

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – THURSDAY, OCTOBER 25, 2018

Mr. Virgona called the meeting to order at 7:40 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 E-Mail and Regular Mail to The Record and The Ridgewood News on December 23, 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, Councilman DeBerardine, Mr. Presuch, Mr. Donato, Mr. Jacobs, Mr. Richardi, Ms. Schaum

Absent: Mayor Minichetti, Mr. Bakal, Mr. Bonjuklian

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

APPROVAL OF MINUTES: A motion by Councilman DeBerardine seconded by Mr. Polizzi to adopt the minutes of the May 9, 2018 meeting was unanimously approved by all Members present.

PUBLIC HEARING

1. Application of **Montclair Properties Group LLC**
23 Brook Road – Block 209 – Lot 8
(Preliminary & Final Site Plan Approval with Variances/New & Existing Non-Conforming Setbacks: Existing Flag Lot, Driveway, Pool Equipment, Wall Height & Location, AC Pad/
New 2 ½ Story Dwelling/2 Car Garage/Front & Rear Accesses)

William Strasser Esq, representing the applicant, advised the subject property is a non-conforming flag lot containing 49, 732 s.f. having 25 ft. lot frontage on Brook Road and bordered by the Saddle River on the western property line. The applicant is proposing to remove the existing dwelling and construct a new dwelling. Due to the shape of the property and environmental constraints, the applicant is requesting variances to construct the new dwelling continuing the existing non-conformities.

The following exhibits were submitted and identified: **A-1:** *Photo Board Depicting Existing Conditions*; **A-2:** *Full Set Engineering Plans (5 pages) prepared by Bertin Engineering: Demolition & Soil Erosion Control Plan dated May 17, 2018 revised through August 31, 2018; Site Plan dated August 2, 2018 revised through August 31, 2018; Grading & Septic Plan dated May 17, 2018 revised through August 31, 2018; Septic Details dated August 2, 2018; Boundary & Topographic Survey*

dated July 6, 2017; A-3: Architectural Plans dated June 21, 2018 revised through August 30, 2018 prepared by John Montoro, A.I.A; A-4: State of NJ DEP Flood Hazard Area Applicability Determination letter dated September 19, 2018; B-1: Boswell Engineering Review letter dated September 25, 2018.

Dawson Bloom PE, Bertin Engineering duly sworn by Mr. Madaio, testified to being retained by the applicant to prepare the Engineering Plans (A-2). Mr. Bloom reviewed the Plans describing the existing conditions and the proposed plan to demo the existing home, removal of the small shed, existing septic system and the general clearing of the site. Mr. Bertin described the proposed site plan to resurface the existing driveway, construct a new 2 ½ story dwelling having a 35 ft. expansion to the existing footprint which includes a (2) car attached garage accessed from the front and rear of the property. The pool and patio will be retained, with a compliant 4 ft. high pool fence; the existing pool equipment located in the 35 ft. setback will be moved to a conforming location. The (2) existing AC units in the setback will be located to the other side of the structure eliminating those variances.

Mr. Bertin testified a portion of the property is constrained environmentally due to the site containing the Saddle River along its western border making a large portion of the site not usable, the reason the proposed plan is utilizing the existing footprint. Mr. Bertin testified the applicant received verification from the DEP the proposed project qualifies for a Flood Hazard Area Permit By Rule.

Mr. Bertin reviewed the bulk requirements of the proposed dwelling located in the R-1 Zone: *Minimum Lot Size: 37,500 sf. Required – Existing 49,732 sf; Lot Frontage: 150 Required – 25 ft. Existing and cannot change; Lot Depth: 150 ft Required – 410 ft. Existing; Front Yard Setback: 50 ft. Required – 261 ft. Existing; Minimum Side Yard Setbacks: 35 ft. Required – 36 ft Existing – Proposed – 33.29 ft; 35 Ft. Rear Yard Setback Required – 56.4 ft Existing – Proposed – 55.2 ft; Maximum Building Height- 35 ft Required – 30 ft. Existing – Proposed – 33.29 ft; Maximum Improvement Coverage – 19.6 % Existing – Proposed 18.2%.* The existing driveway is non-conforming and can't conform.

In response to comments from the Board, Mr. Bertin testified the house is being built within the footprint of the existing house except for a small addition to the front of the house.

In response to comments from the Board, Mr. Bertin testified due to the constraints of the lot there is no other way the property can be developed. Regarding potential drainage issues for adjoining properties, Mr. Bertin testified the Saddle River is on western side of the property, the north east and south side are residential with no foreseen adverse effect to the neighboring properties.

Mr. Bertin described an existing retaining wall that appears to be holding up the parking area of the adjacent property.

In response to comments, Mr. Bertin testified the rubble block wall appears to have proper drainage, built to retain the high ground of the adjacent property owner's parking area.

Ms. Tiberi commented it is unclear who owns the wall that is located partially on the adjoining lot and the applicant's lot. It is not an issue except for a small portion that can be worked out.

Discussion ensued regarding the prior structure being constructed having a 51 ft. front yard setback, with the eastern property line considered the front yard. The proposed addition is slightly closer and would be compliant if considered the side yard, not compliant if it is the front yard.

Ms. Tiberi suggested for the purpose of establishing a front yard, call the eastern side the front yard which would require a variance. Mr. Strasser concurred.

John Montoro, AIA, duly sworn by Mr. Madaio, testified to preparing the Architectural Plan (*A-3*) for the proposed dwelling utilizing the existing slab on grade foundation. Mr. Montoro described the proposed 4,600 s.f. dwelling as a simple Colonial style home featuring stone work and hardy plank siding. The proposed roof line is wrapped around the side to break up the elevations, creating some interest rather than a boring box. Three (3) sump pumps are proposed throughout the raised first floor addition in the event they were to be flood, at least the water has a way of getting out.

In response to comments from the Board, Mr. Montoro testified the crawl space is located only in the addition with sump pumps located in the rear of the garage, under the great room and under the bedroom addition to allow water to flow under and out.

A motion to open the Hearing to members of the public by Mr. Polizzi seconded by Councilman DeBerardine.

Michael Clemente, 17 Corn Mill Court – duly sworn by Mr. Madaio, stated he is the property owner of the wall in question. Mr. Clemente was concerned that flooding would erode the wall. Mr. Bertin stated there would not be an issue with erosion, even if it floods, it is out of the area and would not be impacted. Mr. Clemente requested the applicant provide additional screening to mitigate the height of the proposed dwelling.

With no further comments from the Board or Public, Mr. Virgona closed the Hearing.

Mr. Strasser requested the Board approve the request for variances considering the proven hardship associated with the property and the benefits outweighing any detriments.

A motion to approve the application by Councilman DeBerardine seconded by Mr. Preusch.

Roll Call

Ayes: 8 Councilman DeBerardine, Mr. Preusch, Mr. Donato, Mr. Jacobs, Mr. Richardi, Ms. Schaum, Mr. Polizzi, Mr. Virgona

PUBLIC ANNOUNCEMENT

Mr. Virgona announced the Wednesday, November 14, 2018 Planning Board Meeting has been rescheduled to Thursday, November 29, 2018 at 7:30 p.m.

PUBLIC COMMENT:

A motion to open the meeting to Members of the public by Mr. Polizzi, seconded by Councilman DeBerardine. No one appeared to provide comment.

ADJOURNMENT: A motion to adjourn by Councilman DeBerardine seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 8:50 p.m.

Respectively submitted,

Linda Marmora, Clerk