

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY MAY 21, 2014 at 7:00P.M., MUNICIPAL BUILDING**

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**PRESENT:** Chairman Montana, Board Members Dowden, Laurite, Nazzaro, Raia, Mastriano, Alt. #2, Attorney David Rutherford, Council Representative Toomey, Borough Clerk Macari

**ABSENT:** Board Member Kakaty, Perrin, Rosato, Alt. #1, Council Rep Toomey

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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 April 16, 2014 minutes by Board Member Nazzaro. Seconded by Board Member Dowden. Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

**ZBA-08-14**

**Blk. 1803 Lot 1  
25 Overlook Road  
Dustin Pita & Pilar Pita  
Construct new single family dwelling,  
site plan must reflect all required  
setbacks. Proposed structure violates  
required front yard setback  
APPROVED**

Attorney Rutherford gave an overview of this resolution at this time.

A motion to **approve** the Pita resolution was offered by Board Member Nazzaro. Seconded by Board Member Raia  
Roll Call Vote: AYES: Unanimous

**APPLICATION(S):**

**Blk. 1902 Lot 6  
9 North Church Road  
Deborah Couri-D'Amico  
Proposed second story addition  
& front and rear porches encroach  
into the required front and side yard  
setbacks. Proposed pool/patios  
encroach into required side yard setback  
APPROVED**

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Steven Honig Esq., Honig & Honig, Waldwick, NJ represented the applicant and briefly explained the application at this time.

Jordan Rosenberg, Architect, Ridgewood, NJ, William Boyce, Landscape Architect, Biosphere, and Jeffrey Houser, Engineer, Houser Engineering were sworn in at this time and were qualified as expert witnesses.

Mr. Houser was asked to give an overview of the existing lot, which is undersized and non-conforming at .089 acres. The proposed building coverage is 6.17% where 7% is permitted and the proposed total improved lot coverage is 19.69% where 20% is permitted. Mr. Houser stated that the property is steep and narrow and illustrated this on the plot plan, marked Exhibit A-1. The new encroachment into the front yard setback is proposed at 101.8' where 125' is required. The closest part of the existing structure is 94.1' (existing). The new encroachment into the side yard setback (east) is proposed at 28.6', where 40' minimum is required. The closet part of the existing structure is 28.4'.

The pool and patios encroach into the side setbacks at the east side. There is also a pool and cabana being proposed and the orientation of the pool was addressed, stressing that the building envelope width in the rear yard is approximately 75 feet. The proposed cabana currently complies with the code and is not made part of this variance application. The separation distance, however, between septic trenches and the structure is requiring a revised septic system and elimination of a trench.

Mr. Boyce prepared a landscape plan, dated May 8, 2014 and this plan was marked Exhibit A-2. Additional copies of the plan were handed out and were marked Exhibit A-3. These consisted of the tree inventory, the landscape plan and the landscape details. Mr. Boyce began by explaining the landscape design issues associated with this property and how he rectified these issues. The objective of the landscape design was to build on the symmetry of the new addition and the addition of the pool, cabana and arbor. He outlined the tree inventory to be planted in detail at this time. Native and non-invasives trees/plants are being used in the non-disturbance zone.

Mr. Honig stated that the proposed plans are in keeping with the neighborhood while minimizing encroachment in the front yard.

Scott Levy, Borough Landscape Architect and Martin Spence, Borough Engineer were sworn in at this time.

Mr. Levy stated that additional plantings will be required in the buffer zones on both the east and west sides of the property. He asked about the pool fencing location and this was explained by Mr. Boyce at this time.

Mr. Spence stated that he prepared a report dated May 20, 2014 and he reviewed this report in detail at this time. He reiterated that the two variances being sought are for encroachment into both the front and side yard setbacks. He further stated the need for one of these variances may be eliminated with the re-orientation of the pool and patio.

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**OPEN TO THE PUBLIC:**

Margaret Fisk, 9 West Church Road was sworn in and stated that she has concerns about the septic as well as pool drainage, as the property slopes in the direction of her property and encouraged the Board to address this.

Maria Morano, 5 North Church Road was sworn in and stated that she has a high water table and she is concerned about drainage from the subject property further impacting this problem. She further stated that there is a significant amount of construction in her neighborhood and she has had damage and debris on her property. She further stated that she has an issue with the proposed location of the cabana and wants to insure that her privacy is maintained.

Mr. Honig asked Mr. Houser to address the neighbor's concerns regarding run-off which he did in detail at this time. He stated that three storm water dry wells will be installed to circumvent run-off, which should eliminate any adverse impact to neighboring properties. Mr. Boyce addressed the proposed screening on the side of the property which is adjacent to Ms. Morano's home and he stated that there will be a rock wall as well as evergreens and native plantings which will provide a significant understory.

Mr. Spence stated that there is a dam under construction across from the subject property which will be completed shortly, eliminating existing traffic issues on this street.

Michael D'Innocenzi, New Brunswick, NJ asked about the final landscape plans and wanted to be assured that this plan provides ample screening to Ms. Morano's property. He also inquired about the possibility of shifting the cabana slightly in order to minimize the impact of Ms. Morano's property; pool drainage was also discussed.

Board Member Nazzaro suggested that a seepage pit be installed and dedicated solely to the backwashing and draining of the pool, to prevent any potential flooding issues.

Board Member Dowden stated that the lot is challenging, with steep slope issues as well as a narrow building envelope. He further stated that he is in favor of the addition of any special provision necessary in order to prevent flooding from the pool.

Board Member Mastriano stated that he feels that the landscaping is important as it provides an integral buffer for neighboring properties. Board Member Raia was in agreement.

Chairman Montana stated that he understands the impact of construction to neighboring properties but feels that the end result is an overall enhancement to the neighborhood.

Attorney Rutherford outlined the parameters of the proposed resolution at this time. He further stated that the conditions would include the addition of canopy and evergreen trees on the north, west and east boundary lines within the 25 foot non-disturbance zones, a revised tree removal plan as well as a pool water drawback retention plan.

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The applicant will have to appear before the Planning Board for a soil movement application.

A motion to **approve** the Couri-D'Amico application was offered by Board Member Dowden. Seconded by Board Member Nazzaro.

Roll Call Vote: AYES, Unanimous

**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