

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD ZOOM MEETING MINUTES

THURSDAY, JULY 22, 2021

Mr. Polizzi 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 at which time the date, time, place and purpose of the meeting was set forth and notice was posted on the Boro Website: www.usrtday.org

PLEDGE OF ALLEGIANCE

Present: Mr. Polizzi, Mr. Masi, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Richardi, Mr. Bonuklian, Ms. Schaum

Absent: Mr. Virgona, Mayor Minichetti, Mr. Jacobs, Mr. Wiederholz

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

OATH OF ALLEGIANCE

Mr. Madaio administered the Oath of Allegiance to Roger Masi, appointed Mayor's Representative with the term expiring December 31, 2021.

APPROVAL OF MINUTES

A motion by Mr. Richardi to adopt the minutes of the July 14, 2021 meeting seconded by Mr. Bonjuklian.

Roll Call

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

RESOLUTIONS (Memorialization)

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

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

Roll Call

Ayes: 5 Mr. Richardi, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Polizzi

Mr. Polizzi announced Memorialization of the following Resolutions scheduled on the Agenda are carried to the Wednesday, August 11, 2021 meeting:

1. Application of **Wojcik (Creative Gardens)** **APPROVED**
409 East Saddle River Road- Block 810 – Lot 1
*(Reaffirmation of Planning Board Resolution Granting Subdivision Approval dated July 12, 2017
And Extension of Developer’s Agreement dated September 11, 2017)*
2. Application of **Pontone** **APPROVED**
2 Old Chimney Road – Block 712 – Lot 8
*(Location, Front & Side Yard setbacks /Pool with Patio Surround,
Pavilion & Walkway)*

PUBLIC HEARING

Mr. Polizzi announced the Application of **Jeannot Estates – 54 Pleasant Avenue, Block 1305 – Lots 3.01, 3.04 & 3.05** has been carried to the Wednesday, August 11, 2021 meeting with re-noticing required.

1. Application of **Ghossi**
32 Parker Place – Block 507 – Lot 2
(Rear Yard Setback, Wall Height/Existing Patio & Wall)

Matthew Trella Esq, advised the applicant is requesting a variance to permit a rear yard paver patio installed without permits to remain within the 12 ft. rear yard property line vs. the 25 ft. minimum required.

The following exhibits were submitted and identified: **A-1: PB Application Form; A-2: Topo Survey dated May 20, 2021 prepared by Koestner Associates; A-3: Drainage Calculations dated May 20, 2021 prepared by Koestner Associates; B-1: Boswell Review Memo dated May 25, 2021.**

Parviz Ghossi, Applicant was duly sworn by Mr. Madaio. Mr. Ghossi testified due to a medical condition; the pavers were installed in order to perform his daily exercise on a flat area of the property.

In response to comments from the Board, Mr. Ghossi testified the patio is attached to the rear wall of the house, is approximately 40 ft x 25-30 ft deep with a garden in the middle, for which no trees were destroyed.

Ms. Tiberi advised the variance requested is for the encroachment of the existing patio into the rear yard setback. Ms. Tiberi testified that the existing 50 ft. x 50 ft. patio could have been constructed at 50 ft. x 37 ft. providing the same square footage, only wider rather than deeper and not requiring a variance.

Mr. Ghossi testified the existing patio is located a distance from the neighbors, and he did not believe a variance to keep the existing patio would cause harm to his neighbors or the Ordinance.

Mr. Madaio explained the requirements of NJ Municipal Land Use Law and the NJ State Statutes have not been demonstrated to warrant granting of the variance.

Mr. Madaio asked Mr. Ghossi if he would like to withdraw his variance application, rearrange the pavers to conform to the 25 ft. setback providing a larger area and not in violation of the Ordinance.

Mr. Ghossi testified it is not necessary to remove the existing pavers as they are not causing harm to the Ordinance and, at this point he is asking for the variance.

A motion to open the Hearing to the Public by Mr. Bakal seconded by Mr. Donato.

Patrick Bertollo, 2 Colonial Terrace, duly sworn by Mr. Madaio, testified his property borders the southwest side of 27 Parker Place. Mr. Bertollo commented the defined property line should be respected and upheld as per the Ordinance, and asked that the applicant refrain from disposing of his debris in the buffer area.

With no further comments from the public, Mr. Polizzi closed that portion of the Hearing.

Board discussion ensued.

A motion by Mr. Richardi to deny the requested variance application seconded by Mr. Bakal.

Roll Call

Ayes: 8 Mr. Richardi, Mr. Bakal, Mr. Masi, Mr. Preusch, Mr. Donato, Mr. Bonjuklian, Ms. Schaum
Mr. Polizzi

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn by Mr. Bonjuklian seconded by Mr. Donato was unanimously approved by all Members present. Meeting adjourned at 7:40 p.m.

Respectfully submitted,

Linda Marmora, Clerk

