

**BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD ZOOM MEETING MINUTES**

**THURSDAY, MAY 27, 2021**

Mr. Virgona called the meeting to order at 7:02 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](http://www.usrtday.org)

**PLEDGE OF ALLEGIANCE**

**Present:** Mr. Virgona, Mr. Polizzi, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Bonjuklian, Ms. Schaum

**Absent:** Mayor Minichetti, Mr. Rotella, Mr. Donato

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

**APPROVAL OF MINUTES:**

A motion by Mr. Polizzi to adopt the minutes of the May 12, 2021 meeting seconded by Mr. Richardi.

**Roll Call**

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

**RESOLUTION** (*Memorialization*)

1. Application of **Jack Daniels Motors/Porsche** ***APPROVED***  
**120 Pleasant Avenue – Block 1301 – Lots 1.02 & 2**  
(Amended Site Plan Approval/Installation of Battery Storage Container)

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

**Roll Call**

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

**PUBLIC HEARING**

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

Applicant Simon Fischer was duly sworn by Mr. Madaio. Mr. Fischer presented a brief overview of the application explaining the home was recently redeveloped and he is now proposing the installation of an in-ground swimming pool, walkway and patio on the property requiring variance relief to be located in the side yard vs. the rear yard permitted.

Joseph Vince, PE for the applicant was duly sworn by Mr. Madaio. The following Plans were submitted and identified: **A-1**: *Pool Plan, Block 810 – Lot 1 -25 Jan River Drive dated thru April 21, 2021 prepared by Schwanewede/Hals Engineering*; **A-2**: *Photographs of Site*; **A-3**: *Google Earth Aerial Photographs*; **B-1**: *Boswell Engineering Review Letter dated April 28, 2021*.

Mr. Vince referencing Exhibits A-1; A-2 & A-3, testified the rear yard of the property is steeply sloped, rising 12 ft between the rear of the house and the property line, making it unsuitable for backyard activities. Any activities would have to take place in the small flat area in the western side yard. Mr. Vince testified the proposed pool location in the western side yard was well screened between the house and the Saddle River, and the cemetery screens the pool from the properties to the north.

Mr. Vince testified due to the unusual topography of the Property there was no detrimental impact to the construction of the pool in the side yard. Mr. Vince testified the additional variances requested for the patio proposed having 30 ft. rear setback vs. 35 ft. permitted and the walkway proposed having a 25.1 ft. rear yard setback vs. 35 permitted were the result of the challenges related to the Property.

Mr. Vince testified that swimming pools were a neighborhood norm and due to the unique characteristics of the property not providing any alternate locations for the pool has created a hardship. The applicant has met the requirements to grant the requested c (1) variances.

A motion to open the Hearing to the Board by Mr. Preusch seconded by Mr. Polizzi regarding the testimony provided by Mr. Vince. Board Members did not provide comment.

A motion to open the Hearing to Members of the public by Mr. Preusch seconded by Mr. Polizzi regarding the testimony provided by Mr. Vince or having comments regarding the Application. No one appeared to provide testimony or comment.

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

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

### **Roll Call**

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

2. Variance Application/Amended Site Plan of **Jack Daniels Motors- Porsche 335 Route 17 South – Block 1015 – Lot 7**  
(Parking Deficiency; Building Distance to Traffic Aisle/*Proposed Building Modifications, Addition of AC & DC Charging Station, Relocation of Existing Fire Hydrant & Light Pole, Handicap Parking Signage, New Curbing & Aprons, Drainage Modifications*)

James Jaworski Esq., representing the applicant provided a brief overview of the proposed plan to modify the interior of the existing building by enclosing a rear portion to provide for a service reception area out of the elements and dedicating new vehicle delivery bays. The following exhibits were identified:

**A-1:** *USR Planning Board Resolution dated November 10, 2008*; **A-2:** *Construction Drawings for Jack Daniels Porsche prepared by Canzani Associates dated, January 24, 2021* (3) Sheets: **A1.01** – Showroom Floor Plan; **A2.01** – *Showroom Elevations*; **A2.02** - *Showroom Elevations*. **A-3:** *Site Plan prepared by Lapatka Associates dated thru March 23, 2021*; **A-4:** *Google Earth Aerial Photo*; **PB -1:** *Boswell Review Letter dated April 14, 2021*.

Kevin Spink AIA, Canzani Associates duly sworn by Mr. Madaio testified to the proposed changes mandated by Porsche Corporate which include the addition of (2) delivery bays; creating (3) offices, (4) new sales stations, relocating the boutique, creating a new custom lounge area, and addition of a skylight feature. Mr. Canzani testified the existing aluminum on the front elevation would be replaced with a waterproof material and all the existing stucco would be removed and replaced with a trapezium corrugated black panel.

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

Andrew Missey PE, Lapatka Associates duly sworn by Mr. Madaio, testified to preparing the Site Plans approved in 2008 depicting the existing conditions, structures and uses on the property. Mr. Missey also testified to and reviewed the proposed Amended Site Plan (A-3) enclosing the drop-off area resulting in the structure being closer to the traffic aisle requiring variances relief for the following: Traffic Aisle to be located within zero feet of the building vs.5 ft. of any building permitted; and (5) parking stall deficiency - 83 spaces required vs. 78 existing.

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

Kathryn Gregory, PP, duly sworn by Mr. Madaio, testified the requested variances meet the standards set forth in NJSA 40:55D-70(c)(2) by providing better, enclosed vehicle drop-off services while providing no negative impact on the Zoning Ordinance or Master Plan.

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

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. Jacobs, Mr. Bakal, Mr. Richardi, Ms. Schaum, Mr. Virgona

### **PUBLIC COMMENT**

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

### **ADJOURNMENT**

A motion to adjourn by Mr. Bonjuklian seconded by Mr. Polizzi was unanimously approved by all Members present. Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Linda Marmora, Clerk

