

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

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

ABSENT: Board Member Laurite Alt. #1

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

APPROVAL OF MINUTES

A motion was made to approve the July 18, 2012 minutes by Board Member Montana
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-12-12

**Blk 1609 Lot 5
24 Dater Lane
Senta Junkers
Construct one story additions to the rear and
front of the existing dwelling & generator
encroach in required front yard setback
APPROVED**

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

APPLICATIONS:

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

Attorney Steven Honig, Honig & Honig, LLC represented the applicant and gave an overview of the application. The property is less than one acre and the home currently has only a one car garage, which is inadequate for the home owner.

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At this time, Robert Kruse, Architect/Planner, Ridgewood, NJ; Tibor Latincics, Professional Engineer, Ramsey, NJ and Michael Hartnett, Landscape Architect, Tenafly, NJ were sworn in.

Attorney Rutherford stated that, as this property is adjacent to properties in Upper Saddle River, these residents were properly noticed regarding this hearing.

Attorney Honig asked Mr. Latincics to explain the property at this time. The plot plan dated 6/16/09 and revised 8/18/12 was marked Exhibit A-1. A blow up of the body of the plot plan was marked Exhibit A-2 and the landscape architectural plan was marked Exhibit A-3.

Mr. Latincics explained that the property is just under one acre, with favorable topographic conditions. Any modifications on this property, however, would require relief from the Zoning Board of Adjustment. The garage expansion would include enough space to accommodate two cars and provide ample storage space. The current building coverage is 6.4%, with a requested coverage of 8.2%, with the lot coverage then being 19.6%.

Attorney Honig asked Mr. Latincics why the lot coverage is so close to the 20% allowable and he explained this in detail. He further stated that great care is going to be taken to insure that the lot coverage will not exceed the proposed 19.6%

Mr. Robert Krause, Architect/Planner was qualified as an expert witness. The floor plans were marked Exhibit A-4, the front and side elevations with the proposed addition were marked Exhibit A-5 and the rear elevations with the proposed addition were marked Exhibit A-6. Mr. Krause explained the garage addition in detail and reiterated that there will be three bays, two for vehicles and one for storage. Additionally, he explained the two story addition to the rear of the structure.

Mr. Michael Hartnett was qualified as an expert witness. Attorney Honig asked about the landscape design, stressing that it has been previously installed, and it was explained in detail. He explained that he used specimen trees that would provide a very dense buffer, utilizing mainly evergreens; the landscaping was installed during the summer.

Chairman Petrocine stated that .04% or 17.4 square feet is the margin between the permitted and the proposed lot coverage and he reminded Attorney Honig that this is very close. Attorney Honig stated that both the engineer and the architect are well aware and, should they exceed the permitted 20%, they are prepared to rectify the issue. He also asked about the dimensions of the cabana, which are 12.6 feet by 18.4 feet and there are no services, with the exception of electricity.

Board Member Montana asked about the installation of the landscaping and Mr. Hartnett addressed this.

Borough Engineer Martin Spence was sworn in at this time. He prepared a report on this application dated September 17, 2012 and he reviewed this report at this time. He explained that the property is rectangular in shape and just shy of one acre. The variances being sought are for a front yard setback and a building coverage variance. The proposed building coverage is 8.175% with the allowable being 7%. The applicant is providing additional drainage and seepage pits in order minimize runoff.

Mr. Spence asked about a gas fireplace in the cabana and Mr. Krause confirmed that there will be a gas line installed.

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Board Member Nazzaro asked about the installation of railings on proposed stairs and Mr. Krause confirmed that they will be included.

Board Member Raia asked what the percentage of coverage would be if the cabana were eliminated and Mr. Krause stated it would be 7.63%.

OPEN TO THE PUBLIC:

Arthur Lynch, 34 Locust Lane, Saddle River was sworn in and stated that all of the lots adjacent to the subject property are about the same size, approximately one acre. He further stated that he feels that this application is de minimus and will be an improvement to the neighborhood.

Mr. Spence stated that Borough Landscape Architect Scott Levy was not present to review the landscape plan that was submitted and Chairman Petrocine stated that the Board could not move forward until this was reviewed by Mr. Levy.

Vicki Cook, 38 Bridle Way, Saddle River, NJ was sworn in and stated that what the applicant was proposing would be an asset to the neighborhood and, in no way, a detriment.

Attorney Rutherford addressed the C-1 and C-2 variance implications at this time and their criteria as it relates to this application. He further stated that a C-1A variance would apply here due to the undersized lot.

Chairman Petrocine stated that he has an issue with the building coverage and stressed that he is not in favor of applications which leave little margin for error with building coverage calculations. He further stated that he does not have an issue with the proposed additions but would not want to move forward without Mr. Levy's approval of the substantive landscaping plan.

Board Member Montana agreed with Chairman Petrocine but had the same concerns about both lot and building coverage. The elimination of the cabana would not favorably impact the calculations enough to warrant its removal from the proposed plan.

Board Member Nazzaro was in agreement and further stated that she feels that the garage modification is necessary. Board Member Dowden agreed with the garage expansion as well but did have a problem with the cabana; Board Member Cohen concurred.

Board Member Perrin stated that the pool could have been reduced and the architect should have taken into consideration that the proposed work would require variances.

Board Member Raia had no issues with any of the structural additions to the home but the cabana, being just decorative, could be removed; Board Member Kakaty concurred.

Attorney Honig requested that the Board vote on the application as presented at this time.

Attorney Rutherford reviewed proposed variances, with action subject to approval of the landscaping plan by Mr. Levy.

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Mr. Honig stated that his client would be willing to remove the roof from the cabana in order to reduce the building coverage and asked if the Board would be amenable to this.

Attorney Rutherford stated that the Board was not in a position to make that decision at this time without more information.

At this time, Mr. Honig requested to confer with his client and the meeting continued.

Council Representative Michael Toomey stated that the ordinance review committee continues to meet and both the drafts of the tree ordinance and the ordinances governing schools and places of worship are on the website and will be introduced at the October 15, 2012 meeting of the Mayor and Council. He further stated that the Planning Board conducted a re-examination of the Master Plan that make these ordinances compliant with the Master Plan. He encouraged the Zoning Board Members to review these ordinances and addressed each briefly at this time.

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS: Chairman Petrocine stated that the Zoning Board of Adjustment will meet on November 14, 2012 due to the Thanksgiving holiday.

At this time, discussion of the Ciminello application resumed.

Attorney Honig stated that his client abides the Board's decision to remove the cabana.

A motion to **approve** the Ciminello application was offered by Board Member Montana.

Second by Board Member Cohen

Roll Call Vote: AYES, Unanimous

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk