

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY JULY 16, 2014 at 7:00P.M., MUNICIPAL BUILDING**

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**PRESENT:** Chairman Montana, Board Members Kakaty, Laurite, Nazzaro, Perrin, Raia, Attorney David Rutherford, Council Representative Toomey, Borough Clerk Macari

**ABSENT:** Board Members Dowden, Mastriano, Alt. #2,

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**SUNSHINE LAW:** 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 23, 2013 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 June 18, 2014 by Board Member Nazzaro. Seconded by Board Member Laurite. Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):** There were none.

**APPLICATIONS:** **Blk. 1607 Lot 33  
102 West Saddle River Road  
Avi Hort  
Replacement of exterior decks without prior approval, the patio structure is located in the required side yard setback and the 25 foot non-disturbance zone  
APPROVED**

At this time, Avi Hort, home owner, was sworn in. Attorney Rutherford stated that Borough Engineer Spence lives within 200 feet of the subject property; Mr. Hort submitted a letter permitting Mr. Spence's testimony. He further stated that the improvements stated on the application have been completed; the Zoning Board of Adjustment will determine this matter based on zoning principles only.

Mr. Hort stated that he made improvements to the home and property, including replacing an existing wood deck with a patio and slightly modifying the driveway. The overall deck coverage (and balcony) was reduced by 163 sq. feet where the driveway was increased by 231 sq. feet, for a net increase in improved coverage of 68 sq. feet or 33%. He further stated that the wood deck was in disrepair and a safety concern.

The property is a pre-existing undersized lot at .463 acres. The final improved lot area is 29.42%, where 20% is the maximum permitted. The improvements (prior and new currently encroach within the 25 foot non-disturbance areas.

Borough Engineer Martin Spence and Borough Landscape Architect Scott Levy were sworn in

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at this time.

Mr. Spence prepared a report dated July 15, 2014 and gave an overview of this report at this time.

Mr. Levy stated there was no impact to any plantings on the property and alterations done on the property are an improvement.

Mr. Laurite stated that he feels that the new patio appears to be an improvement; Mr. Kakaty was in agreement.

Mr. Raia was not in agreement with the driveway modification and Mr. Perrin stated that he does not understand the merit of this application being before the Zoning Board as the work is already completed. Chairman Montana stated that the Board could deny this application if they saw fit. He further stated that he has a problem with the driveway and feels it could be reduced to eliminate the encroachment into the non-disturbance zone. Mr. Hort stated that the driveway was configured this way so there is an ample radius to turn around as backing onto West Saddle River Road is a safety concern.

**OPEN TO THE PUBLIC:**

Marilyn Goldfisher, 124 West Saddle River Road stated that she lives on this road and is familiar with the property. She further stated that the driveway modification was necessary for safety reasons as it is extremely difficult to back out onto West Saddle River Road.

Ms. Goldfisher made an inquiry about lot coverage compliance in flood zones, specifically Waterford Gardens. This was discussed in detail at this time, with Mr. Spence outlining the protocol within the Borough Code.

Attorney Rutherford outlined the parameters of the proposed resolution at this time.

A motion to approve the Hort application was offered by Board Member Nazzaro  
Seconded by Board Member Laurite  
Roll Call Vote: AYES: Kakaty, Laurite, Nazzaro, Raia  
NAYES: Montana, Perrin

**OLD BUSINESS:**

**NEW BUSINESS:**

**ADJOURNMENT:**

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

Respectfully submitted,

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Marie Elena Macari  
Borough Clerk