

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY JANUARY 20, 2010 at 7:30P.M., MUNICIPAL BUILDING

PRESENT: Chairman Petrocine, Board Members, Raia, Perrin, Gatto, Alt.#1, Hughes, Alt. #2, Attorney Rutherford

ABSENT: Board Members Cohen, Dowden, Kakaty

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

At this time, Attorney Rutherford swore in Zoning Board Member Robert Hughes, Alt. # 2.

REORGANIZATION:

Election of Officers:

David Petrocine: Chairman	Offered by Board Member Montana
John Montana: Vice Chairman	Seconded by Board Member Raia
Phyllis Cohen: 2nd Vice Chairman	Roll Call Vote: AYES, Unanimous

Appointment of Secretary:	Offered by Board President Petrocine
Marie Elena Macari	Seconded by Board Member Perrin
	Roll Call Vote: AYES, Unanimous

Appointment of ZBA Attorney:	Offered by Board President Petrocine
David Rutherford, Esq.	Seconded by Board Member Montana
	Roll Call Vote: AYES, Unanimous

Establishment of Mtg. Dates:	Resolution # ZBA 01-10 Offered by
	Board President Petrocine
	Seconded by Board Member Raia
	Roll Call Vote: AYES, Unanimous

Establishment of Zoning Fees:	It was decided that this item would be discussed next month.
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Adoption of By Laws:	It was decided that this item would be discussed next month.
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ANNUAL REPORT: At this time, Attorney Rutherford distributed a draft copy to the Board for their review at the meeting of February 17, 2010.

APPROVAL OF MINUTES

A motion was made to approve the December 16, 2009 minutes by Board President Petrocine. 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 03-10

**Blk 2101 Lot 8,
22 Twin Brooks Road
Francis & Karen Walsh
Applicant requests that the Board ratify their
previous approval. Construct two story rear
addition. (the property was the subject of previous
applications to the ZBA, and was granted relief,
related construction permits remain open and
ongoing, therefore requiring further relief from the
ZBA)
APPROVED**

A motion to **APPROVE** the Walsh resolution was offered by Board President Petrocine
Seconded by Board Member Raia.
Roll Call Vote: AYES, Unanimous

APPLICATIONS:

Carried....

**Blk. 1102 Lot 8
255 East Saddle River Road
Linda & John Rosato
Construction of patio, fireplace, outdoor
kitchen, inground pool, violate the required 25
foot setback; alter garage to include cabana
Items encroach in the 25 foot non disturb zone.**

Attorney Steven Honig, Honig & Honig, LLP, Waldwick, NJ represented the applicant and requested to give a summary of the prior meeting's testimony for the benefit of those not present. Attorney Rutherford stated that he was not in favor of this. Attorney Honig continued with testimony, stating that his client does not want to remove the tree on the property in order to re-locate the driveway. He reiterated that his client wants to preserve the existing buildings on this 9.97 acre piece of property.

At this time, Board Member Hughes recused himself from this application as his property is within 200 feet of the subject property.

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The stanchions have been removed from the prior plan and at this time, Attorney Honig asked Engineer Tibor Latinicsics to outline the changes in the plot plan, which he did in detail. The existing driveway is being removed and a proposed driveway with a courtyard is being constructed. Additional pavement in the 25 foot non disturbance zone is also being removed, located in front of the detached garage.

The revision date on the new plot plan/ sediment erosion control plan is January 1, 2010 and was marked Exhibit A-7. (Exhibits A1 through A-6 were marked as testimony for the December 16, 2009 meeting of the Zoning Board of Adjustment)

At this time Borough Engineer Spence stated that he had prepared an updated report dated January 18, 2010. The 25 foot non disturb line needed to be staked out and the plan was revised based on prior requirements. Six seepage pits are going to added to aid in the reduction of run-off currently impacting the neighboring property.

Chairman Petrocine asked Mr. Spence about the possibility of shifting the driveway several feet to the south and he stated that it would be a safety concern due to the angle it would create when entering East Saddle River Road.

The roof height as well as the height of the weather vane was discussed on one of the accessory buildings.

At this time, Mr. Steven Kawalsky, architect, Limn Architects, Somerville, NJ who was previously sworn in, discussed roof heights and addressed the proposed tower and weather vane to be added to the primary structure on the property. Mr. Honig asked Mr. Latinicsics to review the variances being sought and he did so in detail at this time. He stated that the property is 9.97 acres with the rear of the property being compromised by the Saddle River and a large pond in the rear. The property was layed out in 1905 and the home was situated in the rear of the property in order to have the great lawn expanse.

Architectural improvements to the house to include the addition of center tower as well as the relocation of the front door to the front of the structure will be the focal point of the home and will require a variance.

In addition, there is a proposed outdoor kitchen which will have a roof over it, requiring a variance. The goal is to balance the cabana with the existing home in the same architectural style. A roof height variance is also being requested.

The driveway requires a variance in order to relocate it in an effort to save a large maple tree previously discussed. In addition, the pool location requires a variance due to flood plain restrictions.

At this time, Scott Levy, Borough Landscape Architect was sworn in. He stated that he

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did not feel that there was a significant hardship regarding the placement of the driveway in the proposed location, nor would it diminish the esthetic value of the great lawn. The maple tree is of great importance to the property but the applicant is not required to keep it.

OPEN TO THE PUBLIC:

Robert Hughes, 263 East Saddle River Rd. was sworn in and stated that the applicant has worked diligently to preserve this property and the structures on it, and encouraged the Board to vote favorably on this.

At this time, Chairman Petrocine requested that the Board review each variance being sought and this was discussed in detail.

Board Member Raia stated that he did not feel that the revisions that were made to the plans were significant enough, with the exception of the stanchions being eliminated. He further stated that there is objection with the driveway located in the non-disturb zone.

The garage conversion into a pool cabana was discussed with the open kitchen and Chairman Petrocine stated that he felt that the impact was minimal for this particular variance.

Board Member Gatto stated that five of the six variances being sought with this application are not detrimental however, the driveway warrants further discussion.

Chairman Petrocine stated that the Board needs to decide if the five variances being sought, with the exception of the driveway variance, would have a positive or negative impact to the community if granted.

Attorney Rutherford stated that the applicant must demonstrate the positive and negative criteria and then the Board must determine if relief can be granted without substantial detriment to the public good and will not substantially impair the intent of the zoning ordinance.

It was decided that the Rosato application will be carried to later in the meeting and the Barbieri application would be heard after a short recess.

Peter Barbieri
Construct a new single family dwelling
Violates the required front yard setback
CARRIED

Attorney Rutherford stated that this application will be carried to the February 17, 2010 meeting and it is not necessary for the applicant to re-notice.

At this time, discussion on the Rosato application resumed. Chairman Petrocine reiterated that six variances are being sought and Attorney Rutherford suggested that they be voted on in one motion.

Chairman Petrocine stated that four of these variances are related to the accessory structure; the roof line which is encroaching, the roof height, which exceeds the maximum allowed, the front loading garage door on this structure and the outdoor kitchen.

Attorney Honig stated that the accessory structure could have a deed restriction placed on it so that it could never be utilized as a dwelling and the roof height issue was discussed further.

At this time, Mr. John Rosato, homeowner was sworn in. He stated that he had an option with this piece of property and could have started over with completely new structures. He would like to utilize this accessory structure not only as a pool cabana but also for storage, a game room, etc. He reiterated that it would not be used as a dwelling and also stressed that keeping esthetic continuity on the property with both this structure and the main structure was important to him.

Chairman Petrocine reminded the Board that they are being asked to grant variances in order to preserve a beautiful piece of Saddle River property. He further stated that the Board needs to determine if these changes improve the property.

Attorney Honig stated that if the driveway was in contention with the overall application, it would be moved but the tree may have to be removed, eliminating the need for this variance.

Landscape Architect Levy reiterated the importance of trees, particularly ones of this nature on the property and encouraged the applicant to consider this.

Chairman Petrocine stated that he feels that the positive aspects of this application outweigh the negative ones and looked for feedback from the Board.

At this time all, of the variances were reviewed by Attorney Rutherford, with the driveway variance being withdrawn. He further stated that he would forward a copy to Attorney Honig for review and to insure that each variance is correctly identified as well

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as insuring that all of the engineering and landscaping criteria are met.

A motion to **approve** the Rosato application was offered by Board Chairman Petrocine
To include the stipulations as discussed. Seconded by Board Member Gatto

Roll Call Vote: AYES, Petrocine, Raia, Perrin, Gatto

ABSTAIN, Hughes, Montana

ABSENT, Cohen, Dowden, Kakaty

WORK SESSION:

COMMUNICATIONS

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk