

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY JUNE 20, 2012 at 7:00P.M., MUNICIPAL BUILDING

PRESENT: Vice Chairman Montana, Board Members Dowden, Perrin, Raia, Nazzaro Alt. #1, Laurite Alt. #2, Council Representative Toomey, Attorney David Rutherford

ABSENT: Chairman Petrocine, Board Member Cohen

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 23, 2011 and by posting a notice in the Office of the Borough Clerk."

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion was made to approve the April 18, 2012 minutes by Board Member Dowden.
Second by Board Member Perrin
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S): There were none.

At this time, Attorney Rutherford requested that Martin Spence, Borough Engineer and Scott Levy, Borough Landscape Architect be sworn in.

APPLICATIONS: **Blk 1105 Lot 54 - Wishik and Kwon
44 Ackerman Road, seeking approval
for pre-existing driveway and new
driveway improvements
APPROVED**

At this time, Aram Injilian, Esq., the applicant's attorney, Bahaman Izadmehr, Professional Engineer, Bertin Engineering, Glen Rock, NJ and Edward Wishnik, 44 Ackerman Road, Saddle River, home owner were sworn in.

Mr. Wishnik explained this application to the Board, stating that the driveway, which is in the non-disturbance zone, was modified. He further stated that, upon requesting a CO for this property, he was informed by the building department that, due to these modifications to realign the driveway, he must appear before the Zoning Board to request approval. There is also an easement and a pond on one side of the driveway, making it difficult to increase the width, which was his intention for safety purposes.

Attorney Rutherford asked Mr. Wishnik about the ownership of the property and he explained that his wife and in-laws are also deeded on the property, along with himself.

Mr. Izadmehr explained that the majority of the driveway is located in the non-disturbance zone and the prior contractor corrected the deficiency in the geometry in the driveway, which was approved by the Zoning Board. He further stated that the current driveway is safer and more logical than the original proposed driveway, which was approved by the Zoning Board of Adjustment.

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Borough Engineer Spence prepared a report regarding this application, dated June 19, 2012, which he addressed in detail at this time. He clarified that this property was never before the Zoning Board but rather before the Planning Board for soil movement.

Borough Landscape Architect Scott Levy stated that the property is unique, with wetlands and sloping issues on the perimeters. There are mature plantings which have been kept intact adjacent to the driveway area.

Vice Chairman Montana asked Mr. Wishnik if he had legal right to the easement on the property and Mr. Wishnik stated that it is deeded legally. He further stated that he tried to purchase a piece from an adjacent parcel in order to minimize this issue but it was not possible. He further stated that the total encroachment is less than 500 square feet.

Attorney Rutherford confirmed that the applicant is not before the Board for any matter pertaining to the adjacent Lot 16; there is a written record of easement on this lot.

Mr. Spence stated that a standard driveway width is 12 feet and also confirmed that several trees, adjacent to the septic field, were removed. No trees were removed in order to widen this driveway. Mr. Levy confirmed this.

Board Member Raia asked if the original site plan included the curbing and asked if the drainage was ample for this driveway. Mr. Spence addressed these questions and stated that the driveway does have ample drainage and it will be Belgian block, finished with asphalt.

Board Member Perrin asked if this property has any deed restrictions and Mr. Spence stated that DEP permits were required but there were no deed restrictions.

Board Member Dowden asked about the width of the driveway at the street and stated that it is also encroaching into the non-disturb zone.

OPEN TO THE PUBLIC:

Vladimir Zwass, 19 Warewoods Road, Saddle River, NJ stated that he is the owner of the adjacent home on Lot 16. He stated that the easement is on his property as well and he wants to insure that it is not disturbed.

Ron Weibye, 13 Warewoods Road, Saddle River, NJ stated that his property is also adjacent to the subject property and he has no objection to Mr. Wishnik's application.

Vice Chairman Montana reiterated that the only relief that can be granted is for Mr. Wishnik's property; the related easements will not be included and asked the Board to consider having the applicant remove them from the application.

Attorney Rutherford stated that a landscaping plan could be a condition of this application and he summarized the proposed contents of the resolution at this time. A revised plan was requested to be submitted eliminating any easement on Lot 16. The encroachment onto Lot 17 will also not be sanctioned within this resolution.

A motion to approve the Wishnik application was offered by Board Member Kakaty
Seconded by Board Member Perrin
Roll Call Vote: AYES, Unanimous

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**Blk. 1802 Lot 8
71 West Saddle River Road
Michael & Jennifer Trepicchio
Requesting a vestibule addition to the
Existing dwelling, chicken coop pad within side
yard setbacks. A/C pads into the required 25 foot
non-disturbance area, proposed improved lot coverage
exceeds the maximum allowable.
APPROVED**

Attorney Michael S. Goodman, Goodman & Leopold LLP represented the applicant and explained the application at this time.

At this time, Thomas Stearns, III, Professional Engineer, Garfield Engineering and Michael Trepicchio, home owner were sworn in.

Mr. Goodman stated that there are two proposed split rail fences that were installed by Mr. Trepicchio. He explained that this was done for safety reasons as there is a six foot drainage ditch at this location. On the other side of West Saddle River, which is also owned by Mr. Trepicchio, there is a steep slope, which drops down into the Saddle River and the area is used for parking. Again, he stressed that this is also being proposed to rectify a safety issue.

Mr. Goodman asked Mr. Trepicchio about the chicken coop pad and he explained this at this time. The air conditioning pads were also addressed; at the present time, there is no working air conditioning as the condenser was removed in order to receive a CO upon purchase. The application also includes enclosing part of the front porch, to create a vestibule.

At this time, photos of the existing conditions on the property were illustrated. The photo on the opposite side of West Saddle River Road, along the river was marked Exhibit A-1. A photo of the portion of the porch to be enclosed for the vestibule was marked Exhibit A-2. A similar photo of the porch area was marked Exhibit A-3. A photo of the split rail fence that was installed in front of the dwelling was marked Exhibit A-4. Two more photos of the porch area were marked Exhibit A-5 and A-6. The prior location of the air conditioning condensers and wiring were marked Exhibits A-7 and 8.

Attorney Goodman stated that the concrete pad, which is 25 square feet, for the chicken coop is de minimus in nature.

Mr. Stearns stated that he will be testifying as both a professional engineer and a land surveyor. He further stated that he has reviewed the site plan, has visited the property and is familiar with the variances being sought.

Mr. Spence stated that he has prepared a report dated on June 19, 2012 regarding this application and reviewed his report at this time. He further stated that the fencing on the east side of West Saddle River Road is warranted for safety reasons. The vestibule will not increase any building coverage.

Mr. Levy stated that the lot is narrow and the air conditioning units are heavily buffered and will not impact the neighboring property.

Board Member Dowden asked about the air conditioning units and Mr. Goodman explained that these units were put in without permits and they were required to be removed. These units now require a variance.

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OPEN TO THE PUBLIC:

Tim Egan, 4 Pine Tree Drive, Saddle River, NJ stated that his property is adjacent to the subject property on the north side. He further stated that he has no problem with the air conditioning units as he feels this is a reasonable request. He does, however, have an issue with chickens and sited noise, odor and predators as causes for concern. He strongly urged the Board to consider rejecting this part of the application, which is a side yard setback variance.

Mr. Goodman stated that is client will withdraw the variance for the chicken coop.

Attorney Rutherford reviewed the variances for consideration which include the setback for the air conditioning units as well as the encroachment into the 25 foot non disturbance zone for the units, the front and side yard setback for the vestibule, and the fence on the easterly side of West Saddle River Road. The lot coverage is being decreased due to the removal of a rear walkway.

A motion to approve the Trepicchio application was offered by Board Member Nazzaro
Seconded by Board Member Raia
Roll Call Vote: AYES, Unanimous

**Blk. 2003 Lot 42
26 East Saddle River Road
Richard Duchnowski
Proposed generator encroaches into the
required side yard setback
APPROVED**

Attorney Stephen Honig, Honig & Honig, LLC represented the applicant and explained the application at this time. He stated that this property is 1.24 acres and the home is 31.7 feet from the northerly side line of the property. The applicant wants to install a generator and a variance is required as it is going to be located in the side yard setback.

John Mao, Professional Engineer, Conklin Engineering was sworn in and accepted as an expert witness. The generator plot plan was marked Exhibit A-1 and Mr. Mao explained the plan at this time. There are two air conditioning units at this location; all of the utilities enter the home from this location as well. An aerial photo was distributed to the Board at this time indicating the undeveloped nature of this property. The proposed generator pad would be screened from both the roadway as well as the neighboring property; Mr. Mao confirmed that this would not be a detriment.

Mr. Spence stated that he has prepared a report dated June 18, 2012 regarding this application and reviewed it at this time. He stated that the proposed location for the subject generator pads is the most logical on the property.

Mr. Levy reiterated that the property is heavily wooded and this request would not be a detriment to the property.

Vice Chairman Montana asked why this pad could not be moved in a more northerly direction and Mr. Mao stated that the location was recommended by the manufacturer.

Board Member Nazzaro asked about the amendment to the zoning ordinance regarding generator pads and Mr. Spence stated that this is not finalized to date.

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Attorney Rutherford stated that the applicant will install a generator with the specified size noted in the application and submit a revised plan to include the lot coverage accordingly. The side yard setback would be granted and there will be no conditions with the exception of clarification of the lot coverage as discussed.

A motion to approve the Mao application was offered by Board Member Nazzaro.
Seconded by Board Member Kakaty
Roll Call Vote: AYES, Unanimous

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk