

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY SEPTEMBER 17, 2014 at 7:00P.M., MUNICIPAL BUILDING**

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

**ABSENT:** Board Members Perrin, Raia, Council Representative 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 July 16, 2014 by Board Member Nazzaro. Seconded by Board Member Laurite. Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

**ZBA-10-14**

**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**

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

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

**APPLICATIONS:**

**Blk. 1702 Lot 37  
One Tanbark Trail  
Julia & Giovanni Piosio  
Construct addition/alteration, proposed garage addition, covered front porch & second story addition encroach into the required front yard setback  
APPROVED**

Steven Honig, Esq., Honig & Honig, Waldwick NJ represented the applicant and briefly explained the application at this time. He explained that the home is built into a hill and the property is extremely sloped. The lot is pre-existing, non-conforming and the application is proposing the addition of a garage, covered porch and second story addition.

Erik Boe, Professional Engineer, Lan Associates, Midland Park, NJ was sworn in at this time. He was qualified as an expert witness in the field of engineering.

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Mr. Boe outlined the site plan - SP21 in detail at this time. This site plan was marked Exhibit A-1. The property is long and narrow with a compromised building envelope. The proposed addition will be on the south side of the property, with the opposite side of the existing dwelling to be demolished and used for a proposed garage. The existing driveway is very steep and exits onto East Allendale Road. The proposed driveway will be less steep and will exit onto Tanbark Trail, a much safer alternative. Two retaining walls are also proposed in order to address the steep slope issues that exist on the property.

A landscape plan was prepared and this plan was marked Exhibit A-2. Mr. Boe gave a brief explanation of this plan at this time.

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

Mr. Spence prepared a report regarding this application, dated September 16, 2014 and reviewed this report at this time. He reiterated that the proposed location for the additions to the dwelling as well as the driveway configuration would be an improvement to the property, however there is room in the rear of the property to move the dwelling back. Mr. Boe stated that the applicant was attempting to preserve some property to be used as a rear yard. Due to the steep slope issues on the property, the importance of the appropriate landscaping and retaining walls was also stressed.

Mr. Levy stated that the landscape plan submitted required more detail to include the size of the plantings to be installed. There will also be stabilization needed due to the steep slope conditions. Approximately 15 trees are proposed to be removed and Mr. Levy stated that he feels more will need to be removed throughout the construction process. He further stated that measures must be taken to protect existing trees on the property during construction.

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

Board Member Nazzaro stated that she had some concerns about driveway runoff and this was discussed. The replacement of existing footings was also discussed. She further stated that she feels the proposed dwelling would be an improvement to the property.

Board Member Dowden asked how many feet the existing driveway is from East Allendale Road and Mr. Boe stated he feels it is approximately 80 feet.

Board Member Kakaty addressed the removal of trees on the property and asked if the structure was moved back on the property, could some of the trees be saved. Mr. Boe addressed this issue in detail at this time.

All Board Members were in agreement that the proposed application would be an improvement to the property, taken into consideration the conditions discussed above.

Attorney Rutherford outlined the parameters of the resolution to include compliance with the engineering comments, approval from the Planning Board for any necessary issues to include landscaping and drainage and the submission of a landscape plan showing greater detail to include soil compaction and size of plantings to be installed.

A motion to approve the Pulosio application was offered by Board Member Dowden.  
Seconded by Board Member Laurite  
Roll Call Vote: AYES, Unanimous

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**Blk. 2003 Lot 3  
16 Old Woods Road  
Robert Sivori  
Construct a patio with a fire pit  
And seating walls encroach into the required  
Rear yard setback**

Steven Honig, Esq., Honig & Honig, Waldwick NJ represented the applicant and briefly explained the application at this time. The lot is undersized and the applicant recently installed an extensive landscape plan. A variance is required to construct a patio with a fire pit and seating walls as it encroaches into the rear yard setback.

Kent Rigg, Professional Engineer, Midland Park, NJ and Terence Beltramini, Greenbelt Landscaping, Ramsey, NJ were both sworn and qualified as expert witnesses at this time.

Mr. Beltramini explained the landscape plan, specifically outlining the patio design, proposed to be dry laid blue stone, which encroaches approximately 11 feet into the rear yard setback. He explained the fire pit and stated that the applicant wants to maximize the utility of the rear yard. There are no visible homes to the rear of the property; it is densely landscaped.

The site plan for the property, prepared by Mr. Rigg, dated August 29, 2014 was marked Exhibit A-1. Mr. Rigg reviewed the property size and explained that the patio is approximately 50 feet from the rear property line.

Mr. Spence stated that he prepared a report dated September 15, 2014 and gave an overview of his report at this time. He reiterated that the lot is undersized and the existing patio was constructed to the rear property line.

Mr. Levy stated that the existing canopy is high and more trees could be added in the rear of the property. He further stated that he would like to review the existing landscaping plan in detail.

**OPEN TO THE PUBLIC:**

Nick Paleologos, 16 Powder Hill, Saddle River, NJ was sworn in and stated that his property was located diagonally from the subject property. He further stated that he has concerns about noise, visibility and propane odors that could potentially impact his property.

Board Member Nazzaro had no problem with this application and feels it would enhance the property.

Mr. Beltramini addressed the specific location of the fire pit and Board Member Dowden suggested that it could be placed closer to the dwelling to minimize the impact to the property. Mr. Beltramini further stated that the seat walls are partially under construction already and Board Member Kakaty also stated that the fire pit should be moved closer to the dwelling.

At this time, Attorney Honig conferred with his clients and a five minute recess was taken.

Attorney Honig stated that the applicant would agree to amend the application eliminating the fire pit completely, as long as the patio could remain.

Mr. Paleologos requested that additional evergreen trees be planted and the applicant was in

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agreement.

The Board was in agreement that this application is reasonable with the removal of the fire pit and the addition of evergreen trees, approved by Mr. Levy.

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

A motion to approve the Sivori was offered by Board Member Nazzaro  
Seconded by Board Member Mastriano  
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