

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

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**PRESENT:** Vice Chairman Kakaty, Board Members Dowden, Laurite, Nazzaro, Raia, Trobiano, Alt. #2 Attorney David Rutherford, Municipal Clerk Macari Council Representative Toomey

**ABSENT:** Chairman Montana, Board Members Perrin & Mastriano, Alt. #1

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**SUNSHINE LAW:** Vice Chairman Kakaty 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**

**OATH OF OFFICE:** At this Tami Trobiano was sworn in as Zoning Board of Adjustment Member Alt. #2.

**APPROVAL OF MINUTES**

A motion was made to approve the November 19, 2014 by Board Member Nazzaro. Seconded by Board Member Dowden. Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

**ZBA-14-14 Blk. 1601 Lot 1  
20 Arrowhead Lane  
Photis Livitsanos  
Install 12 foot high solid fence for sound  
barrier; proposed fencing exceeds maximum  
six foot height allowed and three foot maximum  
height allowed for solid construction  
APPROVED**

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

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

**APPLICATIONS:**

**Blk. 1701 Lot 30  
79 Chestnut Ridge Road  
Lou Mastriano  
Fire pit and patio as indicated on final  
as- built constructed within the required  
rear and front yard setback  
DENIED**

Vice Chairman Kakaty stated that, as the applicant is a member of the Zoning Board of Adjustment, he will not be in attendance at this meeting.

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Steven Honig Esq., Honig & Honig, Waldwick, NJ represented the applicant and briefly explained the application at this time. He stated that the lot is undersized and is a corner lot, with essentially two front yards.

Mr. Joseph Barbieri, Jr., Professional Planner and Surveyor, Totowa, NJ was sworn in and qualified as an expert witness at this time.

Mr. Barbieri prepared the site plan and he explained the lot in detail at this time. The lot is undersized and required a variance for a prior renovation by the same owner. The fire pit that was installed and the subject of this application, is technically in the front yard, based on the juxtaposition of the home on the property. He further stated that the lot is heavily landscaped and fenced, making the masonry fire pit and patio barely visible from the roadway. The lot and building coverages calculations are below the required.

Borough Engineer Martin Spence was sworn in at this time. He stated that he prepared a report regarding this application dated December 16, 2014 and explained this report in detail at this time. The fire pit is approximately 4 x 8 x 6 feet high and the patio, located on the northeast side of the pit is 324 square feet. The fire pit and patio is approximately 49 feet from the centerline of the roadway line where 125 feet is required, necessitating a 76 foot variance. No vegetation was removed.

Board Member Nazzaro stated that she feels the patio and fire pit are barely visible from the roadway. Board Member Laurite asked about the location of the patio; Attorney Honig stated that the applicant was not present to respond to this inquiry.

**OPEN TO THE PUBLIC:**

Michael Toomey, 52 Westerly Road Saddle River stated that he drives by the subject property often and the fire pit is barely visible from the roadway.

Board Member Raia stated that the fire pit should have been relocated in order to provide greater conformity; Board Member Laurite was in agreement.

Board Member Dowden stated that the fire pit location is not appropriate and, had the applicant applied for a variance pre-emptively, he doubts it would have been granted.

Vice Chairman Kakaty stated that he was a member of the Zoning Board of Adjust in 2007 when the applicant appeared before the Board for their renovation. He further stated that this fire pit was not part of that application but had it been, he would have not be in favor of the location. He stated that it does not qualify for relief under a C-2 variance and he is not inclined to approve this application.

Attorney Rutherford stated that, as this is a corner lot, the applicant is seeking a C-1A variance, as that is the only variance with any applicability.

A motion to **approve** the Mastriano application was offered by Board Member Nazzaro.

Seconded by Board Member Laurite

Roll Call Vote: AYES: Nazzaro, Laurite

NAYES: Dowden, Kakaty, Raia, Trobiano

**Attorney Rutherford stated that this application is DENIED.**

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**Blk.1902 Lots 8 & 36  
23 West Church Road  
Dun Liang  
Merge lots 8 & 36, raise the roof on a portion  
of dwelling and reconstruct larger dormer.  
Merged lots will exceed maximum allowable  
Percentage  
APPROVED**

Steven Honig Esq., Honig & Honig, Waldwick, NJ represented the applicant and briefly explained the application at this time. The applicant is proposing to merge the two lots with the existing home located on Lot 36 (23 West Church Road) and a pond and driveways on Lot 8 (8 North Church Road). The lot is 4.148 acres and will be a through lot with additional frontage on North Church Road. The application consists of a second story addition and dormer to select locations of the existing home which is pre-existing non-conforming. The merger of these lots will eliminate the existing lot coverage issues.

At this time, John Montoro, Montoro Architectural Group, Saddle River NJ and Tibor Latincsics, Conklin Associates, Ramsey, NJ were sworn in and qualified as expert witnesses in the fields of architecture and engineering, respectively.

Mr. Latincsics stated that the second story addition plan for Lot 36, which details the subject property was marked as Exhibit A-1 at this time. Mr. Latincsics explained this plan in detail at this time. Lot 8 consists of Rocco Pond, which is approximately .58 acre water surface area.

Mr. Montoro explained that the existing home was in need of a larger second story, which entailed modifying the existing flat roof currently in disrepair. An illustration of the existing roof was marked Exhibit A-2 and the architectural plans were marked Exhibit A-3. Mr. Montoro explained the proposed roof construction at this time, highlighting the fact that the altering of the rooflines will not exceed the required heights in the zoning code and will not increase floor area.

Borough Engineer Martin Spence was sworn in at this time. He stated that he prepared a report regarding this application dated December 16, 2014 and explained this report in detail at this time. He reiterated that there is no increase in impervious coverage. The current front yard setback at the front covered patio is 64.5 feet where a minimum of 125 feet is required. The proposed dormer will have a 78 foot front yard setback and the proposed second story addition will have an 87 foot front yard setback. He further stated that he is in agreement with the merger of these two lots and the applicant plans to install a seepage pit to remediate any runoff. The new lot should be referred to as Lot 36.01.

Board Member Nazzaro presented comments from Borough Landscape Engineer Scott Levy as he was not in attendance. She reviewed his comments at this time, which included the identification of any trees to be removed and if there is an existing landscape plan. He also inquired about the cobblestone driveway, which is existing and no trees will be removed.

Board Member Dowden asked about this cobblestone driveway and Mr. Latincsics stated that it is used for access to the pond, which is in need of a dredging project in the future. There is a dam associated with the pond that requires inspections every two years by the DEP and this driveway provides access to the dam as well.

Board Member Trobiano asked specific questions about which portions of the roof would be modified and/ or replaced and Mr. Montoro explained this in detail.

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Mr. Latincsics stated that the property owner will be contacting the Bergen County Mosquito Commission as they provide pond dredging services to private pond owners.

Vice Chairman Kakaty asked about adding landscaping to the front of the property as the home is rather large. The applicant was in agreement and would contact Mr. Levy for his assistance.

Board Member Nazzaro stated that she does not have a problem with this application; Board Members Laurite, Dowden and Trobiano were in agreement, with the addition of landscaping.

Board Member Raia asked about the merging of the lots and Attorney Rutherford explained that this would also be a condition of the resolution along with the addition of supplemental landscaping.

Vice Chairman stated that there are far more positive factors associated with this application and he was in full agreement with the proposed application.

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

At this time, Board Member Nazzaro thanked Council Representative Michael Toomey for his years of dedicated service to the Borough of Saddle River.

She further stated that the corner lot issue should be re-evaluated moving forward.

Council Representative Toomey stated that it has been a pleasure to work with the Zoning Board of Adjustment and praised them for their fairness and diligence.

**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  
Municipal Clerk