

**APPLICATION TO
BOROUGH OF UPPER SADDLE RIVER
PLANNING BOARD**

SECTION I.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. Name of Applicant(s): Ryan Broderick and Nathalia Broderick
Telephone #: (201) 316-4747 Fax#: _____ E-Mail ryan@201injury.com
2. Address of Applicant(s) 25 Sunflower Drive, Upper Saddle River, New Jersey 07458
3. Applicant is a: Corporation _____ Partnership _____ LLC _____ Individual X

DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% or more interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% or more ownership criterion have been disclosed. (Attach pages as necessary to fully comply).

Name: N/A Address _____ Interest _____

Name: N/A Address _____ Interest _____

4. Name, Address and Telephone/Fax Number of Applicant's
Attorney: Sean R. McGowan, Esq., Bertone Piccini, LLP, 777 Terrace Avenue, Suite 201, Hasbrouck Heights, NJ 07604;
T: (201) 399-7237; F: (201) 483-9187
5. Name, Address & Telephone/Fax Number of Applicant's Engineer: _____
Jeff Egarian, P.E., DJ Egarian & Associates, 271 Route 46W, Suite G208, Fairfield, NJ 07004; T: (973) 898-1401; F: (862) 702-3017
6. Name and Address of Owner of Premises: Applicants are Owners
(If other than applicant, consent of owner must be obtained and Sec 27, must be completed.)
7. Relationship of Applicant to Owner of
Premises: Self
8. The property which is the subject of this application is known as
Block # 1112 Lot # 17
Address: 25 Sunflower Drive
Upper Saddle River, New Jersey 07458
9. The size of lot .86 acres.

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BOROUGH OF UPPER SADDLE RIVER
PLANNING BOARD

10. Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes (attach copies) _____ No Proposed _____

11. Present use of the premises: Residential

12. Description of proposed change: Removal of existing tennis court, walls, walkway, patios and rear deck.
Proposed new retaining wall, patios, deck, pergola, outdoor kitchen,
fireplace, spa, access walkway and drainage improvements.

13. The Zoning District in which the property is located: R-1 Residential

14. Date of Acquisition of Property (owner): 04/09/2018

15. Description of present structure: Present structure is a residence. There is a tennis court in the back of the
backyard that is being removed as part of the backyard renovation.

16. Size of present structure(s) footprint 5629 (unaltered by renovation) S.F.

17. Size of proposed addition footprint:

(dimensions) N/A S.F. (height) N/A (no.of stories) N/A

18.	Current Structure	Proposed Structure	Requirements per Zoning Ordinance
Left Side Yard Setback	<u>35 ft</u>	<u>35 ft</u>	<u>25 ft</u>
Right Side Yard Setback	<u>35 ft</u>	<u>35 ft</u>	<u>25 ft</u>
Front Yard Setbacks	<u>50.89</u>	<u>50.89</u>	<u>50</u>
Rear Yard Setbacks	<u>35 ft</u>	<u>35 ft</u>	<u>25 ft</u>
% of Building Coverage	<u>12.5%</u>	<u>12.5%</u>	<u>15%</u>
% of Improvement Coverage	<u>58.7%</u>	<u>35.4%</u>	<u>30%</u>
Height	<u>EL 142.13</u>	<u>EL 142.13</u>	<u>35'</u>

19. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

- _____ Minor Subdivision Approval
_____ Subdivision Approval (Preliminary)
_____ Subdivision Approval (Final)

Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

- Amendment Minor Site Plan Approval
_____ Preliminary Site Plan Approval (Phases (if applicable) _____)

Final Site Plan Approval (Phases (if applicable))
Request for Waiver From Site Plan Review and Approval

Reason for request:

- Appeal decision of an Administrative Officer (N.J.S. 40:55D-70a)
- Map or Ordinance Interpretation of Special Question (N.J.S.40:55D-70b)
- Variance Relief (hardship) (N.J.S. 40:55D-70c(1))
- Variance Relief (substantial benefit) (N.J.S. 40:55D-70c(2))
- Variance Relief (use) (N.J.S. 40:55D-70d)
- Conditional Use Approval (N.J.S. 40:55D-67)
- Total Number of Variances Requested

20. Section(s) of Borough Ordinance from which a variance is requested: 150-15 R-1 Residential District

21. Waivers Requested of Development Standards and/or Submission Requirements: (attach additional pages as needed) See the attached.

SECTION II.

22. Does the current owner or the applicant now own or have any interest in any other property which adjoins the property which is the subject of this application?

Yes _____ No _____

If yes, describe the property by Block _____ and Lot _____

23. Has the property which is the subject of this application been the subject of any previous appeal, request, or application to this or any other Borough Boards or the Constructional Official?

Yes _____ No _____

If yes, state the nature, date and the disposition of said matter and attach any prior resolutions.

SECTION III.

24. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises.

The Premises is a single family residential home in which the owners are requesting approval to make improvements to the outdoor backyard space. These improvements include the removal of an existing tennis court, walls, walkway, patios and rear deck. They propose to install a new retaining wall, patio, deck, pergola, outdoor kitchen, fireplace, spa, access walkway and drainage improvements.

25. Set forth any exceptional conditions of the property preventing the applicant from complying with the zoning ordinance.

Size of Property. The proposed changes to the property improve the level of deviation of existing non-conforming conditions.

26. Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

The proposed changes improve the level of deviation of existing non-conforming conditions by greatly reducing the lot coverage from 58.7% existing lot coverage to 35.4%.

27. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

(If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this _____ day of _____, 20__

NOTARY PUBLIC

Ryan Brodbeck

PRINTED NAME OF APPLICANT
[Signature]

SIGNATURE OF APPLICANT

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

(If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this _____ day of _____, 2020

NOTARY PUBLIC

Ryan Brodbeck

PRINTED NAME OF APPLICANT
[Signature]

SIGNATURE OF APPLICANT

**Supplementary Information for Application to Borough of Upper Saddle River
Zoning Board of Adjustments by Ryan Broderick and Nathalia Broderick**

Property Address:

25 Sunflower Drive,
Upper Saddle River, New Jersey 07458
Block 1112, Lot 17

Applicant:

Ryan Broderick and Nathalia Broderick, Owners

Professionals:

<p>Attorney:</p> <p>Sean R. McGowan, Esq. BERTONE PICCINI LLP 777 Terrace Avenue, Suite 201 Hasbrouck Heights, NJ 07604 direct: (201) 399-7237 main: (201) 483-9333 fax: (201) 483-9187 Email: smcgowan@bertonepiccini.com Website: www.bertonepiccini.com</p>	<p>Surveyor/Engineer:</p> <p>Jeff Egarian, P.E. DJ Egarian & Associates 271 Route 46W Suite G208 Fairfield, NJ 07004 Ph: (973)898-1401 Fax:(862)702-3017 www.djegarian.com</p>
<p>Landscaping:</p> <p>Matthew Jones, LLA Scenic Landscaping 7 Argyle Street Haskell, New Jersey 07420</p>	<p>Planner:</p> <p>TBD</p>

Nature of Application:

The Applicants are applying for an Amendment to their Site Plan and Variance Relief at their residence at 25 Sunflower Drive, Upper Saddle River, NJ from Borough of Upper Saddle River Planning Board. The property is the Applicant's current residence and is located in the R-1 Zone. This Applicant seeks to remove an existing tennis court, walls, walkway, patios and rear deck, and to install a new retaining wall, patios, deck, pergola, outdoor kitchen, fireplace, spa, access walkway and drainage improvements to the property.

The Owners acquired the property on April 9, 2018, and now wish to make the aforementioned improvements. The property contains pre-existing non-conforming conditions. The proposed improvements will not exacerbate the non-conforming conditions, and in some circumstances improve the deviations of the non-conforming conditions on the property.

Variances Requested:

The Application requires the Planning Board to approve the following variances and deviations, which are existing non-conforming conditions.

- a) The driveway is non-conforming for both the northern and southern side yard buffers that require a minimum setback of 5 feet. This is proposed to remain and not exacerbated by the proposed changes.
- b) A keystone wall exists within the southern side yard 10 foot buffer. This is proposed to remain and is not exacerbated by the proposed changes.
- c) Three (3) air conditioning units are non-conforming within the southern 35 foot required side yard setback with an approximate setback of 28 feet. These are proposed to remain and are not exacerbated by the application.
- d) The existing lot coverage is non-conforming at 58.7%. The proposed improvements shall reduce the lot coverage to be 35.4%, which is in excess of the required 30% for which a variance is required.
- e) The new retaining wall proposed exceeds 3 foot in height. This requires approval of a variance.

Variance Justification: The nature of the requested deviations on the Property are all pre-existing, non-conforming conditions. The proposed improvements will either not change the existing non-conforming conditions, or will improve the level of deviation of the existing non-conforming conditions.

First, the removal of the tennis court will drastically reduce the total coverage on the lot from 58.7% to 35.4%. Accordingly, the Applicant is requesting that a variance be granted pursuant to NJSA 40:55D-70c(1), for lot coverage since the level of deviation is being improved, and further reducing the lot coverage would negatively impact the nature and unique character of the Property and the reasons for why the Applicants somewhat recently purchased the Property.

Additionally, the remaining non-conforming conditions already exist, and are not impacted by this Application, nor does the nature of the proposed improvements give the Applicant the opportunity to alleviate these non-conforming conditions. Therefore, variances from the strict application of the zoning requirements is necessary to not cause hardship on the Applicants. Moreover, there is no detriment to the public good in granting these continuing variances.

Waivers Requested:

None, with the exception of potentially requesting a waiver for confirmation of the height of the structure. The height of the structure is not changing, and this Application, to the extent that it impacts the height of the structure on paper, is not changing the perception of the height of the structure or the views of the public or any surrounding neighbors. Accordingly, to the extent that a waiver is necessary for the information related to the height of the structure is necessary, the Applicant hereby requests a waiver for further confirmation of the height of the structure.