

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY DECEMBER 18, 2013 at 7:00P.M., MUNICIPAL BUILDING**

PRESENT: Board Members Dowden, Kakaty, Nazzaro, Raia, Laurite #1
Council, Attorney David Rutherford, Council Representative Toomey

ABSENT: Chairman Petrocine, Vice Chairman Montana Board Members Perrin,
Rosato

SUNSHINE LAW: Board Member Kakaty 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 November 20, 2013 minutes by Board Member Nazzaro. Seconded by Board Member Dowden. Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA 18-13

**Blk 1607 Lot 22.01
123 E. Saddle River Road
Edward Dunn
Construct a horse stable; exceeds
the maximum allowable area 1,000 sq. ft.
and the maximum height of 17'
APPROVED**

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

A motion to **approve** the Dunn resolution was offered by Board Member Dowden
Seconded by Board Member Nazzaro
Roll Call Vote: AYES, Unanimous

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At this time, Attorney Rutherford gave an overview of this application, stating that this Application was heard in June and July of 2013 and was denied.

ZBA 19-13 **Blk. 1901 Lot 31**
6 Beechwood Drive
Gavin O'Connor
construct single family dwelling,
pool, cabana, new dwelling
violates required front yard
setback etc.
DENIED

A motion to approve the O'Connor resolution was offered by Board Member Raia
Seconded by Board Member Kakaty
Roll Call Vote: AYES:

At this time, Attorney Rutherford gave an overview of this application, stating that this application was heard in November and was a significantly revised plan from previously presented. (This plan represented the garage doors facing south)

ZBA-20-13 **Blk. 1901 Lot 31**
6 Beechwood Drive
Gavin O'Connor
Construct a single family dwelling;
pool, cabana, new dwelling
violates required front yard
setback etc.
DENIED

A motion was made to approve the resolution by Board Member Dowden.
Seconded by Board Member Dowden
Roll Call Vote: **AYES:** Dowden

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At this time, Attorney Rutherford explained that this was an appeal of the determination by the Zoning Official that the garage doors could not face the east/west portion of Beechwood Drive; an appeal was taken and the Board saw fit to overturn the Zoning Official's decision, deeming this lot a corner lot.

**ZBA-21-13 Blk. 1901 Lot 31
6 Beechwood Drive
Gavin O'Connor
Appeal of Zoning Official's Interpretation
APPROVED**

A motion was made to approve the resolution by Board Member Nazzaro.
Seconded by Board Member Dowden
Roll Call Vote: **AYES:** Unanimous

At this time, Attorney Rutherford gave an overview of this application.

**ZBA-22-13 Blk. 2102 Lot 10
32 Twin Brooks Road
Wesson
Construct new dormer; will encroach
Into the required front yard setback
APPROVED**

A motion was made to approve the resolution by Board Member Dowden
Seconded by Board Member Nazzaro
Roll Call Vote: **AYES:** Unanimous

APPLICATIONS: **Blk 2003 Lot 26
33 Woodfield Lane
Thomas & Amy Bevacqua
Permit existing site conditions; pool was granted
a variance in 1987 however
pool/patio encroaches into the
required rear yard setback
APPROVED**

At this time Attorney Les Anderson, Anderson & Holland, Midland Park, NJ outlined his qualifications.

Daniel Dunn, Professional Surveyor, Waldwick, NJ and Tom Bevacqua, home owner were sworn in and Mr. Dunn was qualified as an expert witness.

Mr. Anderson explained that the Bevacqua family purchased this property in June 2013

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and, when looking to obtain a Certificate of Occupancy, it was determined that a portion of the pool patio encroached into the rear yard setback. The closing occurred with the condition that the applicant pursue the variance for the patio or remove same. The applicant is currently before the Board to request a variance for the existing pool patio where it is shown 25.7 feet from the rear property line, where a minimum of 50 feet is required.

Mr. Bevacqua thanked those Board members that walked his property to access this issue. He further stated he will remove the entire patio, if need be, rather than removing only a portion.

Mr. Dunn explained the current location of the pool and patio in detail at this time; Board Member Raia asked about elevations on the property and Mr. Dunn explained this in detail.

Attorney Rutherford stated that the Board received a letter from Mr. & Mrs. Fan, adjoining property owners but it may not be considered as testimony.

Board Member Kakaty asked about the patio surface and he was advised that the patio is concrete.

Board Member Dowden asked about the condition of the patio and was advised that it was in good condition.

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

Mr. Spence prepared a report dated December 17, 2013 regarding this application and reviewed the report in detail.

Mr. Levy stated that the home owner could take this opportunity to restore some of the landscaping; much of the plant material is over 25 years old and may be less optimal for lower level screening.

OPEN TO THE PUBLIC: No one wished to be heard

Board Member Dowden asked about the removal of the patio and the impact this could potentially have on the landscaping on the property. Mr. Levy stated that there are mature trees in the rear of the property which could significantly compromise the root systems.

Board Member Nazzaro was not in favor of removing the existing patio and suggested installing more plantings on the perimeter of the property.

Board Member Laurite stated that it is unfortunate that the prior home owner did not comply with the code at the time, but did not feel it was in the best interest of the property to remove the subject patio.

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Board Member Kakaty stated he does not feel it is prudent to remove the existing patio at this time but would like to see additional screening installed.

Attorney Rutherford explained the parameters of the resolution at this time; it will be considered a C-2 variance and will be conditional upon the submittal and approval of a landscape plan to Mr. Levy.

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

OLD BUSINESS:

NEW BUSINESS: Council Representative Toomey addressed the three ordinances currently before the Mayor and Council for adoption.

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk