

**UPPER SADDLE RIVER PLANNING BOARD ZOOM MEETING MINUTES**

**THURSDAY, AUGUST 27, 2020**

Mr. Virgona called the meeting to order at 7:03 pm. 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 December 19, 2019 and August 15, 2020 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 and on the Borough Website.

**PLEDGE OF ALLEGIANCE**

**Present:** Mr. Virgona, Mr. Polizzi, Mayor Minichetti, Ms. DeFuccio, Mr. Rotella, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian

**Absent:** Mr. Donato, Mr. DeBerardine, Ms. Schaum

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

**APPROVAL OF MINUTES:** A motion by Mr. Polizzi to adopt the minutes of the July 23, 2020 ZOOM meeting seconded by Mr. Preusch

**Roll Call**

**Ayes:** 8 Mr. Polizzi, Mr. Preusch, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Bakal, Mr. Richardi, Mr. Bonjuklian

**RESOLUTION *Memorialization*)**

1. Application of **Housing Development Corporation of Bergen County** ***APPROVED***  
**570 Route 17 North – Block 1002 – Lot 4.02**  
(Amended Major Site Plan w Variances)

A motion by Mr. Jacobs to adopt the Resolution as presented seconded by Mr. Richardi.

**Roll Call**

**Ayes:** 7 Mr. Jacobs, Mr. Richardi, Mr. Polizzi, Mr. Preusch, Mr. Bonjuklian, Mr. Bakal, Mr. Virgona

## **PUBLIC HEARING**

1. Application of **Yasmin & Adam Clark**  
**31 Tanglewood Hollow Road – Block 103 – Lot 22**  
(North Side Yard Setback/Rear Patio Improvements)

Adam Clark (Applicant) and Joseph Monello (Monello Landscaping Design) were duly sworn by Mr. Madaio.

The following Exhibits were identified: **(A-1)** *Variance Site Plan of Clark, 31 Tanglewood Hollow Road prepared by Darmstatter Inc. PE dated through February 10, 2020*  
**(B-1)** *Boswell Engineering Memo dated March 5, 2020.*

Mr. Clark testified the lot area of his property measures under one acre, with the rear portion subject to an easement thereby limiting the use of outdoor space. Mr. Clark reviewed the proposed rear yard improvements which include a patio, outdoor kitchen, fire pit area, pergola and a connecting walkway extending from the driveway to the patio. The patio requires a variance for a 15 ft. north side yard setback vs. the 35 ft. required.

In response to comments from the Board, Mr. Clark testified there are no retaining walls; and the pergola is free standing.

Ms. Tiberi advised the patio is on grade and may not require a variance, however the gas fire pit located on the patio will be included in the area requiring a variance, as it is considered an appliance.

Board Members discussed the proposed location of the fire pit.

In response to comments from Ms. Tiberi, Mr. Monello testified seating around the fire pit will be provided by several Adirondack style chairs positioned on the southern side, but no permanent seating is proposed.

Mr. Monello further testified the proposed 48” square fire pit is setback 28 ft. from the side property line.

A motion by Mr. Polizzi to open the Hearing to Members of the public regarding the testimony provided by Mr. Clark and Mr. Monello seconded by Mr. Bonjuklian.. No one appeared to provide comment.

Discussion followed regarding a gas vs. wood log fire pit. Board Members interpreted a wood fire pit would not require a variance, however a fire pit fueled by a gas connection is considered an appliance and therefore required a variance.

A motion by Mr. Polizzi to approve the application as submitted with a variance to permit a gas fueled fire pit seconded by Mr. Rotella.

## Roll Call

**Ayes:** 8 Mr. Polizzi, Mr. Rotella, Mr. Preusch, Ms DeFuccio, Mr. Preusch, Mr. Bakal, Mr. Bonjuklian, Mr. Virgona.

### 2. Application of **James Maurer**

#### **66 Pleasant Avenue – Bock 1303 – Lot 6**

(Front Yard Setback/*New Porch*; Western Side Yard Setback/*New Driveway*)

James Jaworski Esq, representing the applicant provided a brief overview of the proposed plan to modify the existing modest dwelling located on the property having lot frontage of 148 ft vs 150 ft. required; 37,267 lot area vs. 37,500 required and 49.5 ft. front yard setback from Mill Stream Road vs. 50 ft. required. Mr. Jaworski advised the proposed improvements to the modest dwelling include a second story addition over the existing footprint with bump outs for an additional garage bay, front porch and new rear deck with a fireplace and new front walkway. The variances requested include a 46.8 ft. front yard setback off Mill Stream Road vs. 50 ft. required to permit the new front porch and; a 42 ft. western side yard setback vs. the 10 ft. required minimum setback to permit the new driveway.

The following Exhibits were identified: **A-1**, Bergen County Soil Conservation Certification, dated May 18, 2020; **A-2**: Health Dept. approval dated August 30, 2020; **A-3**: Plan & Elevations prepared by Thomas Ashbahian dated September 25, 2018 revised May 13, 2020; **A-4**: Plot Plan prepared by Conklin Associates dated July 23, 2018 revised August 3, 2020; **A-5**: (3) photographs of existing home dated June 3, 2018 and May 3, 2020; **A-6**: Planting Plan prepared by Greenbelt Landscapes dated May 13, 2020; **B-1**: Boswell Engineering review letter dated June 18, 2020.

Mr. Jaworski stated there is existing extreme vegetation that will mitigate the location of the new driveway. Mr. Jaworski stated he was in receipt of email correspondence from the adjacent property owner Thomas Sherlock, 4 Garden Court, advising he is not impacted by the proposed improvements and has no objections to this application.

Mr. Jaworski advised the proposed plan eliminates several existing non-conformities: The existing shed located in the 10 ft non-disturbance buffer is to be removed; and; the existing HVAC unit located in the front yard setback on Mill Stream Road is to be removed.

Thomas Ashbahian LA, PP and Tibor Latincscics PE were duly sworn by Mr. Madaio.

Mr. Ashbahian testified to the existing and proposed changes to the 1,600 sf three (3) bedroom ranch that will remain a (3) bedroom home. The first floor plan features (1) bedroom, bathroom, living room, kitchen, dining room, office, powder room and laundry room.

The second floor plan features a second bedroom, bathroom, and the master bedroom and bath.

The proposed porch across the front of the home is a prominent feature; the upper portion atop the garage addition serves as an outdoor porch.

The first floor will be elevated creating 9 ft. ceilings; the total sf of the home after the proposed addition is 3,600 sf.

In response to comments from the Board, Mr. Ashbahian testified the proposed 8 ft. deep porch requiring a 3.2 ft. variance could be cut back to comply but it would be awkward looking. The proposed porch is both aesthetic and practical. The roof conforms to the height ordinance requirements. The intrusion into the setbacks is due to the irregular lot that was created as a result of a subdivision. The second floor is setback to the outermost portion of the porch by 7-8 ft. and allows for a walk-in closet.

In response to further comments from the Board, Mr. Ashbahian testified the three (3) garages will be side loading.

Mr. Latinscics PE, provided the following testimony. The topography of the lot is level with the rear portion gently sloping to a tributary of the Pleasant Brook, with the improvements remaining outside the Flood Plain. An application submitted to the DEP regarding the 180 ft. Riparian Zone Buffer is going well and will be concluded on Monday. The subject property was not originally a corner lot but became a corner lot when Mill Stream Road was created as a result of a 1971 subdivision. The front yard setback is 46.8 ft measured to the soffit overhang requiring a variance. The septic system was upgraded to accommodate a four (4) bedroom home prior to the sale of the property. Parking is created on site with a side loading platform requiring a 32 ft. driveway backup from the proposed side loading garages encroaching into the 10 ft. side yard landscape buffer, requiring a variance. This encroachment is mitigated by the existing substantial Giant Arborvitae as depicted in the photographs (Exhibit A-5). The proposed wood burning fire pit is infringing slightly into the side yard but can be shifted three (3) ft. The 34 ft. roof line height is compliant to the 35 ft. requirement. The current HVAC unit has been relocated to comply with the 35 ft. side yard setback on Mill Stream Road and, the existing shed is to be removed.

Soil movement is calculated at 218 cy and will mostly remain on site. Dead trees will be removed as depicted on the Planting Plan (A-6). Mr. Latinscics testified to taking the photographs of the existing home in 2018 and of the existing landscaping taken in April and May 2020.

In response to comments from the Board, Mr. Latinscics clarified it is a column structured porch with a second floor and is part of the main house.

Mr. Ashbahian as a Professional Planner, testified the subject property is a corner lot with a converging sideline; the front porch is a positive and practical architectural benefit. The requested C-1 and C-2 variances can be granted based upon hardship and good planning.

A motion by Mr. Polizzi to open the Hearing to Members of the public regarding the testimony provided seconded by Mr. Richardi. No one appeared to testify.

A motion by Mr. Richardi to approve the application as submitted seconded by Mr. Polizzi.

**Roll Call**

**Ayes:** 9 Mr. Richardi, Mr. Polizzi, Ms. DeFuccio, Mr. Rotella, Mr. Preusch  
Mr. Bakal, Mr. Jacobs, Mr. Bonjuklian, Mr. Virgona

**PUBLIC COMMENT**

A motion by Mr. Polizzi seconded by Mr. Richard to open the Meeting to Members of the public. No one appeared to provide comment.

Mr. Virgona announced the next Planning Board Meeting is to be held Wednesday, September 9, 2020 at 7:00 pm via ZOOM.

**ADJOURNMENT**

A motion to adjourn by Mr. Richardi seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Linda Marmora  
Clerk

