

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY JULY 17, 2013 at 7:00P.M., MUNICIPAL BUILDING**

PRESENT: Vice Chairman Montana, Board Members Kakaty, Nazzaro, Raia, Perrin, Laurite Alt. #1, Council Representative Toomey, Attorney David Rutherford

ABSENT: Chairman Petrocine, Board Members Dowden & Rosato

SUNSHINE LAW: Vice Chairman Montana stated: "I have been informed by the Clerk that adequate notice has been provided by mailing a notice to The Ridgewood News and The Record on December 20, 2012 and posting a notice in the Office of the Borough Clerk and on the Borough website."

PLEDGE OF ALLEGIANCE

Vice Chairman Montana advised the public that the St. Gabriel's application will not be heard at this meeting. Attorney David Rutherford stated that there was not a quorum for this application, as Planning Board Members will be substituting for Zoning Board Members who must be recused. Additionally, this application must be re-noticed once a date has been chosen.

APPROVAL OF MINUTES

A motion was made to approve the June 19, 2013 minutes by Board Member Laurite
Seconded by Board Member Raia
Roll Call Vote: AYES: Unanimous

At this time, Attorney Rutherford informed the Board that the Carr application will be carried to the regularly scheduled meeting on September 18, 2013, with no further noticing required.

MEMORIALIZING RESOLUTION (S): There were none.

APPLICATIONS: **Blk. 1901 Lot 31
6 Beechwood Drive
Gavin O'Connor
Construct a single family dwelling, pool,
cabana, new dwelling violates
required front yard setback, etc
DENIED**

Attorney Bruce Whitaker, McDonnell Whitaker, LLC, Ramsey, NJ represented the applicant and explained that this is a continuation of the public hearing held on June 19, 2013. There were several recommendations and suggestions for revisions to the original plans and these revisions were marked Exhibit A-6. Mr. Whitaker reviewed the revisions at this time in detail. Relief is being sought under both C-1 and C-2

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criteria. This property is a corner lot and the garage doors face the front of the property; the house was shifted north approximately 11 feet and east approximately 12 feet on the property in order to reduce lot coverage calculations as well as reduce the height of the adjacent walls on the property. These walls were reduced by two feet. The revisions will provide for the preservation of existing landscaping, less disturbance, a reduction of a portion of the driveway and the existing walls becoming conforming. A conforming plan was marked as Exhibit A-7, and Mr. Whitaker explained this in detail at this time, highlighting the fact that this plan would not be favorable both to the subject property as well as the neighboring properties.

John Mayo, licensed engineer, Conklin Engineering, Ramsey, NJ, who was previously sworn in and qualified, explained that he prepared the revised plan, previously marked Exhibit A-6. The house was shifted back approximately 12 feet, providing the ability to resolve a grading problem as well as provide for additional plantings used for screening purposes. The original plantings proposed are included in the revised plan and both the building coverage and the total impervious improved coverage remains code compliant.

The drainage will basically stay as previously proposed with the addition of several dry wells.

The landscape plan was marked Exhibit A-8 and photographs of the subject property were marked Exhibit A-9.

William Moore, landscape architect with Cipriano Landscape Design, Ridgewood, NJ was sworn in and qualified as an expert witness. Mr. Whitaker asked Mr. Moore to explain the landscape plan and he did so in detail at this time. Based on the nature of the proposed dwelling, dense buffer plantings are imperative and they were addressed on the plan. The section sight lines of the landscape plan was marked Exhibit A-10. Mr. Moore reviewed the individual sections of this plan including sections A, B & C. Due to the extensive plantings, the garage doors will not be visible from Beechwood Drive. An additional sight line plan was marked Exhibit A-11. Additionally, the plan includes all trimming necessary on existing plantings due to storm damage.

Borough Engineer Martin Spence and Borough Landscape Architect Scott Levy were sworn in.

Mr. Spence prepared a report dated July 16, 2013 and outlined this report at this time. He reiterated that two variances are being sought, one for front facing garage doors and one for a front yard setback. This applicant will also have to appear before the Planning Board on several matters. He further stated that the revised plan provides an opportunity to provide better screening and improved grading issues on the property.

Mr. Levy stated that additional trees are going to be saved, based on the revised plan and this is favorable. The proposed screening is sufficient, and, by shifting the house on the property, additional plantings are not possible.

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY JULY 17, 2013 at 7:00P.M., MUNICIPAL BUILDING**

OPEN TO THE PUBLIC: No one wished to be heard.

Board Member Kakaty stated that the revised plan provides for better screening, less tree removal as well as reduced lot coverage. Board Member Nazzaro stated that she did not have a problem with the revised plan. Board Member Montana stated that this property was a clean slate and asked Mr. Zampolin how he could modify this in order to conform; he suggested shifting the home in an easterly direction. Board Member Montana also asked if a house could be re-designed so the garages faced east in order to eliminate the front facing garage issue. He further stated that if the size of the home was reduced on the north access, it would be feasible. Board Member Montana further stated that he does not feel that this property should be considered a corner lot and that Mr. Spence has a different interpretation of the ordinance; it is considered a connection of two streets that intersect. Board Member Montana stated that there are other properties in Saddle River with a similar configuration and their garage doors would not be variance driven. He further stated that the applicant has options; however adjustments need to be made in order to make it more compliant. The home is approximately 8,900 square feet and, if reduced in size and shifted, the need for a variance would be eliminated.

Mr. Spence stated that although this lot appears to be a corner lot, by definition in the Borough code, it is not. Mr. Whitaker read the definition of a corner lot per the Borough Code and this was discussed at this time.

Board Member Kakaty stated that the plan should have been revised to move the home to the north on the property and shift the garage doors to the south side, which he was under the impression would have been presented based on public comment at the previous meeting. Mr. Whitaker stated that existing trees would have to be removed in order to accommodate the movement of both the home and the garages. He further stated that he feels that the underlying ordinance requirements are being met with this revised plan, however the conforming plan would be the alternative.

Attorney Rutherford reiterated that two variances being sought which include the front facing garage doors and the front yard setback. He further stated that he feels that this property constitutes a corner lot and what is being proposed represents a better zoning alternative than what would otherwise be permitted.

A motion to **approve** the O'Connor application was offered by Board Member Nazzaro
Seconded by Board Member Laurite

Roll Call Vote: **AYES:** Perrin, Nazzaro, Laurite **NAYS:** Montana, Kakaty, Raia

****(A tie vote constitutes a denial)***

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
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**Blk. 1403 Lot 27
48 Fox Hedge Road
Vassallo-Cooley
Construct new single family residence
pool and patio
CARRIED**

Attorney Bruce Whitaker, McDonnell Whitaker, LLC, Ramsey, NJ represented the applicant and gave an overview of the application, which includes the construction of a new single family home and a pool/patio. Four variances are required as follows: the proposed improvements do not provide the 50% minimum combined side yards, where the applicant is proposing 46.7%, the applicant is proposing to leave and maintain use of the existing circular driveway which encroaches into the 25 foot non-disturbance area, removal of an existing utility pole in the 25 foot non disturbance area and removal of the existing well in the 25 foot non disturbance area.

Mr. Whitaker stated that this lot is rectangular, with environmental constraints in the rear of the property making a large portion of it unusable.

At this time, Robert Zampolin, licensed architect, was sworn in. Mr. Zampolin explained the plans, highlighting the fact that this is a center hall brick colonial. The architectural plans were marked Exhibit A-1. The proposed home is 7,777 square feet and Mr. Zampolin reiterated the constraints with the width of the home due to the topography of the property.

John Mayo, licensed engineer, Conklin Engineering, Ramsey, NJ, was sworn in and qualified as an expert witness. He stated the this lot is irregular with wetlands in the rear of the property. The site plan was marked Exhibit A-3. The combined side yards do not provide the 50% minimum required, due to the shape of the lot. Additionally, he addressed the removal of a utility pole in the 25 foot non disturbance area, with landscaping being installed and the capping of an existing well. A variance to utilize the existing driveway which encroaches into the 25 foot non disturbance area is also being sought in order to retain the location of the septic and in turn, minimize tree removal.

Mr. Spence prepared a report dated July 17, 2013 and reviewed this report at this time. He reiterated that the shape and constraints on the lot make it necessary to seek a variance for the combined side yards; he further stated that capping the well and removing the utility pole were not an issue on the property.

Mr. Levy asked Mr. Mayo about the grade in the front of the property and he said it would be raised no more than a foot. Mr. Levy further stated that he is in favor of leaving the existing driveway in order to minimize disturbance and not jeopardize the root systems of trees on the property.

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Board Member Kakaty stated that this application is acceptable as presented. Board Member Raia asked if the driveway could be reduced in order to minimize the encroachment and Mr. Whitaker reiterated that the applicant was trying to retain the integrity of the landscape. Board Member Montana stated that he feels that the benefits outweigh the detriments in this application.

Richard Zimmer, landscape architect, Haskell, NJ was sworn in and qualified as an expert witness. The landscape plan was marked as Exhibit A-4 and Mr. Zimmer reviewed this plan in detail at this time. Mr. Levy stated that he would like to see additional plantings along the driveway and buffer area.

Attorney Rutherford stated that, if the Board was inclined to approve the application, it would be subject to compliance with Mr. Spence's report and Planning Board action.

A motion to **approve** the Vassallo-Cooley application was offered by Board Member Perrin. Seconded by Board Member Nazzaro
Roll Call Vote: AYES, Unanimous

WORK SESSION:

OLD BUSINESS:

NEW BUSINESS: Mr. Spence stated that Alan Cohen, 7 Charlden Drive received a variance for a pool cabana. He is subsequently changing the scope of the work, reducing the original request. Chairman Petrocine reviewed this and it was determined that this could be dealt with administratively without appearing before the Board.

The regularly scheduled meeting of the Zoning Board of Adjustment on August 21, 2013 will be canceled. A special meeting may be called to hear the St. Gabriel's Church application.

ADJOURNMENT:

As there was no further business to discuss, a motion was made to adjourn and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk