

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT  
HELD: WEDNESDAY JUNE 16, 2010 at 7:30P.M., MUNICIPAL BUILDING

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

**ABSENT:** Board Members Dowden & Raia

**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 May 19, 2010 minutes by Board Member Montana. Seconded by Board Member Perrin.  
Roll Call Vote: AYES: Unanimous

**MEMORIALIZING RESOLUTION (S):**

**ZBA 12-10**

**Blk. 1902 Lot 27  
8 West Church Road  
Vincent McLaughlin  
Construct a two story rear addition,  
proposed addition encroaches into front  
yard setback  
APPROVED**

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

A motion to **APPROVE** the McLaughlin resolution was offered by Board Member Montana. Seconded by Board Member Kakaty  
Roll Call Vote: AYES: Cohen, Montana, Kakaty, Gatto ABSTAIN: Perrin ABSENT: Dowden, Raia.

**APPLICATIONS:**

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

Attorney Bruce Whitaker, McDonnell & Whitaker, Ramsey, NJ represented the applicant. He gave an extensive overview of this application at this time.

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At this time, Douglas Doolittle, Licensed Engineer, Mahwah, NJ was sworn in and qualified as an expert witness. Mr. Doolittle explained the existing conditions on this property in detail. A two car, detached garage is being proposed on the application, with the lot coverage increasing minimally from 17.35% to 17.39 %. Mr. Whitaker asked Mr. Doolittle to explain the topographic conditions of the property and he did in detail.

Photographs taken on June 14, 2010 of the existing property were marked Exhibit A-1 and Mr. Doolittle explained each photo in detail. The architectural plans were marked Exhibit A-2 as revised through May 14, 2010. Mr. Whitaker asked Mr. Doolittle to explain the style and building material proposed and emphasized that it is in keeping with the primary structure on the property. The original proposed overhangs were reduced in order to keep coverage calculations to a minimum. Additionally, the footprint of the structure will be reduced by one foot and a revised plan will be submitted to reflect these reductions.

There is also a steep slope issue that must be dealt with on this property and Mr. Doolittle explained this to the Board at this time. He further stated that the benefits of this application far outweighed the detriments. Additional drainage and landscaping is being added in order to enhance the streetscape.

At this time, Borough Engineer Martin Spence was sworn in. Chairman Petrocine asked Mr. Spence to review his report, dated June 15, 2010, regarding this application. He did so in detail at this time.

Board Member Perrin asked why the applicant needed two additional garage bays when there are currently three existing. Attorney Whitaker explained that the applicant is a car collector and is also in the automobile business.

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

All of the Board Members were in agreement that this application will have a minimal impact on the surrounding properties due to the topography of the land as well as the location of the proposed garage.

Attorney Rutherford reviewed the parameters of the proposed resolution at this time.

A motion to **approve** the FCH Investments application was offered by Board Member Montana. Seconded by Board Member Cohen  
Roll Call Vote: AYES: Unanimous

**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, Borough Engineer Spence recused himself from this application, as he lives within 200 feet of the applicant.

At this time, Charles Daglian, 115 East Saddle River Road, Saddle River and Mr. Joel Minch, professional engineer, were sworn in and Mr. Minch was qualified as an expert witness.

Mr. Daglian explained that the property was subdivided in 1958 and is a flag lot, which was previously owned by his aunt and uncle. The structure is non-conforming as it currently exists but the applicant requires two variances; one to procure both a water and gas line to his property from East Saddle River and the other to expand the non-conforming use in order to add a master bedroom.

Mr. Daglian discussed 12 photographs of the structure and the property as it currently exists and these were marked Exhibit A-1 -12. He reiterated that, due to the location of the structure on the property being set so far back off the road, the house is not visible to any neighbors and would have no impact to anyone. In addition, there are wetlands adjacent to the property.

At this time, Mr. Francis Klein, architect, Montclair, NJ was sworn in and qualified as an expert witness. He stated that he is familiar with Frank Lloyd Wright inspired homes, as this home is, and feels strongly that the integrity of this architecture be maintained. He further stated that the home cannot be increased in size without adding another level.

At this time, Kathy Braun, associate architect, Francis Klein and Associates Architects, Montclair, NJ was sworn in and qualified as an expert witness. Additional photographs, marked Exhibit A-13, were explained to the Board, emphasizing once again, the privacy of the property and the existing structure. Additional pictures of the home were marked Exhibits 14-16 and were distributed to the Board.

At this time, Jeff Morris, Boswell Engineering, was sworn in and qualified as an expert witness. Mr. Morris stated that at the rear of the property the overhangs of the existing structure are only 17 feet from the Saddle River. He addressed the variances being sought and stated that the first, being requested to procure underground water and gas lines, will not be visible after the project is complete. The second one being a vertical variance which fits into the hardship variance and he reiterated that both of these have little if any impact on any of the adjacent properties.

At this time, Mr. Joel Minch, previously sworn in, gave an engineering report on this

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application.

Board Member Perrin asked about the installation of the utilities and Mr. Daglian explained that the current structure is completely run on electricity and that service would remain but gas and water will be added.

Chairman Petrocine stated that the garage doors are not considered front loading based on their positioning and they do not violate the code. He further stated that this needs to be included in the resolution. He also asked about potential erosion of the Saddle River and how that may impact the property line. Mr. Morris stated that, should the erosion be that extreme, the owner may have to return for an additional variance in the future. Chairman Petrocine asked Attorney Rutherford to address this in the resolution as well.

**OPEN TO THE PUBLIC:**

Jill Cosgriff Noel, 117 East Saddle River Road was sworn in. She stated that she has lived in Saddle River for 25 years on a piece of property very similar to the subject property. She needed to apply for a variance in 1987 and she was very appreciative that the neighbors were supportive at that time. She further stated that she is familiar with both the architecture of Frank Lloyd Wright as well as zoning issues in Saddle River and stated that she is totally in favor of this application.

Board Member Montana stated that the house is not visible at all from the road and he is in favor of this application. There is a shed on the property, for which a prior variance was granted, and a copy was marked Exhibit A-17.

Chairman Petrocine discussed the need for a landscape plan and Mr. Daglian stated that there is currently only grass, a fence and the driveway. Attorney Rutherford stated that the Board could make the approval of a landscape plan by the landscape architect a condition in the resolution and all were in agreement.

Attorney Rutherford reviewed the parameters of the proposed resolution at this time.

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

**COMMUNICATIONS:** Chairman Petrocine asked that Board Members submit any comments they may have regarding the amendment to the Zoning Ordinance as soon as possible.

**OLD BUSINESS:**

**NEW BUSINESS:**

**RESOLUTION FOR CLOSED SESSION**

At this time, Attorney Rutherford read a resolution to go into Closed Session to discuss the pending litigation.

**Resolution ZBA-13-10** was offered by Board Member Montana  
Seconded by Council Member Cohen  
Roll Call Vote: AYES: Unanimous

**ADJOURNMENT:**

As there was no further business to discuss, a motion was made to adjourn the Closed Session and return to the regular meeting of the Zoning Board of Adjustment.

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

Respectfully submitted,

Marie Elena Macari  
Borough Clerk