

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

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

ABSENT: Board Member Cohen

SUNSHINE LAW: Board Member 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 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 June 16, 2010 minutes by Board Member Perrin. Seconded by Board Member Cohen.

Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA 14-10

**Blk. 1902 Lot 34
29 West Church Road
FCH Investments, LLC
Proposed detached garage would violate
the minimum required setback of 25' from
the front of the building line
APPROVED**

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

A motion to **APPROVE** the FCH Investment resolution was offered by Board Member Montana.

Seconded by Board Member Gatto

Roll Call Vote: AYES: Unanimous

ZBA 15-10

**Blk. 1607 Lot 28
115 East Saddle River Rd.
Charles P. Daglian
Construct garage addition and second story
addition; encroaches into the 25 foot non-
disturbance zone.
APPROVED**

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

A motion to **APPROVE** the Daglian resolution was offered by Board Member Gatto. Seconded by Board Member Montana.

Roll Call Vote: AYES: Unanimous

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**APPLICATIONS: Blk. 1807 Lot 25
 6 Stonewall Road
 Adam Grossman
 Requesting for variance relief to expend
 Residential dwelling
 APPROVED**

John J. Lamb, Esq. Beattie Padovano, LLC, Montvale, NJ represented the applicant and gave an overview of the application at this time. He stated that when the applicant acquired the property in 2004, it was an existing non-conformity with the improved lot coverage at 23%. This was due to a change in the code reducing the approved lot coverage from 30% to 20%. The applicant is proposing an addition to the existing dwelling which would increase the lot coverage but is taking away other improved lot coverage to reduce the number minimally. The building coverage will not exceed 7%.

There was also an issue with the deck height which was addressed and the grade will be modified in order to comply. The application originally was seeking an interpretation due to the change of code but was willing to have the Board solely rule on a C variance.

At this time, he distributed a letter from past Borough Attorney Harry Norton dated May 6, 2004 indicating that the lot coverage exceeds the allowable but that it was due to a pre-existing condition. This letter was marked Exhibit A-1, the information on when the zoning changed was marked A-2, the Joseph Russell resolution, which had similar relevance, was marked A-3 and the relevant provision of the zoning ordinance 210:48 was marked A-4.

At this time, Adam Grossman, home owner, 6 Stonewall Road and Robert Nocella, architect, SNS Architects, Montvale, NJ were sworn in.

Mr. Lamb asked Mr. Grossman to discuss the existing non-conformity upon his purchase of the property in 2004, which he did in detail. He also explained the proposed addition to the existing structure on the property. The height of the patio was also addressed and Mr. Grossman agreed to comply with the requirements in order to not increase coverage. The improved lot coverage is also going to be reduced and Mr. Grossman explained this in detail to the Board. A seepage pit is also going to be required and Mr. Grossman was in agreement. The architectural renderings were marked Exhibit A-5 and the site plan was marked A-6 at this time.

Mr. Nocella, outlined his engineering credentials and was qualified as an expert witness. Mr. Nocella explained how the site plan was developed for this property.

Board Member Perrin asked about the location of the seepage pit and this was explained in detail.

At this time both Borough Engineer Martin Spence, Saddle River, NJ and Borough Landscape Engineer Scott Levy, Scott Alan Design, Hamburg, NJ were sworn in.

Borough Engineer Martin Spence stated that he prepared a report dated July 20 2010 regarding this application and he reviewed this report with the Board.

Borough Landscape Engineer Scott Levy stated that tree protection be placed outside the

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construction area so that there is no damage to either the soil or the trees on the property. In addition, he cautioned about making sure that the grading did not impact any root zones.

The Board was in agreement that the application was clear and would not be a detriment to the property or the surrounding area.

Attorney Rutherford outlined the conditions that would be included in the resolution at this time.

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

At this time, Chairman Petrocine asked Council Member Toomey to discuss the zoning ordinance amendments with Attorney Rutherford. The ordinance is proposed to be revised to exclude eaves and overhangs from the definition of building coverage and from being considered when calculating setbacks if they are three feet or less.

Council Member Toomey stated that a committee was formed in order to address these issues and he gave the Board an overview of this committee's meeting of July 14, 2010.

Attorney Rutherford discussed this amendment and how it could affect the pending Barbieri litigation and he stated that the ruling is decided as the ordinance reads at the time of decision. He further stated that he would look into this further.

A motion to recommend that the Mayor and Council approve the proposed amendments to the zoning code was offered by Board Member Montana. Seconded by Board Member Perrin. Roll Call Vote: AYES, Unanimous

COMMUNICATIONS:

OLD BUSINESS: Attorney Rutherford gave the Board an update on the Barbieri litigation at this time. The judge established a briefing schedule for sometime in the fall with the trial to take place in February 2011.

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