

**MINUTES OF THE PLANNING BOARD  
OF THE BOROUGH OF SADDLE RIVER  
September 17, 2020**

**"Notice of this meeting in compliance with the Open Public Meetings Act, Chapter 231 of the Laws of 1975 has been given by posting a notice of the scheduled dates of all the special meetings of the Planning Board of the Borough of Saddle River on the bulletin board, in the Municipal Building and in the office of the Clerk and by e-mailing notice thereof to the Record and the Herald News on "**

**Zoom Information**

[https://saddleriver-org.zoom.us/j/6993671433?  
pwd=NXNYM1RuTVNKVXRBTHQ4MDZZRndKdz09](https://saddleriver-org.zoom.us/j/6993671433?pwd=NXNYM1RuTVNKVXRBTHQ4MDZZRndKdz09)

Meeting ID: 699 367 1433  
Passcode: 090820

**PLEDGE OF ALLEGIANCE**

All Participated.

**ROLL CALL:**

The Clerk took roll call, the following members were present or absent:

Present: Mayor Kurpis, Council Member Hekemian, Chairman Jeff Liva, Members: Gerald Bedrin, Carol Boyajian (arrived at 7:06pm), Jerry Decrosta, Doug Holden, Nicholas Lonziser, Jordan Richin

Absent: Member: Peter Ponzini

Professionals Present: Borough Engineer Martin Spence, Borough Landscape Engineer Scott Levy, Planning Board Attorney Tom DiBiasi, Borough Planner Joe Burgis

**Approval of Minutes**

None.

**PUBLIC HEARING(S):**

2 & 3 Choctaw Trail and 20 E. Allendale Road  
**2 and 3 Choctaw Trail and 20 E. Allendale Road  
Michaels Development Company  
See Attached**

**THE MICHAELS DEVELOPMENT COMPANY I, LP**

BLOCK 1601, LOTS 10 and 11; BLOCK 1605, LOT 1  
2 and 3 Choctaw Trail; 20 East Allendale Road

PRELIMINARY MAJOR SITE PLAN, WAIVERS / EXCEPTIONS AND RSIS EXCEPTION  
TO ALLOW FOR CONSTRUCTION OF A 100% AFFORDABLE HOUSING PROJECT,  
INCLUDING CONSTRUCTION OF RELATED SITE IMPROVEMENTS

A number of documents were submitted by the Applicant with regard to the Application, all of which documents are on file with the Board and are part of the record in this matter:

1. "Preliminary Site Plan Application for Saddle River Residential Development Block 1605 Lot 1, Block 1601 Lots 10 & 11" prepared by Patricia Ruskan, PE of Paulus, Sokolowski and Sartor, LLC (PS&S), dated September 4, 2020, consisting of sixteen (16) sheets (the "**Preliminary Plans**");
2. Architectural plans prepared by James Haley of Urban Practice titled "Choctaw Trail + Allendale Road," dated September 4, 2020, consisting of three (3) sheets (the "**Preliminary Architectural Plans**")
3. Traffic & Parking Assessment Report prepared by Stonefield Engineering and Design, LLC, dated September 4, 2020 (the "**Traffic Report**"),
4. Stormwater Management Report prepared by PS&S, dated September 4, 2020 (the "**Stormwater Management Report**");

The following individuals testified during the hearing on the Application, were subject to cross examination, and the testimony is part of the record in this matter:

1. Patricia Ruskan, PE (Applicant's civil engineering expert),
2. James Haley, AIA (Applicant's architectural design expert),
3. Matthew Seckler, PE, PTOE (Applicant's traffic engineering expert),
4. Martin Spence, PE (Board's civil engineering expert), and
5. Joseph Burgis, PP (Board's planning consultant);

The following exhibits were submitted into the record as evidence during the hearing, are on file with the Board, and are part of the record in this matter:

- A-1 Aerial Exhibit prepared by PS&S,
- A-2 Colored Landscaping Plan prepared by PS&S,
- A-3 Typical Elevations prepared by Urban Practice,
- A-4 Choctaw Trail Elevation prepared by Urban Practice,
- A-5 E. Allendale Elevation prepared by Urban Practice,
- A-6 Preliminary Site Plans, and
- A-7 Preliminary Architectural Plans;

**A. FACTUAL FINDINGS**

1 . **The Property, Zoning and Existing Conditions.** As set forth above, the Property consists of three lots (Block 1601, Lots 10 and 11, Block 1605, Lot 1) totaling approximately 6.044-acres and has frontage on Choctaw Trail, East Allendale Road and Route 17. The Property is situated in the AH-3 Affordable Housing Zone District. Each lot comprising the Property contains a single-family house and related site improvements. The Property is surrounded by single-family residential development on the north, east, and south and by Route 17 to the west. Lots 10 and 11 contain varied topographic features with moderate slopes and wetlands in the southwesterly part of

the lots and in the northwest corner of the lots.

2 . **The Application and Proposed Affordable Housing Project.** The Application seeks preliminary site plan approval with a request for waivers / exceptions from the Soil Relocation Ordinance and a de minimis exception from RSIS to allow construction of the Affordable Housing Project, which is a 100% affordable housing project consisting of a total of five (5) multifamily residential buildings containing 111 units, with all of the units being affordable units, and related site improvements such as stormwater facilities, landscaping, and parking. The specifics of the Affordable Housing Project, and the specific exceptions that have been requested, are as follows:

a . **Specifics of the Affordable Housing Project.** The proposed Affordable Housing Project will consist of four buildings located on Lots 10 and 11 containing eighty-eight (88) two-bedroom and three-bedroom units and one building located on Lot 1 containing twenty-two (22) one-bedroom and one (1) two-bedroom units. Three of the four buildings located on Lots 10 and 11 will contain twenty-four (24) units, and one building will contain sixteen (16) units and community space. The site improvements include 140 parking spaces<sup>[1]</sup> to service the residential development, one ground mounted identification sign at the entrance of the development on Lot 1 and one ground mounted identification sign at the entrance of Lots 10 and 11, tot lot for use by residents, retaining walls with fence for fall protection, and a stormwater management system. The stormwater management system will include inlets in the parking area, inlets throughout the green spaces, three subsurface detention basins, storm sewer systems and water quality manufactured treatment devices.

b . **Specific Relief Requested.** The specific relief requested is as follows. First, the Applicant requests a de minimis exception from the RSIS requirements to permit 140 parking spaces, where 221 parking spaces are required. Second, the Applicant requests three waivers / exceptions from Borough Ordinance Section 183-6: (1) to permit retaining walls in excess of four feet in height, (2) to permit steep slope disturbance and (3) to permit slopes adjacent to the property boundary to exceed one foot vertically for every five feet horizontally. Third, the Applicant requests preliminary site plan approval.

3 . **Difference Between Preliminary and Final Site Plan Review and Approval and Finding that the Preliminary Plans and Documents are Sufficient for Purposes of Preliminary Site Plan Review and Approval.** In order to construct the Affordable Housing Project, the Application requires both preliminary and final site plan approval. The Applicant has applied for preliminary site plan approval only at this time and has indicated that if it obtains preliminary approval, it will subsequently apply for final approval. As set forth in the legal conclusions below, the MLUL provides that the plans submitted for preliminary approval need only be in “tentative form” for “discussion purposes” whereas the plans submitted for final approval need to be “detailed.” The Board finds that the Preliminary Plans, the Preliminary Architectural Plans, and the other documents listed above which have been submitted for approval are sufficient for purposes of preliminary site plan review and approval.

4 . **Findings as to the Exception from the RSIS to Permit Less Parking Spaces than Required by the RSIS.** The Preliminary Plans deviate from the RSIS requirement established in N.J.A.C. 5:21-4.14 (Table 4.4). The RSIS requirements supersede all site plan ordinance requirements for residential development.<sup>[2]</sup> However, section 4.14(c) specifically permits a municipality to accept an alternative parking standard if the applicant demonstrates that said standard better reflects the local conditions. Factors affecting minimum number of parking spaces include household characteristics and availability of mass transportation. Borough Ordinance Section 210-

97(j) sets forth such an alternative parking standard, which the Application complies with. As set forth above, the Applicant requested an exception from the RSIS to permit 140 parking spaces, where 221 parking spaces are required by RSIS and 138 parking spaces are required by Borough Ordinance. As a threshold matter, the Board finds that the requested exception qualifies as a de minimis exception under N.J.A.C. 5:21-3.1(f)(1). As to the merits of the requested exception, the Board finds that the number of proposed parking spaces complies with the alternative parking standard accepted by the Borough based on local conditions and housing characteristics. The proposed number of parking spaces is sufficient to service the Affordable Housing Project based on testimony from the Applicant's traffic engineer regarding nearby mass transportation and housing characteristics associated with affordable housing units. The Board further finds that granting the requested exception is reasonable and within the intent of the RSIS standards provided that the conditions set forth below are imposed and complied with. Finally, the Board finds that the literal enforcement of the RSIS requirements at issue is impracticable because it would require the Applicant to reduce the number of affordable housing units that can be provided on the site and increase the impervious coverage on the site to accommodate the centerline radius requirement for no reason other than strict compliance with the RSIS requirements.

5 . **Findings as to Waivers / Exceptions from the Soil Relocation Ordinance.** Borough Ordinance, Chapter 183, Soil Relocation, contains requirements related to soil relocation applications, which are submitted to and reviewed by the Board. Pursuant to Section 183-11, the Board can recommend waivers from the requirements of the Soil Relocation Ordinance to the governing body for approval. In this instance, Ordinance Section 210-99 states that an application for development in the AH-3 Zone serves as an application for a zoning permit, including those permits related to retaining walls and soil relocation. As such, the requested waivers are subsumed in the Application. The Applicant is requesting waivers (1) to permit retaining walls in excess of four feet in height, (2) to permit steep slope disturbance and (3) to permit slopes adjacent to the property boundary to exceed one foot vertically for every five feet horizontally. The Board finds that the waivers / exceptions are subsumed in the Application and should be granted because the literal enforcement of the requirements is impracticable due to the existing topography and grade of the site. The Board further finds that the retaining wall height is required to safely retain and stabilize the soil and the steep slopes need to be disturbed to be able to build the Affordable Housing Project.

6 . **Findings as to Preliminary Site Plan Review.** The Board's findings as to preliminary site plan review are as follows:

a . **Ordinance Compliance in General.** With the exception of (a) the de minimis exception from the RSIS requirements to permit 140 parking spaces, where 138 parking spaces are required and the waivers / exceptions from Borough Ordinance Section 183-6: (1) to permit retaining walls in excess of four feet in height, (2) to permit steep slope disturbance and (3) to permit slopes adjacent to the property boundary to exceed one foot vertically for every five feet horizontally, for which the Board concluded that exception and waivers should be granted, the Board finds that the Preliminary Plans, Preliminary Architectural Plans, Traffic Report and Stormwater Management Report will comply with all other applicable zoning ordinance regulations, site plan ordinance requirements, and RSIS requirements provided, however, that the conditions set forth below are imposed and complied with.

b . **Compliance with Matters Vital to Public Health.** Provided that the conditions set forth below are imposed and complied with, the Board also finds that matters vital to the public health (water supply, sewage disposal, stormwater drainage, and traffic circulation) will be adequately provided for and appropriately designed as part of the Project.

c . **Ultimate Finding.** For all of the foregoing reasons, the Board's ultimate finding is that preliminary site plan approval is warranted provided that the conditions set forth below are imposed and complied with.

Martin Oud - 10 Hawthorne Terrace - Concerned with additional flooding in town with the proposed development. Also concerned with the noise from Route 17.

Vince Behl - 33 E. Allendale Road - Questioned why the original approved resolution state there would be three Choctaw properties and this development is on two. Lot number 11 is not part of the plan. Questioned how this plan was created if the site was not walked as per the low impact checklist review of the local storm water recommendations

Michael Licata - 22 E. Allendale Road - Block 1605 20 E Allendale Rd. 1. Stated that records show this location as dangerous living zone. 2. Also concerned with possible contamination and oil due to previously having a shed where repairs to vehicles was housed.

Motion to approve Offered by Gerald Bedrin  
Seconded by Jordan Richin  
Passed Absent: Ponzini

**OLD BUSINESS:**

20-18 Recommend Approval of Ordinance 20-998

At the last meeting testimony was given that the Ordinance was not inconsistent with the Master Plan. It was determined the Board was not ready to approve and the resolution is being carried to the October 6, 2020 Regular Planning Board Meeting.

Motion to Carry to October 6, 2020 meeting. Offered by Carol Boyajian  
Seconded by Gerald Bedrin  
Passed Abstain: Hekemian

**CLOSED SESSION:**

None.

**ADJOURNMENT:**

Special Meeting Monday to memorialize tonight's application. There will be no special meeting on Tuesday. Motion to adjourn. Offered by Carol Boyajian  
Seconded by Jordan Richin

Passed Unanimously

Respectfully submitted,

Vanessa Nienhouse  
Municipal Clerk  
Planning Board Secretary