

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

**WEDNESDAY, SEPTEMBER 9, 2020**

Mr. Virgona called the meeting to order at 7:12 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, Ms. DeFuccio, Mr. Preusch, Mr. Donato, Mr. Richardi  
Mr. Bonjuklian, Ms. Schaum

**Absent:** Mayor Minichetti, Mr. Rotella, Mr. Bakal, Mr. DeBerardine, Mr. Jacobs

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

**APPROVAL OF MINUTES:** A motion by Mr. Preusch to adopt the minutes of the August 27, 2020 ZOOM meeting seconded by Ms. DeFuccio.

## **Roll Call**

**Ayes:** 6 Mr. Preusch, Ms. DeFuccio, Mr. Polizzi, Mr. Richardi, Mr. Bonjuklian, Mr. Virgona

## **RESOLUTIONS (Memorialization)**

Mr. Virgona advised the following Resolutions are carried to the Thursday, September 24, 2020 ZOOM Meeting:

1. Application of **Yasmin & Adam Clark**  
**31 Tanglewood Hollow Road – Block 103 – Lot 22**
2. Application of **James Maurer**  
**66 Pleasant Avenue – Block 1303 – Lot 6**

## **PUBLIC HEARING**

1. Application of **PSI Atlantic USR NJ LLC (Premier Self Storage)**  
**100 Route 17 North – Block 1304 – Lot 7.01**  
(Major Preliminary & Final Site Plan w Use Variance and Bulk Variances:

Side Yard Buffer, Rear Yard Buffer, Building Height, Building Coverage, Retaining Wall Height, Front Yard Setback, Traffic Aisle Location/3 Story Self Storage Facility/Sales Office)

Mr. Madaio advised an issue was raised yesterday by the objecting attorney regarding a procedural matter related to the application: the applicant failed to submit a Letter of Denial with the filing of their Application to the Board, as Borough Ordinance requires. The objecting attorney has requested the public hearing not proceed until this defect has been corrected.

Mr. Madaio advised it is the practice of the Board for the Borough Engineer to incorporate the elements of a Letter of Denial in their engineering review letter of the application which has been provided and submitted.

John Lamb Esq, acting as co-counsel with Mr. Jaworski on behalf of the applicant, stated NJ Municipal Land Use Law does not require a Letter of Denial and supersedes any Municipal Ordinances.

Mark Rosenberg Esq, advised he represented the objector, Westy Self Storage, 200 Route 17 North as well as the owner of the property, Upper Saddle River Project LLC.

Discussion followed. Mr. Jaworski advised he prefers Boswell Engineering produce and submit a Letter of Denial as part of the application satisfying and addressing Mr. Rosenberg's concern with the idea to have a complete record and with respect to the Borough Ordinance.

Mr. Jaworski requested to know who was in the audience and; of any other attorneys representing other parties.

A motion by Mr. Bonjuklian seconded by Ms. DeFuccio to Open the Hearing to Members of the public having any interest in this matter. No one came forward.

Mr. Jaworski requested if there is any other conflict or anything to stop from proceeding with the application next month.

Mr. Rosenberg advised he would like to review the Letter of Denial.

Discussion followed. Mr. Virgona advised the Letter of Denial will be distributed to all Parties, Board Members and posted on the Boro Website.

Mr. Jaworski advised moving forward, he will submit in advance, a full list of exhibits, witnesses and requested Mr. Rosenberg provide the same prior to the next meeting.

A motion by Mr. Richardi seconded by Ms. DeFuccio to open the Hearing to Members of the public having any concerns or procedural issues going forward. No one came forward.

Mr. Virgona closed that portion of the meeting.

Mr. Madaio advised there is no reason for additional notice to be provided.

Mr. Virgona announced the Application of PSI Atlantic USR NJ LLC is carried to the Public Hearing at the Wednesday, October 14, 2020 Planning Board ZOOM meeting at 7:00 pm.

**PUBLIC COMMENT**

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

**ADJOURNMENT**

A motion to adjourn by Mr. Bonjuklian seconded by Mr. Richard was unanimously approved by all Members present. Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Linda Marmora, Clerk