

MINUTES OF THE SPECIAL MEETING OF THE SADDLE RIVER PLANNING BOARD HELD AUGUST 18, 2016 – 7:00PM MUNICIPAL BUILDING

PRESENT: Members: Mayor Kurpis, Council President Jensen, Board Members Liva, Kurpis, Richin, Rogers and Planning Board Attorney: DiBiasi

ABSENT: Chairman Russo, Board Members Bernhardt, Boyajian, Alternate Members: Grossman and Bedrin

NOTIFICATION OF EMERGENCY EXITS

PLEDGE OF ALLEGIANCE:

SUNSHINE LAW: Ms. Burgio stated: "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 Special Meeting of the Planning Board of the Borough of Saddle River on the bulletin Board in the Municipal Building and publishing notice thereof to The Record on August 13, 2016. The agenda was posted on the official Borough website on August 11, 2016 "

Mr. George Kakaty of 10 Eugene Road, Saddle River, New Jersey was sworn in by Attorney DiBiasi. Mr. DiBiasi stated there are two procedural matters to put on the record at this time. Mr. Kakaty stated that he had a conversation with Mr. Scialla regarding same. Mr. Scialla explained to Mr. Kakaty during the conversation that he would not issue a building permit but that he should go before the appropriate Land Use Board. This was an oral conversation which was never put in writing.

Borough Engineer Martin Spence, 86 East Allendale Road, Saddle River, New Jersey was sworn in by Attorney DiBiasi. Mr. Spence confirmed he had a conversation with Mr. Scialla regarding the application for a Site Plan Waiver for 10 Eugene Road and did not receive an official "Letter of Denial". It was Mr. Scialla's direction for the application to be heard before the appropriate land use board. Attorney DiBiasi stated he had conversations with David Rutherford, the Zoning Board of Adjustment Attorney concerning said application. The Zoning Board of Adjustment Attorney determines jurisdiction under the land use statute. The Planning Board has been deemed to be the appropriate board. Attorney DiBiasi, offered as an Officer of the Court, that he had a conversation with Mr. Scialla in which he stated he would not issue a building permit. It was Mr. Scialla's opinion that this matter come before the appropriate board. It is Attorney DiBiasi's legal opinion that based upon the conversations that Mr. Kakaty, Mr. Spence and he had in lieu of an official letter of denial, the Board has three oral letters in effect stating the application should be heard by the Planning Board and an official Letter of Denial will not be issued. In addition, there is a 10-day requirement for the Board to have plans in advance of the meeting.

Mayor Kurpis asked for a motion to waive the 10-day requirement.

MINUTES OF THE SPECIAL MEETING OF THE SADDLE RIVER PLANNING BOARD HELD AUGUST 18, 2016 – 7:00PM MUNICIPAL BUILDING

Mr. Liva offered a motion for a waiver of the 10 day requirement of the plans for the Site Plan Waiver application to be given to the Board prior to the Planning Board meeting. Seconded by Ms. Rogers; Roll Call Vote; AYES Unanimous.

Attorney DiBiasi asked if public notice of 72 hours was given for the Special Meeting of the Planning Board. Ms. Burgio stated the meeting was noticed on Saturday, August 13, 2016 in The Record.

Mr. Kakaty provided Exhibit #1, which details the Plot Plan of August 2016, Planning Board Resolution #02-6 of February 2002, site pictures, zone data and the portico design. He explained same in detail. The Plot Plan shows the applicant's property is located in the Burning Hollow Development which is on the west side of Route 17. In 2002, this property as well as others in Burning Hollow received a variance from the Planning Board which allows homes to be set back 75' from the right-of-way line of the street upon which the lots front. This variance allows for homes to locate further from Route 17. The setback from the center line of the road to the proposed front entrance would be 159' with no encroachment of the standard 151' setback of the forward part of the dwelling which is at the garage. The site pictures of the front entrance doors show damage from the harsh weather exposure in spite of the tarp covering the doors during the summer months. Mr. Kakaty explained that the doors illustrated are those that have been recently replaced. The proposed portico would protect the front doors from the elements. The difference between the actual portico and existing porch calculated in dwelling coverage would be 89 sq. ft. This brings the dwelling coverage (as built) from 4.946%, which is below the 5% maximum, to 5.048%.

Mayor Kurpis received clarification as to when a portico becomes a separate issue as far as overhangs from Borough Engineer Spence.

Mr. Liva asked if the resolution that was done for the sub-division had not been done the applicant would have been able to have a dwelling that was up to 7%. He clarified that the applicant had met all of the setbacks for the traditional zoning in Saddle River.

At this time Mayor Kurpis asked the Borough Engineer to render his opinion.

Borough Engineer Spence discussed his report dated August 18, 2016 concerning the application for site plan waiver. The disturbance is minimal and there would be no engineering impacts if this is approved. There needs to be slight revisions to the maximum lot coverage calculations as the excluded reduction of pond water surface from a lot area has been repealed. The calculations on improved lot coverage need to be revised to eliminate the pond rule parameters.

Mr. Kakaty stated that Borough Landscape Architect, Scott Levy has determined that there is no negative impact to any landscaping associated with this application. There are no trees being taken down and no shrubbery being moved.

MINUTES OF THE SPECIAL MEETING OF THE SADDLE RIVER PLANNING BOARD HELD AUGUST 18, 2016 – 7:00PM MUNICIPAL BUILDING

Council Member Jensen stated that having looked at the plans and hearing the applicant's testimony, there are minimal encroachments. In addition, the set back is way beyond the normal zoning regulations.

PUBLIC HEARING:

OPEN TO THE PUBLIC: No one from the public was present.

CLOSED TO THE PUBLIC:

As there were no further comments from the Board, Mayor Kurpis asked for a motion to be made concerning the application.

Mr. Richin moved for the approval of the Site Plan Waiver for 10 Eugene Road, Block 1808 Lot 8. Seconded by Mr. Liva; Roll Call Vote; AYES Unanimous.

ADJOURNMENT:

There being no further business to discuss, Mayor Kurpis moved the meeting be adjourned; Seconded by Council President Jensen; Roll Call Vote; AYES Unanimous.

Respectfully submitted,

Dobbie Burgio
Planning Board Secretary