

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY FEBRUARY 16, 2011 at 7:00P.M., MUNICIPAL BUILDING

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**PRESENT:** Chairman Petrocine, Vice Chairman Montana, Board Members Dowden, Kakaty Perrin, Nazzaro. Alt. #2, Council Representative Toomey, Attorney David Rutherford

**ABSENT:** Board Members Cohen, Raia, Gatto, Alt. #1

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**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 January 19, 2011 minutes by Board Member Montana. Seconded by Board Member Nazzaro.  
Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

At this time, Attorney Rutherford gave an overview of this resolution to the Board.

**ZBA 04-11**

**Blk 1801 Lot 22  
7 Lower Cross Road,  
Rose Marie Arnold  
Seeking variance for garage  
addition where doors would face the street  
APPROVED**

A motion to **APPROVE** the Arnold resolution was offered by Board Member Montana Seconded by Board Member Dowden.  
Roll Call Vote: AYES, Unanimous

**APPLICATIONS:**

**Blk. 1608 Lot 4  
5 Burning Hollow Road  
Thomas O'Brien  
Requests for variances for improved lot  
and building coverages  
APPROVED**

At this time, Attorney Victor Herlinsky, Jr., Nowell, Amoroso, Klein, Bierman, P.A., Hackensack represented the applicant.

He explained the application in detail, stating that three variances are being sought, a side yard variance and both building and lot coverage variances.

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At this time, Nick Tsapatsaris, Architect and Professional Engineer, Ridgewood, NJ and Mr. Thomas O'Brien, home owner were sworn in and Mr. Tsapatsaris was qualified as an expert witness.

Attorney Herlinsky asked Mr. Tsapatsaris to explain the architectural improvements that are being proposed and he did so at this time, using plans submitted with the application. He stated that after his client purchased this home in 2002, the driveway was re-configured, a handicap accessible ramp was added to the front of the property, and a rear patio and a pool were added.

The driveway needed to be made wider to accommodate a handicap accessible vehicle. In addition, part of the patio was replaced with a ramp and a pool was added, affording full accessibility by wheelchair.

A matrix dated November 29, 2010 and entitled *5 Burning Hollow Road Comparative As Built Narrative Attachment A* was submitted and marked as Exhibit A-1. Mr. Tsapatsaris discussed this matrix in detail at this time. Curbs, front piers and walls were not included in the original analysis. The total increase in lot coverage is 1956.76 square feet, resulting in a 1.98% overage to the 20% allowable.

Thomas O'Brien, home owner, discussed the additions of the pool and ramps for use by his 32 year old son, who is handicapped.

At this time, Borough Engineer Martin Spence and Borough Landscape Architect Scott Levy were sworn in and qualified as expert witnesses.

Mr. Spence stated that he prepared a report dated February 14, 2011 and discussed his report in detail at this time, outlining the variances being sought. He discussed the changes from the original plan from 2002 and the plans recently submitted.

Chairman Petrocine asked Mr. Spence if the ramps were built to code and he stated that they are. In addition, he asked that, if the south corner of the apron of the pool were removed, would it pose a safety issue of access all the way around the pool. Mr. Spence stated that it would make a portion of the pool inaccessible as well as making it somewhat of a safety issue.

At this time, Michael Sas, Registered Architect, Nick Tsapatsaris & Associates was sworn in and qualified as an expert witness.

Chairman Petrocine asked Attorney Rutherford about the overhangs on this property and their inclusion in the proposed plan and Mr. Sas outlined this for the Board at this time.

Mr. Spence stated that he feels that, in order to facilitate handicap access, the driveway improvement is reasonable.

**OPEN TO THE PUBLIC:**

Landscape Architect Scott Levy stated that none of the landscape requirements are being impacted by any of this work. He further stated that the pool location was the only viable option based on wetland issues and the necessity of the handicap ramps on the property.

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Chairman Petrocine stated that the lot coverage overages on this property are strictly due to a special needs situation. He asked Attorney Rutherford if the possibility exists to provide for the stipulation that states that any subsequent owner replacing these handicap items with items of comparable coverage, would need to seek a variance. Attorney Rutherford stated that a provision could be put into the resolution to reiterate this fact. He further stated that he did not feel it should be a deed restriction but it would be recorded with the Bergen County Clerk so any new owner would be aware of this stipulation.

Attorney Rutherford stated that the resolution would grant three variances; building coverage, improved lot coverage and side yard setback in relation to the south side apron of the pool previously discussed. As previously stated, it will be recorded with the Bergen County Clerk but there not be a deed restriction.

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

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

At this time, Candace Pisto, 12 Denison Drive East, Saddle River, NJ home owner, Kent Rigg, Midland Park, NJ Engineer and Kim Mitchell, Ho-Ho-Kus, NJ, Landscape Architect were sworn in and qualified as expert witnesses.

Ms. Mitchell stated that Ms. Pisto inherited this home from her parents and the driveway is a pre-existing, non-conforming condition within the 25 foot setback. The driveway proposed is re-configured to include a parking area and removing a portion of the existing circular driveway. The addition of Belgium block is also part of this application. The landscaping is going to be re-done as well, but a landscape plan was not available at this time.

Borough Engineer Spence stated that he has prepared a report regarding this application dated February 14, 2011 and outlined this report in detail at this time.

Landscape Architect Levy discussed this application and highlighted concerns with soil compaction as well as drainage issues. He further stated that he has some concerns about trees currently in the 25 foot non-disturbance zone that could be impacted by the driveway re-construction. A landscape plan will be required before any further landscaping can be done.

This application is non-conforming to the 25 foot setback and the application is requesting that this be continued. There is an increase in lot coverage but it is within the required as the driveway is being reduced.

The Board, along with the applicant's professionals, discussed options that would minimize exposure in the 25 foot non-disturbance zone.

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Denise and Bill O'Connor, 8 Denison Drive East, Saddle River, NJ were sworn in and stated that they had concerns about this application. The driveway, roof overhangs on the garage and the need for a buffer were all sited and Mrs. O'Connor further stated that she would like to see the plan modified to conform. She also would like to see a larger landscape buffer on her side of the property.

Chairman Petrocine questioned part of the driveway re-configuration and Ms. Pisto explained this in detail to the Board. He also asked about the landscape buffer and stressed the importance of installing a very substantial buffer in the subject area.

Chairman Petrocine asked Attorney Rutherford about the changes to the plans previously discussed and Attorney Rutherford suggested that a revised plan be submitted to assure clarification and carry this application to the March 16, 2011 meeting.

Chairman Petrocine stated that he would like the applicant to be aware of the non-disturbance zone when revising their plan while being mindful of the safety concerns with this driveway.

**OLD BUSINESS:**

**NEW BUSINESS:** Chairman Petrocine stated that the Annual Report for 2010 was submitted by Attorney Rutherford and this was discussed at this time. Amending the language that includes generator and air conditioning pads as well as properties that have two front yards was also addressed.

**ADJOURNMENT:**

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

Respectfully submitted,

Marie Elena Macari  
Borough Clerk

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