

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY OCTOBER 17, 2012 at 7:00P.M., MUNICIPAL BUILDING

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

ABSENT: Chairman Petrocine

SUNSHINE LAW: Vice Chairmen 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 and on the Borough website."

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion was made to approve the September 19, 2012 minutes by Board Member Nazzaro
Second by Board Member Cohen
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTIONS:

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

ZBA-13-12

**Blk 1103 Lot 5
38 Locust Lane
Frank Ciminello
Proposed construction of cabana & garage
addition would violate the maximum allowable
building coverage. Proposed addition to garage
violates the required front yard setback.
APPROVED**

A motion to **approve** the Ciminello resolution was offered by Board Member Dowden
Second by Board Member Perrin
Roll Call Vote: AYES, Unanimous

APPLICATIONS:

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

Attorney Steven Honig, Honig & Honig, LLC represented the applicant and gave an overview of the application.

At this time, Douglas Doolittle, Professional Engineer, McNally Engineering, Oakland, NJ and Ed McCauley, builder, Mahwah, NJ were sworn in and qualified as expert witnesses.

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY OCTOBER 17, 2012 at 7:00P.M., MUNICIPAL BUILDING

The plot plan/septic design plan/site plan was marked Exhibit A-1.

Attorney Honig asked Mr. Doolittle to explain the impact of the roadway and he explained that it cuts into the property. The home is in need of an additional garage bay as well as front and rear additions to bring it up to current standards. The proposed building coverage will be 5.26%, currently at 4.74% and the final lot coverage will increase from 9.28% to 9.46%.

Attorney Honig asked Mr. Doolittle to address comments made by Borough Engineer Spence as it pertains to this application, which he did in detail at this time. The proposed garage addition will not be highly visible from the roadway and it would benefit the property. There is a pond and wetlands in the rear of the property, which negates locating the driveway anywhere toward the rear. He stressed that the proposed additions would be an asset to not only this property but the surrounding homes as well.

Robert Zampolin, architect, Westwood, NJ was sworn in and was qualified as an expert witness at this time. The architectural renderings for this application were marked Exhibit A-2. Attorney Honig asked Mr. Zampolin to address the rationale for expanding the home toward the front of the property and he reiterated that the pond and wetlands could not be disturbed. He also reiterated that the visual impact will be minimized as the home sits down on the property; the architectural change to the front of the home will be de minimus. The owner's needs were also addressed, including adding an elevator and removing a step on the first level to make it fully handicap accessible.

Martin Spence, Borough Engineer and Scott Levy, Borough Landscape Architect were both sworn in and qualified as expert witnesses. Mr. Spence stated that the existing home was damaged by excessive water on the property and additional drainage is required as part of this application. The building and lot coverage is well below the allowable.

Mr. Levy stated that this property has a minimal impact on the existing plantings, however, extensive grading will be needed. He further stated that existing hemlocks on the south side need attention and perhaps additional trees should be added at this location.

OPEN TO THE PUBLIC:

Theodore Sasso, 2 Winding Way, Saddle River stated that he lives across the street from the subject property, has reviewed the site plan and feels it will significantly improve the neighborhood.

Charlotte Sasso, 2 Winding Way, Saddle River stated that she feels it is important that the septic system on the subject property be replaced in order to insure the integrity of the environment.

Vice Chairman Montana asked about the legal criteria for this variance and Attorney Honig stated that it is a C-1. He further asked how many people live in the home and Attorney Honig stated that only Mrs. Friedman lives there; she currently owns two cars and if she is in need of an aid in the future, the third garage will be necessary.

Mr. Doolittle reiterated that the garage location is the most optimum location in order to avoid extensive soil movement, wetlands, and the loss of trees, which qualifies as a C-2 variance.

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY OCTOBER 17, 2012 at 7:00P.M., MUNICIPAL BUILDING

Board Member Cohen stated that she agrees with the need to update the home but does not feel that the owner needs a three car garage, living in the home alone at this time. She also stated that, while the purposed improvements in this application may be warranted, she feels that the owner's motivations could be for resale purposes.

Board Members Kakaty and Raia agreed with Board Member Cohen, stating that the application is excessive. Board Member Perrin was in agreement as well.

Attorney Honig stated that he does not feel the need for a three car garage is unreasonable, especially in Saddle River, where many homes have four or more.

Mr. Doolittle explained what variances would be needed if the garage was moved back on the property, stressing that there really is not enough room for a side-loading garage.

Vice Chairman Montana stated that the Board must vote on the application as presented and Attorney Rutherford reviewed the action at this time.

A motion to **deny** the Friedman application was offered by Board Member Perrin
Seconded by Board Member Cohen.
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