

UPPER SADDLE RIVER PLANNING BOARD ZOOM MEETING MINUTES

THURSDAY, SEPTEMBER 24, 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 on December 16, 2019 and August 28, 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 Hall and on the Boro website:

Present: Mr. Virgona, Mr. Polizzi, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Richardi, Mr. Bakal, Mr. Bonjuklian, Ms. Schaum

Absent: Mr. Rotella, Mr. DeBerardine, Mr. Donato

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

APPROVAL OF MINUTES: A motion by Mr. Bonjuklian to adopt the minutes of the September 9, 2020 ZOOM meeting seconded by Ms. DeFuccio

Roll Call

Ayes: 7 Mr. Bonjuklian, Ms. DeFuccio, Mr. Preusch, Mr. Richardi, Ms. Schaum
Mr. Polizzi, Mr. Virgona

RESOLUTIONS (*Memorialization*)

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

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

Roll Call

Ayes: 7 Mr. Jacobs, Ms. DeFuccio, Mr. Preusch, Mr. Bakal, Mr. Bonjuklian, Mr. Richardi,
Mr. Virgona

2. Application of **James Mauer** ***APPROVED***
66 Pleasant Avenue – Block 1303 – Lot 6
(Front Yard Setback/New Porch; Western Side Yard Setback/New Driveway)

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

Roll Call

Ayes: 7 Mr. Richardi, Mr. Preusch, Ms. DeFuccio, Mr. Jacobs, Mr. Bakal, Mr. Bonjuklian,
Mr. Virgona

PUBLIC HEARING

1. Variance Application of **Kenneth & Lorraine Schmidt**
12 Oak Drive – Block 1210 – Lot 2
(Setback Location/Driveway Piers)

Kenneth Schmidt, applicant and Michael Feinberg, contractor were duly sworn by Mr. Madaio.

The following exhibits were submitted and identified: **A-1**: Final As-Built – Block 1210 – Lot 2 – 12 Oak Drive – prepared by David A. Hals PE, dated February 19, 2020. **B-1**: Boswell Engineering Review Letter dated February 26, 2020.

Mr. Schmidt testified the home had been under renovation for the past two years and the As-Built Survey submitted as required. The As-Built Survey disclosed that the two front driveway piers were constructed at the front property line with a zero setback and a .025 ft. setback vs. the required 2 ft. minimum setback creating a variance condition.

Mr. Feinberg testified the construction of the piers was due to an error during the survey procedure setting their location. Mr. Feinberg testified they were conscientious to ensure that the size, height and location of the piers were conforming with the Ordinance. Mr. Feinberg clarified the piers are setback 14.2 ft. from the curb line, providing a clear line of sight to enter and exit the driveway.

In response to comments from the Board, Mr. Schmidt testified the piers are located 14.2 ft. from the roadway and closer to the property line, but are a safe distance from the road as to not interfere with the line of sight.

Ms. Tiberi confirmed there are no safety issues visibility wise, as the driver will still be able to maintain visibility while backing out of the driveway.

A motion to open the Hearing to Members of the public by Mr. Preusch seconded by Ms. DeFuccio. No one appeared to provide testimony.

Discussion followed. Board Members concurred the curb line is set back quite a distance on a narrow roadway. The piers are compliant in every other way and do not interfere with traffic safety.

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

A motion by Mr. Richardi seconded by Mr. Jacobs to approve the variance application to permit the location of the driveway piers having a setback of 0 ft. and .25 ft. vs. 2 ft. required.

Roll Call

Ayes: 9 Mr. Richardi, Mr. Jacobs, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Bakal, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

2. Variance **Application of Svetozar & Beata Savreski**
24 Ware Road – Block 1012 – Lot 11
(Side Yard Setback/ (2) Existing HVAC Units; Eastern Side Yard Setback/*Proposed Stairwell*;
Number of Piers/Front Yard: (2) Existing – (9) Additional Proposed)

James Delia Esq. representing the applicant, provided a brief overview of the application requesting variance relief for the existing location of HVAC units, proposed stairwell, existing and proposed driveway piers and, lot coverage.

The following exhibits were identified: **A-1:** *Variance Plan, 24 Ware Road, prepared by Weissman Engineering dated March 12, 2020;* **A-2:** *Photographs of Area Fences and Driveway Piers;* **B-1:** *Boswell Engineering Review Letter dated March 25, 2020;* **B-2:** *Boswell Engineering Review Letter dated January 18, 2020;* **B-3:** *Boswell Engineering Review Letter dated October 17, 2020;* **B-4:** *Boswell Engineering Review Letter dated March 16, 2017.*

Robert Weissman PE and Steve Savreski, applicant, were duly sworn by Mr. Madaio.

Mr. Weissman testified to having prepared the Plan dated March 12, 2020. Mr. Weissman reviewed each of the requested variances. The (5) HVAC units require variance relief for a 32.8 ft. side yard setback vs. 35 ft. required; a proposed stairwell located in the eastern side yard setback requiring variance relief for a 32.6 ft. side yard setback vs. 35 ft. required and a 3.10 ft. height variance; variance relief for the (2) existing driveway piers constructed with a dimension of 36 inches vs. 32 inch maximum; (9) additional proposed piers located in the front yard setback requiring variance relief for the total number of piers (11) vs. 2 permitted; and proposed lot coverage of 30.23 ft vs. 30 % permitted.

In response to comments from the Board, Mr. Weissman testified the proposed exterior stairwell is to provide access to and from the basement of the home. While the steps are located within the setback, there are no other encroachments or visibility from the street, or any other direct access from the basement to the outside. The small walkway connecting the proposed stairwell into the basement at the rear of the building adds to the 30 % permitted lot coverage by .23%, therefor requiring a variance. The 3.10 ft. height variance is a result of the height being measured from the new lowest grade, but does not change the height of the dwelling.

Mr. Weissman testified two (2) of HVAC units located on the eastern side were constructed at 31.4 ft; and the three (3) units constructed at 32.7 ft. on the western side by the previous owner. The three (3) units on the east side are proposed to be relocated at 32.8 ft. requiring variances for all five (5) units. The proposed location is the best location having no impact on neighbors and screening will be provided by substantial landscaping.

Mr. Weissman testified to the variances requested for the driveway piers. The two (2) existing piers at either side of the driveway constructed at 6.2 ft vs. 4 ft., and 36 inches in dimension require variances for height and maximum dimension square footage. The right pier requires a variance for location at .62 ft vs. 2 ft. setback from the right-of-way permitted. Mr. Weissman testified the right pier is located 13.1 ft from the road, the existing two (2) piers are the appropriate scale, are visually appealing and do not impact site distance.

Mr. Weissman testified the proposed nine (9) piers are located 2 ft from the right-of-way property line, with a conforming fence connecting each pier.

Mr. Savreski testified he purchased the partially completed home in 2014 and was unaware of the existing variance violations. He had applied for a TCO and at that time was made aware of the required variances.

In response to comments from the Board, Mr. Savreski testified at the time he purchased the home, the basement was framed, but not finished, with only the existing interior stairs providing access to the basement. The basement has been finished with a home theater and game room enjoyed by

his children. For safety reasons, it is dangerous not to have a second stairwell with access to the outside. In response to comments from the Board regarding the piers, Mr. Savreski testified he had updated the previously approved permit. The proposed piers are similar to those on the neighboring properties.

Discussion followed. Mr. Madaio advised the two (2) existing piers were built too high and too large in the wrong place. The other proposed nine (9) piers are not permitted.

Mr. Delia advised the applicant has withdrawn the variance request related to the proposed nine (9) piers.

A motion to open the Hearing to Members of the public by Mr. Preusch seconded by Mr. Polizzi. No one appeared to testify.

With no further comments from the Board or public, Mr. Virgona closed that portion of the Hearing.

Mr. Madaio advised each of the variances would be voted upon separately.

A motion by Mr. Polizzi to approve the variance application for the construction of the exterior stairway into the basement seconded by Mr. Jacobs.

Roll Call

Ayes: 9 Mr. Polizzi, Mr. Jacobs, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Richardi, Mr. Bakal, Mr. Bonjuklian, Mr. Virgona,

A motion by Mr. Bakal to approve the variance application for the location of the (5) HVAC units seconded by Mr. Polizzi.

Roll Call

Ayes: 9 Mr. Bakal, Mr. Polizzi, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Richardi, Mr. Jacobs, Mr. Bonjuklian, Mr. Virgona

A motion by Mr. Preusch to approve the variance application for the size and location of the two (2) existing front driveway piers seconded by Mr. Jacobs.

Roll Call

Ayes: 5 Mr. Preusch, Mr. Jacobs, Mayor Minichetti, Ms. DeFuccio, Mr. Bonjuklian

Nays: 4 Mr. Polizzi, Mr. Bakal, Mr. Richardi, Mr. Virgona

3. Application of **Ryan & Nathalia Broderick**
25 Sunflower Drive – Block 1112 – Lot 17
(Maximum Lot Coverage; Height/*Retaining Walls*; D Variance/*Existing Building Height*;
Side Yard Setback/*Pool*)

Mr. Madaio counseled the record reflect Mayor Minichetti and Ms. DeFuccio have recused themselves from this application as it contains a request for a D Variance.

Sean McGowan Esq, representing the applicant provided a brief overview of the application and description of the property. Mr. McGowan advised the applicant is proposing to remove the existing tennis court, walls, walkway, patios and rear deck and the construction of a new retaining wall, patios, deck, pergola, outdoor kitchen, fireplace, and a spa, access walkway and drainage improvements.

The following exhibits were identified: **A-1**: Site Plan & Grading Plan for the Broderick Residence, prepared by DJ Egarian & Associates, last revised July 2, 2020. **B-1**: Boswell Engineering Review Letter dated July 15, 2020.

Jeff Egarian PE, duly sworn by Mr. Madaio, testified to the improvements requiring variances. The existing pool patio is non-conforming at 15 ft. vs. 32 ft. required; the existing lot coverage at 58.7% is non-conforming but will be reduced to 35.5% vs. 30% permitted. The proposed new retaining walls along the rear and side walkway are 3.6 ft. in height vs. 3 ft. permitted. The existing homes' height is non-conforming at 42.02 ft. vs. 35 ft. permitted. Mr. Egarian testified the new rear yard improvements are now to be measured from the new lowest proposed grade at the corner of the new deck creating the (d) variance. The new pool patio is proposed with a 30.8 ft. side yard setback vs. 32 ft required.

Mr. Egarian testified the proposed improvements do not impact neighboring properties. The drainage calculations submitted in support of the drainage design have been accepted.

In response to comments from the Board regarding the height variance, Mr. Egarian testified the proposed height roof ridge elevation is unchanged but the calculated height is slightly higher due to the proposed new lowest elevation of 99.8 ft. of the new deck corner.

Discussion followed regarding the request for a (d) variance (height). It was determined the intensity of the existing non-conformity does not require a variance.

Eileen Banya PP, duly sworn by Mr. Madaio, testified the height variance requested for the new retaining wall has no impact upon anyone; the other variances being requested are pre-existing and lessened by the Application. The proposed additional improvements including the landscaping provide a significant enhancement in modernizing the home. Ms. Banya testified the application meets the criteria for granting a c (1) variance without substantial detriment to the public good, and without substantial impairment to the intent and purpose of the Zone Plan and Zoning Ordinance.

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

With for further comments from the Board or public, Mr. Virgona closed that portion of the Hearing.

Discussion followed.

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

Roll Call

Ayes: 8 Mr. Polizzi, Mr. Bonjuklian, Mr. Preusch, Mr. Richardi, Mr. Jacobs, Mr. Bakal, Ms. Schaum, Mr. Virgona

PUBLIC COMMENT

A motion by Mr. Bakal to open the Hearing to Members of the public seconded by Mr. Preusch. With no one appearing to provide comment, Mr. Virgona closed the Meeting.

ADJOURNMENT

A motion to adjourn by Mr. Preusch seconded by Mr. Bakal was unanimously approved by all Members present. Meeting adjourned at 9:54 pm.

Respectfully submitted,

Linda Marmora, Clerk

