

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY FEBRUARY 15, 2012 at 7:00P.M., MUNICIPAL BUILDING

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

ABSENT: Board Member Raia

SUNSHINE LAW: Board 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 posting a notice in the Office of the Borough Clerk."

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion was made to approve the January 18, 2011 minutes by Board Member Nazzaro.
Second by Board Member Montana
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S): There were none.

APPLICATIONS: **Blk. 2101 Lot 2**
3 Glenwood Drive
Robert Pierz
Permission for as-built conditions of property
APPROVED

Attorney Steven Honig, Honig & Honig represented the applicant and gave an overview of the application. The home has some pre-existing encroachments on several sides of the property, some work has been done and the applicant is seeking variance relief in order to get a C.O.

At this time, Robert Pierz, home owner was sworn in.

Mr. Pierz stated that he purchased the home in 1991 and was unaware that these encroachments existed, particularly on the easterly side of the property. A planting with railroad ties was installed which is not visible from the neighboring property.

On the westerly side of the property, there was a serious erosion problem which Mr. Pierz attempted to rectify and was told by the prior Borough Engineer that a permit was not necessary for the proposed work; a natural pool with a waterfall and natural plantings, all following the natural slope of the land.

At this time, Martin Spence, Borough Engineer and Scott Levy, Borough Landscape Engineer were sworn in at this time.

Mr. Spence prepared a report regarding this application dated February 14, 2012 and explained it to the Board at this time.

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He explained that permits were not issued for either of the projects that were done on the property and the Building Department will not issue a C.O. without seeking a variance.

Scott Levy stated that the property is heavily landscaped with mature trees and the pond and waterfall help reduce the water flow in this area created by the steep slope issue. He further stated that making any changes to the existing site would be a detriment to the integrity of the landscape.

Chairman Petrocine asked if the existing as-built survey was accurate and Mr. Spence stated that it was. He asked Mr. Spence if the removal of the pool and the rock wall would destabilize the area and Mr. Spence stated that it would and cause serious water flow issues.

Board Member Nazzaro asked about the electric pump that was never permitted and Mr. Spence stated that this is a sub-code issue; he further stated that the Board must make a decision about the encroachments.

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

Attorney Rutherford stated that he feels that this application could qualify under both a C-2 and C-1C variance. The removal of these items would be detrimental to the property as it currently exists. The resolution would grant the variance relief on both side yards as well as the items that have been added by complying with all sub-code requirements.

A motion to **approve** the Pierz application was offered by Board Member Cohen
Second by Board Member Dowden
Roll Call Vote: AYES: Unanimous

**Blk 2003 Lot 47.21
19 Powder Hill
Frank Amen
Permission for as built conditions of property. (Note
some proposed remedies)
APPROVED**

Attorney Jennifer Carrillo-Perez, Trenk DiPasquale, represented the applicant and gave an overview of the application.

At this time, Douglas Doolittle, Professional Engineer and Land Surveyor was sworn in and qualified as an expert witness.

Mr. Doolittle explained the present conditions that exist on the property, stating that the property is pie shaped and has significant steep slope issues. Retaining walls were constructed and currently encroach into the side yard setback requirements. The lot existing coverage is 24.52% and is going to be reduced to 20.87% by the removal of patios, walkways, a waterfall, air conditioning pads and the reduction of walkways. The pool equipment will also be relocated in order to aid in reducing the lot coverage.

At this time, Mr. Paul Ricci, Professional Planner was sworn in and qualified as an expert witness. Mr. Ricci reiterated that the applicant is seeking to rectify an existing non-conformity that was previously constructed and explained this in detail at this time.

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Mr. Spence prepared a report regarding this application dated February 14, 2012 and explained it to the Board at this time. He reiterated that there are several non-conformities on the property which are proposed to be eliminated. The improvements exceed the 20% allowable and Mr. Spence suggested that the applicant review the plan to see if it could be reduced further.

Mr. Levy stated that the prior property owner was required to add landscaping, which was never done sufficiently and he feels that this needs to be accomplished as a condition of the variance.

Chairman Petrocine asked if the removal of walls in the non-disturbance would have a negative impact on the sloop, drainage and stability of the topography. Mr. Spence stated that the walls were constructed to provide stability and any removal would destabilize the entire area.

Chairman Petrocine also asked about the driveway and the potential to reduce it in order to comply with lot coverage. Mr. Spence stated that although the driveway is very long and a bit wider than the norm, it provides a safer alternative, as there is another driveway in close proximity.

Board Member Montana stated that he did not see anywhere else on the site plan to reduce the lot coverage and asked Mr. Doolittle for suggestions regarding this. He outlined some possible areas where reductions could be made which include an upper patio area and planter area but stressed it would have to be done sparingly so as not to compromise the integrity of some of the retaining walls.

Board Member Montana also asked about the landscaping issues and Chairman Petrocine stated that he would not be in favor of this application unless Mr. Levy approved an in-depth landscape plan.

Attorney Perez stated that her client was very willing to develop a landscape plan consistent with the Borough's design as a condition of this application. She further stated that her client has been very diligent in trying to reduce the lot coverage and feels that there few, if any, areas to be reduced at this point.

Board Member Nazzaro asked about the shrubs along East Saddle River Rd. and Mr. Levy stated that he was concerned about these plantings.

Board Member Kakaty stated that he would want to insure that a sufficient amount of landscaping would be added where necessary and did not feel it would be prudent to reduce the patio areas where structural integrity could be compromised.

Board Member Dowden asked about the language that would be included in the resolution regarding the addition of the landscaping and Attorney Rutherford stated that he feels it would be prudent, in this situation, for the applicant to post a bond. Mr. Levy was in agreement.

Chairman Petrocine reiterated that the landscaping issue would have to be addressed in the resolution and asked Mr. Spence again, about the integrity of the property being compromised if some portion of the patio areas were removed and he was in agreement.

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Attorney Rutherford reviewed the variances being sought and outlined the proposed resolution at this time. It will be conditional on a landscaping plan, approved by Mr. Levy, as well as the posting of a bond for same.

OPEN TO THE PUBLIC:

Mr. David Hall stated that he is familiar with this project and worked on some of the landscaping on this property. He further stated that some of the plantings were impossible to install due to the topography of the property and Mr. Levy stated that he will work with applicant and their landscape expert to insure that all necessary plantings, per the resolution are successfully installed.

Attorney Rutherford outlined the contents of the resolution at this time.

A motion to **approve** the Amen application was offered by Board Member Montana
Second by Board Member Cohen
Roll Call Vote: AYES, Unanimous

WORK SESSION:

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS: Council Member Toomey stated that the Ordinance Review Committee has met and assembled a list of items to be addressed in 2012, including alternate energy, the tree ordinance, and re-zoning for schools and churches in the Borough.

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk