

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY NOVEMBER 19, 2014 at 7:00P.M., MUNICIPAL BUILDING**

PRESENT: Chairman Montana, Board Members Dowden, Kakaty, Laurite, Nazzaro
Attorney David Rutherford, Deputy Municipal Clerk Convertini
Council Representative Toomey

ABSENT: Board Members Perrin, Raia, Mastriano, Alt. #2

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 October 15, 2014 by Board Member Nazzaro. Seconded by Board Member Laurite. Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA-13-14

**Blk. 1701 Lot 34
21 North Church Road
Joseph Noun
Proposed entry and covered porch
encroach into front yard setback
APPROVED**

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

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

APPLICATIONS:

**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**

Steven Honig Esq., Honig & Honig, Waldwick, NJ represented the applicant and briefly explained the application at this time. He stated that the applicant's home is located at the end of Arrowhead Lane and directly abuts Route 17 North. He further stated that he has not installed any kind of sound barrier to date and this application proposes the installation of a 12 foot high solid fence, where the maximum permitted is six feet or three feet for a solid fence.

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Mr. Joseph Asfour, Architect/Planner; Alzra Design, Newark, NJ was sworn in at this time and was qualified as an expert witness.

A site plan was prepared by Mr. Asfour and he explained this in detail at this time. It illustrated the exact location of the fence. He further stated that a curtain made by Acoustafence, an acoustical fabric used for noise remediation, will be installed over the wooden fence on the inside.

At this time, Mr. Asfour distributed photographs illustrating the neighboring rear yards, their juxtapositions with the proposed fence as well as the existing fence on the property. These photos were marked Exhibit A-1. He further stated that the existing fence provides no sound absorption. The proposed fence will be significantly more sound proof and with the addition of the acoustical material, it will be the most optimal solution to this issue. The fence location is heavily landscaped and will not present a detriment to the zoning code.

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

Mr. Spence stated that he prepared a report dated November 19, 2014 and reviewed his report at this time. He reiterated that the applicant is proposing to replace an existing fence with a 12 foot high stockade fence and hang an acoustical cloth on the inside of the fence for the purposes of noise abatement. He further stated that the applicant must submit structural calculations and the maintenance of the wall will be the responsibility of the property owner. No trees need to be removed but localized disturbance is anticipated during construction.

Mr. Levy stated that the property is heavily wooded and suggested that the access road to the construction area be field located to minimize disturbance on the property. He further stated that tree protection should be implemented and no construction material should be stored near the buffer area.

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

Board Member Nazzaro asked specific questions about Acoustifence and Mr. Asfour explained this in detail, stressing that the fence will not bow in any way.

Board Member Kakaty asked Mr. Levy if more landscaping should be installed on the exterior side of the fence and he stated that he did not feel it was necessary.

Board Member Laurite asked about the life span of the proposed wooden fence and Mr. Spence stated that it could be as much as 20 years.

Board Member Dowden asked about the proximity of the proposed fence in relation to the neighboring fencing and Mr. Asfour explained this in detail.

The Board members were all in agreement that this fence would be a benefit to the applicant.

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

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

OLD BUSINESS:

NEW BUSINESS:

Council Representative Toomey stated that the Mayor and Council appointed Les Shenkler as the Borough Administrator on a part time basis at their regular meeting on November 17, 2014.

He further stated that Ordinance No. 14-903-C, a zoning ordinance, has been withdrawn. Additionally, the tree ordinance has been adopted and is part of the zoning code.

ADJOURNMENT:

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

Respectfully submitted,

Joy C. Convertini
Deputy Municipal Clerk