

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD MEETING MINUTES

THURSDAY, OCTOBER 28, 2021

Mr. Virgona called the meeting to order at 7:06 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: Mayor Minichetti, Mr. Masi, Mr. Preusch, Mr. Bakal, Mr. Donato, Mr. Jacobs, Mr. Richardi, Mr. Polizzi, Mr. Virgona

Absent: Mr. Wiederholz

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

APPROVAL OF MINUTES: October 13, 2021

A motion by Mr. Bakal to adopt the minutes of the Wednesday, October 13, 2021 meetings seconded by Mr. Bonjuklian.

Roll Call

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

RESOLUTIONS (*Memorialization*)

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

Mr. Madaio reviewed the Resolution. A motion by Mr. Donato to adopt the Resolution as presented seconded by Mr. Jacobs.

Roll Call

Ayes: 6 Mr. Donato, Mr. Jacobs, Mr. Masi, Mr. Richardi, Mr. Polizzi, Mr. Virgona

2. Application of **Porven Real Estate, Inc d/b/a/ Porcelanosa**
600 Route 17 North – Block 1002 – Lots 4.01 & 4.02 USR
Block 5102 – Lot 1 Ramsey NJ
(Extension of Resolution Granting Amended Site Plan Approval dated November 13, 2019)

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

Roll Call

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

PUBLIC HEARING

1. Application of **80 Lake Street LLC** (*Continued P. Hearing of August 26, 2021*)
80 Lake Street – Block 1005 – Lot 1
(Certification for Valid Non-Conforming Structure/Use/Existing 2-Family Dwelling)

Andrew Kohut Esq, representing the applicant, advised since the August 26, 2021 meeting, he was provided with the Borough's 1950 and 1976 Zoning Ordinances – submitted and identified as Exhibit A (3) pages. Mr. Kohut emphasized although the 1950 Ordinance provided (2) family dwellings were not a permitted use in either Residential districts A or B, Section 5:6 states any single-family dwelling existing at the time of the adoption of the 1950 Ordinance can be converted into a (2) family dwelling as long as the conversion is contained in the existing structure. The 1976 ordinance did not include this exception, and after filing an OPRA request with the Borough for additional ordinances for the period from 1950 – 1976, was advised there were no records for this time frame.

Mr. Kohut reviewed the improvement history of the dwelling as calculated in the added tax assessment records, advising the dwelling existed at the time the 1950 Ordinance was adopted.

Thomas Ashbahian PE, for the applicant, remaining under oath, testified he had conducted a site visit to inspect the foundation of the existing structure, concluding three sides of the building are concrete on slab built at the same time as a (1) family dwelling. The new construction built in 1952 was not an addition to the dwelling, but was the garage itself. The existing dwelling in his opinion was built in the period from 1910 – 1920; the 1950 Ordinance allowed the (1) family conversion to a (2) family dwelling.

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

In response to comments from the Board if it were possible to tell if the foundation was poured in 1950 or 1952, Mr. Ashbahian testified in his opinion the slab is consistent with older buildings prior to 1952.

Ms. Tiberi reviewed the 1953 aerial photo showing the home and a small structure; in the 1955 aerial photo, the main building is larger and a new structure is approximately located 30 ft. away.

Further discussion ensued regarding the age of the two electrical panels located in the garage servicing the dwelling.

Mr. Kohut provided his summation stating the Borough permitted the conversion to a (2) family dwelling at the time the 1950 Ordinance was adopted and up until the adoption of the 1976 Ordinances. The applicant has demonstrated through prior testimony and exhibits that the current existing (2) family is a legal, pre-existing non-conforming use and structure.

A motion by Mr. Jacobs to open the Hearing to Members of the public seconded by Mr. Donato.
No one appeared to provide comment.

Discussion followed. Board Members deliberated the evidence, testimony and the totality of facts,

determining the conversion from a one-family dwelling to a two -family dwelling was unlawful.

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

A motion by Mr. Polizzi to deny the application seconded by Mr. Preusch. No further motion.

Roll Call

Ayes: 7 Mr. Polizzi, Mr. Preusch, Mayor Minichetti, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Virgona

Mr. Virgona announced the next meeting of the Planning Board is Wednesday, November 10, 2021 at 7 pm *via ZOOM*.

ADJOURNMENT

A motion to adjourn by Mr. Donato seconded by Mr. Preusch was unanimously approved by all Members present. Meeting adjourned at 8:03 pm.

Respectfully submitted,

Linda Marmora, Clerk