

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD**

**MEETING MINUTES – THURSDAY, NOVEMBER 29, 2018**

Mr. Polizzi 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 E-Mail and Regular Mail to The Record and The Ridgewood News on December 23, 2017 and October 17, 2018 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, Mr. Bakal, Mr. Donato, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian

**Absent:** Mr. Preusch, Ms. Schaum

**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. Richardi to adopt the minutes of the October 25, 2018 meeting was unanimously approved by all Members present.

**RESOLUTION** (*Memorialization*)

1. Application of **Montclair Properties Group LLC** ***APPROVED***  
**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*)

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

**Roll Call**

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

**PUBLIC HEARING**

1. Application of **SH-729-744, LLC** (**Life Storage**)  
**211 Route 17 South – Lots 10 & 11**  
**(Preliminary & Final Site Plan Approval/Conformance)**

William Sullivan Esq., representing the applicant advised relief is requested from a condition imposed by the Zoning Board in their Resolution dated November 21, 1996, requiring all buildings comprising

the self-storage facility in excess of one story in height shall have the second story encased in glass rather than metal. Three of the four approved buildings have been constructed, the applicant is now constructing the fourth building and is requesting relief from this condition.

Christian Cuerto, PE, Harbor Consultants Inc. and Gregory Waga, RA, Waga Enterprises Architects, LLC witnesses for the applicant were duly sworn by Mr. Madaio.

The following exhibits were submitted and identified: **A-1:** *Existing Conditions Plan dated September 25, 2018 prepared by Harbor Consultants*; **A-2:** *Colorized Drawings Set of Existing Conditions*; **A-3:** *Google Map of Surrounding Area Properties*; **A-4:** *Proposed Site Plan dated June 15, 1999 prepared by Lapatka Associates*; **A-5:** *Architectural Plans – Pages A-1 & A-3 dated through September 18, 2018; Architectural Plans Page A-4 dated through April 16, 2018 prepared by Waga Enterprises Architects LLC*. **B-1:** *Boswell Engineering Review Letter dated October 11, 2018*.

Mr. Cuerto testified to and reviewed the existing site conditions and the proposed (2) story building.

In response to comments from the Board, Mr. Cuerto testified everything is consistent with the prior approvals: the proposed building will not increase impervious coverage, no additional landscaping is proposed and no new variances are required. The proposed building will be constructed on an existing pad constructed as per the original site plan approval.

Ms. Tiberi advised the applicant has complied with comments provided in the October 11, 2018 review letter but advised the applicant provide a copy of the Recorded Deed of Subdivision.

In response to comments from the Board, Ms. Tiberi advised the driving aisle width is adequate.

Mr. Cuerto testified the proposed lighting is the same as existing on the three previously constructed buildings, with no spillage onto adjacent properties. Discussion followed. Mr. Sullivan advised the applicant will submit a lighting plan for review and approval by the Borough Engineer.

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

Gregory Waga RA, testified to the architectural elements and layout of the fourth building to be constructed on the existing pad. In response to comments from the Board, Mr. Waga testified 141 units are provided on each floor for a total of 282 units. The building is climate controlled and fully sprinklered.

In response to comments from the Board, Mr. Waga testified at the time of the 1996 approval, it was a park and enter facility with entries to the building along the left and right sides; ramps were not proposed but are now included to satisfy the ADA requirements.

Mr. Waga testified to pedestrian egress and ingress and functionality accessing the units once inside the building. Discussion followed. Mr. Waga testified the applicant will satisfy all safety components.

Mr. Waga reviewed the elevations and neutral colors coordinated to blend with the existing buildings. In response to comments from the Board, Mr. Waga explained the proposed change from the glass upper story elevation to metal is more energy efficient. The fourth building is set far back and not seen from the street.

Eric Sweet, Vice President, Life Storage, duly sworn by Mr. Madaio, testified the proposed 42,000 sf building does not intensify its use. In response to comments from the Board, Mr. Sweet testified 8-10 people will visit the site daily, however once the units are fully rented there is very little traffic.

Mr. Sweet testified hazardous materials are not allowed in the facility. Customers sign a contract with conditions, surveillance cameras are in place but there are no special sensors.

The vehicles currently being stored on the existing pad are on a monthly lease and will be given 30 day notice to vacate once the building permit has been approved.

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

Discussion ensued as to the number of units, size of trucks accessing the site and fundamental design of the building regarding traffic safety issues.

Mr. Cuerto proposed an alternative plan having one- way traffic instead of two way. Further discussion ensued regarding the parking area provisions. Mr. Cuerto advised he will coordinate an acceptable Plan with the Borough Engineer.

Mr. Sullivan stated the applicant is asking relief from the prior condition, the building other than the ramps, will not be any more intense than what is already there and approved.

A motion by Mr. Polizzi seconded by Mr. Richardi to approve the application conditioned upon the applicant receiving Fire Department approval and coordinating the parking area provisions and the traffic pattern on the site with the Borough Engineer.

### **Roll Call**

**Ayes:** 9 Mr..Polizzi, Mr. Richardi, Mayor Minichetti, Councilman DeBerardine, Mr. Bakal, Mr. Donato, Mr. Jacobs, Mr. Bonjuklian, Mr. Virgona

### 2. Variance Application of **Shi/Huan**

#### **23 Tanglewood Hollow Road – Block 103 – Lot 20**

(Rear & Side Yard Setbacks: *Existing Patio, Concrete Walkway & (2) Sheds*)

Mark Ruffolo Esq., representing the applicant advised the applicant is requesting (6) variances to permit existing improvements to the property located on the eastern side of Tanglewood Hollow having extreme setbacks.

John Hodosh LA, duly sworn by Mr. Madaio reviewed the requested variances: 19 ft. rear yard setback to permit a pre-existing walkway vs. 35 ft. required; 25.8 ft. rear yard setback to permit a wood deck vs. 35 ft. required; 6.5 ft. rear yard setback to permit a brick patio vs. 35 ft. required; 34.3 ft. side yard setback to permit an addition's soffit vs. 35 ft. required; non-conforming driveway at 4.5 ft. at right- of -way vs. 10 ft. required; (2) existing non-conforming sheds vs. (1) permitted.

Mr. Hodosh testified this property has inherent hardships, everyone requires variances due to the extreme setbacks when the homes were constructed.

The following exhibits were submitted and identified: **A-1:** Survey prepared by prepared by Brooker Engineering dated January 12, 2017; **A-2:** Plot Plan/Architectural Plan prepared by George Hodosh Associates – Architects PC dated July 17, 2017 lv. Revised March 23, 2018.

Discussion ensued regarding if the work was done by the prior owner or by the applicant. Mr. Ruffolo advised his client purchased the home in 2012.

Mr. Madaio advised at that time, all nonconformities would have been picked up on the Survey. Therefore, it is the assumption the improvements were done by the applicant without permits and they are now here to obtain approval. Discussion followed.

Mr. Madaio said when the applicants purchased the property in 2012, they accepted the 1999 survey by affidavit of no change, so that none of the improvements requiring variances were existing.

In response to Ms. Tiberi regarding the permitted second story addition, Mr. Hodosh testified the second story was built according to the approved Plan, but was allowed to continue with an 8” non-conforming setback to the overhang understanding it would require a variance.

Mr. Hodosh testified the flagstone walkway existed when he took the job and the owner said it was there when they purchased it. Mr. Hodosh further reviewed the variances required for the deck and patio and driveway.

A motion to open the Hearing to the Public by Mr. Polizzi seconded by Councilman DeBerardine.

*Ralph Soukis, 27 Tanglewood Hollow Road*, duly sworn by Mr. Madaio, testified his property is located to the right of the Shi property. Mr. Soukis provided comments objecting to the non-conforming driveway and the non-conforming sheds. Mr. Soukis asked if the driveway can be cut back to conform.

In response, Mr. Ruffolo said the driveway traverses through the wetlands.

Mr. Madaio said the applicant should meet the burden of proof the driveway can't be moved.

*Donald Lehach, 71 Tam- 0-Shanter Drive, Mahwah NJ*, duly sworn by Mr. Madaio, said he spoke to the previous owners regarding the retaining wall which is located back to back with his property and the property in question.

Ms. Tiberi commented the map does not indicate any wall existed in 1999 or 2017; the wall is located at the end of a brick patio closest to his property line.

Mr. Lehach testified the brick patio and wooden deck were put in by the current occupants; the raised deck was existing.

In response to comments from the Board regarding previous work to the home, Mr. Hodosh testified he was not involved. The sliding glass door and deck was already there when he began working for the applicants in 2016.

Maria Florio, Hallmark Homes, Hohokus, NJ, duly sworn by Mr. Madaio, testified as the listing broker for the previous owners, the Hartnetts. Ms. Florio testified she found photographs of the old listing, showing the patio and pavers in their current condition. The flag stone walkway was there, as were the raised brick steps; the new owner (Shi) built a new deck when they put in the sliding glass door. The grade level patio was built after the closing. Ms. Florio further testified that all the homes located on Tanglewood Hollow have water in front; the driveways were built so as to get over the wet area.

A motion by Mr. Polizzi seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding the testimony provided by Ms. Florio. No one appeared to provide comment.

Mr. Lehach asked if the Hartnetts would be willing to testify.

*Ralph Soukis, 27 Tanglewood Hollow*, commented the reason the area in front of his home is flooded is because the Shi's cut a drainage trench with the ground raised on both sides, channeling water onto his property.

Ms. Tiberi advised the trenching and movement of water onto 27 Tanglewood Hollow would be checked by her office.

Mr. Lehach questioned if the deck and patio are located in a non-disturbance zone. Ms. Tiberi responded the paver patio is partially located in the 15 ft. non-disturbance area. The raised deck and patio are outside the non-disturbance area.

Mr. Ruffolo requested the application be continued to the next meeting, December 12, 2018.

*Ralph Soukis, 27 Tanglewood Hollow Road*, advising he will be away for the next several months, read his statement objecting to the application citing the violation of Borough Ordinances regarding the driveway, (2) sheds and the diversion of water by the Shi's onto his property.

Mr. Soukis requested permission to present photographs to the Board depicting the negative impact to his property caused by the applicant.

With no further comments from the Board or public, Mr. Virgona advised the application is carried to the December 12, 2018 meeting.

### **PUBLIC COMMENT**

A motion to open the Meeting to Members of the public by Councilman DeBerardine seconded by Mr. Polizzi. 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 10: 50 p.m.

Respectfully submitted,

Linda Marmora, Clerk

