

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

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

ABSENT: Board Member Perrin

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 October 19, 2011 minutes with corrections by Board Member Dowden. 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 17-11 Blk. 1303 Lot 26
3 Eckert Farm Road
Anaka Prakash
Construct rear yard addition for elevator
Exceeds existing lot coverage
APPROVED**

A motion to **approve** the Prakash resolution was offered by Board Member Raia
Seconded by Board Member Gatto
Roll Call Vote: AYES, Unanimous

APPLICATIONS:

**Blk. 1402 Lot 42
22 Bayberry Drive
William & Elaine Hooks
Permit existing water feature and patio to
remain in current location which encroaches
into rear yard set back
APPROVED**

Attorney Bruce Whitaker, McDonnell Whitaker, LLC represented the applicant and gave an overview of the application. He stated that this application was not for the approval of any proposed construction but for the approval of a pre-existing condition on the property.

The property is heavily wooded; the pool enclosure plan was presented to the Board and was market as Exhibit A-1. Mr. Whitaker stated that this is a four season pool and is an integral part of the property. Exhibit A-2 is the original construction drawing dated 12/17/80 and Exhibit A-3 is a permit to drill a well dated 8/12/81 for David Skovron, the prior owner. Exhibit A-4 is the

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

documentation representing the return of escrow fund for the inground pool approved by the building inspector. Exhibit A-5 is the certificate of continued occupancy compliance issued to Mr. Skovron dated 10/12/95, indicating that all requirements were met with the Borough at that time and the property has remained unchanged to date. Exhibit A-6 is the fire inspection certification dated 10/12/95 and Exhibit A-7 is the deed transfer to the Hooks from the Skovrons dated 11/20/95.

Sales brochures for this home from 1995 and 2011 were compared and the configuration of the pool and waterfall remain unchanged. Exhibit A-8 is the 1995 photograph of the waterfall and Exhibit A-9 is the 2011 photograph of the waterfall. Two more photographs were presented of the rear of the property and they were marked Exhibits A-10 and A-11 respectively.

The waterfall encroaches approximately 12 to 13 feet into the rear yard setback of 50 feet and the patio that surrounds the waterfall area encroaches approximately five to six feet at its closest point. He further stated that attempts to modify this would be detrimental to the overall property and the topographic conditions as they currently exist. He further stated that there is currently no fence on the property and one must be installed as required.

At this time the home owner, Elaine Hooks, 22 Bayberry Drive Saddle River, NJ was sworn in.

At this time, Scott Levy, Borough Landscape Architect, Hamburg, NJ and Bryon Rose, Spence Engineering, Saddle River, NJ were sworn in.

Mr. Whitaker asked Mrs. Hooks about the pool and waterfall and she stated that the house was actually built around the pool and in order to make any modifications at this time would be extremely detrimental to the property. She reiterated that no changes have been made with the exception of the tree growth since 1995 and referred again to the sales brochures.

Mr. Rose gave a report regarding this application, dated November 14, 2011 prepared by Borough Engineer Martin Spence, to the Board at this time.

Mr. Levy reiterated that there are very mature trees on the property and to attempt to make any changes would be extremely detrimental.

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

Attorney Rutherford stated that there is proper legal basis for granting this variance; it is a better alternative then dealing with the destruction that would be caused to make the necessary alterations for compliance. The Board members were in agreement.

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

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

**Blk. 1801 Lot 30
62 West Saddle River Road
Alexandra & Gleb Khorover
Existing single family home, the proposed side
yard and new second story, front steps,
and pergola encroach into the side and front yard
setback
APPROVED**

Attorney Steven Honig, Honig & Honig represented the applicant and gave an overview of the application. He explained that the current dwelling does not meet the needs of the current extended family and the proposed application will not exceed building or lot coverage. The property is surrounded by water and the front yard has a pre-existing encroachment.

At this time, Gus Morpurgo, architect, Ho-Ho-Kus, NJ, Tibor Latincsecs, engineer, Conklin Associates, Ramsey, NJ and William Boyce, landscape architect, Biosphere, Saddle River, NJ were sworn in and all qualified as expert witnesses.

Mr. Honig asked Mr. Latincsecs to give an overview of the lot illustrating a plot plan marked Exhibit A-1, last revised November 2, 2011. Mr. Latincsecs explained that Exhibit A-2 was the plot plan blown up to a tenth scale and Exhibit A-3 is a tenth scale of the existing conditions on the property and Exhibit A-4 represents photographs of the existing dwelling on the property. The 2.17 acre property has extensive frontage on West Saddle River Road and is surrounded by a pond and the Saddle River, giving it a much larger appearance. A development plan and a foundation plan from 1977 indicate that the original dwelling was raised up with fill in order to keep it away from the flood plain, which has risen over the years. The development plan was marked as Exhibit A-5 at this time. The proposed home was built to the existing footprint with the exception of the addition to the rear of the property and this was addressed at this time.

At this time Mr. Morpurgo reviewed his architectural renderings of the proposed dwelling with the Board; these drawings were marked Exhibit A-6. He stated that adding a second floor on the home was the best alternative for gaining the necessary space the family needed. He explained the first floor plan to the Board at this time. The extended family plan would include a master bedroom on the first floor for elderly parents. The second floor, when completed in the future will not exceed six bedrooms, and the owner is prepared to include this condition in a resolution, if approved. The construction of the second floor will remain as a shell until such time as the owner wishes to continue the construction process. The lower walkout level, will contain three bedrooms. The roof line of the home is going to be changed from a mansard roof to a peaked roof with a canopy over the front entry, with windows on each side. Rear elevations were also addressed.

The landscape plan was marked Exhibit A-7, dated October 6, 2011. William Boyce, landscape architect, explained this plan in detail to the Board at this time. He reiterated that the property exists of large expanses of lawn which gently slope toward the water bodies. Additional screening from West Saddle River Road is planned as well as more plantings in the rear of the property, near the edge of the stream. The southern side of the property will also be further screened to insure privacy to the neighbors.

Mr. Rose gave a report regarding this application, dated November 15, 2011 prepared by

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

Borough Engineer Martin Spence, to the Board at this time.

Mr. Levy made several site visits and gave an overview of the existing landscaping conditions on the property as well as the proposed additional material to be installed. He further stated that the waterways add constraints to the property and it was necessary to work around these.

Chairman Petrocine asked about the proposed height of the house and Mr. Morpurgo stated that it was approximately 31 feet in the front of the house and is larger in the rear, due to the topography of the land. Additionally, he asked about the location of the septic system and the potential for it to be flooded in the event of a severe storm. Mr. Latincsics stated that the proposed septic location is the best possible location on the property.

Board Member Dowden asked about the necessity of two kitchens and if it is being constructed as a two family home, as that is prohibited in Saddle River. Mr. Honig stated that it is not the applicant's intention to ever use this as a two family dwelling.

Board Member Raia stated that if the pergola could be reduced by six inches, the applicant would not need a side yard variance. Mr. Morpurgo stated that he would review this.

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

Chairman Petrocine stated that he has no problems with the additions and feels that the septic relocation is a positive aspect of this application. He further stated that a basement floor plan must be submitted and asked about the second floor and how this could be monitored by the building department moving forward. Attorney Rutherford stated that the resolution would indicate that the Board is not approving any part of the second floor plan or the creation of a two family plan; this will be left to the discretion of the building department. Additionally, the resolution would be granted based upon the approval of a landscape and septic plan.

Attorney Rutherford stated that the application would be granted based on a C-1A variance, which deals with the shape of the property, and C-1B which deals with the topography of the Property, and a C-1C which deals with the location of the home on the property. Conditions included in the resolution would be that there would be no more than six bedrooms and approval would be based on both Mr. Spence's and Mr. Levy's final review of plans.

A motion to **approve** the Khorover application was offered by Board Member Raia.
Seconded by Board member Montana
Roll Call Vote: AYES, Unanimous

**Blk. 1303 Lot 15
64 Stony Ridge Road
Stoney Ridge Partners, LLC
Requesting variance to have A/C
units and generator remain but encroach into
side yard set backs
APPROVED**

Attorney Rutherford stated that a temporary CO was issued with the condition that the property owner would be required to obtain a variance for air conditioning units and a generator which encroach into the side yard setbacks. The applicant followed all of the required procedures in

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

order to file an application for a variance and in the interim, the Mayor and Council have introduced an amendment to the zoning ordinance, to be adopted in December, which would render this application moot.

Attorney Carl Galarce represented the applicant and explained the application to the Board at this time. The air conditioning units and the generator are not visible to the neighbors and to move them would be both a financial hardship to the owner as well as a detriment to the property. A photograph of the eight air conditioning units was marked as Exhibit A-1 and the photograph of the generator was marked Exhibit A-2.

Mr. Rose gave a report regarding this application, dated November 15, 2011 prepared by Borough Engineer Martin Spence, to the Board at this time.

Mr. Levy reviewed the existing landscaping on the property and reiterated that the units and generator are very well screened and to move these would cause a greater harm to the surrounding trees.

Board Member Dowden asked about the reduction in lot coverage indicated in the plot plan.

At this time, Gerald Altomare, property owner was sworn in and explained that the driveway was going to be reduced significantly accounting for this reduction in lot coverage.

Board Member Cohen asked about the cabana on the plan and asked about the installation of a pool with the existing lot coverage at 19.9%. Mr. Altomare reiterated that the driveway could be reduced to accommodate a pool but that is not the plan at this time.

Attorney Rutherford stated that the resolution would include the applicant's responsibility to comply with the reduction of lot coverage.

A motion to **approve** the Stoney Ridge Partners, LLC was offered by Board Member Kakaty
Seconded by Board Member Gatto
Roll Call Vote: AYES, Unanimous

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS: Chairman Petrocine stated that the next meeting of the Zoning Board of Adjustment will be held on December 14, 2011.

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk

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

F/nwwp/zoning/nov.11