

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY OCTOBER 21, 2015 at 7:00P.M., MUNICIPAL BUILDING**

PRESENT: Chairman Montana, Board Members Dowden, Kakaty, Laurite, Nazzaro, Raia, Attorney David Rutherford, Municipal Clerk Macari, Council Rep Kerner

ABSENT: Board Members: Perrin, Mastriano Alt. #1, Trobiano, 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 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 September 16, 2015 minutes, with a correction by Board Member Dowden. Seconded by Board Member Laurite.

Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA-14-15

**Blk 1502 Lot 25
Jinsong & Hong Xu Li
39 Woodcliff Lake Road
Construct a new dwelling, pool, patio & screened porch, non-conforming barn to remain; proposed site plan indicates encroachment into the rear yard setback
APPROVED**

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

A motion to **approve** the Xu LI resolution was offered by Board Member Nazzaro. Seconded by Board Member Dowden

Roll Call Vote: AYES: Unanimous

ZBA-15-15

**Blk. 2101 Lot 32
59 Twin Brooks Road
Bal & Sharon Dail
Additional balconies and canopy over rear patio Result in excessive building coverage. Driveway Stanchions were constructed encroaching into the required from yard setback of 10' from the property line.
APPROVED**

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

A motion to **approve** the Dail resolution was offered by Board Member Nazzaro. Seconded by Board Member Laurite.

Roll Call Vote: AYES: Unanimous

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APPLICATIONS: continued...

**Blk. 1607 Lot 37 & 38
120 West Saddle River Road
Eileen Brady & Stephen Campbell
Installation of lights on top of wall at driveway
Proposed lighting is limited to two such fixtures
CARRIED**

Mr. Campbell stated that he was before the Zoning Board of Adjustment at the September 16, 2015 meeting and was sworn in at that time.

At this time, Stephen Pansini, Staten Island, NY, lighting consultant was sworn in. Tibor Latincics, Engineer, Conklin Associates, Ramsey, NJ was previously sworn in.

Mr. Pansini explained the revised lighting plan and illustrated how the existing fixtures have been retrofitted. The actual lighting fixture was marked Exhibit A-6. The foot candle calculations were addressed in detail at this time to determine illumination.

Ferne Lambert, 119 West Saddle River Road, Saddle River Road was sworn in at this time. She stated that she lives directly across the street from the subject property. She further stated that the owners have been restoring this home for quite some time and have made significant improvements. The lighting is important for both safety reasons as well as aesthetics and all of the improvements are an enhancement to the neighborhood.

Mr. Latincics addressed the proposed shed; the dimensions are 12' x 14' and will be an earth tone color. It will be located 25' from the front line of the home.

Mr. Campbell stated that he intends to install plantings around the shed.

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

Mr. Levy stated that there was a need for clarification on the placement of landscape material to be installed

Mr. Spence stated that the applicant has provided the necessary information on the proposed lighting.

OPEN TO THE PUBLIC:

Marilyn Goldfisher 124 West Saddle River Road stated that she is concerned that there are eight fixtures proposed. She addressed the calculations of the wall and stated that it is larger than presented. She also inquired about the shed placement and the proposed trees as she has a concern about her driveway being shaded in the winter and causing an icing problem.

Board Member Nazzaro stated that she is in favor of the revised lighting plan and asked about the footing plans for the proposed shed. Mr. Latincics addressed the shed foundation and excavation at this time.

Chairman Montana asked Mr. Levy about the proposed tree plan and he stated that he did not feel that evergreen trees in the proposed location were the best choice. He did not want existing trees removed in this area; he stated that canopy trees should be considered.

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The foundation of the shed was discussed and Mr. Spence stated that isolated block will be utilized and will not require a footing inspection.

There was some concern about the trees thriving and Attorney Rutherford stated that it would be difficult to include this into the resolution.

Board Member Dowden asked about the number of proposed lights, which has increased from six to eight fixtures. Mr. Pansini explained this in detail at this time.

Board Member Kakaty commended the applicant on reducing the illumination and would like to make this a condition moving forward in the resolution.

Chairman Montana stated that the lighting and the shed have been minimized appropriately and, with the approval of the landscape plan by Mr. Levy, he is in favor of this application.

Attorney Rutherford summarized the conditions of the resolutions as follows; the consolidation of the two building lots which will not have an impact on permit issuance, the installation of the fixtures as displayed and the installation of additional landscaping to the north in order to further shield the shed from the neighboring property. Reduced illumination, lighting timers and a motion sensor on the light on the garage will be made conditions of the resolution.

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

**Blk. 1403 Lot 27
48 Fox Hedge Road
Vassallo-Cooley
Reconstruct driveway and install
Belgium block curbing, driveway; curbing
has been constructed**

Attorney Bruce Whitaker, McDonnell Whitaker, LLC, Ramsey, NJ represented the applicant in a request for a modification of a condition that is a previously approved resolution. He further stated that the modification is de minimis in nature and was due to an error by the builder.

This application had been previously before the Zoning Board of Adjustment in 2013 specific to the location of portions of the existing driveways to remain in the 25' non-disturbance area. The Board had approved the application including conditions that the driveways remain without curbing, generally to minimize the further disturbances. In August of 2015, it was observed that curbing was constructed and relief must be sought if the curbing was to remain.

Additionally, the Planning Board determined that elevations on the property had to be adjusted in order to control drainage, necessitating additional soil and the curbing installed partially to aid in keeping the soil in place.

Tibor Latincsics, Engineer, Conklin Associates, Ramsey, NJ was sworn in. Mr. Latincsics stated that the approved plot plan, which was marked Exhibit A-3, illustrated both tree locations and driveway location. The soil movement plan was approved by the Planning Board and this was discussed in detail at this time. The site as-built plan was marked Exhibit A-5 and an additional as-built plan including approved drainage specifications was marked Exhibit A-8, photographs of a storm water infiltration system were marked Exhibit A-9.

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The driveway is equipped with French drains to channel the extensive amount of water in this area to the storm water infiltration system; a driveway of this nature typically requires Belgium block curbing to assist with the channeling of this water. Mr. Latincsecs stated that paver driveways also typically require Belgium block for stability purposes; the specific design of this block was discussed at this time. Photographs of the site were marked Exhibit A-9 and Mr. Latincsecs reviewed these photographs in detail.

George Kevo, 12 Warewoods Road, Saddle River, NJ, General Contractor was sworn in at this time. Mr. Kevo reviewed a landscape plan from Tapestry Landscape Architecture (marked Exhibit A-10) which indicated that curbing was to be included around the driveway; he outlined the benefits of Belgium block curbing with a paver driveway and reiterated that it would provide the necessary channelization of water, as previously addressed. Mr. Kevo addressed the depth of the foundation for the curbing, which raised the grade of the existing driveway at select location and then transitions to meet pre-existing conditions. Raised portions of the driveway necessitate an encroachment into the non-disturbance zone.

William Moore, Landscape Architect, Cipriano Landscaping, Ridgewood, NJ was sworn in at this time and qualified as an expert witness. Mr. Moore stated that he has been contracted as the landscape architect on the subject property.

Attorney Whitaker asked Mr. Moore to address the driveway and the curbing at this time; he do so in detail. He highlighted the fact that the drainage system on the property makes the soil optimum for planting and he further stated that additional plantings have been installed. Vertical mulching has been utilized and Mr. Moore explained this in detail.

Mr. Spence stated that he prepared a report dated October 21, 2015 and he addressed the report at this time. He reiterated that curbing was installed and was not on the original plan as well as the additional grading, causing the encroachment. Five additional trees are proposed to be removed and this was discussed, stressing that these trees are not in good condition.

Mr. Levy reviewed the trees to be removed in detail at this time.

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

Joanne Vassallo Cooley, 48 Fox Hedge Road, home owner was sworn in at this time.

Board Member Kakaty asked Ms. Vassallo-Cooley if she understood the issue with the curbing and she stated that, as it was installed on an angle, she considered it border.

Board Member Kakaty asked Mr. Latincsecs why, if the installation of the curbing was a better solution on this property for all the reasons previously sited, it was not part of the original plan. Mr. Latincsecs stated that there was a strong emphasis on minimizing the impact on the trees.

Board Member Kakaty asked Mr. Spence if this was a more viable option than the originally proposed plan, had the additional construction of the curbing not taken place. Mr. Spence stated that the existing driveway would then have become an issue, but from a drainage standpoint, this plan is more beneficial to the property.

Chairman Montana asked Mr. Spence if the curbing could be moved 10 3/4" to the north and he stated that it could be but would be very expensive.

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Board Member Raia asked how these situations can be avoided in the future. Mr. Spence stated that he has suggested that conditions of resolutions that are construction specific be made part of the final construction plans either by demonstrations and/or notes as applicable, in order to minimize these issues moving forward.

Attorney Whitaker asked Mr. Levy to address the impact on the existing landscaping should the curbing be removed and he do so in detail, highlighting that there would be an impact. He further stated that additional landscaping should be added and outlined the specific locations.

Board Member Kakaty that, although this is a resident-friendly Board, these issues are ultimately the responsibility of the home owner. He further stated that the benefits of allowing the pavers to remain far outweigh the detriments. Board Members Raia, Nazzaro, and Laurite were in agreement with this.

Board Member Dowden stated that these matters are offensive to the Board and he is not in favor of this application.

Chairman Montana stated that, as the benefits outweigh the detriments, he will vote in favor however, he is not pleased with this matter.

Attorney Rutherford outlined the conditions of the resolution to include compliance with Mr. Spence's report, specifically items S-1 to S-3, a revised landscaping plan will be submitted to supplement existing landscaping pending the approval of Mr. Levy and show remedial action to compromised trees on the property.

A motion to approve the Vassallo-Cooley application was offered by Board Member Nazzaro.

Seconded by Board Member Raia

Roll Call Vote: AYES: Montana, Kakaty, Laurite, Nazzaro, Raia

NAY: Dowden

Borough Clerk Macari stated that any members not present at this meeting will be eligible to vote on the memorialization of this resolution if they listen to the CD of the meeting.

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