

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY MAY 20, 2015 at 7:00P.M., MUNICIPAL BUILDING**

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

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

SUNSHINE LAW: Chairman Montana 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 April 15, 2015 minutes (with a change) by Board Member Dowden. Seconded by Board Member Nazzaro.
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA-08-15

**Blk. 1609 Lot 10
12 Dater Lane
Peter Klein
Deck constructed without prior approval
encroaches into front and side yard
setbacks. Building coverage and lot coverage
exceed minimum allowable.
APPROVED**

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

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

ZBA-09-15

**Blk. 1202 Lot 34
190 Chestnut Ridge Road
lanelli, Bruce & Margaret
Construct new single family dwelling.
pre-existing accessory structures
violate the required front and side yard
setbacks. Accessory structures are not
permitted in front of principal structure
DENIED**

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

A motion to **deny** the lanelli resolution was offered by Board Member Kakaty.
Seconded by Board Member Dowden
Roll Call Vote: AYES: Unanimous

APPLICATIONS:

**Blk. 1201 Lot 30.01
16 Coltsfoot Glen
Edward Russo
Proposed cabana exceeds the
maximum allowable height of 17 feet
APPROVED**

At this time, Borough Engineer Spence made a correction to his report dated May 19, 2015 as follows: The turret portion of the roof that exceeds the 17 foot height has an area of 79 square feet (over the 17 feet) of 338 square feet.

At this time, Attorney Christopher H. Minks, Assistant General Counsel for Russo Development represented the applicant and explained the application in detail. The property was recently the subject of a consolidation of two lots creating a single 5.9 acre property. There is a height restriction on the pool cabana, which is the subject of this application.

At this time the following witnesses were sworn in: Edward Russo, 21 Coltsfoot Glen, Saddle River, NJ property owner, and Douglas Bartels PE, Carlstadt, NJ. Mr. Bartels was qualified as an expert witness.

Mr. Russo stated that he received a zoning denial regarding the roof height of the pool cabana. The turret peak height of 23 feet above grade is non-compliant as 17 feet is permitted.

The Site and Grading Plan, prepared by Mr. Bartels was marked Exhibit A-1. Mr. Bartels explained this plan in detail at this time, highlighting the location of the cabana relative to the adjacent properties.

Drawing CSK-1, a color rendering of the cabana, was marked Exhibit A-2. The cabana is a multi-part structure with a central open air roofed structure in the center.

An additional view of the cabana from the northwest was marked Exhibit A-3. Mr. Bartels stated that other options were addressed with the architect in order to comply with the 17 foot restriction but these options compromised the overall structure, with the benefits outweighing the negatives, aesthetically.

Borough Engineer Martin Spence was sworn in at this time. He stated that he prepared a report dated May 19, 2015 and explained this report in detail at this time.

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He reiterated that the property is 5.9 acres and the subject cabana height at the location of the turret is proposed to be 23 feet above grade, where 17 feet is permitted. All setbacks are compliant and the other parts of the cabana that flank the center part have a different architectural style roof, with a height of 14 feet, which conforms.

Board Member Nazzaro asked about the trees currently on the property and how they will be affected by the installation of a tennis court. Mr. Minks stated that the site plan only depicts existing trees; the landscape plan is quite extensive with and the property is heavily buffered.

Attorney Rutherford stated that this is a C-2 variance which can be based upon aesthetics that create a better alternative for the property.

Board Member Kakaty stated that he did not feel this qualifies as a C-2 variance, however there is ample screening which would not create a detriment to the property.

Chairman Montana stated that he feels that, with adequate screening and given the size of the property, this variance is de minimus.

Attorney Rutherford outlined the proposed resolution at this time.

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

OPEN TO THE PUBLIC:

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