

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD ZOOM MEETING MINUTES

WEDNESDAY, JANUARY 13, 2021

Mr. Madaio called the meeting to order at 7:05 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 fax and mail to The Record and The Ridgewood News on December 9, 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 Borough Website.

PLEDGE OF ALLEGIANCE

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

Absent: Ms. Schaum

Also Present: Mark Madaio, Esq, Planning Board Attorney
Marisa Tiberi PE, Boswell Engineering, Borough Engineer
Joseph Burgis, PP, Burgis Associates, Borough Planner

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to the following Board Members:

Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Jacobs

REORGANIZATION

1. Election of Board Chairman

Mr. Madaio requested a nomination for the election of Board Chairman.

A motion by Mr. Polizzi nominating James Virgona to serve as Board Chairman seconded by Mr. Jacobs. No further nomination.

Roll Call

Ayes: 8 Mr. Polizzi, Mr. Jacobs, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch, Mr. Bakal
Mr. Donato, Mr. Richardi,

2. Election of Board Vice Chairman

Mr. Virgona requested a nomination for the election of Board Vice Chairman.

A motion by Mr. Donato nominating Roy Polizzi to serve as Board Vice Chairman seconded by Mr. Bakal.

Roll Call

Ayes: 8 Mr. Donato, Mr. Bakal, Mayor Minichetti, Ms. DeFuccio, Mr. Preusch,
Mr. Richardi, Mr. Jacobs, Mr. Virgona

3. Appointment of Board Attorney

Mr. Virgona requested a motion for the appointment of Board Attorney.

A motion by Mr. Polizzi to appoint Mark Madaio Esq, Planning Board Attorney seconded by Mr. Preusch.

Roll Call

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

4. Appointment of Board Engineer

Mr. Virgona requested a motion for the appointment of Board Engineer.

A motion by Mr. Preusch to appoint Marisa Tiberi PE, Boswell Engineering to serve as Board Engineer seconded by Mr. Bonjuklian.

Roll Call

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

5. Adoption of Planning Board By-Laws

Mr. Virgona requested a motion to adopt the Planning Board By-Laws.

A motion by Mr. Jacobs to adopt the Planning Board By-Laws seconded by Mr. Richardi.

Roll Call

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

6. Adoption of 2021 Meeting Schedule

Mr. Virgona requested a motion to adopt the 2021 Planning Board Meeting Schedule.

A motion by Mr. Bonjuklian to adopt the 2021 Meeting Schedule seconded by Mr. Donato.

Roll Call

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

REGULAR MEETING

APPROVAL OF MINUTES: December 9, 2020

A motion by Mr. Bakal to adopt the minutes of the December 9, 2020 meeting seconded by Mr. Bonjuklian.

Roll Call

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

PUBLIC HEARING

1. Approval of Affordable Housing Spending Plan (Mayor & Council Referral)

Note: *Mr. Virgona recused from participating in the proceedings regarding this matter.*

Mr. Madaio advised as required by law, the Spending Plan has been referred to the Planning Board for review and approval as a supplement and update to the Borough's Housing Element and Fair Share Plan of the current Borough Master Plan.

Mr. Burgis reviewed the collection and distribution of the development fee revenues as provided in the November 30, 2020 Affordable Housing Trust Fund Spending Plan.

Mr. Madaio advised he had prepared a Resolution for the Board adopting the addendum to the Master Plan recommending the Governing Body utilizes same for all purposes.

A motion to open the Hearing to Members of the public by Mr. Preusch seconded by Ms. DeFuccio.

No one appeared to provide comment.

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

Roll Call

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

2. Application of PSI Atlantic USR NJ LLC (Premier Self-Storage) 100 Route 17 North – Block 1304 – Lot 7.01

(Continuation of the Public Hearing held Wednesday, December 9, 2020 via ZOOM)

Mr. Madaio counseled the record reflect Mayor Minichetti, Ms. DeFuccio, and Mr. Jacobs have recused from participating in this application and adjourned the meeting.

Note: Certified Court Reporter Alison Gulino was present for this application.

Mr. Jaworski, representing the applicant requested the Board adopt a voice resolution confirming they wish to continue forward with this application via ZOOM.

A motion by Mr. Polizzi to continue the application with the current format seconded by Mr. Donato.

Roll Call

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

Mr. Jaworski advised they have submitted an additional exhibit to be presented and identified this evening. In addition, the applicant received an e-mail on Tuesday from Fire Chief Fardanesh regarding the circulation of the fire lanes around the building, also to be marked for identification as well.

Michael Dipple PE, remaining under oath, identified ***Exhibit A-9 – Site Plan, Sheet C03 dated December 31, 2020.*** Mr. Dipple testified ***Exhibit A-9*** is the same color rendering previously presented with a few changes in response to the Board’s comments. Mr. Dipple reviewed the changes to the Plan: the single lane access driveway to the front entrance has been widened to 17 ft. as suggested; the lighting would be revised to meet all lighting standards; the corner of the awning has been cut off where it previously wrapped around the building. “No Parking, Fire Lane” yellow striping has been added in the front and also on both sides of the of the one lane access drive to the rear and around the back of the building.

Mr. Dipple testified he was in receipt of an e-mail from the Fire Chief in which he asked multiple questions and responded to those questions. Mr. Dipple testified the Fire Chief was satisfied drawing presented tonight. The E-Mail was marked for identification as ***A-10 – E-Mail Chain.***

Mr. Dipple testified to the other changes made to the Site Plan: a gate has ben provided in the rear, the landscape buffering has been increased and added along the top of the small retaining wall. Concrete bollards have been added in front of the doorways as to not interfere with any door swings and to ensure no vehicles can get through; additional bollards may be installed around the site.

Discussion followed. Mr. Jaworski advised, as a condition of approval, the requirement for the placement of additional bollards would be as directed by Ms. Tiberi.

In response to Ms. Tiberi, Mr. Dipple testified the setback of the curb line was reduced to the property line by 1 ft. A fence is proposed right up to the property line lying between the neighboring access drive and the subject property. Ms. Tiberi suggested the lirioppe be continued down to the fence eliminating the need for machines or week whackers in that area.

A motion by Mr. Preusch to open the Hearing to the Public regarding the testimony provided by Mr. Dipple seconded by Mr. Bakal. No one appeared to provide comment.

Mr. Jaworski advised he had concluded testimony.

Mr. Rosenberg commenced cross examination of previous witnesses.

Mr. Williams, remaining under oath, testified to the type of customers who will be renting units clarifying they do not restrict the type of business they are in, but do restrict the type of storage.

Mr. Williams testified units, including those on the ground floor with exterior doors could be rented to landscapers and contractors. Mr. Williams testified commercial moving vans would be discouraged,

if they can circulate the site, they will be allowed. In response to further questions regarding generators for the facility, Mr. Williams testified there are no generators.

Michael Dipple PE remaining under oath, referring to **Exhibit A-9**, testified WB-50's or WB-67, large moving trucks will not make it through the access way; anyone driving those vehicles would probably have a special license and know that it would not work.

Keenan Hughes PP, remaining under oath, previously testified to having reviewed the 2018 Land Use Element and other supporting Master Plan documentation and review letters provided by the Board's professionals, **Exhibits PB-2 and PB-5**, but was not focused on the Housing Element and Fair Share Plan.

In response to Mr. Rosenberg 's questions regarding his previous testimony regarding Zoning Ordinance, Chapter 150-39, Mr. Hughes testified it appears it was amended in 2018 to specifically to address marijuana facilities. Mr. Hughes responded to questions regarding the expansion of permitted uses in the Master Plan updates in the H1 commercial district and the requirements of the Municipal Land Use Law.

Discussion, comments and questions followed citing the Supreme Court AMG case involving a split-zone tract. Mr. Hughes testified in this application before the Board, the property is particularly suited for a self-storage use in that the facility can be accommodated within the commercial portion of the tract and limit the use of the residential portion to circulation and an expansive buffer.

In response to Mr. Rosenberg's questions regarding the property subject to the Ten Cees Agreement being included in the Borough's Affordable Housing Plan with an overlay zone, Mr. Hughes testified the Ten Cees Agreement is a constraint on any commercial property located along the Route 17 corridor.

A motion by Mr. Polizzi to open the Hearing to Members of the public regarding Mr. Rosenberg's cross-examination of the testimony and witnesses seconded by Mr. Bonjuklian.

Donald Eisen, 130 Lake Street, questioned why the Borough would include this site for affordable housing in the overlay zones and then be in the midst of approving a different use. In response, Mr. Virgona advised his question would be answered at the appropriate time for general comments.

Mr. Madaio advised this is the appropriate time for the public to ask any questions they may have of any testimony provided for the applicant's witnesses or of their testimony providing during cross - examination by Mr. Rosenberg for any of the applicant's witnesses. With no one appearing to have questions, Mr. Virgona closed that portion of the Hearing.

Mr. Jaworski commenced his redirect examination of Mr. Dipple.

Mr. Dipple testified the Fire Chief looked at the circulation around the proposed building as depicted on **Sheet C-08** and was pleased.

Mr. Rosenberg called his first direct witness for the objector, Aaron Schragger, testifying as a traffic engineer.

Aaron Schragger PE duly sworn by Mr. Madaio, testified to being present via ZOOM or reviewed the transcripts of the (2) prior Hearings and to reviewing all the applicant's exhibits, plans and application materials. Mr. Schragger testified he prepared exhibits regarding the site and site circulation.

Mr. Schragger described **Exhibit O-5**, overlaying the turning movements provided on the **Exhibit A-9**. Mr. Schragger testified larger vehicles (trucks) would have to slow down significantly on Route 17 N in

order to even try to maneuver into the access driveway.

Mr. Schragger reviewed the maneuvers required for another type of vehicle, (WB-50) a smaller tractor trailer as depicted in Figure 2 - *Conceptual Site Plan 2.*, part of **Exhibit O-5**, to show the turning movements required to navigate around the building, pulling through the landscaped area across from the proposed sign. Mr. Schragger testified to pedestrian safety concerns around the building.

Exhibits **O-1 to O-6** were moved into evidence.

Mr. Virgona opened the Hearing to the Board regarding Mr. Schragger's testimony.

Discussion followed as to how drivers will know to bypass the site, or if they did enter the site off Route 17 and then determined it is not possible, the difficulties in maneuvering to back out.

Mr. Schragger testified he was not personally aware of other properties located on Route 17 having an option, as he did not do a specific study. Mr. Schragger testified he is familiar with other facilities located on Route 17, some of which are serviced by 50 ft. tractor trailers; it not common by they do arrive.

Mr. Williams testified neither of the PSI Self Storage facilities located in Glen Rock and Northvale accommodate 50 ft. trailers, nor can they.

Mr. Jaworski, advised this problem can be solved by stipulating WB-50's and WB-67 tractor trailers will not be invited to the site.

Mr. Williams added from his 31years experience and also from an operational standpoint, they hire the best management companies that use best practices to operate the facilities located throughout the country. It is communicated through the call centers and web-site what a site can and cannot do. Professional movers passing by do not randomly stop and see if they can get some self-storage.

Mr. Schragger testified in the absence of signage on a state highway, there is nothing to stop them once their mission is to get to the site and they are pulling a tractor-trailer, it is too late.

A motion by Mr. Preusch to open the Hearing to the Public seconded by Mr. Bonjuklian.

With no comment from the Board or public, Mr. Virgona deferred to Mr. Rosenberg.

Mr. Rosenberg proceeded redirect examination of Mr. Schragger.

Mr. Schragger testified neither of the storage facilities located in Glen Rock or Northvale are located on a major state highway.

Mr. Jaworski stated the applicant will accept as a condition of approval from this Board, no tractor-trailers will be permitted on this site with wheel bases of either 57 or 50.

Eileen Banyra PP for the objector, was duly sworn by Mr. Madaio.

In response to direct examination by Mr. Rosenberg, Ms. Banyra testified to attending the other virtual Hearings regarding this application. Ms. Banyra testified to the planning analysis undertaken at the request of the objector, reviewing the municipal documents and Master Plan. Ms. Banyra reviewed the surrounding development patterns, referring to the aerial map, **Exhibit O-6**. Regarding the proposed Plan, referencing the **Objectors Conceptual Site Plan – Exhibit O-5**, Ms. Banyra testified the applicant

has reduced a number of variances. Ms. Banyra testified she was in disagreement with the testimony provided by the applicant's Planner regarding the zoning ordinance as to whether this is a permitted use. Mr. Banyra enumerated the permitted uses in the HIR zone and the goals and policies provided in the 2018 Land Use Element and Master Plan. Ms. Banyra testified this is not a permitted use in either the R-1 Residential zone or HIR Commercial zone. Ms. Banyra testified to the negative and positive criteria required for a use variance. Ms. Banyra testified the main issue with this application is the use variance, and does not see any unusual reason that this property is unique; the split zone is relative to a number of properties, the landscape buffers are missing on the property and the site is over-designed. Landscaping and circulation could have been done better.

A motion by Mr. Preusch to open the Hearing to the Public seconded by Mr. Bonjuklian.

No one appeared to provide comment.

The Board commented input was required from the Borough Planner regarding the matter of this application, the definition in the zoning ordinance, the overlay zone, the Fair Share Hosing Plan and how it ties into this application.

A motion by Mr. Polizzi for the Board to consult with the Borough Planner, Joseph Burgis on this matter, seconded by Mr. Richardi.

Roll Call

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

Mr. Jaworski deferred cross-examination of Ms. Banyra until the next meeting after having an opportunity to review the transcript of this meeting and a report from Mr. Burgis.

A motion by Mr. Bonjuklian to open the Hearing to Members of the public seconded by Mr. Preusch.

Donald Eisen, 130 Lake Street, reiterated his previous comment regarding the OL-3 Zone and why the Board is considering anything but trying to meet our residential obligation, but will hold off until the next meeting. Mr. Virgona advised the Board is obligated to listen to any application before them and that is why we are here.

Discussion followed regarding a date for the continuation of this Public Hearing.

Mr. Virgona announced the application of Premier Storage, PSI Atlantic NJ LLC – 100 Route 17 North Block 1304 – Lot 7.01 is carried to the Wednesday, February 10, 2021 meeting at 7:00 pm via ZOOM.

ADJOURNMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Donato was unanimously approved by all Members present. Meeting adjourned at 10:10 pm.

Respectively submitted,

Linda Marmora, Clerk

