

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY DECEMBER 19, 2012 at 7:00P.M., MUNICIPAL BUILDING

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

ABSENT: Vice Chairman Montana

SUNSHINE LAW: Chairman Petrocine 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 23, 2011 and by posting a notice in the Office of the Borough Clerk and on the Borough website."

PLEDGE OF ALLEGIANCE

At this time, a moment of silence was observed for the victims in Newtown, Ct. shooting.

Chairman Petrocine stated that Mayor Raia, the Wandell School Board of Education and the Saddle River Police have met to insure that all safety measures are in place in light of the horrific shooting in Connecticut. He further stated that Mayor Raia has requested that all holiday lights be turned off tonight in remembrance of the shooting victims at Sandy Hook Elementary School in Newtown, Ct.

APPROVAL OF MINUTES

A motion was made to approve the October 17, 2012 minutes by Board Member Nazzaro
Second by Board Member Dowden
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTIONS:

At this time, Attorney Rutherford gave an overview of this resolution to the Board.

ZBA-14-12

**Blk 1901 Lot 47
5 Winding Way
Naomi Friedman
Front and rear yard additions; proposed garage
encroaches into required front yard setback
DENIED**

A motion to **approve** the Friedman resolution was offered by Board Member Nazzaro
Second by Board Member Raia
Roll Call Vote: AYES, Unanimous

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APPLICATIONS:

**Blk. 1802 Lot 14
59 West Saddle River Road
Mark Pedin
Construct an in-ground pool/patio, detached
garage/cabana, covered porch, proposed
improvements encroach into the required
front yard setback
APPROVED**

Attorney Steven Honig, Honig & Honig, LLC represented the applicant and gave an overview of the application. He explained that the property is undersized at 1.2 acres and on a corner.

Mark Pedin, 59 West Saddle River Road, Saddle River, home owner and Douglas Doolittle, Professional Engineer and Professional Planner, McNally Engineering, Oakland NJ were sworn in and Mr. Doolittle was qualified as an expert witness.

At this time, Mr. Dolittle explained the lot, stating that there is a farmhouse style dwelling on the property with a stream and sits on a corner. There is an existing garage on the property which is going to be replaced and the installation of a pool and patio is being requested as part of the variance. The location of the garage and the seepage pits were addressed as well. A site plan dated August 31, 2007 was referenced and marked Exhibit A-1.

Borough Engineer Martin Spence and Borough Landscape Architect Scott Levy were both sworn in at this time. Mr. Spence stated that he prepared a report regarding this application dated December 18, 2012 and reviewed it at this time. There are three variances being sought; the pool and patio encroach into the 25 foot non disturbance zone on Raiff Road and is in front of the front building line, the covered porch addition to the existing dwelling encroaches into the front yard setback and the proposed garage encroaches in to the front yard setback on Raiff Road. The building coverages are within the required allowable.

Scott Levy stated that there was a concept landscape plan dated June 5, 2012; it offers no detail on what species are going to be installed. He further stated that the area is heavily wooded but there is an opportunity to either move the pool or consider another shape. Additional screening on Raiff Road will be necessary and the drainage needs to be carefully monitored.

Attorney Rutherford reiterated the variances being sought; the front porch addition would encroach into both the front and side yard setbacks, the garage encroaches into the front yard setback on Raiff Road and the back of the pool is not 25 feet behind the front wall of the building on Raiff Road, as well as the front yard setback, which is measured from the patio.

Mr. Doolittle clarified the ingress and egress to the garage; the driveway will remain in its current location.

Board Member Kakaty asked Mr. Levy about recommended plantings for the pool area and he stated that both evergreens and canopy trees would be the best option for this area.

Board Member Raia stated that he has a concern about the encroachment into the setback on Raiff Road and feels that the side yard setback should comply. He further stated that the lot coverage is very close at 19.9% and would suggest shortening the driveway in order reduce this

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calculation. Attorney Honig stated that his client is amenable to reducing the size of the driveway.

Board Member Perrin stated that he feels that the patio and pool could be reduced and shifted in order to more closely adhere to the required lot coverage requirements.

Chairmen Petrocine suggested separating these three ordinances and dealing with them independently. Attorney Rutherford stated that the variance necessary for the porch addition could be separated out and dealt with separately but feels that the pool and garage are best dealt with together.

Mr. Doolittle stated that he could move the garage/cabana, pools and patio to the north as well as reducing both the pool and patio to reduce the lot coverage calculation and still have enough room to turn around in the driveway.

Board Member Nazzaro stated that she is in favor of the changes but would like to see more conformity as well as the appropriate screening on the Raiff Road side.

Borough Engineer Spence asked Mr. Pedin about the location of the pool and if shifting the pool and changing the site line would be a possibility. Mr. Pedin stated that the safety aspect of being able to see the pool from the house was mandatory for him.

OPEN TO THE PUBLIC: No one wished to be heard

Attorney Rutherford informed Mr. Honig that all of the plans would need to be modified in order to accommodate the shift in the pool, patio and garage. He further stated that this variance would be considered a C-1A as the property is undersized and on a corner.

Board Member Dowden suggested using convex mirrors in order for the home owner to have increased visibility toward the pool. Mr. Levy did not recommend this as a pool safety measure and suggested an alarm system.

Chairman Petrocine stated that, with significant revisions, the Board might consider the variances being proposed. It was decided that this application would be carried to the January 16, 2013 meeting; no new notices will be required.

COMMUNICATIONS:

OLD BUSINESS: Council Member Toomey stated that the Mayor and Council adopted the new tree ordinance at their regular meeting on December 17, 2012 and thanked the Zoning Board Members for their input.

NEW BUSINESS: Chairman Petrocine stated that Board Member Cohen will be retiring from her position as a Zoning Board of Adjustment after 21 years of service. He thanked Mrs. Cohen for her diligent work over the years.

Municipal Clerk Macari stated that the Reorganization Meeting will be held on January 1, 2013.

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ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk

F/nwwp/zoning/minDEC12