

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, NOVEMBER 8, 2017

Mr. Polizzi called the meeting to order at 7:30 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 16, 2016 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. Polizzi, Mr. Preusch, Mr. Jacobs, Mr. Richardi, Mr. Donato, Mr. Bonjuklian, Ms. Schaum

Absent: Mr. Virgona, Mayor Minichetti, Councilman DeBerardine, Mr. Bakal, Ms. Miller

Also Present: Mark Madaio Esq, Planning Board Attorney
Marisa Tiberi PE, Boswell Engineering/Borough/Board/Engineer

APPROVAL OF MINUTES: A motion by Mr. Bonjuklian to adopt the minutes of the October 26, 2017 meeting seconded by Mr. Jacobs was unanimously approved by all Members present.

CORRESPONDENCE:

After reviewing E-Mail correspondence dated November 6, 2017 from Holly Schepisi Esq, Mr. Polizzi announced the application of **The Housing Development Corp. of Bergen County – 570 Route 17 North – Block 1002 – Lot 4.02** is carried to the Wednesday, December 13, 2017 Public Hearing at 7:30 p.m. without further noticing required.

PUBLIC HEARING

1. Application of **George Otras – 63 & 69 Eagle Rim Road – Block 705 – Lots 2 & 3**
(Minor Subdivision & Soil Moving Permit/*Land Swap/Rear Yard Improvements*)

Harold Cook Esq, representing the applicant provided an overview of the application to subdivide a portion of the Krell property located at 69 Eagle Rim Road and conveying it to the Otras property located at 63 Eagle Rim Road, for the purpose of constructing a cabana having an indoor pool in the rear yard. Mr. Cook advised there is an existing non-conforming shed that will be relocated to conform to Borough Ordinances.

The following Exhibits were submitted and identified: **A-1:** *Minor Subdivision & Residential Plot Plan for Otras, 63 & 69 Eagle Rim Road – Block 705 – Lots 2 & 3, prepared by Onello Engineering dated November 21, 2016 revised through August 8, 2017;* **A-2:** *Site Plan (2 Sheets) – New Cabana*

for Mr. & Mrs. Otras, 63 Eagle Rim Road prepared by William G. Brown, LA dated May 31, 2016 revised through August 14, 2017; **A-3: Aerial Survey.**

Angelo Onello, PE, duly sworn by Mr. Madaio, testified the plan to build a cabana featuring an indoor pool requires more property to make it a suitable project. Mr. Krell, 69 Eagle Rim Road has entered into an agreement to convey 2,141.67 sq. ft. of his property to that of Mr. Otras, 63 Eagle Rim Road. The proposed subdivision will result in both Lots remaining conforming in area and frontage. Mr. Onello testified in his professional opinion, the footprint of the proposed cabana and indoor pool is the same size as the standard 20 ft. x 40 ft. outdoor pool with a surrounding 8 ft. deck.

Mr. Onello testified the quantity of soil to be moved is 775 cubic yards excavated and 50 cubic yards of fill for the construction of the cabana, grading, and addition of dry wells in compliance with the storm water management required by Boswell Engineering.

Mr. Onello reviewed comments contained in the Boswell Engineering review letter dated August 31, 2017 advising the applicant will comply. Mr. Onello reviewed the Zoning Schedule testifying the proposed subdivision and the Plan to construct the cabana meets Code requirements for lot size and lot coverages.

Mr. Onello reviewed the Aerial Survey showing the entirety of Eagle Rim Road bound by Lilline Lane and the properties located within 200 ft. Mr. Onello testified the survey shows it is not uncommon to have several pools in the neighborhood.

In response to comments from the Board, Mr. Onello testified there is no existing problem with water run-off; any water in the rear lawn area where the cabana is to be constructed will be put into the ground.

Board Members expressed concern the proposed cabana could potentially be used as a guest house.

Discussion ensued questioning whether the proposed cabana being a separate 2-story entertaining facility is a permitted use.

A motion by Mr. Richardi seconded by Mr. Bonjuklian to open the Hearing to Members of the public regarding Mr. Onello's testimony. No one appeared to provide comment.

William Brown, Architect, duly sworn by Mr. Madaio, testified to preparing the building plans for the cabana. Mr. Brown testified the proposed cabana meets the height requirement and is consistent to the design of the existing dwelling on the property. Mr. Brown described the interior of the proposed cabana featuring an activity area with bathroom, laundry area, fireplace, kitchenette and exercise room on the first floor. The lower level has an inground pool, hot tub and bathroom.

In response to comments from the Board, Mr. Brown testified the size of the proposed cabana is conforming to the definition of an accessory structure.

Discussion followed regarding the proposed cabana meeting the criteria of an accessory use. Mr. Cook stated a deed restriction could be placed on the cabana stipulating it is not to be used as a guest house.

Mr. Madaio requested the Borough Planner review the Plan for compliance under the Ordinance.

Mr. Cook advised the applicant will provide a Planner at the next meeting.

George Otras, applicant, duly sworn by Mr. Madaio, testified to the reasons for wanting a cabana with an indoor pool and not a cabana and an outdoor pool. Mr. Otras testified the cabana and indoor pool is strictly for him to enjoy during all the seasons; no one is going to live or stay there.

A motion by Mr. Bonjuklian seconded by Mr. Richardi to open the Hearing to Members of the public. No one appeared to provide testimony.

Mr. Polizzi advised the application is carried to the Wednesday, December 13, 2017 meeting at 7:30 p.m.

ADJOURNMENT

A motion to adjourn by Mr. Bonjuklian seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 8:36 p.m.

Respectfully submitted,

Linda Marmora
Clerk