

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY JUNE 15, 2011 at 7:00P.M., MUNICIPAL BUILDING

PRESENT: Chairman Petrocine, Board Members Cohen, Kakaty, Montana, Gatto, Alt. #1, Nazzaro. Alt. #2, Council Representative Toomey, Attorney David Rutherford

ABSENT: Board Members Dowden, Perrin, Raia

SUNSHINE LAW: 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 May 18, 2011 minutes with corrections by Board Member Cohen. Seconded by Board Member Montana
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

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

ZBA-09-11 **Blk 1701 Lots 36 & 37**
116 E. Saddle River Road
James Wood
Install fencing along front of
property encroaches into the required 20'
from edge of pavement
APPROVED

A motion to **APPROVE** the Wood resolution was offered by Board Member Gatto. Seconded by Board Member Cohen.
Roll Call Vote: AYES, Unanimous

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

ZBA 10-11 **Blk. 1301 Lot 24**
53 West Wildwood Road
Harvey Schnell
Requests 8' high rear yard
fence; violates the height and requirement of
50% openness of fencing
APPROVED

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

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APPLICATIONS:

**Blk. 1901 Lot 9
2 Winding Way
Theodore & Charlotte Sasso
Proposed flat roof reconstruction will result in an
increase in overall building height, and exceed
the maximum allowable height
APPROVED**

Attorney Bruce Whitaker, McDonnell Whitaker, represented the applicant and explained the application to the Board. He further explained that the home is within all of the setback requirements; the lot coverage is 17.52%. The application is for a modification of the roof, bringing a portion of it to a peak where it is now flat. He further stated that the home is a federal colonial and during the original construction, it was determined that in order to comply with height requirements, the roof was constructed with a portion of it being flat. The proposed modification of the roof would exceed the height requirement at 36.79 feet but due to topographic conditions on the site, it will not be apparent visually. He further stated that faux chimneys were also added in an attempt to soften the overall look.

If the current roof were removed and re-sloped, it would be out of character with the remainder of the roof as well as the federal colonial style of the home. The architectural benefit would far outweigh any detriment with the proposed changes to the roof.

Mr. Sasso, property owner, 2 Winding Way, Saddle River, NJ was sworn in at this time. He explained that he and his wife did extensive research in order to arrive at the federal colonial design of the home which they felt was in keeping with the overall architectural integrity of Saddle River. He further explained that, during the original construction of the home, the original roof was constructed over the permissible height requirement and needed to be reduced with the options being limited. It was decided that a flat roof would be utilized and the faux chimneys would be added in order to visually shield the roof. In the interim, the flat roof began to leak and during inclement weather, the family must use buckets to collect the water all over the house. He further stated that he was advised to install a copper roof to alleviate the problem, to no avail. The faux chimneys also leak and they have been waterproofed several times, also to no avail. He has spent in excess of \$100,000 to rectify the problem and has gotten no relief to date.

Robert Zampolin, architect, Westwood, NJ was sworn in and qualified as an expert witness in architecture and professional planning. He further stated that he was not the original architect but was recently engaged in order to rectify the problem with the leaking roof.

At this time, Mr. Zampolin's drawing A-1 illustrated the front elevation as well as the right side elevation and the proposed roof height. Drawing A-3 illustrated a line of sight diagram, viewing the house from the grade on Winding Way back to the house. The first drawing discussed was marked Exhibit A-1.

Mr. Zampolin further stated that the flat roof, with the faux chimneys create a situation that is prone to leak as the water, snow and ice have no place to go. The proposed peaked roof would exceed the required height limit by one foot, ten inches, for a total roof height of 36'10".

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Due to the grade of the property, the increase in roof height will be insignificant.

A diagram, prepared by Mr. Zampolin, illustrating the grade and perspective of the property was marked Exhibit A-2. This diagram was discussed in detail at this time.

Photographs of the home were marked Exhibit A-3 and Mr. Zampolin reviewed these photos with the Board at this time; the roof that currently exists as well as the proposed roof transposed onto a separate photo. Exhibit A-4 was an illustration of both the before and after roof lines and Mr. Zampolin reiterated its insignificance.

Mr. Whitaker asked Mr. Zampolin if he felt that the topographic conditions on the property help with the visual considerations of the added roof height and he agreed that it does.

Mr. Spence stated that he prepared a report regarding this application dated June 14, 2011 and he outlined this report at this time.

At this time both Borough Engineer Martin Spence and Borough Landscape Engineer Scott Levy were sworn in.

Mr. Spence stated that he did a roof inspection and did see buckets and towels necessary to catch rain water as well as water damage on the walls.

Chairman Petrocine asked about the original height of the building as well as clarification about the measurement of height from a grade perspective.

At this time, David Doolittle, licensed professional engineer was sworn in and was qualified as an expert witness.

Mr. Doolittle stated that the height proposed on a site plan date June 21, 2007 was 34.29 feet, based on a calculation of the existing topography at that time. The grade in front of the home is higher today than prior to construction due to the transformation of an indoor pool to an outdoor pool on the property.

Board Member Nazzaro asked if drains were every installed in the flat roof and Mr. Zampolin stated that they would be ineffective due to the flat roof.

Board Member Montana asked about the possibility of pitching the roof in an easterly direction, away from the street, and Mr. Zampolin stated it would not be adequate. In addition, he asked what will happen if the roof still continues to leak after the installation of the new roof and Mr. Zampolin stated that he feels the problem will be rectified with this new roof design.

Board Member Kakaty stated that it would have been beneficial to have a roofing expert present to determine if part of the problem is the chimney flashing.

Chairman Petrocine confirmed with Mr. Spence that he, in fact, saw water damage and he reiterated that he had and that the source of a leak is often difficult to find. Mr. Sasso explained that the leakage varies in location and he also stated that the chimneys have been re-flashed and water-proofed several times and it has not solved the problem.

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

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Board Member Nazzaro stated that the home owner has tried every possible remedy and she sees no other solution but to re-pitch the roof.

Board Member Cohen agreed with Board Member Nazarro that the home owner has tried to rectify this problem many times and should be granted relief.

Mr. Levy stated that he sees no detriment from a planning perspective.

Attorney Rutherford summarized the contents of the resolution, addressing the difference in the elevation between the street and the home and taking into consideration Mr. Zampolin's testimony about the additional height of one foot, ten inches, given the angle and the difference in elevation. In addition, Mr. Spence's observation of leakage will be added to the resolution.

A motion to **APPROVE** the Sasso application was offered by Board Member Montana
Seconded by Board Member Gatto
Roll Call Vote: AYES, Unanimous

**Blk. 2003 Lot 48
46 East Saddle River Road
Charles Gildea
Relief sought for an existing shed in the 40"
side yard
APPROVED**

At this time, Attorney Rutherford recused himself from this application.

At this time, Charles Gildea, home owner, was sworn in.

Mr. Gildea explained the application in detail to the Board. There has been a wooden shed, constructed by Mr. Gildea in the early 1980's, at this location on his property which originally complied within side yard setbacks. He further stated that it is heavily landscaped, is not visible to any neighbors or from the road and would be very difficult to move at this point in time.

He asked the Board to consider allowing the shed to remain in its current location.

Mr. Spence prepared a report regarding this application dated June 15, 2011 and outlined this report in detail to the Board. He stated that the shed is located approximately 27 feet from the north property line and it is outside the 25 foot non-disturbance area. The shed is approximately 10' x 12' and a permit was sought in 1984 with the overall coverage on the property is below the allowable

Mr. Levy reiterated that it is heavily landscaped and the location is suited to the property.

OPEN TO THE PUBLIC: No one wished to be heard

Chairman Petrocine asked Mr. Spence if the shed is movable and he stated that, because it does not have a foundation, it could be moved.

Board Member Gatto asked why Mr. Gildea is coming before the Board at this time with this application and he explained that he wants to construct a barbeque in his yard. When he

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applied for a permit, he had to have the property re-surveyed and this indicated that the shed is encroaching in the side yard setback requirements.

Board Member Cohen stated that she feels the shed fits nicely in its current location and does not have an issue with its location; Board Member Montana and Nazzaro concurred.

A motion to **APPROVE** the Gildea application was offered by Board Member Montana
Seconded by Board Member Cohen
Roll Call Vote: AYES, Unanimous

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS: Board Member Cohen discussed the Zoning fees and stated that there should be a different fee schedule based on the scope of the work proposed. Chairman Petrocine stated that he felt that this should be looked into further.

Council Member Michael Toomey stated that he has distributed a draft of zoning ordinances amendments on several issues and these will be introduced at the Mayor and Council meeting on June 20, 2011. He discussed these amendments in detail at this time and will provide the Board with copies of these amendments.

Council Member Toomey stated that the necessary changes to the zoning ordinance to accommodate the Saddle River Crossing project will be reviewed in September.

At this time, it was decided that the Zoning Board of Adjustment meeting scheduled for August 17, 2011 will be cancelled.

OPEN TO THE PUBLIC: Mr. Gildea stated that he feels that many of the Zoning Board issues in Saddle River could be worked out before they go before the Board. He further stated that many of the zoning issues are generated by homes being built to the maximum allowable requirements, leaving no margin for error.

Mr. Doolittle stated that the Sasso's were diligent with compliance while building their home but has worked with builders and architects who continually push the envelope with zoning requirements. Board Member Montana stated that applicants must be made more aware the importance of compliance in Saddle River.

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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