

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD ZOOM MEETING MINUTES

WEDNESDAY, JULY 14, 2021

Mr. Virgona called the meeting to order at 7:04 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 e-mail to The Record and The Ridgewood News on December 19, 2020, June 25, 2021 at which time the date, time, date and purpose of the meeting was set forth and notice was posted on the Boro Website: www.usrtday.org

PLEDGE OF ALLEGIANCE

Present: Mr. Virgona, Mr. Polizzi, Mayor Minichetti, Mr. Preusch, Mr. Jacobs (*arrived 7:25 pm*)
Mr. Bakal, Mr. Richardi, Mr. Bonjuklian, Ms. Schaum, Mr. Wiederholz

Absent: Mr. Masi

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

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to Christian Wiederholz, appointed Alternate III Member of the Planning Board.

APPROVAL OF MINUTES:

A motion to adopt the minutes of the May 27, 2021 meeting by Mr. Richardi seconded by Mr. Bonjuklian.

Roll Call:

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

RESOLUTIONS (*Memorialization*)

1. Variance Application of **Amy Diehl & Simon Fischer** ***APPROVED***
25 Jan River Drive – Block 801 – Lot 1
(Location Forward of Rear Property Line; Rear Yard Setbacks/*Proposed Pool, Patio & Walkway*)

Mr. Madaio reviewed the Resolution. A motion by Mr. Polizzi to adopt the Resolution as presented seconded by Mr. Preusch.

Roll Call

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

2. Amended Site Plan & Variance Application of **Jack Daniels Motors – Porsche**
335 Route 17 South – Block 1015 – Lot 7

Mr. Madaio reviewed the Resolution. A motion Mr. Richardi to adopt the Resolution as presented seconded by Mr. Bakal. *Mr. Preusch recused himself from voting on this matter.*

Roll Call

Ayes: 6 Mr. Richardi, Mr. Bakal, Ms. Schaum, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

PUBLIC HEARING

1. Application of **Wojcik (Creative Gardens)**
409 East Saddle River Road – Block 810 – Lot 6
(Reaffirmation of Planning Board Resolution Granting Subdivision Approval dated July 12, 2017 and Extension of Developers Agreement dated September 11, 2017)

Note: Board Member, Joseph Donato recused from this matter

John Profita Esq, represented the applicant. Mr. Profita advised the Planning Board had granted subdivision approval in a Resolution memorialized by the Board on July 12, 2017 and the Developers Agreement was executed by the Governing Body and Board on September 11, 2017. Due to NJDEP delays, the applicant is here before the Board concerning administrative matters in order for the maps to be filed with the County.

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

A motion by Mr. Preusch to approve the application reaffirming the July 12, 2017 Resolution and the Developers Agreement dated September 11, 2017 seconded by Mr. Richardi.

Roll Call

Ayes: 9 Mr. Preusch, Mr. Richardi, Mayor Minichetti, Mr. Bakal, Mr Bonjuklian, Ms. Schaum, Mr. Wiederholz, Mr. Polizzi, Mr. Virgona

2. Application of **80 Lake Street LLC**
80 Lake Street – Block 1005 – Lot 1
(Certification for Valid Non-Conforming Structure/Use/Existing 2-Family Home)

Andrew Kohut Esq, representing the applicant advised in 2020 the applicant had purchased the home marketed as a (2) family dwelling and issued a Certificate of Continued Occupancy confirming the dwelling is lawfully existing. When permit applications were filed, the Zoning Officer indicated the property was not approved for use as a (2) family and research lacked any historical data supporting the existing use. Mr. Kohut further advised he was not able to obtain the original Zoning Ordinance enacted in the 1950's. The tax records indicate the home was built in 1910 prior to the Ordinance.

Thomas Ashbahian PE, PP was duly sworn by Mr. Madaio. The following documents were submitted and identified: **A-1:** *Survey prepared by Morgan Engineering dated December 7, 2020;* **A-2:** *Letter from*

Thomas Ashbahian to Thomas Caleca regarding 80 Lake Street dated June 14, 2021. A-3: Photos of existing exterior and interior of 80 Lake Street; B-1: Boswell Review Letter dated June 30, 2021.

Mr. Ashbahian testified to reviewing the materials provided and personally visiting the property. Mr. Ashbahian reviewed his findings as provided in his correspondence dated June 14, 2021 (A-2): (2) separate distinct rear entry doors to the approximately same size units; (2) oil tanks on the sides of each unit; (2) boilers - one being 15-20 years old and one 40 -50 years old; (2) separate second floor staircases sharing a center common wall; (2) thermostat controls; (2) kitchen elements remaining after demolition; (2) electrical panels located in the garage and exterior electrical panels. Mr. Ashbahian testified each of the units feature (2) bedrooms, (1) bathroom and rear porch. Mr. Ashbahian testified it is opinion that the age of the (2) unit structure existed in 1910- 1920's prior to the existing Zoning Ordinance as evidenced by the frame construction methods and undisturbed trim.

In response to comments from the Board, Mr. Ashbahian testified the age of the water heaters have not been determined, only that both the baseboards and small radiators are cast iron. A Board Member questioned the purposed of a brand-new door located on the east side of the dwelling.

Board Members questioned the width of the staircase, and if the central wall had been opened up to further determine the age of the existing interior structure.

In response to comments from the Board, Mr. Kohut advised the utility companies were unable to provide any related information.

Discussion followed. Board Members advised more evidence is required to confirm the home was constructed as a (2) family prior to 1950.

Mr. Kohut requested the Application be carried in order to conduct a more detailed research to support the existence of the (2) family dwelling prior to 1950.

Mr. Virgona announced the Application is carried to the Wednesday, August 11, 2021 meeting at 7:00 pm *via ZOOM*.

3. Application of **Pontone**

2 Old Chimney Road – Block 712 – Lot 8

(Location, Front & Side Yard Setbacks, (2) Accessory Structures/*Pool with Full Patio Surround, Pavilion & Walkway*)

Angelo Onello PE, Kim & Steven Pontone were duly sworn by Mr. Madaio. Mr. Pontone explained the proposed plan is to add an inground pool with a gazebo in the side yard of the property located on a corner lot.

The following exhibits were submitted and identified: **A-1:** Site Plan – Zoning Analysis & Soil Movement – Pontone Residence prepared by Onello Engineering dated June 12, 2021; **A-2:** Photo Exhibit – (15 Images) **A-3:** Realistic Rendering proposed Pavilion; **A-4:** Aerial View depicting adjacent properties; **A-5:** Final Design, Pool, Pavilion Pontone, Design Layout & Analysis dated July 14, 2021; **B-1:** Boswell Engineering Review letter dated June 18, 2021.

Mr. Onello testified the subject lot is not fully conforming with an insufficient depth of 146.4 ft vs 150 ft. minimum required. Mr. Onello testified to the required variances to locate the proposed 16 x 32 ft inground pool in the side yard and the 424 s.f. Pool Pavilion will be completely surrounded by landscaping.

Discussion followed.

In response to comments from the Board, Mr. Onello testified the setback to the roof overhang of the proposed Pavilion structure are to the fascia board as per the Ordinance.

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

Mr. Morris commented the original plan has been revised eliminating the following variances: the Pavilion and Pergola are now combined into (1) structure eliminating the variance request for (2) accessory structures; the pool equipment shed and seepage pit have been relocated. Mr. Morris suggested planting giant arborvitae along the westerly property line to provide additional screening.

In response to comments from the Board, Mr. Pontone advised his plan is to completely block out the pool and improvements proposed in his side yard by planting abundant screening providing privacy for everyone.

A motion by Mr. Preusch to open the Hearing to the public for comments regarding the application seconded by Mr. Jacobs. No one appeared to provide comment.

Upon no further comments from the Board, Mr. Virgona closed that portion of the Hearing.

A motion by Mr. Donato to approve the application seconded by Mr. Jacobs.

Roll Call

Ayes: 8 Mr. Donato, Mr. Jacobs, Mayor Minichetti, Mr. Bakal, Mr. Richardi, Mr. Bonjuklian, Mr. Polizzi, Mr. Virgona

4. Application of **Tramutola**
4 Timberlane Road – Block 1223 – Lot 17
(Front Yard Setback/*Location Existing Generator*)

James Tramutola, Applicant and Leonard Turi, Contractor were duly sworn by Mr. Madaio.

The following exhibits were identified: **A-1:** *Survey prepared by Lakeland Surveying, dated October 16, 2020;* **B-1:** *Zoning Officer Letter of Denial dated March 8, 2021;* **B-2:** *Boswell Engineering Review Letter dated May 26, 2021.*

Mr. Tramutola testified it was not possible to locate the generator in any other location.

Mr Turi testified the property is located on the corner of Timberlane Road and Dimmig Road, deemed to have (2) front yards requiring variances for location in a front yard and 39.9 ft from the “side yard” vs. 50 ft. required. Mr. Turi testified to the hardships in locating the generator to conform

to the Ordinance, as the property slopes from front to back. Adhering to the manufacturer's recommendation and safety guidelines was the factor in determining placement of the generator.

In response to comments from the Board, Mr. Tramutola testified the rear yard swimming pool was installed approximately (16) years ago.

Discussion followed regarding alternative locations.

In response to comments from the Board, Mr. Turi testified if oriented the other way to save (2) ft. from the requested variance, would result in a 1 ft. difference. By rotating the generator on the pad would not allow for the exhaust to blow away from the dwelling.

Mr. Tramutola agreed to provide sufficient appropriate landscaping to screen the generator from the adjacent neighbors.

A motion by Mr. Preusch to open the Hearing to Members of the public regarding the testimony provided by Mr. Tramutola and Mr. Turi seconded by Mr. Bonjuklian. Non one appeared to provide testimony.

Upon no further comments from the Board, Mr. Virgona closed that portion of the Hearing.

A motion by Mr. Preusch to approve the application as submitted with additional screening seconded by Mr. Jacobs.

Roll Call

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

ANNOUNCEMENT

Mr. Virgona announced the next Planning Board meeting is to be held Thursday, July 22, 2021 at 7:00 pm via ZOOM. The Agenda and Meeting Materials will be posted on the Boro website: www.usrtoday.org

ADJOURNMENT

A motion to adjourn by Mr. Preusch seconded by Mr. Richardi was unanimously approved by all Members present. Meeting adjourned at 9:28 pm.

Respectfully submitted,

Linda Marmora, Clerk

