

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING - WEDNESDAY AUGUST 14, 2013 at 7:00P.M., MUNICIPAL  
BUILDING**

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**PRESENT:** John Rosato-ZBA, Patty Nazzaro- ZBA, Bruce Miesel- Planning Board, Jordan Richin- Planning Board, Jeff Liva- Planning Board, Attorney David Rutherford, Borough Engineer Martin Spence, Borough Landscape Architect Scott Levy

**ABSENT:**

**MEETING NOTICE:** Municipal Clerk Marie Elena Macari read the following statement: "Notice of this meeting in compliance with the Open Public Meetings Act Chapter 231 of the Laws of 1975 has been given by posting a notice in The Record, the Borough Website and in the office of the Clerk on July 26, 2013"

**PLEDGE OF ALLEGIANCE**

At this time, a motion was made by Jeff Liva to appoint Bruce Meisel as Chairman. Seconded by Jordan Richin. Voice Vote; All in favor

**APPLICATIONS:**                    **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**

At this time, Attorney Rutherford explained that seven of the nine Zoning Board of Adjustment Members had to be recused from this application as they are parishioners at St. Gabriel's Church. In this instance, it is required that Class IV members of the Planning Board, in order of seniority, are appointed to the Zoning Board when there are not enough members to hear a matter. He further stated that Bruce Meisel, Jordan Richin and Jeff Liva are Planning Board Members and thanked them for their participation.

At this time, Martin Spence and Scott Levy were sworn in.

Chairman Meisel asked the public if they had any procedural questions and outlined the protocol for the meeting.

Steven Honig, Honig & Honig, LLC, Waldwick represented the applicant and stated that St. Gabriel's Church has been an institution in Saddle River for many years. It presently occupies both sides of West Church Road, with the rectory on the north side of the street and the church on the south side. The rectory is not ADA compliant and has many pre-existing non-conformities.

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At this time, the professionals were sworn in as follows: Alan Klein, PE; Douglas Doolittle, Licensed Engineer, McNally Engineering; Martin Spence, Borough Engineer; Gregory Blasi, Architect, Palimpsest Architectural Design, and Scott Levy, Borough Landscape Architect.

Mr. Klein stated that he prepared the site plans, the proposed rectory site demolition plan and the proposed site plan with attachments, for this application and they were marked as Exhibit A-1. (Page C-1 on the architectural plans)

The location of the generator and the garage doors both require variances. The proposed garage doors are front facing which is not permitted and the generator is being constructed within the required setback. The property is approximately 5/8 of an acre.

Attorney Honig asked Mr. Doolittle if he was familiar with this site and all of the related plans and he stated that he was. A list of all of the non-conformities categorized under existing lot conditions and encroachments, proposed lot conditions and encroachments, variances required and construction impact was distributed and marked Exhibit A-2.

Mr. Doolittle addressed the variances being sought and discussed this in detail at this time. He further stated that the rectory will be a residential use, with the amount of bedrooms being reduced from five to three. The septic system, drainage considerations and the generator were addressed at this time. He further stated that the property is very narrow and has steep slopes, making it more difficult to comply. The proposed rectory will be brought up to current standards, with the footprint only resulting in a de minimis increase. The existing rear yard garage is proposed to be removed and replaced with a front facing garage doors, which provide for easier access.

Proposed landscaping was addressed and Mr. Doolittle stated that additional buffer landscaping is going to be installed to provide more privacy.

Borough Engineer Spence prepared a report dated July 12, 2013 based on submitted plans and discussed this in detail. He addressed the variances being sought as follows:

- Garage doors (2) face the street where they are not permitted.
- Parking (total) 162 spaces are required, where 110 are provided, necessitating a 52 space variance (It is noted that currently 114 spaces exist).
- Proposed front yard setback is 40.2', where 125' is required, necessitating a 84.8' variance.
- Proposed side yard setback is 25', where 125' is required, necessitating a 100' variance.

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- Proposed rear yard setback is 16', where 125' is required, necessitating a 109' variance.
- Proposed construction is located within the 50' non-disturbance buffer areas along the side and rear property line (parking, paving, septic and generators). The proposed construction is within 10' of the side yard property line (septic system) and 7.5' for the proposed generator (pad).
- Proposed building coverage is 17.40%, where 7% maximum coverage is permitted.
- Proposed improved coverage is 75.44%, where 20% maximum coverage is permitted.

Mr. Spence further stated that seven trees will need to be removed and the landscape architect will be reviewing the submitting landscaping plan. Additionally, the number of parking spaces was addressed. 162 parking spaces are required based on the church's capacity and 110 are provided so 52 additional spaces will be required. Mr. Spence addressed the grade of the property and stated that there will be no significant changes in the grading. It will be necessary for the applicant to appear before the Planning Board for soil relocation and the on-site storm water drainage calculations have been modified and are now sufficient. The final septic design is under review and the location of the garages was addressed.

Chairman Meisel thanked both Mr. Doolittle and Mr. Spence for their concise reports.

**OPEN TO THE PUBLIC (For Engineering Matters Only)**

Eva Gordon, 12 West Church Road questioned why the lot is considered a corner lot and Mr. Doolittle addressed this in detail, stating that the parking lot is technically on the corner but the structure is not. She also asked about the necessity of variances and Attorney Rutherford stated that the applicant is before this Board in order to obtain the eight variances previously outlined. Mrs. Gordon stated that traffic is an enormous issue and hopes that this will be rectified.

Jay Gordon, 12 West Church Road stated that he was not noticed about this hearing and felt strongly that all residents living on West Church Road should have been noticed as it is a dead end street, with the only access making it necessary to drive by the subject property. He further stated that a serious drainage problem currently exists on West Church Road and inquired about how this problem will be rectified in light of the proposed construction. Mr. Spence stated that the revised drainage calculations are adequate for this project. Mr. Gordon also asked about soil erosion and soil movement impact on the property and Mr. Spence reiterated that the applicant will have to appear before the Planning Board. Mr. Gordon stated that he did not feel that the Zoning Board should approve this application prior to a Planning Board Soil Movement approval.

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Board Member Nazzaro asked about increasing the landscaping plan in order to minimize the visibility of the front facing garage doors and she was advised that the applicant will comply with these requirements.

Mr. Blasi outlined his qualifications for the Board and was qualified as an expert witness. The architectural site plan, dated January 28, 2013 was marked Exhibit A-3. Mr. Blasi explained the existing house being used as the rectory, highlighting the fact that it is not ADA compliant and the layout of the interior is deficient. The proposed structure and walkways were addressed, stressing the fact that it is considerably more user friendly. A wooden model of the proposed building was marked Exhibit A-4 at this time. Mr. Blasi stated that the style of the building was taken from a country club in Newport, Rhode Island; a photograph of this was marked Exhibit A-5. He further stated that this design is not only in keeping with the neighboring homes, but is a significant improvement over the existing dwelling. He outlined the interior rooms of the proposed home; the first floor will consist of living room, dining room, kitchen mudroom, den and access to the garage. There are two staircases to the second floor which will consist of three bedrooms, three and a half baths, a sitting room and laundry room.

The lower level will service the three offices of the rectory as well as two bathrooms, storage, a conference room and a warming kitchen. The first floor and lower level will have public access and the second floor will be private and used for clergy only. The location of the generator was addressed at this time.

Board Member Richin asked about the front facing garage doors and asked if the garage doors could be repositioned closer to the body of the house so they would be side loading. Mr. Blasi explained that in order to do this, significant changes would have to be made to the interior design of the home, which would compromise the privacy of the clergy. Safety issues were also addressed if the ingress and egress to the garages was modified. It was also suggested that decorative garage doors be utilized if they remain front facing.

Mr. Doolittle addressed the impact of moving the garages on the ingress/egress and lot coverage, stressing that additional pavement would be needed and it would not be an esthetically positive modification. The current plan provides a turn around, with landscaping on both sides of the pavement.

**OPEN TO THE PUBLIC (For Architectural Matters Only)**

Eva Gordon, 12 West Church Road stated that there is ample room to turn a car around with the current configuration. She further stated that backing into the street is a safety issue and Mr. Blazi stated that there is ample room to execute a K turn out of the garage and drive forward onto the street. Mrs. Gordon inquired about the number of bathrooms and Mr. Blazi stated that there are three and a half. On the main floor there are two half baths and on the lower level there are two more half baths. This building is considered a two story building. Mrs. Gordon asked what the meeting rooms are

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going to be used for and if any restrictions would be put on the usage. This will be addressed after further testimony.

Margaret Fisk, 9 West Church Road stated that the proposed building is extremely large and the driveway and garages are of great concern. She further asked about the wheel chair ramp and Mr. Blazi stated that the public will have access to this rectory and it must be ADA compliant.

Amir Ilin, 25 West Church Road stated that it would make more sense to move the garages facing the parking lot so the existing driveway can be utilized. Mr. Blazi stated that this would eliminate access to the lower level due to the grade of the property. He further stated that this plan would not solve the parking or safety issue.

Avetis Pachanian, 5 West Church Road stated that additional landscaping should be installed around the parking lot for both safety and aesthetic purposes.

Jay Gordon asked for confirmation that the building will be reduced from five bedrooms to three and the square footage will be increased by 1,205 square feet.

Margaret Fisk asked if this increase includes the basement and Mr. Blazi stated that this includes only the first and second floor.

Mr. Doolittle stated that the proposed footprint on the first floor is 3073 square feet, the rear terrace is 277 square feet, the lower level terrace is 1320 square feet, the covered porches are 297 square feet for a total coverage of 4967 square feet, making the building coverage 7544 square feet.

At this time, the meeting was recessed for 10 minutes.

Scott Levy, landscape architect addressed the landscape plan and outlined existing landscaping on the property. There are significant evergreen and canopy trees on the property which will benefit the property and help reduce the visual impact of the proposed structure. There will be additional landscaping installed adjacent to the parking lot on the west in order to mitigate the visual impact, without losing any parking spaces.

**OPEN TO THE PUBLIC: (For the Landscape Architect Only)**

Eva Gordon asked for clarification about which parking lot Mr. Levy was referring to and he stated that he was referring to the lower lot.

Margaret Fisk stated that she was not in favor of installing a significant amount of new landscaping as she feels, if sight lines are minimized, it will become a bigger safety issue.

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Eva Gordon asked where heavy equipment would be kept during construction and Mr. Doolittle stated that there is a proposed staging area on the Site Plan (C-2), which will take up approximately nine parking spaces. The construction is expected to take approximately eight months.

Jay Gordon asked about the hours of construction over the eight month period and Mr. Honig stated that there are Borough ordinances that govern this and the applicant will be completely compliant.

At this time, Mr. Honig called Rev. Msgr. Frank Del Prete of St. Gabriel's Church, to testify regarding this application. Msgr. Del Prete explained that renovating the existing rectory was explored but it was ultimately determined that a new structure would better suit the needs of both the clergy and parishioners. He further stated that the proposed meeting space in the rectory is more home-like.

**OPEN TO THE PUBLIC (For Msgr. Del Prete only)**

Jay Gordon stated that he has reviewed the St. Gabriel's website, where it states that the parish has grown from 700 to over 1500 families in the last decade. Additionally, the religious education program has doubled in size, making it necessary to increase the size of the rectory. Mr. Gordon stated that he has seen the growth of, not only the parish, but the parking and traffic problems as well. He further stated he has no objection with building a more functional rectory but has concerns as to how the office and conference space will be utilized. He suggested imposing use restrictions on this application so there is an assurance that activities don't increase in both size and number. Msgr. Del Prete stated that St. Gabriel's services many neighboring communities so the demand for religious education is growing. He further stated that any proposed use restriction would have to be carefully reviewed; there are no plans to let any other groups utilize the rectory space at this time.

Jay Gordon asked if a traffic or parking study was conducted as part of this application and he was informed that it had not been done.

Mr. John Montana, a Saddle River resident and a 36 year parishioner at St. Gabriel's Church, was sworn in. Mr. Montana stated that he is an usher at the 10:00 am mass on Sundays and conducts a head count at this mass three times a year. He can testify with certitude that approximately 225 parishioners are in attendance, which would translate to 75 cars, taking the average of three people per car. Mr. Honig asked Mr. Montana if he believed parking was an issue during regular mass times (excluding holidays) and he stated that he did not think it was. He further stated that people chose to park in the street as it may be easier to exit and there is usually a police officer on the corner of West Church and East Saddle River Road to assist with traffic control.

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Margaret Fisk stated that people constantly park in front of her property and Mr. Montana stated that it is not possible to force people to park in designated spots if they are not parked illegally on the street.

Lou Savarese, 14 Elden Drive stated that he has been a parishioner for 30 years and does not feel that the parking is an issue on non-holiday Sundays. He further stated that the current rectory is in disrepair and does not meet the needs of the parish. He further stated that proposed plan should improve traffic flow.

Jay Gordon asked Mr. Savarese if he had conducted a traffic study and he stated that he had not but is well aware of when the rectory and church is being utilized as he is very involved at St. Gabriel's Church. Mr. Savarese stated that Mr. Gordon may experience some delay during heavy traffic times but did not think it would delay emergency vehicles should the need arise. Mr. Gordon asked how many people attend the AA Meetings, conducted at the rectory Monday through Saturday. Msgr. Del Prete stated that the upper parking is primarily used with 60-70 people in attendance Monday through Friday and approximately 100 people on Saturdays.

Chairman Meisel reminded the public that this application only deals with the parking lot adjacent to the rectory. The hearing would have to be expanded and re-noticed in order to address the church parking lot.

David Dickey, 486 Jackson Street, Washington Twp., NJ stated that he has been a parishioner for eight years and feels that the proposed rectory is necessary as it supports all of the needs of this parish.

George Maloof, 16 Rock Ledge Road, Saddle River stated that the parking is not an issue, but indicated that parishioners do not maximize the available parking spots. He further stated that parking will always be an issue on holidays. In his opinion, the construction of the rectory will not impact the current parking in the lower lot.

**OPEN TO THE PUBLIC:**

At this time, James FitzPatrick, 134 Fisher Road, Mahwah, NJ was sworn in. He has been a parishioner at St. Gabriel's Church for 48 years and was on the Saddle River Board of Adjustment for 23 years. He further stated that he feels that this is a C-1 and C-2 variance, where the benefits outweigh the detriments. He further stated that the parking is not going to change with the construction of the proposed rectory and the space being obtained with the construction is sorely needed due to growth. He urged the current Board to vote favorably on this application.

Kim Nardone, 4 Eugene Drive, Saddle River, NJ stated that she has been a member of St. Gabriel's Church since 1985. She further stated that the current living conditions for Msgr. Del Prete are not acceptable. She further stated that the rectory and pastoral life center has been almost completely funded by parishioners and can be used by the

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entire community for support and guidance. Mr. Honig asked Ms. Nardone if she feels this will be an increased parking issue and she stated that, as no programs are being added and the space is just be reallocated, she did not feel the parking would be impacted any further. She urged all to vote in favor of this application.

Jay Gordon was sworn in and thanked Mr. FitzPatrick for his testimony and stated he would like to see St. Gabriel's Church continue to be an important part of the fabric of Saddle River. He further stated that if he could be assured that there was not going to be continued growth and additional programs and this could be added to the resolution, he would be on board with this application.

Eva Gordon was sworn in and stated that she had concerns about replacing a residential home with a structure for conferences and offices. She further feels that the parking issues continue to be of great concern which direct impact the ability for emergency vehicles to gain access to the street if need be. Mrs. Gordon also asked about the 75% lot coverage and this was discussed.

Amir Ilin, 25 West Church Road was sworn in at this time. Mr. Ilin stated that he understands the value of the proposed structure but has similar concerns about lot coverage and traffic.

At this time, Mr. Honig thanked the Board for their attendance. He further stated that the focus is on the rectory, which is already a non-conforming structure, and in dire need of improvement. He further stated that he feels that the benefits outweigh the detriments, qualifying it for a C-1 variance. It also meets C-2 criteria, as it will benefit the community as well as dramatically improve the aesthetics of the existing structure.

At this time, Chairman Meisel asked Mr. Rutherford to summarize this application, which he did in detail at this time. He stated that it was the Board's responsibility to determine if the benefits outweigh the detriments in this case. He further stated that this is a very small lot, making this a hardship and the need for setback relief. The property is already used for rectory purposes, which should be considered by the Board as well. The Board must recognize that the use is non-conforming and it is conditionally permitted in the zone. The impact that the approval of this application would have on the use of the property must be considered as well.

Much testimony was heard by neighbors requesting that limitations be implemented regarding the use of the property and Mr. Rutherford stated that he did not feel this would be constitutional and would not hold up in a court of law if challenged.

Chairman Meisel asked Board Members for their input at this time regarding this application. Mr. Rosato stated that he feels this application meets both the C-1 and C-2 criteria. Ms. Nazzaro was in agreement as well and further stated that she would like to see what could be done to reduce the traffic issues brought forth by neighbors on the street. Mr. Richin stated that he had no problem with this application as presented

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at this time. Chairman Meisel asked about the addition of trees adjacent to the rectory parking lot and Mr. Honig stated that the applicant is in agreement. He further inquired about stating the use of the rectory in terms of allocation of private and organizational space as represented on the plans and Mr. Rutherford agreed that this would be permissible as it is a key aspect of the application.

Chairman Meisel asked Mr. Spence to reiterate any engineering concerns and he did so at this time, stating that the septic plan is currently under review, the revised drainage calculations have been accepted and the staging of construction vehicles will be governed by Borough code.

Chairman Meisel stated that, although the number of parking spaces is actually decreasing, it was done so to comply with ADA requirements with the addition of handicapped parking spots. He further stated that the site is challenged due to size and slope and the current structure on the site is too antiquated to renovate. The proposed structure will be an asset to the neighborhood while significantly improving the living conditions for its residents. He stated that he is in favor of this application.

At this time, Mr. Rutherford reviewed the conditions to include in the resolution as follows: All required approvals from the Planning Board, compliance with Mr. Spence's engineering report, finalizing the landscaping plan as it relates to canopy trees on the lower parking area, subject to any grading or drainage changes imposed by the Planning Board, the use of the rooms in the rectory will be as depicted, specifically the public/private delineation, and subject to all other required approvals by any necessary Boards.

A motion to **approve** is application was offered by Board Member Nazzaro  
Seconded by Board Member Liva  
Roll Call Vote: AYES, Unanimous

**ADJOURNMENT:**

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

Respectfully submitted,

Marie Elena Macari  
Borough Clerk