

**MINUTES OF THE PLANNING BOARD
OF THE BOROUGH OF SADDLE RIVER
September 1, 2020**

Zoom Meeting Information:

Click Here to Join Meeting

Meeting ID: 830 4496 7120

Password: 168490

Dial In - (929) 205 6099

PUBLIC NOTICE

Clerk to Read - "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 regular 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 December 27, 2019. Also posted on the Borough website."

PLEDGE OF ALLEGIANCE

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, Nicholas Lonziserio

Absent: Members: Jerry Decrosta, Doug Holden, Peter Ponzini, Jordan Richin

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

APPROVAL OF MINUTES:

June 9, 2020 Regular Planning Board Meeting

Motion to approve Minutes of June 9, 2020 Offered by Carol Boyajian

Seconded by Gerald Bedrin

Passed/Absent: Decrosta, Holden, Ponzini, Richin

MEMORIALIZING RESOLUTION(S):

None.

PUBLIC HEARING(S):

204 East Saddle River Rd.

Di Staulo Construction III, Applicant
Matthew Fleissig and Fawn Schoenberg, Owners

204 East Saddle River Road
Block 1402, Lot 46.03

Di Staulo Construction III made an application for a soil relocation permit with no waivers from the Soil Relocation Ordinance for property located at 204 East Saddle River Road also known as Lot 46.03 in Block 1402 on the municipal tax map; and

At which hearing the applicant appeared pro-se and presented the testimony of Michael J. Hubschman, P.E., P.P. and Christopher L. Karach, N.J. L.L.A; and

The applicant submitted the following exhibit into evidence:

1. Site Plan/Septic Plan, Drawing 1 of 3, prepared by Hubschman Engineering and most recently dated August 18, 2020;
2. Soil Erosion & Sediment Control Plan; Details, Drawing 2 of 3, prepared by Hubschman Engineering and most recently dated August 18, 2020;
3. Existing Conditions Plan; Tree Removal Plan, Drawing 3 of 3, prepared by Hubschman Engineering and most recently dated August 18, 2020;
4. Cross Sections and Soil Moving Plan, Drawings 1 of 2 and 2 of 2, prepared by Hubschman Engineering and dated June 18, 2020;
5. Drainage Area Map prepared by Hubschman Engineering and dated June 18, 2020;
6. Drainage Report/Calculations prepared by Hubschman Engineering and most recently dated August 18, 2020; and
7. Schematic Landscape Plan prepared by Christopher L. Karach, N.J. L.L.A and dated July 14, 2020;

The Planning Board made the following findings of facts, determinations and conclusions of law:

1. The property in question is located in the R-1 Residential Zone. It consists of 123,503 square feet or 2.83 acres and is currently undeveloped. The property is one of three lots subdivided from a single lot that consisted of 8.60 acres. Another lot from the same subdivision has been recently completed further East and accessed from Bayberry Drive. A riparian buffer crosses the Southeast property corner associated with the Wandell Brook, which is located on the Bayberry Drive parcels.
2. The applicant proposes constructing a 2-1/2 story single-family dwelling, pool, driveway access and septic system together with site improvements. Part of the property was only improved with a driveway and access road, where the original home was located further East on the Bayberry Drive frontage portion of the lot. No proposed improvements are shown to encroach into the riparian buffer.
3. The proposed building coverage is 3.67% (4,537 square feet) and the proposed lot coverage is 13.42% (16,574 square feet) where the ordinance permits 7% and 21% respectively. The Planning Board has not reviewed zoning compliance issues in connection with this soil relocation application.
4. The proposed soil relocation quantities are as follows: sum excavation of 2,467 cubic yards, sum fill of 477 cubic yards and net export of 1,797 cubic yards. The primary soil excavations are the result of the foundation and grading.
5. One hundred fifty-eight (158) trees have been noted on the plans to be removed as a result of the current improvements.
6. Michael J. Hubschman, P.E., P.P. was sworn in and qualified as an expert in the field of engineering. Mr. Hubschman discussed the proposed plans and testified that the applicant would comply with the Planning Board Engineer's letter dated August 26, 2020.
7. Christopher L. Karach, N.J. L.L.A was also sworn in and qualified as an expert in the field of landscape architecture. Mr. Karach discussed the proposed plans and testified that the applicant would comply with the requirements of the Planning Board Landscape Architect.

8. Applicant did not request any waivers from the Soil Relocation Ordinance. The Planning Board determined that the soil relocation quantities are representative for the proposed construction activities.

The Planning Board determined that the property could not be reasonably developed with the proposed single-family home, pool, driveway access, septic system and improvements without the granting of the relief sought. It further determined that the requested relief would not impact adjacent properties.

Board attorney will prepare a resolution to memorialize the action of the Planning Board in recommending to the Governing Body the approval of the within soil relocation application and associated waiver, subject to the following conditions:

1. Sump pump seepage pit should be labeled No 9, with a note that sump pump discharge only.
2. The applicant shall be bound by the testimony presented at the Board meeting as if the testimony was incorporated herein.
3. The applicant shall submit escrow sufficient to cover engineering review/inspection in the amount of \$1,667.00, legal costs in the amount of \$1,666.00, and landscaping review/inspection in the amount of \$1,666.00 regarding this application.

Motion to approve this application. Offered by Carol Boyajian

Seconded by Gerald Bedrin

Passed/Absent: Decrosta, Holden, Ponzini, Richin

35 W. Wildewood Rd. B1301 L 32 Kolla

Dr. Sai Kolla did make an application for a soil relocation permit as well as a waiver from the Soil Relocation Ordinance for property located at 35 West Wildwood Road also known as Lot 32 in Block 1301 on the municipal tax map. Mr. Kolla was represented by counsel Robert P. Zisgen, Esq. who presented the testimony of Thomas E. Donohue, P.E. and Nicholas Gakos, N.J. L.L.A.

The applicant submitted the following exhibit into evidence:

1. Plot Plan, Sheet 1 of 4, prepared by Donohue Engineering and most recently dated June 24, 2020;
2. Construction Details, Sheet 2 of 4, prepared by Donohue Engineering and most recently dated June 24, 2020;
3. Soil Erosion & Sediment Control Plan; Sheet 3 of 4, prepared by Donohue Engineering and most recently dated June 24, 2020;
4. Slope Plan, Sheet 4 of 4, prepared by Donohue Engineering and most recently dated June 24, 2020; and
5. Landscape Plan prepared by Nicholas Gakos, ASLA and dated July 1, 2020;

The property in question is located in the R-1 Residential Zone. It consists of 110,705 square feet or 2.54 acres and is currently undeveloped. A detention basin bounds the property along the east limits of the property and NJSH Route 17 bounds the property along the west/rear property line. Based on the files subdivision map for High Ridge, the property could also be 24 Eckart Farm Road. The applicant proposes constructing a 2-1/2 story single-family dwelling, driveway access and septic system together with site improvements. In 2004, applicant had prior Soil Relocation application approved by the Planning Board but was never constructed. Prior application showed improvements generally in the same location as the current proposed application with the exception

of a tennis court which is not made part of the current application. The proposed building coverage is 5.22% (5,782 square feet) and the proposed lot coverage is 16.34% (18,094 square feet) where the ordinance permits 7% and 21% respectively. The Planning Board has not reviewed zoning compliance issues in connection with this soil relocation application. The proposed soil relocation quantities are as follows: sum excavation of 2,297 cubic yards, sum fill of 1,951 cubic yards and net export of 346 cubic yards. The primary soil excavations are the result of the foundation. Forty-three (43) trees have been noted on the plans to be removed as a result of the current improvements. Thomas E. Donohue, P.E. was sworn in and qualified as an expert in the field of engineering. Mr. Donohue discussed the proposed plans and testified that the applicant would comply with the Planning Board Engineer's letter dated July 27, 2020. Nicholas Gakos, ASLA was also sworn in and qualified as an expert in the field of landscape architecture. Mr. Gakos discussed the proposed plans and testified that the applicant would comply with the Planning Board Landscape Architect's letter dated August 28, 2020.

The Planning Board determined that good reasons existed for the following waivers:

- The ordinance permits a maximum grade change of 4 feet and 6 feet is proposed.
- The ordinance permits a FFE within 4 feet of average grade and 7 feet is proposed.
- The ordinance does not permit areas of disturbance within Slope Category greater than 35% and 1,198 SF is proposed.

The Planning Board determined that the property could not be reasonably developed with the proposed single-family home, driveway access, septic system and improvements without the granting of the relief sought. It further determined that the geography of the property presents a sufficient hardship to warrant the requested relief and that the requested relief would not impact adjacent properties.

The Planning Board Attorney will prepare a resolution, for the next meeting, to memorialize the action of the Planning Board of the in recommending to the Governing Body the approval of the within soil relocation application and associated waiver, subject to the following conditions:

1. Due to the increase in impervious areas, the project will require an RFA.
2. Plans shall be revised to revise leaders, notes for accuracy and completeness.
3. The applicant shall be bound by the testimony presented at the Board meeting as if the testimony was incorporated herein.
4. The applicant shall submit escrow sufficient to cover engineering review/inspection in the amount of \$1,867.00, legal costs in the amount of \$1,666.00, and landscaping review/inspection in the amount of \$1,666.00 regarding this application.

34 West Wildwood Road Offered by Carol Boyajian

Seconded by Council Member Hekemian

Passed Absent: Decrosta, Hodgins, Holden, Ponzini, Richin

Saddle River Cafe

Versailles Realty Company applied for site plan approval, associated waivers and a parking variance to permit localized modifications including outdoor dining and realignment of parking spaces to the Saddle River Café, an existing restaurant located at 171-175 East Saddle River Road, also known as Lot 46.03 in Block 1402 on the municipal tax map.

Council Member Hekemian recused himself and left the meeting.

Applicant was represented by counsel Andrew S. Kohut, Esq. who presented the testimony of Alexander J. Lapatka, P.E.

The applicant submitted the following exhibits into evidence:

1. Outdoor Dining Site Plan, Sheet 1 of 2, prepared by Lapatka Associates and most recently dated August 18, 2020;
2. Existing Conditions, Sheet 2 of 2, prepared by Lapatka Associates and most recently dated February 25, 2019;
3. Outdoor Dining Parking Lot Island Planting Plan prepared by Greenbelt Landscapes and dated July 30, 2020;
4. Ground Floor Plan, SK-1, prepared by Dahn & Krieger and dated July 23, 2020; and
5. Elevations Plan, SK-2, prepared by Dahn & Kriger and dated July 23, 2020.

The Board made the following findings of facts, determinations and conclusions of law:

1. The property in question is located in the Cross Business (CB) Zone (formerly the B-1 Business Zone) and is a permitted use under Zoning 210-17(A). It consists of 161,201 SF or 3.7 acres. The property is located in the Flood Hazard Area of the Saddle River being bound by the watercourse to the West.

2. The applicant is proposing at the site an approximate 20' x 90' (1,800 SF) exterior dining area on the North side of the Colonial Shopping stores consisting of an array of 12 (4) seat tables on a paver patio surrounded by planter boxes with a pergola and fabric awnings along with a waiting area east of the patio area. The application consists of replacing existing pavement with new pavers and the re-alignment of parking spaces mostly North and West to maintain the existing 164 parking spaces, which meets the current off street parking requirements. Further, the applicant is proposing to provide three new Borough streetscape type lights in the new landscape island located North of the seating area and a new 9 x 18 shed/refrigerator along the West building line.

3. The applicant is also seeking a parking variance as a conservative review of counting the exterior parking (seasonal and assuming the interior is fully used at same time) would require an increase of 36 spaces for on-site parking. It is noted that the outdoor dining area may be more seasonal and not year round parking demands. Our experience finds that available site parking has not caused any routine or significant problems and usually there is ample unused parking on the lot, however, some areas may have concentrated use along the storefronts.

4. The proposed improved lot coverage is 71.7% where the current improved lot coverage is 72% and where the ordinance permits 30%. Improved site coverage is being slightly decreased due to some proposed new planting islands. Applicant's engineer has designed the site improvements to be consistent with the Permit by Rule and will submit to the NJDEP for compliance.

5. The Planning Board reviewed the testimony of the applicant's professionals and determined that the applicant provided sufficient proofs to justify the granting of site plan approval. The Planning Board also determined that the granting of site plan approval would further the purposes of the Municipal Land Use Law and that the benefits of the requested site improvements would substantially outweigh the detriments, if any, and will have minimal adverse impact on the property or the surrounding area.

6. The Planning Board determined that good reasons existed for the following waivers:

- The ordinance permits a maximum improved lot coverage of 30% and 71.7% is proposed.
- The ordinance permits a minimum parking space length of 20 feet and 18 feet is proposed.
- The ordinance requires 36 additional parking spaces for proposed outdoor dining capacity and no new parking spaces are proposed.

7. The Planning Board thus concluded that the granting of site plan approval promotes the full and viable use of the property without substantially impairing the intent and purposes of the Zone

Plan and the Zone Ordinances of the Borough of Saddle River.

8. The Planning Board discussed with the applicant the review memoranda received from the Planning Board Engineer and Planning Board Landscape Architect both dated August 28, 2020 and agreed their comments would be made conditions of any approval.

The Planning Board attorney will prepare a resolution for the next meeting o memorialize the action of the Planning Board approving the within site plan application, associated waivers and parking variance subject to the following conditions:

1. Bergen County Planning approval or waiver required.
2. Applicant shall address the building coverage revisions for the shed and slight percentage increase, revise bulk table.
3. Application shall be submitted to the Board of Heath (for building permit review).
4. The parking spaces (5) opposite the bank ATM may have conflicts when the (2) most easterly spots back out. These spaces shall be designated as "employee parking".
5. Applicant shall comply with NJDEP FHA regulations. Applicant shall provide Permit/Waiver or Notes of Compliance for Permit by Rule for the improvements.
6. The applicant shall be bound by the testimony presented at the Board meeting as if the testimony was incorporated herein.
7. The applicant shall submit escrow, sufficient to cover the engineering review/inspection in the amount of \$1,500.00 and legal costs in the amount of \$1,500.00 regarding this application.

Motion to approve this application. Offered by Carol Boyajian

Seconded by Gerald Bedrin

Passed Absent: Decrosta, Hekemian, Hodgins, Holden, Ponzini, Richin

NEW BUSINESS:

R20-18 Recommend Approval of Ordinance 20-998

WHEREAS, the Planning Board of the Borough of Saddle River has reviewed and discussed Ordinance 20-998, and found it to be not inconsistent with the Borough of Saddle River's Master Plan.

NOW THERE FORE BE IT RESOLVED, that the Saddle River Planning Board does hereby recommend to the Mayor and Council of the Borough of Saddle River that Ordinance 20-998 be adopted:

Borough Planner Joe Burgis had not formally reviewed the Ordinance.

The Board took a short recess.

Resolution 20--18 has been tabled. All in Favor

ADJOURNMENT:

ALL IN FAVOR

Respectfully submitted,

Vanessa Nienhouse
Municipal Clerk
Planning Board Secretary