

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY APRIL 17, 2013 at 7:00P.M., MUNICIPAL BUILDING**

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

ABSENT: Board Members Perrin & Rosato

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 20, 2012 and 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 April 17, 2013 minutes by Board Member Dowden
Seconded by Board Member Montana.
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA 09-13	Blk. 2003 Lot 35 3 Woodfield Lane Ray & Eileen Virgona Proposed pool & patio APPROVED
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At this time, Attorney Rutherford gave an overview of this resolution to the Board, reiterating that this resolution is the second one granted for this application, including only the pool and patio portion of the original submitted application.

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

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**APPLICATIONS: (Carried) Blk. 1802 Lot 14
59 West Saddle River Road
Mark Pedin
Construct in-ground pool/patio,
detached garage/cabana, covered porch, etc.
Proposed improvements encroach into the
required front yard setback
CARRIED**

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. He further stated that the site plan has been revised, per the Board's request.

Douglas Doolittle, Professional Engineer and Professional Planner, McNally Engineering, Oakland NJ was sworn in and was qualified as an expert witness.

Attorney Rutherford stated that, as Board Member Montana was absent at the December meeting, he is ineligible to participate in this hearing.

Attorney Honig asked Mr. Doolittle to review the changes to the site plan. The pool was relocated, the patio was eliminated and the pool equipment and generator pads were shifted in order to reduce lot coverage, previously at 19.9%. A large portion of the driveway was also eliminated to make the revised lot coverage 17.71%.

At this time, Mr. Bill Brown, architect, William G. Brown Architects, Wyckoff, NJ was sworn in and qualified as an expert witness. Mr. Brown stated that it was his client's objective to retain the farmhouse style of the existing structure. A new porch and front door on the north side of the building were part of this application were addressed and the site plan illustrating this was discussed at this time. The location of the pool was addressed, with Mr. Brown stressing that this property is a corner property and is encumbered with a stream. He further stated that it is imperative to the applicant that the pool can be seen from the kitchen for safety reasons. The latest site plan was marked Exhibit A-1 and the revised plan for the residence, revised on March 26, 2013 was marked Exhibit A-2. The garage plan, also revised on March 26, 2013, was marked Exhibit A-3. The elevations for the property were marked Exhibit A-4. The above-referenced plans were briefly explained by Mr. Brown at this time.

Mr. William Glaner, WBG Landscape Design, Franklin Lakes, NJ was sworn in at this time and was qualified as an expert witness in the field of landscape architect design. A color rendering of the landscaping plan, dated April 15, 2013, was marked Exhibit A-5 and a planting plan was marked Exhibit A-6. Mr. Glaner described the plantings that were chosen, stressing that many native evergreens were used for screening purposes. Perennial gardens were also proposed in order to enhance the farmhouse nature of the home.

Mr. Martin Spence, Borough Engineer, and Mr. Scott Levy, Borough Landscape Architect were sworn in at this time. Mr. Spence prepared a revised report, dated April 16, 2013 and discussed this report at this time. He reiterated that the pool location was altered in order to reduce lot coverage and the patio to the south of the pool was eliminated. The landscaping plan mitigates visibility on the Raiff Road side of the property and there was no need to remove any trees.

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He reviewed the 5 variances being sought to include the following:

- The proposed pool is proposing a 70.5' front yard setback where 125' is required.
- The proposed pool is setback 4.4' from the building range of the building, where 25' is required
- The proposed garage is proposing a 101.4' front yard setback where 125' is required
- The front porch addition is proposed to be 73.1 front the front yard setback, where 125' is required
- Revisions to the south building bump out is being proposed, but does not encroach any further than the existing

Mr. Levy asked about the stream on the property and how any erosion will impact existing plantings as well as proposed plantings and this was addressed. He further stated that the environmental aspects of the property were taken into consideration when the landscape plan was drawn.

Chairman Petrocine asked Mr. Doolittle about the pool location as it relates to the building line and he clarified this. He also asked if there was a proposed fence around the pool and Mr. Glaner stated that there would be a fence, per the code.

Board Member Dowden stated that he feels that the revisions were an improvement but still feels that the pool is very close to Raiff Road.

Board Member Nazzaro had concerns with the stream bank and the plantings and Mr. Levy stated that eventually, the trees could stabilize the bank if planted correctly.

Board Member Raia stated that the revisions to the original plan were a pro-active approach to accommodate the Boards requests; Board Member Kakaty was in agreement.

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

At this time, Attorney Rutherford reviewed the parameters of the proposed resolution. It was decided that the landscape plan will be revised to show new plantings all outside of the 25' top of bank area and to meet with Mr. Levy's approval. Additionally, new screening will be substantially the same as what is illustrated on the plan detailed previously.

A motion to **approve** the Peddin application was offered by Board Member Nazzaro
Second by Board Member Laurite

Roll Call Vote: **AYES:** Petrocine, Kakaty, Raia, Nazzaro, Laurite

NAY: Dowden

ABSTAIN: Montana

ABSENT: Perrin & Rosato

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**Blk. 1402 Lot 26.12
16 Alford Drive
Frank & Diane Alecci
Final as-built site plan conditions show
conflicting details whereas the structure
exceeds the maximum allowable bldg area of 8%
APPROVED**

Attorney Steven Honig represented the applicant and explained the application in detail at this time. He explained that when the home was built, the code permitted a building area of 8% and the home is currently 8.34%, which was determined when the home was in the process of being sold.

Mark Palus, licensed professional engineer, Kinnelon, NJ was sworn in and qualified as an expert witness. Mr. Honig asked Mr. Palus to explain how this situation arose and he explained that when the pre-construction plans were approved, the building area was proposed at 7.8%. During construction, the builder made modifications to the home, resulting in the building area totaling 8.34%. The home owner has not modified the home since it was built; Pinnacle Construction was the builder and made these modifications resulting in the building area overage. The site plan, dated February 15, 2013, was marked as Exhibit A-1. Mr. Palus explained the site plan in detail at this time, reiterating that all of the setbacks are within the allowable, per the Borough code and that the issue is an overage in building area. In order to comply with the 8%, 300 square feet of the home would have to be removed. The home is set back from the road and is heavily landscaped, making its visibility minimal. He stressed that the home owner had no input into this issue.

Mr. Spence prepared a report dated April 16, 2013 and addressed this report at this time. He reiterated that the code was modified since 2000 and asked Mr. Palus for clarification on the form survey. There are no accessory structures on the property.

Attorney Rutherford asked Mr. Honig for clarification regarding obtaining a CO for additional work that was done on the property. The final CO, dated September 11, 2002, was dated Exhibit A-2.

Chairman Petrocine confirmed that this problem became evident when the current owners prepared to sell this property and a new survey was done.

Board Member Montana stated that the error was with either the surveyor and/or the builder, however construction should have been halted when this mistake was first uncovered. He further stated that modifying the structure to reduce building area is not practical and suggested that the home owner consent to giving up .83% lot coverage.

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Board Member Raia asked if the roof overhangs were included in the calculations and he was informed that they were not.

Mr. Palus suggested that, if his client planted along the length of a stone wall on the property, allowing vegetation to grow over them and mask them, they would not be counted as impervious coverage. Additionally, 124 square feet can be removed from the slate walls in the front of the property and 61 square feet can be removed from the utility pads, totaling 642 square feet, rectifying this issue.

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

Attorney Rutherford gave a general overview of the proposed resolution, should the Board determine to approve this application. He further stated that the resolution would include the condition that the impervious coverage on this property will not exceed 18.96% in perpetuity.

Mr. Spence asked how this would be monitored moving forward and Attorney Rutherford stated that the resolution would be on record with the County.

A motion to **approve** the Alecci application was offered by Board Member Montana
Seconded by Board Member Dowden
Roll Call Vote: AYES, Unanimous

**Blk. 1902 Lots 4 & 5
The Range at Saddle River, LLC
11 & 15 North Church Road
APPROVED**

Attorney Bruce Whitaker, McDonnell & Whitaker, Ramsey, NJ represented the applicant and explained the application at this time. Variance relief as well as an interpretation is being sought by the applicant. He further stated that the application includes the consolidation of two lots, involving deed modifications.

The site plan was marked as Exhibit A-1. By combining these two lots, several non-conformities are eliminated and Mr. Whitaker addressed this issue at this time. Additionally, the applicant is seeking six garage doors on the primary structure, which requires a variance. The building official's zoning denial states that "a review of proposed floor plans from the architect, indicate what appears to be an additional dwelling which is not an approved use within the zone". The applicant is seeking an interpretation of this statement.

Mr. Whitaker distributed copies of the Borough code that were relative to this application to include the number of permitted garages and what constitutes a two family home. He addressed this in detail at this time, stating that the need for two

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kitchens in the home is to be used for the domestic help. He further stated that this home will be occupied by one family, which is multi-generational, and their domestic help. Additionally, the family owns six cars and wishes to have all of them garaged, which facilitated the need for six garage bays and doors.

At this time, Tibor Latincics, Professional Engineer, Conklin Associates, Ramsey, NJ was sworn in and qualified as an expert witness.

An aerial photo of the properties was marked Exhibit A-6 and Mr. Latincics explained these properties in detail at this time. Exhibit A-7 is a lot merger plan and was also discussed. Lot 5 is an undersized lot at 1.23 acres and is irregular in shape and Lot 4 is a conforming 2.08 acre lot, with improved lot coverage currently at 19.2%. Exhibit A-8 is a color photograph of the three side loading garage doors currently on the property. They are counted as four doors as one is oversized. The merged lots would total 3.30 acres and the home on Lot 5 will be demolished. The building coverage would be reduced and the approved lot coverage would be 19.2%. The pool and cabana are pre-existing and a tennis court will be added; the home will have nine bedrooms.

The landscape plan was marked Exhibit A-9 and Mr. William Glaner, WBG Landscape Design, Franklin Lakes, NJ was sworn in at this time and qualified as an expert witness in the field of landscape architect design. A color rendering of the proposed landscape plan was distributed and Mr. Glaner explained the view from the street. The property is on a hill so the proposed motor court is located below the site line. He further stated that the tennis court will also not be highly visible and heavily landscaped. The view study was marked Exhibit A-10 and the colorized landscape plan was marked Exhibit A-11 and explained in detail.

Mr. Fred Klenk, architect, Franklin Lakes, NJ was sworn in and qualified as an expert witness. Attorney Whitaker asked Mr. Klenk to explain a set of photographs of the existing conditions on both properties. These photos were marked Exhibit A-12. The architectural plans, dated January 28, 2013 and previously marked Exhibits A-2-5 were explained in detail, outlining design and architectural elements.

Mr. Spence prepared a report dated April 17, 2013 and reviewed the report at this time. The interpretation of the garage doors was addressed and all of the improvements will meet onsite drainage requirements as well as including a provision of storm water detention. He reiterated that the property does slope down, making much of this barely visible from the roadway.

Mr. Scott Levy stated that the properties are heavily wooded and the applicant has responded positively to the presentation of an in depth landscape plan.

Chairman Petrocine clarified that the applicant seeks to adjoin the properties in order to sustain the proposed additions. The variances being sought are for the connector between the existing dwelling and the proposed addition. Additionally, six garage

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doors are being proposed on the primary structure, also requiring a variance.

He asked Mr. Rutherford if there was any way to insure that this will be a single family home. Mr. Rutherford suggested being very specific in citing conditions which could include no permanent doors which would serve to divide the two living areas.

Mr. Whitaker stated that the occupants of this will be a mother, father, their five grown children, with spouses and grandchildren. Additionally, there will be domestic help living at the residence full time.

Mr. Tom Barrett, 28 Dogwood Hill, Upper Saddle River, NJ was sworn in at this time. Mr. Barrett stated that he has known the family since 1973 and is very familiar with the properties and will be in charge of overseeing the project. He is a builder/developer and explained the applicant's needs, stressing that the family will occupy the subject property 45-60 days per year. He further stated that their culture makes it necessary for the separation of the two primary structures with the proposed connector.

OPEN TO THE PUBLIC: Steve Moss, 12 North Church Road stated that he lives directly across the street from the subject properties. He stated that he is not concerned about the visibility of the garages and would welcome the aesthetic changes with the merger of the properties. He asked about the construction vehicles as well as the proposed screening of the tennis court. Mr. Barrett explained accessibility of construction vehicles at this time. He further stated that the landscaping will commence very shortly as the owner would like it fully installed before the summer.

Chairman Petrocine asked about the lot merger and Mr. Rutherford stated that they will not need approval from the Planning Board. He then asked that, if the Board denied the variance, could the applicant construct an accessory building to contain the additional garages being sought; it was determined that there is ample room on the property for an accessory structure with two garage doors.

Board Member Montana stated that he feels that the positives outweigh the negatives by reducing the footprint from 7% to 5.9% with the consolidation of the lots and he is in favor of this application as presented.

Board Member Dowden stated that the number of garages (6) in a nine bedroom home is reasonable and he supports this application as well.

Board Member Raia asked about the number of trees to be removed (77) and Mr. Levy stated that many of them are not healthy and there is a significant plan in place to replace them.

At this time, Attorney Rutherford gave an overview of the proposed resolution to include that no third parties could occupy this residence, the resolution will be recorded with the County as a condition of approval, the second floor will not be part of the first

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floor dwelling unit and will be used as an ancillary space. Additionally, there will be no segregation of the two areas with a keyed locking device, the approval will be subject to Planning Board approval for soil movement and all demolition on the property will be

conducted within the parameters of the plan presented.

A motion to **approve** the Range at Saddle River was offered by Board Member Nazzaro
Seconded by Board Member Montana

Roll Call Vote: AYES, Unanimous

WORK SESSION:

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