the proposed building without his being made aware. Mr. Herold also commented the Engineer had previously testified the garage was card accessed, but it is open and raises concerns.

Mary Mitsinikos, 48 Pine Hill Drive, questioned why each of the requested variances should be granted. In response, Ms. Schepisi reviewed the variances explaining the Court settlement requires 70 units to be built on the property having unique factors.

Chris Mitsinikos, 48 Pine Hill Drive, commented he can see the rear upper level of the building from his kitchen window and daughter's bedroom. Mr. Mitsinikos, provided comment regarding shortening the height of the building and height of the wall. Discussion followed regarding the prospective of height in relation to the proposed structure as seen from his property.

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

Mr. Virgona requested the following information be submitted prior to the next scheduled Public Hearing: landscape plan; revised site plan with proper zoning table; complete understanding of the parking system; drawing depicting the wall and fence and the relocated generator depicted on the revised plan.

Mr. Virgona advised the application is carried to Wednesday, February 14, 2018 at 7:30 p.m. without further noticing required.

3. **Ordinance 13-17 “Tree Houses”**
(Referred by Mayor and Council)

(Continued from December 13, 2017)

Mr. Burgis advised that since the last meeting, he had reviewed Ordinances of other municipalities, but there was not much related to tree houses.

Board Members discussed expanding a clear definition of a tree house, restricting height and regulatory obligations.

Mr. Burgis advised he will prepare and submit an Ordinance for review.

PUBLIC COMMENT

Upon no one appearing to provide comment, Mr. Virgona closed the Meeting.

ADJOURNMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Virgona was unanimously approved by all Members present. Meeting adjourned at 10: 37 p.m.

Respectfully submitted,

Linda Marmora, Clerk

