

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

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

ABSENT: Board Members Dowden, 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 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 January 16, 2013 minutes by Board Member Nazzaro. Seconded by Board Member Rosato.
Roll Call Vote: AYES: Unanimous

ADOPTION OF 2013 BY LAWS:

A motion to adopt the 2013 By Laws, with corrections was made by Chairman Petrocine. Seconded by Vice Chairman Montana. Voice Vote: AYES: Unanimous

APPROVAL OF 2012 ANNUAL REPORT:

A motion to approve the 2012 Annual Report was made by Vice Chairman Montana Seconded by Board Member Rosato. Roll Call Vote: AYES, Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA 06-13

**Blk. 1105 Lot 2
8 Meadow Lane
Kimberly & Robert Haisch
Construct multiple additions; violates
required 125 foot front yard setback
Proposed garage addition faces street,
violation of Borough code.
APPROVED**

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

A motion to **approve** the Haisch resolution was offered by Board Member Montana 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 March 20, 2013. It is not necessary to re-notice this application.

INTERPRETATION OF ZONING ORDINANCE:

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

At this time, Board Member Rosato recused himself from this application.

Attorney Steven Honig, Honig & Honig, LLC represented Mr. and Mrs. Rosato and explained that the original application was approved and Resolution#04-10 was adopted by the Board of Adjustment on February 17, 2010. He further stated that some construction changes were made and Building Inspector John Scialla suggested that the applicant seek approval for these changes from the Zoning Board.

Attorney Rutherford stated that the applicant is not before the Board to prove their right to variance relief anew, but rather to obtain an interpretation based on changes made to an approved plan.

At this time, Borough Engineer Martin Spence was sworn in. He addressed his report dated February 20, 2013 regarding the revisions to the prior plans submitted. Mr. Spence discussed each of the changes in detail at this time.

The changes from the original approved plan are as follows:

The accessory structure roof height (22 feet approved in 2010) is now proposed at 17 feet, the pool house coverage (2117 sf approved in 2010) is now proposed at 1431 sf, a roof over the outdoor kitchen area was approved in 2010 and a pergola is now proposed, windows and columns were approved as part of the north elevation and the windows have now been revised, a door has been added and the overhang and

columns have been decreased. One garage door facing the street was approved in 2010 as part of the east elevation and now a door and roof overhang has been relocated to face the street as well.

He further stated that none of the revisions negatively impact drainage or any other engineering matters. The revisions are generally to the appearance of the pool house.

Borough Landscape Architect Scott Levy stated that none of the revisions will impact the landscape design.

Attorney Rutherford stated that he is in receipt of the revised plans, prepared by the Montoro Architecture Group, dated October 23, 2012 and last revised November 28, 2012 as well as a site plan prepared by Conklin Associates. Should the Board approve the aforementioned revisions, these plans will be referenced in the resolution approving same.

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

Chairman Petrocine stated that he had no problem with the revised plans.

A motion to approve the changes to Resolution# 04-10, outlined by Mr. Spence was offered by Board Member Montana. Seconded by Board Member Kakaty. Roll Call Vote: AYES, Unanimous

APPLICATIONS (cont'd)

**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**

At this time, Board Member Montana recused himself as he lives within 200 feet of the this applicant; Board Member Rosato returned to the dais.

Mr. Raymond Virgona, 3 Woodfield Lane, Saddle River, home owner was sworn in at this time. Mr. Virgona is a licensed architect and professional planner and was qualified as an expert witness.

Attorney Virgona asked Mr. Virgona to mark the site plan, prepared by McNally Engineering, Exhibit A-1, and the architectural plans dated January 15, 2013 were marked Exhibit A-2. A series of photographs of the rear of the property were marked Exhibit A-3.

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Attorney Virgona asked Mr. Virgona to explain the property and he did so in detail at this time. The property is 1.12 acres and is shallow from north to south, with the current dwelling being non-conforming in the front yard setback. An addition of 1074 sf is being proposed as well as the removal of an oil tank on the property, repairs to the slate roof and windows and many interior improvements are part of the proposed plan.

The addition encroaches into the front yard setback and is proposed to be 91.5 feet from the centerline where 125 feet is required. The proposed pool and patio encroaches into the rear yard setback. The pool patio is proposed to be 27 feet where the minimum rear yard setback is 50 feet.

Additionally, grading with the removal of two trees and relocation of the septic are also illustrated on the site plan.

Mr. Virgona explained the addition in detail at this time, stating that it will include a three car garage, with a master bedroom and bath above it, as well as a family room behind the garage. The exterior façade of the addition will match the existing structure.

Mr. Virgona explained the photographs of the rear of the property in detail at this time. He stated that the rear of the property is heavily landscaped and private.

Borough Engineer Martin Spence prepared a report regarding this application dated February 18, 2013 and reviewed in detail at this time. The two variances being sought were outlined as well as engineering comments.

Borough Landscape Architect Scott Levy stated that an extensive amount of tree protection will be necessary as well as protection of construction access.

Board Member Nazzaro asked if the rock wall in the rear would remain and Mr. Virgona stated that it would. Board Member Perrin asked if the pool could be relocated or made smaller and Mr. Virgona explained that the proposed location provides more privacy than the alternative; the proposed pool size is 16 feet by 40 feet. Mr. Virgona stated that the pool is an extremely desirable addition to this property, although he understands that it is not a necessity. Board Member Kakaty had no problem with the building addition but feels that the pool should be scaled back or relocated. Mr. Levy addressed the location of the pool as it relates to the existing landscaping, which would be detrimental to the property if removed.

Board Member Rosato asked about the rock wall in the rear, which varies in height from approximately eight feet down to four feet, depending on location. The wall is masonry block, serving partially as a retaining wall and also as a privacy wall.

OPEN TO THE PUBLIC:

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Louise Simon, 8 Woodfield Lane, Saddle River was sworn in. She encouraged the Board to grant both variances as the home is landmarked and loved by neighbors. She further stated that the garages are a necessity and the proposed location of the pool is well suited for the property.

John Simon, 8 Woodfield Lane, Saddle River was sworn in. He stated that he has lived in this house for over 50 years and owns two other properties in Saddle River, one adjacent to the subject property. He further stated that he is in favor of this application.

Mr. Virgona explained the necessity for the addition, stating that there is virtually no storage space and the garage is a small one car garage, which is inefficient. He further stated that preserving the character of the home is a priority and the addition will enhance the esthetics of the home.

Mr. Rutherford stated that the two variances being sought are separate and apart from each other and Chairman Petrocine stated he would like to deal with them accordingly.

Chairman Petrocine stated that there is a need for a C-1 variance for the proposed addition relating to the size and shape of the property as well as a C-2 due to the historic significance of the home. He further stated that he understands that the pool may be in the most logical location but has concerns about encroaching into the 25 foot setback; the patio is at 27 feet, where 50 feet is required. Board Member Rosato stated that the applicant is limited with pool locations based on the topography of the property.

Mr. Virgona stated that his neighbor to the rear was unable to attend this meeting. He further stated that he had no problem with this application and was willing to write a letter in support of the applicant's plan.

Board Member Perrin and Laurite had no problem with the addition to the house but both felt that the pool was excessive. Board Member Nazzaro stated that she had no problem with either of the variances being sought.

Attorney Rutherford stated that both variances would get analyzed based on any hardships that the Board would agree exist. He further stated that he did not think a C-2 variance would apply to the pool.

Attorney Virgona stated that her client would be willing to file a legal memorandum with respect to necessity, summarizing the testimony; Attorney Rutherford stated that this could be a viable option and the Board could carry the matter until this is submitted.

Chairman Petrocine asked if these variances could be separated, voting on only the one relating to the addition at this time and carry the pool variance matter until the meeting

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of March 20, 2013. Attorney Rutherford stated that this could be done and any further legal memorandums must be submitted at least ten days prior to the meeting date. This variance will be carried until the March 20, 2013 meeting.

Attorney Rutherford reviewed the variance dealing with only the addition of the home at this time. He further stated that the balance of the application will be carried until March 20, 2013 with no notice required. The notes regarding tree protection will also be included in the resolution.

A motion to approve the **portion of the application dealing only with the home addition** was offered by Board Member Nazzaro. Seconded by Board Member Laurite
Roll Call Vote: AYES, Unanimous

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

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