

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY MAY 18, 2011 at 7:00P.M., MUNICIPAL BUILDING

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

**ABSENT:** Chairman Petrocine

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**SUNSHINE LAW:** Vice Chairman Montana 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 April 20, 2011 minutes with corrections by Board Member Perrin. Seconded by Board Member Cohen.  
Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

At this time, Attorney Rutherford gave an overview of this resolution to the Board. A landscaping plan was submitted at this time as a condition of approval.

**ZBA-07-11**                      **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**

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

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

**ZBA 08-11**                      **Blk. 1502 Lot 40**  
**12 Denison Dr. East**  
**Candace Pisto**  
**Variance for driveway alteration**  
**APPROVED**

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

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**APPLICATIONS:**

**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**

Attorney Anthony Gianni represented the applicant and requested that the following documentation be entered as testimony: The survey was marked Exhibit A-1, a photo of the proposed fence was marked Exhibit A-2 and additional photos were marked A-3 through A-8.

At this time, Gus and Laurie Katsapis, 125 East Saddle River Road, Saddle River, Mark Goodell, Waldwick, NJ, and William Longeri, Tawaco, NJ were sworn in.

Mark Goodell, East Coast Landscape Contractors was qualified as an expert witness and stated that he is very familiar with this property. He further explained some of the tree specimens on the property located behind an existing post and rail fence. The photos referenced above were explained in detail and included two views of the front of the property as well as the existing fence which is in disrepair.

The proposed metal fence is five feet high and the existing post and rail fence is three feet high. Securing the property is a concern of the home owner as there is a large pond on the property as well, which is approximately four feet deep.

At this time, Mr. William Longeri, general contractor, stated that he was familiar with this property and worked on this property with both the former and current owner. He outlined work that he has done on the interior of the home and explained how the proposed fence construction would be carried out; specifically connecting the existing fence with the proposed fence. He further stated that other fences in the neighborhood vary in distance from the street.

At this time, James Wood, 116 E. Saddle River Road, Saddle River, NJ, home owner was sworn in at this time. He stated that much work has been done on the interior of the home and this fence, which is a safety necessity, is one of the last items to be addressed. He further reiterated that the current fence is in disrepair.

Borough Engineer Spence stated that he prepared a report regarding this application dated May 17, 2011. He reviewed this report in detail at this time. He further stated that the fence ordinance was changed in 2006 to add the requirement for setback from the edge of pavement to minimize the appearance of fences. The proposed fence on this property is well screened with landscaping.

Borough Landscape Architect Scott Levy stated that the front of the property has a heavy concentration of trees which include hemlocks, evergreens, and spruce. He further stated that he would like to see the landscape architect install the fence rather than the general contractor to insure that proper care is taken not to disturb root systems during construction.

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**OPEN TO THE PUBLIC:**

Gus Katsapis, 124 East Saddle River Road, Saddle River, NJ stated that the Wood property is always well maintained and the proposed fence is well suited to the neighboring properties.

Laurie Katsapis, 124 East Saddle River Road, Saddle River, NJ stated that the Wood family are wonderful neighbors and she looks forward to them returning to the house. She further stated that the proposed location is not a problem and she is in full support of this application.

Mr. Levy reiterated that the importance of the fence location for the benefit of maintaining the integrity of the existing landscaping.

Mr. Goodell stated that several trees had died on the property and were removed but there is a plan to replace them.

Board Member Montana asked Attorney Gianni if the variance being sought was a C-2 and he confirmed that it was.

Borough Engineer Spence stated that the proposed fence will be eight feet from the pavement and the existing fence is five feet from the pavement. Additionally, he stated that this is the most optimum location in order to insure design continuity.

Attorney Rutherford suggested that, as a condition of the resolution, it will state that Mr. Goodell will oversee the installation of the fencing. He further gave an overview of the language of the resolution at this time.

A motion to **approve** the Wood application was offered by Board Member Raia  
Seconded by Board Member Cohen  
Roll Call Vote: AYES, Unanimous

**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**

At this time, Keith Cahill, Licensed Professional Engineer with Bohler Engineering was sworn in and qualified as an expert witness.

Mr. Cahill explained the application to the Board in detail and explained that Mr. Schnell's property backs up to Route 17. The sound barrier constructed along Route 17 ends at the edge of this property and there is a gap at that location. The variance is requesting an eight foot board on board fence, to abut an existing fence from a neighboring

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property and meet at the sound barrier on Route 17. He further stated that this fence would not be visible from West Wildwood Road.

Mr. Cahill stated that the proposed fence will close the gap and it is important to the home owner for security purposes. The current fence requirement is a maximum of six feet in height and must be at least 50% open, which is the reason a variance must be sought.

Borough Engineer Spence prepared a report dated May 17, 2011 regarding this application and reviewed this report in detail at this time. He further stated that there have been applications in the past of a similar nature in this general location.

Borough Landscape Architect Levy stated that this application does not pose any problems with any of the landscaping on the property.

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

Board Member Perrin stated that he would like the resolution to include that, if the fence becomes damaged or defaced, it must be repaired in a timely fashion.

Board Member Cohen asked if it was going to be painted or left natural and Mr. Cahill stated it would be left in its natural state.

Board Member Raia suggested planting along the fence on the Route 17 side to deter any possible destruction; forsythia was suggested as it grows rapidly.

Attorney Rutherford reiterated the language that would be included in the resolution at this time.

A motion to **approve** the Schnell application was offered by Board Member Kakaty  
Seconded by Board Member Cohen  
Roll Call Vote: AYES: Unanimous

**COMMUNICATIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

Council Member Toomey stated that the zoning ordinance review committee has come up with changes to the current ordinance and he distributed a draft of these changes to the Zoning Board of Adjustment. He further stated that the objective is to introduce these changes at the June 20, 2011 meeting of the Mayor and Council. He asked that the Board Members review this draft and make any recommendations at the June 15, 2011 meeting of the Zoning Board of Adjustment.

He further stated that he is working on the Downtown Crossing project and there are some zoning changes required in order to move forward. He stated that he will provide a draft of

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these changes prior to the June 15, 2011 meeting of the Zoning Board of Adjustment, which is primarily a re-zoning issue.

**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

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