

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY APRIL 20, 2011 at 7:00P.M., MUNICIPAL BUILDING

PRESENT: Chairman Petrocine, Vice Chairman Montana, Board Members Cohen, Dowden, Kakaty, Perrin, Raia, Gatto, Alt. #1, Nazzaro. Alt. #2, Council Representative Toomey, Attorney Jennifer Knarich

ABSENT:

SUNSHINE LAW: Board Chairman Petrocine 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 27, 2010 and posting a notice in the Office of the Borough Clerk."

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion was made to approve the March 16, 2011 minutes with corrections by Board Member Montana. Seconded by Board Member Cohen.

Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

At this time, Chairman Petrocine gave an overview of this resolution to the Board.

ZBA 06-11

**Blk. 2101 Lot 33
57 Twin Brooks Road
Warren Boardman
Proposed porch, garage and one story addition encroach into the required front yard setback. Proposed additions would result in a combined lot width which violates required 50% combined side yards. Proposed garage addition will result in an additional garage door which faces the street in violation of the code. It is noted that the pool and pool house are pre-existing non-conforming as it relates to rear yard setback
APPROVED**

A motion to **APPROVE** the Boardman resolution was offered by Board Member Nazzaro Seconded by Board Member Cohen.

Roll Call Vote: AYES, Unanimous

APPLICATIONS: con'td.

**Blk. 1502 Lot 40
12 Denison Dr. East
Candace Pisto
Variance for driveway alteration
APPROVED**

At this time, Candice Braun Pisto, home owner, Kent Rigg, Professional Engineer, Midland Park, NJ and Kim Mitchell, Greenbelt Landscaping, Ho-Ho-Kus, NJ were sworn in.

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Mr. Rigg explained to the Board that the applicant has been in the process of renovating several areas of the property, including the driveway. The driveway is proposed to be decreased in size but is in need of a variance due to the nature of the work. Chairman Petrocine asked Mr. Rigg if he read the report prepared by Borough Engineer Spence and if he was in agreement with his findings.

At this time, Borough Engineer Martin Spence was sworn in. Mr. Spence explained his report in detail to the Board at this time.

The entrance of the driveway has been moved to the east out of the non-disturb zone and the turnaround zone has been reduced and, if the landscaping plan has been revised, the issues previously addressed with this application have been rectified.

The site plan was marked as Exhibit A-1, the landscape plan was marked as Exhibit A-2 the corresponding photographs were marked Exhibit A-3 and the rear yard planting plan was marked as Exhibit A-4 at this time.

Ms. Mitchell explained the landscape plan detail to the Board. Board Member Cohen asked about the bamboo that is currently on the landscape plan and had some concerns as Landscape Architect Scott Levy, who was not present, advised that it not be planted in the areas shown on the plan for fear of migration. Ms. Mitchell stated that she had no problem either moving it or reducing its scope and stressed that it is a less aggressive species of bamboo.

Chairman Petrocine stated that he would like Mr. Levy to approve the revised plans and it would be made a condition of the resolution.

OPEN TO THE PUBLIC:

Denise O'Connor, 8 Denison Dr. East, Saddle River, NJ was sworn in at this time. She stated that she lived to the east of the subject property. She asked about the guarantee on hemlocks to be installed on the west side of the property and was informed that, if need be, they would be replaced within one year of planting. She also asked about the location of the pool fence and was informed that the pool is grandfathered and it will not be fenced.

Board Member Montana stated that he did not have a problem with this application. Chairman Petrocine reiterated that maintaining the integrity of the landscape buffer was extremely important on this property.

Chairman Petrocine gave a final overview of the application at this time and discussed conditions to be included in the resolution.

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

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**Blk. 1902 Lot 39
5 West Church Road
Mr. Pachanian
Rear concrete patio and A/C equipment
encroach into the rear yard, side yard and the
25 foot non disturbance zone
APPROVED**

Avis Pachanian, 5 West Church Road, Saddle River, NJ, home owner, was sworn in at this time.

Mr. Pachanian explained this application in detail to the Board at this time. He stated that the patio and air conditioning units were not included in lot coverage calculations, which he became aware of only after receiving the final as-built plans. He further stated that there was no other location for the air conditioning units on the north side of the house. The site plan was marked Exhibit A-1. Additionally, the corner of the patio extends into the non-disturbance zone.

At this time, Mr. Spence reviewed his report, dated April 20, 2011 with the Zoning Board of Adjustment. He stated that the subject property was before the Zoning Board in 2006 in order to obtain variances to construct second floor additions, a three car garage, and relocate the driveway. The application was approved at that time.

Additionally, he explained the current variances that are being sought, reiterating that the improvements are already completed.

Board Member Nazzaro stated that she feels the applicant has maximized the utility of the property, considering the issues that exist there. Board Member Dowden suggested that more landscaping would minimize the visual impact. Board Member Cohen stated that, while she is satisfied with the aesthetics of the completed work, she has an issue with fact that the zoning code was not adhered to; the applicant was in full agreement.

At this time, the property survey from 1992 was marked Exhibit B-1.

Chairman Petrocine stated that he understands the Board's frustration when applicants seek variances after work is completed. He further stated that it is important to remember that the Board is responsible to either grant or deny a variance based on the current conditions. He further stated that the entire house is in the front yard and the entire northwest corner of the house is in the non-disturbance, creating a definite hardship.

Some landscaping was suggested in order to minimize the impact, despite the fact that there are currently horses on that side of the house. Board Member Kakaty stated that he is in favor of further landscaping there, as if the adjacent property sells, it may not maintain a farm use. Mr. Pachanian stated that he plans to add landscaping in that area to enhance the aesthetics.

Attorney Knarich suggested that the Borough Landscape Architect Scott Levy oversee and approve the installation of additional landscaping and make that a condition of the resolution. Mr. Spence stated that a Certificate of Occupancy has not been issued to date and the landscaping condition could be tied into that as well. A landscaping plan will be required to be submitted and approved prior to granting a resolution; this plan may be hand drawn.

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Chairman Petrocine gave a final overview of the application at this time and discussed conditions to be included in the resolution.

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

COMMUNICATIONS:

OLD BUSINESS:

Chairman Petrocine stated that Dr. Post, 44 West Wildwood Road, previously before the Zoning Board of Adjustment on October 20, 2010, had requested that the shape of his rear deck be slightly altered and it was decided that the changes were minimal enough in nature not to warrant his return to the Board.

NEW BUSINESS:

Board Member Cohen reiterated that she feels there must be some greater consequences for applicants that come before the Zoning Board of Adjustment after work has been completed. She suggested fining applicants in this situation. Applicants who have performed work on a larger scale without the appropriate variances in the past, have been required to remove or make substantial modifications to that work.

OPEN TO THE PUBLIC:

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk