

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY DECEMBER 16, 2015 at 7:00P.M., MUNICIPAL BUILDING**

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

**ABSENT:** Chairman Montana, Board Members: Perrin

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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 Herald News and The Record on December 31, 2014 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 November 18, 2015 minutes, with a correction by Board Member Dowden. Seconded by Board Member Nazzaro.  
Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

**APPLICATIONS:**

**Blk. 1502 Lot 31  
142 Chestnut Ridge Road  
Pilar & Chealsea Pita  
Proposed reconstruction of the first/second floor and expansion of second floor encroaches into front and side yard setback and 25' non-disturbance zone. Proposed reconstruction of garage roof encroaches into side yard setback; existing shed and garden encroach into 25' non-disturbance zone  
CARRIED**

Vice Chairman Kakaty stated that the public notice did not meet the legal requirements, therefore, application will be carried to the January meeting and the applicant must re-advertise.

**Blk. 2001 Lot 1.03  
33 Lower Cross Road  
Joel Carriero  
Proposed equine style fence encroaches into the front yard setback of ten feet from the property line  
DENIED**

Property owner Joel Carriero and Tibor Latincsecs, Engineer, Conklin Associates, Ramsey, NJ were sworn in at this time. Borough Engineer Martin Spence and Borough Landscape Architect Scott Levy were also sworn in at this time.

Mr. Latincsecs referenced the Fence and Gate Zoning Permit Plan which details the property. This plan were marked Exhibit A-1. A ten scale blow up of this plan as well as photographs of existing conditions was marked Exhibit A-2. The applicant is seeking to install a four foot white vinyl equine fence which encroaches into the front yard setback of ten feet from the property line. Mr. Latincsecs stated that a significant renovation was done to this home and driveway stanchions, which were

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pre-existing, also encroach into the front yard setback. He further stated that there are similar equine fences on Lower Cross Road.

Joel Carriero stated that he feels this fence would enhance the charm of Lower Cross Road and it would match the architectural design of the existing home.

Borough Engineer Martin Spence stated that he prepared a report dated December 16, 2015 and he reviewed this report in detail at this time.

Borough Landscape Architect Scott Levy addressed this application, stating that the fence would not be detrimental to the neighborhood or the Master Plan.

Mr. Kakaty asked Mr. Spence about the location of the proposed fence and what, if any, impact it could have on the existing septic system. Mr. Spence stated that there would be no impact.

**OPEN TO THE PUBLIC:**

Carolyn Shannon, 37 Lower Cross Road was sworn in. She further stated that Lower Cross Road is a very historic street and she feels that a white fence would not be in keeping with the neighborhood. She asked about the specific location in relation to her property and this was addressed at this time.

Board Member Nazzaro stated that she approves of the fence being installed behind the existing tree line. Mr. Levy reiterated that the installation of the proposed fence will have a minimal impact on existing trees.

Board Member Dowden stated that, as this fence is strictly architectural and not functional, he feels that it could be set back ten feet without a problem.

Board Member Trobiano stated that this location appears to be the most beneficial to Mrs. Shannon from a visibility perspective.

Board Member Raia stated that he did not have a problem with the location of the proposed fencing.

Vice Chairman Kakaty stated that he did not feel the proposed location of the fence was the best choice for this property, given that it is not functional.

Attorney Rutherford stated that the Board should consider whether the C-2 variance being sought is rational and if it is a better zoning alternative.

Council Member Kerner was sworn in at this time. She stated that the Borough is currently considering deer management alternatives and fences will play a role in this initiative.

Board Member Nazzaro stated that she would prefer to see the fence installed along the mulch line for aesthetic purposes.

Attorney Rutherford outlined the contents of the resolution including the installation of low plants along the fence line.

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A motion to **approve** the Carriero application was offered by Board Member Trobiano  
Seconded by Board Member Nazzaro

**Roll Call Vote: AYES:** Nazzaro, Raia, Trobiano     **NAYS:** Dowden, Kakaty, Laurite

**Motion Denied** (A tie constitutes a denial)

**OLD BUSINESS:** Vice Chairman Kakaty stated that there is a vacancy on the Zoning Board of Adjustment and appointments will be made by the Mayor in January.

**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

F/newp/zoning/mindec2015