

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

WEDNESDAY, OCTOBER 13, 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 10, 2020 at which time the date and purpose of the meeting was set forth and notice was posted on the Boro Website:
www.usrtoday.org.

PLEDGE OF ALLEGIANCE

Present: Mr. Masi Mr. Bakal, Mr. Donato, Mr. Jacobs, Mr. Richardi, Mr. Wiederholz,
Mr. Polizzi, Mr. Virgona

Absent: Mayor Minichetti, Mr. Preusch, Mr. Bonjuklian

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

APPROVAL OF MINUTES

A motion by Mr. Jacobs to adopt the minutes of the September 23, 2021 meeting seconded by Mr. Bakal.

Roll Call

Ayes: 5 Mr. Jacobs, Mr. Bakal, Mr. Donato, Mr. Richardi, Mr. Virgona

ANNOUNCEMENT

Mr. Virgona announced the Application of **80 Lake Street LLC – Block 1005 – Lot 1** is carried to the Thursday, October 28, 2021 at 7:00 pm via ***ZOOM*** without further noticing required.

PUBLIC HEARING

1. Application of **Missaghieh**
3 Rustic Road – Block 1306 – Lot 2
(Side Yard/*Pool Location*; Western Side Setback/*Patio*)

Ramin Missaghieh, Applicant and Bruce Rigg PE were duly sworn by Mr. Madaio.

Mr. Missaghieh introduced the application requesting variances to locate an in-ground pool, connecting walkway and patio forward of the rear building line of the home in the side yard. The proposed patio is located in the 17 ft. western side yard setback vs. the 35 ft. required.

The following exhibits were identified: **A-1**: *Pool Plan, Block 1306 – Lot 2 dated through September 10, 2021 prepared by Rigg Associates.* **B-1**: *Boswell Engineering Reports dated July 8, 2021, August 24, 2021, September 1, 2021 and September 15, 2021.*

Mr. Rigg testified to the existing conditions and improvements located on the property, being a corner lot deemed to have (2) front yards. The septic system is located in the rear yard, and is why the proposed location for the pool in the side yard is the only option.

In response to comments from the Board, Mr. Rigg testified due to the topographic challenge of the property being steeply sloped downward to the rear, retaining walls were required to create a flat area for the location of the proposed pool. The size of the proposed pool is 15 ft x 28 ft. and sited within the 33 ft. x 45 ft. patio area in the large side yard of the corner lot. The proposed patio requires a 17 ft. side yard setback vs. 35 ft. permitted.

Discussion followed regarding the requested patio variance. Mr. Missaghieh agreed to amend the patio setback at 20 ft.

In response to additional comments from the Board, Mr. Rigg testified the pool is forward of the rear building line of the home, not forward of the front building line, and in conformance to the required 35 ft. setback. The height of the existing non-conforming tiered stone wall would be re-configured by re-grading to a conforming wall height of 4 feet.

Ms. Tiberi commented she is in agreement for the proposed location of the pool and the proposed evergreen plantings providing screening on Rustic Road.

A motion to open The Hearing to the public by Mr. Polizzi seconded by Mr. Donato. No one appeared to provide comment.

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

A motion by Mr. Richardi to approve the application with the amendment to the side yard setback to the patio at 20 ft. seconded by Mr. Jacobs.

Roll Call

Aves: Mr. Richardi, Mr. Jacobs, Mr. Masi, Mr. Bakal, Mr. Donato, Mr. Wiederholz, Mr. Polizzi, Mr. Virgona

2. Application of **Ahmad**
20 Pleasant Avenue – Block 1306 – Lot 1.03
*(Major Soil Moving Permit/Construction of New Home with Improvements/
Variances/Eastern Side Yard Setback; Driveway; Front Yard/Wall Height & Piers)*

Matthew Capizzi Esq, representing the applicant, provided a brief summary of the application to construct a single- family home with improvements on the undeveloped lot created by minor subdivision approval granted by the Board in 2001. Mr. Capizzi advised the triangular shaped lot is impacted by multiple environmental restrictions attributed to the Pleasant Brook along the frontage of the property.

Jeff Houser PE, and Chris Blake, Architect were duly sworn by Mr. Madaio.

The following exhibits were identified: **A-1**: *Aerial 20 Pleasant Avenue with Site Plan Element*; **A-2**: *Site Plan 20 Pleasant Avenue (5) sheets prepared by Houser Engineering dated July 21, 2021*; **A-3**: *Architectural Plan (8) sheets prepared by Chris Blake dated July 14, 2021*; **A-4**: *PB Resolution Granting Subdivision Approval dated July 26, 2001*; **A-5**: *PB Resolution Extending Grant of Minor Subdivision Approval dated March 25, 2004*; **A-6**: *NJDEP Permit (4) pages – dated October 13, 2019*; **B-1**: *Boswell Engineering review letter dated August 4, 2021*.

Mr. Houser testified to the environmental constraints restricting the construction of the proposed 2,789 single family home with a side loading (2) car garage, retaining walls and driveway location.

Mr. Houser reviewed and testified to the required variances: The driveway is proposed within the 10 ft. eastern side yard non-disturbance buffer having a 1.7 ft. minimum setback; the 7.5 ft. retaining walls proposed along the entire frontage.

Mr. Houser reviewed and testified to the proposed stormwater management control plan consisting of (4) seepage pits addressing run off from the roof drain and driveway; and (2) French Drains located midway up the driveway.

In response to comments from the Board, Mr. Houser testified a total of 2,453 cy soil are to be moved with soil stabilization implemented during construction. A total of (22) trees are to be removed including (10) heritage trees. Post construction (375) shrubs and the replanting of (5) additional mature trees are regulated by the NJDEP.

In response to comments from the Board, Mr. Houser testified plantings will be in the front and rear of the house and between the retaining walls. The front portion of the property is heavily vegetated.

In response to Ms. Tiberi, Mr. Houser testified (1) ft could be shaved off the proposed width of the 15 ft. driveway; the site distance of the driveway access has a stopping distance of 150 ft.

Discussion ensued regarding the construction sequence of the (2) retaining walls, and being able to stay within the boundaries of the limit of disturbance set by the NJDEP; and the concerns regarding soil erosion occurring due to the steep slope of the property.

Ms. Tiberi suggested consideration be given to provide curbing on the north side of the driveway so the water is directed and channeled into the stormwater facility.

In response to additional comments from the Board, Mr. Houser testified the guard rail east of the driveway is to remain. The house is sited on the higher elevation, having no usable front yard, but allows for a (1) story above ground in the rear of the house.

Discussion ensued regarding alternate locations for the driveway and concerns regarding a fire truck to navigate and turn around in the driveway. The Board requested the Plans be circulated to the Police Dept and the Fire Department for their review and comment.

A motion by Mr. Donato to open the Hearing to Members of the public seconded by Mr. Polizzi.

Patrick Pochatko, 1 Knollwood Road expressed several concerns regarding the driveway, tree removal, length of the proposed driveway, water run off from the driveway being washed into the Pleasant Brook and questioned if any studies had been conducted regarding the bridge after the recent Hurricane Ida.

Anna Maria Pochatko, 1 Knollwood Road expressed concern regarding the distance between the property line and the proposed driveway; retaining walls and the integrity of the wall holding up her home, and why there is no curbing directing the water from the driveway. In response, Mr. Houser testified the applicant is seeking a variance for the driveway to be located within the 10 ft. eastern side yard Non-Disturbance buffer.

Donna Benedetto, 12 Elizabeth Terrace, questioned the distance from the proposed driveway on the west side of the property to the bridge over the Pleasant Brook and if the bridge were going to be re-enforced. In response, Mr. Houser testified the driveway is 10 ft. from the bridge. Ms. Benedetto also questioned what is the recourse for the damage incurred to her property.

Al Festa, 9 Knollwood Road, questioned if any tests had been conducted regarding the proposed septic system. In response, Mr. Houser testified the septic design will be approved by the Board of Health.

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

Mr. Capizzi advised the Architect, Chris Blake would be provide testimony as to the design elements of the proposed home at the next meeting.

Mr. Capizzi requested the application be carried to the Wednesday, November 10, 2021 meeting via **ZOOM** granting a time extension to the Board; and without further noticing required.

ADJOURNMENT

A motion to adjourn by Mr. Polizzi seconded by Mr. Donato was unanimously approved by all Members present. Meeting adjourned at 9:36 p.m.

Respectfully submitted,

Linda Marmora, Clerk

