

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY APRIL 21, 2010 at 7:30P.M., MUNICIPAL BUILDING

PRESENT: Chairman Petrocine, Board Members, Cohen, Dowden, Montana, Kakaty, Perrin, Raia, Gatto, Alt. #1. Attorney Elsbeth Crusius (sub for Attorney Rutherford)

ABSENT: Attorney David Rutherford

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 26, 2009 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 17, 2010 minutes by Board Member Montana. Seconded by Board Member Cohen
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA 07-10

**Blk. 1501 Lot 7
147 Chestnut Ridge Road
Saddle River Day School
Construction of a two story addition
and an addition of 13 parking spaces to
satisfy current space deficiency
APPROVED**

At this time, Chairman Petrocine discussed the issue of parking spaces as reflected in the resolution.

A motion to **APPROVE** the Saddle River Day School resolution was offered by Board Member Montana. Seconded by Board Member Raia
Roll Call Vote: AYES: Unanimous

APPLICATIONS:

Blk. 1303 Lot 11

**61 Stony Ridge Road
Jack Justiniano
Air conditioning units encroach into
The 25' non disturbance zone.
APPROVED**

At this time, homeowner, Jack Justiniano 61 Stony Ridge Road was sworn in. He explained that he has done renovation work on this property in the past and has been before the Zoning Board of Adjustment on at least two separate occasions.

He stated that work continued on his home while he and his family lived abroad for two years. Upon his return, he was made aware that he could not get a CO, has he had two violations: the air conditioning units encroached into the non-disturbance zone and the overhangs now included in the lot coverage calculations, put those calculations over the allowed. He referred to the "as built" survey, which was marked Exhibit A-1.

At this time, Douglas Doolittle, professional engineer, McNally Engineering, Inc. Ho-Ho-Kus, NJ was sworn in and previously qualified as an expert witness. He reiterated that the overhangs were not originally calculated into the lot coverage calculation, which was 7.92% and approved by the Board. He further stated that removing the overhangs at this point would not be prudent.

Borough Engineer Martin Spence, Panex, Saddle River, NJ was sworn in. He stated that he prepared a report, dated April 10, 2010 and marked Exhibit A-2, indicating the new variances calculations. The plans were reviewed, with the building footprint remaining unchanged. He further stated that this issue is holding up the CO.

Mr. Doolittle distributed a letter dated, June 25, 2007 and marked Exhibit A-3, summarizing what the Borough required to be included in building and lot coverage calculations moving forward. These regulations were more clearly outlined and enforced.

Mr. Justiniano stated that the landscape plan that has been submitted to the Board will be installed as well as adding a substantial amount of additional landscaping.

Mr. Spence reiterated that this was approved prior to the letter of June 25, 2007, referenced above.

Chairman Petrocine stated that based on the size of the lot, he feels that asking the homeowner to remove the eaves would be detrimental to the property and Board Member Montana was in agreement. Board Members Dowden and Cohen concurred with this as well, due to the size of the property.

Chairman Petrocine stated that he would be in favor of granting this variance but with the stipulation that the landscape be reviewed and perhaps have it be supplemented. Mr. Spence stated that he would like Borough landscape Scott Levy to review the plan and submit his comments at the next meeting in addition to presenting a performance bond.

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A CO would be granted in the resolution with the understanding that it is contingent on the approval of the landscape plan.

A motion to **approve** the Justiniano application with the above mentioned conditions was offered by Board Member Dowden. Seconded by Board Member Perrin
Roll Call Vote: AYES, Unanimous

**Blk. 1802 Lot 19
41 West Saddle River Road
Diane Mauriello
Proposed driveway encroaches into the 25'
Non-disturbance zone and 15' seeking
Drainage easement relief
APPROVED**

At this time, the homeowner, Diane Mauriello, 41 West Saddle River Road was sworn in. Attorney Crusius stated that Zoning Board Attorney Rutherford would be recusing himself from all aspects of this application as Ms. Mauriello is a client.

Ms. Mauriello introduced her planner/surveyor, Peter Kirch, Surtech, Ramsey, NJ and he was sworn in and qualified as an expert witness. He explained the application to the Board in detail. The driveway relocation plan was marked Exhibit A-1 and Mr. Kirch explained the plan to the Board. He stated that the need to relocate the driveway was due, in part to safety concerns as the current driveway has limited sight distance. There is frontage of at least 15 feet on Adams Road, which he feels is a safer alternative for the homeowner. Mr. Kirch presented the Board with a photograph, taken on April 21, 2010 of the existing condition and it was marked Exhibit A-2. He further stated that he feels there is no negative criteria as the area to be used to create this new driveway is un-landscaped property.

Mr. Spence stated that he prepared a report dated April 20, 2010 regarding this application and he discussed this report in detail. There is no need for any tree removal but Mr. Spence stated that he might consider making a landscaping plan a condition of the application. He further stated that the 15 foot width may be somewhat excessive and proposed that the applicant consider a 12 foot width for the travel lane which still meets fire safety conditions.

Board Member Raia stated that he would like the amount of driveway in the non-disturbance zone to be minimized and Mr. Kirch stated that could be done.

Ms. Mauriello reiterated that the driveway is sloped downward to West Saddle River Road and ingress and egress is extremely dangerous. She stated that if she would like the property where the existing driveway is located to return back to its natural state. The address will remain the same even though the driveway will be off of Adams Road, if approved.

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Chairman Petrocine asked the Board to determine both the positive and negatives of this application and Mr. Spence stated that the engineering standards are positive; the proposed driveway would be safer and less sloped.

Ms. Mauriello stated that she would like to seek a change of address to the Adams Road address in the future and Mr. Spence stated that it is not within the jurisdiction of the Zoning Board of Adjustment to grant that and it was not part of this application.

OPEN TO THE PUBLIC:

Ms. Ramza Dakwar, 14 Adams Road was sworn in. She stated that she understands that the existing driveway is dangerous, but she further stated that she is not aware of any accidents to date. In addition, she stated that her driveway is going to be very close to the proposed driveway and she does not feel this is acceptable. She further stated that the area in question is very narrow and it would be very dangerous.

Board Member Dowden asked how many feet these two driveways would be apart and Mr. Kirch stated that, center line to center line is approximately 60 feet and edge to edge is approximately 40 feet. Board Member Raia asked Mr. Spence if he felt that this distance between the two driveways was acceptable and he stated that the distance is adequate.

Board Member Montana stated that he felt that there was ample space between the driveway and the risk/reward was greater as ingress and egress on to West Saddle River is dangerous. Board Members Dowden and Cohen both were in agreement that there are more positive than negatives with this application and Board Member Raia concurred. Board Member Kakaty stated that he would like to see the driveway width reduced to 12 feet and he would like to see some more landscaping added to the application; Board Member Gatto concurred.

Chairman Petrocine asked Mr. Spence if the two driveways being somewhat close together was hazardous and he stated that he did not think it was significant. He stated that he did not feel that landscaping in the right of way was a good idea. It stated that the landscape focus should be where the existing driveway is located, along West Saddle River Road. Board Member Cohen would like to see the driveway reduced to 12 feet and Chairman Petrocine was in agreement.

The conditions were to include drainage pits that would tie into the roof, additional landscaping throughout the property as previously discussed and submitted to Borough Landscape architect Scott Levy, the configuration of the driveway and its reduction to 12 feet as opposed to 15 feet, as well as the removal of the existing driveway. Chairman Petrocine stated that he would like written confirmation that the 12 foot width was acceptable to the Fire Official for access to emergency vehicles and he would also like to discuss a landscape plan with Mr. Levy.

A motion to **approve** the Mauriello application, with the aforementioned conditions was

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offered by Board Member Montana. Seconded by Board Member Cohen
Roll Call Vote: AYES, Unanimous

**Blk. 1806 Lot 1
10 Cameron Road
Joseph Russell
Construct a rear two story addition,
residence does not conform to the required
combined side yard requirement
APPROVED**

Board Member Dowden was recused from this application.

Attorney John J. Lamb, Beattie Padavano, LLC, Montvale, NJ. represented the applicant and gave a brief summary of the application. The application is requesting an interpretation as to whether or not a variance is required in this case. The improved lot coverage on the property is not going to be increased as there is a pre-existing condition; when prior improvements were made to the property in 1985-1986, the lot coverage requirement was 30%.

Mr. Lamb distributed a letter regarding the timeline from when the lot coverage was changed from 30% to 20%. The existing lot coverage per the proposed plan is approximately 25% and the building coverage will not exceed the 7% allowable. He further stated that, based on these calculations, he does not feel a variance is needed for this proposed plan.

At this time, Joseph Russell, 10 Cameron Road, home owner was sworn in. He stated that his home is 25 years old and there were changes necessary in the home to make it more practical. He further stated that nothing was done to increase lot coverage to date.

At this time, Sean McCellan, professional engineer, Weissman Engineering was sworn in and qualified as an expert witness. Attorney Lamb asked Mr. McCellan to outline the proposed renovation for the Board which he did in detail at this time. The plot plan, dated January 12, 2010 and revised April 7, 2010 was marked Exhibit A-1. A two story addition in the rear of the property is going to be located over an existing deck and the tennis court is going to be reduced, thereby reducing the total lot coverage calculation.

At this time, Michael Callori, architect, Callori Architects, Leonia, NJ was sworn in and qualified as an expert witness. The architectural renderings were marked as Exhibit A-2 and Mr. Callori explained this plan to the Board in detail.

At this time, Donna Holmqvist, licensed professional planner, Burgess Associate, Westwood, NJ was sworn in and qualified as an expert witness. Attorney Lamb asked Ms. Holmqvist to comment on her definition of *improved lot coverage* and she did so in detail. She stated that she reviewed the submitted plans as well as the Borough's

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ordinances and the most recent Master Plan from 2003.

Ms. Holmqvist stated that she prepared an aerial map of the property and it was marked as Exhibit A-3 at this time. She discussed this map in detail, outlining the subject property as well as the general neighborhood. She further stated that this application meets both C-1 and C-2 variance criteria and she explained this in detail.

Chairman Petrocine asked Borough Engineer Spence to give his report on this application and he stated that he had prepared a report dated April 20, 2010 to address this application. He outlined this report, focusing on work previously completed as well as the proposed application.

Board Member Perrin asked if the existing deck would be demolished before the addition commenced and Mr. Callori stated that it would be.

Chairman Petrocine stated that he has no objection with this application and he further stated that he feels that Building Inspector Scialla wanted confirmation from the Board accordingly.

Board Member Montana stated that he would rather vote on the variance itself rather than the interpretation aspect of this application. Chairman Petrocine was in agreement.

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

Chairman Petrocine stated that he feels that this application could be approved and a C-2 variance granted, with the drainage stipulation previously discussed to be included in the resolution.

A motion to **APPROVE** the Russell application was offered by Board Member Perrin
Seconded by Board Member Gatto.

Roll Call Vote: AYES, Unanimous

Attorney Lamb reiterated that he would like the resolution to read that the interpretation aspect of this application was not acted on as it was not necessary.

WORK SESSION:

COMMUNICATIONS:

OLD BUSINESS:

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NEW BUSINESS: Board Member Raia stated that he would like to address the handling of projects that have been under construction for an inordinate amount of time in the Borough. Chairman Petrocine asked Mr. Spence about this issue and he stated that there are several projects that have currently been put on hold.

Council Member Toomey stated that the Zoning Board, Planning Board and Borough attorneys are working together in order to draft an amendment to the zoning ordinance in order to deal with several code changes in the Borough and avoid future discrepancies.

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk