

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY MARCH 20, 2013 at 7:00P.M., MUNICIPAL BUILDING**

---

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

**ABSENT:** Chairman Petrocine

**SUNSHINE LAW:** Vice Chairman 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 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 February 20, 2013 minutes by Board Member Perrin  
Seconded by Board Member Nazzaro.  
Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

**ZBA 07-13                      Blk. 1102 Lot 8  
255 East Saddle River Road  
John & Linda Rosato  
Modifications of original proposed project  
based upon Resolution#04-10.  
APPROVED**

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

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

**ZBA 08-13                      Blk. 2003 Lot 35  
3 Woodfield Lane  
Ray & Eileen Virgona  
Two story addition encroaches into  
the required front yard setback; Pool  
and patio would encroach into the required  
rear yard setback  
APPROVED**

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY MARCH 20, 2013 at 7:00P.M., MUNICIPAL BUILDING**

---

At this time, Attorney Rutherford gave an overview of this resolution to the Board, reiterating that this approval only reflects the two story addition part of the submitted application. The balance of the application, regarding accessory structures, was carried and will continue.

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

**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**

At this time, Attorney Rutherford explained that this applicant had requested to revise the original plans presented and they are not currently available. This application will be carried to the Zoning Board of Adjustment meeting scheduled for April 17, 2013. It is not necessary to re-notice this application.

**Blk. 2003 Lot 35  
3 Woodfield Lane  
Ray & Eileen Virgona  
Two story addition encroaches into  
the required front yard setback; Pool  
and patio would encroach into the required  
rear yard setback  
APPROVED**

At this time, Vice Chairman Montana recused himself from this application and Board Member Kakaty presided.

Attorney Rutherford stated that Board Members Dowden and Raia have listened to the recording of the February 20, 2013 meeting and certified same; both are now eligible to hear the continuation of the Virgona application.

Board Member Kakaty stated that the second part of the application deals with the pool and patio area. He further stated that the Board is in receipt of the legal memorandum from the applicant's counsel.

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY MARCH 20, 2013 at 7:00P.M., MUNICIPAL BUILDING**

---

At this time, Borough Engineer Martin Spence and Borough Landscape Architect Scott Levy were sworn in. Mr. Virgona was previously sworn in and is qualified as an expert witness.

Attorney Virgona stated that a revised pool and patio plan were submitted to the Board and this plan was marked Exhibit A-4; the color rendering (SK-2) was marked Exhibit A-5. Attorney Virgona asked Mr. Virgona to explain the changes as illustrated in the above-referenced exhibits. He explained that both the pool and patio have been reduced in size and the pool was moved 34 feet from the property line. The patio shape was modified and Mr. Virgona reiterated that both the pool and patio are not visible from the street. There is a rock wall as well as dense plantings both in the rear and on the sides of the property, insuring privacy to the neighbors.

Mr. Spence stated that he prepared a report, dated March 19, 2013 specific to this part of the application and he addressed this report at this time. The previous plan indicated that total improved lot coverage was 19.47%; the revision to the plan has reduced this to 18.88%. The applicant's site plan is not completely developed but all of the conditions in the engineering report will be in compliance.

Mr. Levy stated that the current plan needs to indicate tree protection at the location of the septic system.

Board Member Perrin asked about the close proximity of the pool to the house and this was discussed at this time. Mr. Virgona stated that he intends to install an alarm.

Mr. Levy stated that the revised plan is advantageous to the existing plantings on the property.

Board Member Raia stated that he wants to insure that the site plan is in full compliance with Mr. Spence's conditions sited in his report. The placement of the air conditioning units was also addressed and this will be included in the resolution.

**OPEN TO THE PUBLIC:**

John Montana, 7 Woodfield Lane stated that he is in favor of this application as the applicant has made a good faith effort to make the necessary reductions in the variances and thanked them for presenting a plan that will benefit all of Woodfield Lane.

Attorney Virgona reiterated that the property is both undersized and sloped and there is no intrusion into the non-disturbance zone with the modified plan. There are grading issues with a very limited building envelope; this application also does not provide a detriment to any of the neighboring properties.

All of the Board members were in agreement that the modification to the original plan

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY MARCH 20, 2013 at 7:00P.M., MUNICIPAL BUILDING**

---

as presented, would be an asset to the property.

Attorney Rutherford reviewed the conditions to be included in the approved resolution:

compliance with Mr. Spence's report and Mr. Levy's concerns regarding tree protection, and the approval of both the site plan and a landscaping plan.

A motion to **approve** the Virgona application as modified was offered by Board Member Nazzaro. Seconded by Board Member Rosato.

Roll Call Vote: AYES, Unanimous.

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

**WORK SESSION:**

**OLD BUSINESS:**

**NEW BUSINESS:** Council Representative Toomey stated that the Zoning Board of Adjustment 2012 Annual Report was reviewed at the Mayor and Council Meeting of March 18, 2013 and the Ordinance Review Committee will be reconvening to address the issues addressed in same.

**ADJOURNMENT:**

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

Respectfully submitted,

Marie Elena Macari  
Borough Clerk