

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

**WEDNESDAY, SEPTEMBER 14, 2022**

Mr. Virgona called the meeting to order at 7:03 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 January 13, 2022 at which time the date, time, place and purpose of the meeting was set forth and notice was posted on the USR Boro Website:

[www.usrtoday.org](http://www.usrtoday.org)

**PLEDGE OF ALLEGIANCE**

**Present:** Mr. Virgona, Mr. Polizzi, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Richardi, Mr. Wiederholz

**Absent:** Mayor Minichetti, Mr. Masi, Mr. Donato, Mr. Bonjuklian

**Also Present:** Mark Madaio Esq, Planning Board Attorney  
Christopher Nash PE, Boswell Engineering/Board/Borough Engineer

**APPROVAL OF MINUTES**

A motion by Mr. Polizzi to adopt the minutes of the August 25, 2022 meeting seconded by Mr. Richardi.

**Roll Call**

**Ayes:** 6 Mr. Polizzi, Mr. Richardi, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Virgona

**RESOLUTIONS (Memorialization)**

Mr. Virgona announced the following Resolutions are carried to the Thursday, September 22, 2022 meeting at 7 pm *via ZOOM*.

1. Application **Sergey Indyk & Karina Esaian** ***APPROVED***  
**88 Dimmig Road – Block 1225 – Lot 12**  
(Height/*New Home*; Disturbance in Non-Disturbance Area/*Keystone Wall*)
2. Application of **Chai Care, LLC** ***APPROVED***  
**380 Route 17 North – Block 1010 – Lot 12**  
(Minor Site Plan Approval/*Parking Requirement Waiver/Doctor's Office/Urgent Care Facility*)

**PUBLIC HEARING**

1. Application of **54 Pleasant Ave LLC**  
**48 Pleasant Avenue – Block 1305 – Lot 3.02**  
(Amended Site Plan Approval/*Pool Location*)

James Jaworski Esq representing 54 Pleasant Ave LLC, advised the subject property was created as a result of the Wortmann Subdivision Approval granted in 2018. Mr. Jaworski advised the NJDEP has since compelled the home to be rotated out of the 150 ft. Riparian Zone resulting in the proposed pool now being located in the side yard vs the rear yard permitted. The existing historic barn located on the lot continues to remain.

The following exhibits were identified: **A-1:** *Amended Plot Plan – Block 1305- Lot 3.02 prepared by Conklin Associates dated June 14, 2022*; **A-2:** *Comparison of Existing and Proposed Plot Plan prepared by Conklin Associates dated July 28, 2022*; **A-3:** *NJDEP Permit dated April 14, 2022*; **B-1:** *Boswell Review Letter dated July 13, 2022*; **B-2:** *Boswell Review Letter dated August 4, 2022*.

Tibor Latincsics PE, Conklin Associates duly sworn by Mr. Madaio, testified to having prepared the Sub-Division Plan, Original Plot Plan for 48 Pleasant Avenue and the Amended Plot Plan – 48 Pleasant Avenue regarding this Application. Mr. Latincsics testified the home overlapped into the Riparian Zone with the NJDEP taking the position it was the Applicant's responsibility to re-locate the home out of the restricted area.

Mr. Latincsics shared the screen depicting Exhibit A-2: "A" the original approved plan with the home located at an approximate 45-degree angle to Pleasant Avenue with the pool located in the rear yard; and "B" the revised plan with the home rotated less than 90 degrees as required by the NJDEP so that no portion of the home encroaches into the 150 ft. Riparian Zone; and with the pool now being located in the side yard.

In response to comments from the Board, Mr. Latincsics testified the pool is in the same location as the original plan; if viewed from Pleasant Avenue, the pool is located in the rear yard. There are no other deviations of the originally approved plan.

Mr. Latincsics reviewed the soil moving calculations: 1,268 cy cut, 958 cy fill and 310 cy to be exported off the site. Mr. Latincsics added this is the last of the (4) homes to be constructed, with not a truck load of soil having left the site for the other (3) homes that have already been constructed.

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

Mr. Jaworski advised he was contacted by an adjacent property owner to the rear, who had questioned the substance of the Application, but was satisfied with his explanation.

Mr. Jaworski summarized the request for variance relief stating the Application stands on its' own merit, warranting unanimous approval granting the variance under the c(1) and c(2) criteria.

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. Richardi.

### **Roll Call**

**Ayes:** 7 Mr. Polizzi, Mr. Richardi, Mr. Preusch, Mr. Bakal, Mr. Jacobs, Mr. Wiederholz, Mr. Virgona

### **ANNOUNCEMENT**

Mr. Virgona announced the next Planning Board meeting is to be held Thursday, September 22, 2022 at 7:00 pm *via ZOOM*. The Agenda, Meeting Materials and **ZOOM Instructions** are posted on the Boro's website: [www.usrtoday.org](http://www.usrtoday.org)

### **ADJOURNMENT**

A motion to adjourn by Mr. Preusch seconded by Mr. Bakal was unanimously approved by all Members present. Meeting adjourned at 7:36 p.m.

Respectfully submitted,

Linda Marmora, Clerk