

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

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

ABSENT: Chairman Petrocine, Board Members Perrin, Raia & Rosato

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 July 17, 2013 minutes by Board Member Nazzaro. Seconded by Board Member Laurite. Roll Call Vote: AYES: Unanimous

A motion was made to approve the August 14, 2013- Special Meeting minutes by Board Member Nazzaro. (No second or roll call was required)

MEMORIALIZING RESOLUTION (S):

At this time, Attorney Rutherford explained that the following application was heard at a Special Meeting on August 14, 2013; Board Member Nazzaro and Board Member Rosato were the only Zoning Board of Adjustment members qualified to participate. Three members of the Planning Board heard this application and Attorney Rutherford thanked them for their participation.

ZBA 13-13

**Blk. 1902 Lot 40
3 West Church Road
St. Gabriel's Roman Catholic Church
Construct new rectory and parish center;
Encroaches into required 125' front and side
yard setback as well as 50' rear and side buffer
APPROVED**

A motion to **approve** the St. Gabriel's Catholic Church resolution was offered by Board Member Nazzaro. (No second or roll call was required)

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**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**

At this time, Attorney Rutherford stated that this application was denied at the Zoning Board of Adjustment on July 17, 2013. Subsequently, the applicant's attorney, Bruce Whitaker, Esq., has requested that the applicant wishes to present a revised plan to the Board. Attorney Rutherford recommended that this memorialization be withheld pending the presentation of the revised plans.

ZBA 14-13

**Blk. 1403 Lot 27
48 Fox Hedge Road
Vassallo-Cooley
Construct new single family residence
pool and patio
APPROVED**

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

A motion to **approve** the Vassallo-Cooley resolution was offered by Board Member Nazzaro. Seconded by Board Member Laurite
Roll Call Vote: AYES: Unanimous

**Blk. 1610 Lot 5
15 Burning Hollow Road
James Carr
Relocation of batting cage
CARRIED**

At this time, Attorney Rutherford stated that this matter will be carried to the October 16, 2013 meeting without further notice.

APPLICATIONS:

**Blk. 1701 Lot 32
29 North Church Road
Joseph Ingrassia
Current site conditions for improvements
encroach into the 40' side yard setback
Proposed generator
APPROVED**

Attorney Bruce Whitaker, McDonnell Whitaker, LLC, Ramsey, NJ represented the applicant and explained the application at this time. He outlined the conditions on the

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property, which is non-conforming at 1.45 acres and stated that the applicant is requesting permission to have several non-conformities remain on the property through variance relief. The following variances were being requested for consideration by the Board: A Koi pond, which is in the 25 foot non-disturbance zone, a shed which encroaches in the rear yard setback, flag poles which violate a rear yard setback, building coverage is shown to be 7.20% of lot area where 7% is permitted and improved lot coverage is shown to be 21.67% where 20% is permitted.

Mr. Whitaker addressed each of the five variances being sought and discussed them in detail at this time.

Joseph Ingrassia, 29 North Church Road, Theresa Ingrassia, 29 North Church Road, Martin Spence, Borough Engineer and Scott Levy, Borough Landscape Architect were sworn in at this time.

Mr. Ingrassia, home owner explained that, at the time he purchased this home, it was under construction and he completed the project. The Koi pond, a pergola and flag poles were installed and were not part of the permitted work.

A set of photographs, depicting the subject work on the property, were marked Exhibit A-1 and were explained in detail at this time. Mr. Ingrassia stated that the shed and the Koi pond are not really visible from neighboring properties as a significant amount of landscaping was installed as part of completing this project

Mr. Spence stated that he prepared a report, dated September 17, 2013 which summarizes the five variance requests and he discussed this in detail at this time. There are generator pads that were included in the lot coverage calculation and, due to a change in the code, were removed.

Mr. Levy stated that the property is heavily landscaped with native species of trees.

OPEN TO THE PUBLIC:

Lou Mastriano, 79 Chestnut Ridge Road was sworn in and stated that the improvements to this property have been an asset to the neighborhood and the property owners take great pride in keeping it meticulous. He further stated that he is in full support of this application.

Edith Hausmann, 33 North Church Road was sworn in and stated that she lives next door to the subject property and feels that the property has been dramatically improved by the Ingrassia family.

Mr. Whitaker stated that his client would be willing to obtain any permits required, after the fact, so all construction code requirements are met.

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Board Member Nazzaro stated that the shed, flag poles and Koi pond are well concealed with landscaping and she has no problem with this application.

Board Member Laurite asked about the Koi pond filtration and this was explained in detail at this time. He also asked about the shed and Mr. Ingrassia stated that it was custom built and was installed on concrete block. The location of the flag poles was also discussed. He further stated that he feels the shed could be relocated in order to eliminate this variance.

Board Member Dowden stated that he has a problem with the request for five variances after the home was finished. The lot coverage and building coverage, the Koi pond and the shed are all of concern; he further stated that the shed could be moved.

Board Member Kakaty asked Mr. Spence about building coverage and he stated that the coverage is 7.2% with 7.0% required. Mr. Ingrassia stated that he was unaware of this fact until he applied for a generator permit and this was uncovered at this time. Board Member Kakaty was in agreement that the shed should be relocated and he also had an issue with the Koi pond in the non-disturbance area.

Vice Chairman Montana stated that he feels the property was greatly approved and he does not have a problem with the Koi pond but would like to see the applicant address the location of the shed. Mr. Ingrassia stated that he would have to remove trees in order to move the shed back in order to gain approximately 6-12 feet. Mr. Levy suggested an alternative location for the shed, eliminating the need to remove any trees.

Attorney Rutherford reiterated that the applicant has agreed to relocate the shed and eliminate this variance. He further stated that any post facto work completed on a property should not be punishable but needs to be rectified and a determination must be made if this qualifies as either a C-1 or C-2 variance.

Attorney Whitaker stated that his client was willing to have a condition included in the resolution indicating that a deed restriction would be in place to insure the upkeep and maintenance of the Koi pond moving forward, as this was a concern of the Board.

Attorney Rutherford outlined the conditions in the resolution as follows; the shed would remain the same size but would be relocated to a conforming location on the property, the Koi pond must be maintained or it would have to be removed and returned to its natural state. There will be a deed restriction to reflect this.

A motion to **approve** the Ingrassia application was offered by Board Member Dowden
Seconded by Board Member Nazzaro

Roll Call Vote: AYES: Montana, Dowden, Nazzaro, Laurite

NAYES: Kakaty

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**Blk. 1201 Lot 14
171 East Allendale Road
Steven Greenberg
Construct pergola which violates
required front yard setback
Install generator
APPROVED**

Steven Honig, Esq. Honig & Honig, Waldwick, NJ represented the applicant and explained the application in detail. The application consists of the request for the following variances: Pergola at the rear of the house, over a pre-existing patio, the replacement of an arbor at the front of the house and the installation of a new generator in front of the house. These structures are proposed or currently exist within the front yard setback. Additionally, a fish pond was constructed in the front yard setback without the necessary permits.

Tibor Latincscics, PE, PP, Conklin Associates, Ramsey was qualified as an expert witness. He explained the property at this time and the site plan was marked as Exhibit A-1 and a blow up of this plan was marked Exhibit A-2. The property is irregular shaped, a corner lot and 1.75 acres. The home on the property was built in 1757 and is a landmarked home. The permitting zoning setbacks were addressed; the home is completely outside these setbacks.

The pergola was subsequently been removed and the applicant is requesting to have it reconstructed in front of the front line setback. The location of the pergola functions as the applicant's usable outdoor space as there is very little property in the rear of the home. This accessory structure encroaches into the 125 foot required front yard setback, requiring a 23 foot variance. The second accessory structure, an arbor, located in the front yard encroaches into the 125 foot required front yard setback, requiring a 44 foot variance.

The fish pond was constructed in the front yard setback but is not highly visible due to the topography of this property.

The proposed generator is located 46 feet from the centerline of the road where 125 feet is required, necessitating a 79 foot variance. Mr. Latincscics explained this in detail at this time. An alternative location was suggested by Mr. Spence and Mr. Latincscics stated that the proposed location is less visible from the road.

Attorney Honig asked Mr. Latincscics to elaborate on the importance of the pergola and he reiterated that this property has no real backyard but rather a side yard. This structure provides shade as well as privacy when the family is outdoors. It is also in keeping with the esthetics of this historic home.

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Mr. Spence stated that he prepared a report, dated September 17, 2013 which summarizes the three variance requests and he discussed this in detail at this time. He reiterated that the house is historical and is on an irregular lot. The location of the generator was addressed and Mr. Spence suggested relocating it to the rear of the structure to mitigate the noise level.

Mr. Levy stated that he is in agreement that the generator should be relocated to the rear of the property as it will also be more adequately screened. He further stated that he did not feel that the arbor or the fish pond were a detriment to the property.

OPEN TO THE PUBLIC:

Board Member Mr. Kakaty asked if there was any objection to relocating the generator as suggested by Mr. Spence and Mr. Latincscics stated that there was no issue with this at all.

Board Member Nazzaro requested clarification on the location of the generator and had no problem with the pond or the replacement of the pergola and the arbor.

Board Members Laurite and Dowden stated that had concerns with the location of the generator and suggested that the advice of professionals be considered.

Vice Chairman Montana stated that he was in agreement that further consideration must be given to the generator location.

Attorney Rutherford outlined the conditions in the resolution to include that the generator would be relocated to a location west of the well house with the exact location/orientation to be determined by Mr. Spence after consultation with the applicant and any other experts. Any additional screening necessary for the generator location will be determined after review by Mr. Levy. The pergola and arbor can be reinstalled, per the application and fish pond will remain in its current location. All necessary permits must be obtained.

A motion to **approve** the Greenberg application was offered by Board Member Nazzaro. Seconded by Board Member Kakaty
Roll Call Vote: AYES, Unanimous

**Blk. 1501 Lot 7
147 Chestnut Ridge Road
Saddle River Day School
Requesting to construct a guard house
& dumpster within the required front yard
Setback of 225 feet
APPROVED**

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Steven Honig, Esq. Honig & Honig, Waldwick, NJ represented the applicant and explained the application in detail. The applicant would like to construct a guard house in order to screen all persons entering the property for safety reasons. The proposed guard house is located in the front yard setback, necessitating a 49.4 foot variance.

Eileen Lambert, Saddle River Day School, Saddle River, NJ; Robert Weissman, PE, Midland Park, NJ and John Montoro, Montoro Architectural Group, Saddle River, NJ were sworn in at this time.

Eileen Lambert, Head of School at Saddle River Day outlined her responsibilities at the school and addressed the safety measures the school has taken in light of recent incidents nationwide. There is currently a security guard at the entrance of the campus who is responsible for identifying anyone entering the campus at all times.

She further stated that the proposed location of the guard house is the most optimal, as a significant amount of the campus is visible, which is the objective.

Robert Weissman addressed the site, outlining the topography at the location of the proposed guard house. The building is approximately 272 square feet, with a nominal increase in building coverage. He further stated that some drainage issues were rectified in the past and this structure would have no further drainage impact. The guard house will be screened with low lying shrubs.

John Montoro stated that he designed the guard house and was instructed to do so in keeping with the basic design of Main Hall. He explained the structure in detail at this time, stating that there are windows on all sides to maximize campus visibility. The building will be 15' x 15' with a stucco finish and a cupola on the roof.

Mr. Spence stated that he prepared a report, dated September 17, 2013 which summarizes the applicant's request for a guard house. He addressed this in detail at this time, stating that the building and improved lot coverages are minimally impacted, representing a 0.02% increase in both. Post construction, the building and improved lot coverages remain below the maximum.

Mr. Levy stated that no tree removal is necessary for the construction of this guard house and he addressed the lighting.

OPEN TO THE PUBLIC:

Howard Walsh, 155 Chestnut Ridge Road stated that he has been a neighbor of the Saddle River Day School Day for 25 years. He further stated that many of the pine trees and the berm that was once there is no longer there and the school is extremely visible and looks massive. He feels that pine trees should be replanted to screen the campus from neighboring properties.

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Board Member Nazzaro asked about the width of the proposed location of the guard house and this was addressed at this time. She further stated that she felt that the dimensions of the building were large given the dimension of the available land.

Board Member Laurite asked about the location of the guard house and Mr. Weissman reiterated that it is best suited for total campus visibility.

Board Member Dowden suggested a gate be installed on the exit side to further insure traffic compliance.

Vice Chairman Montana stated that he had no problem with this application.

Mr. Walsh asked if the parking lot could be screened and Mr. Honig stated that his client is willing to do reasonable screening in this area and would interface with Mr. Levy to insure compliance.

Attorney Rutherford stated that the resolution would be drafted with the proposed additional screening of the parking lot included.

A motion to **approve** the Saddle River Day School application was offered by Board Member Kakaty. Seconded by Board Member Dowden
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