

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY MARCH 17, 2010 at 7:30P.M., MUNICIPAL BUILDING

PRESENT: Chairman Petrocine, Board Members, Cohen, Montana, Kakaty, Raia,
Attorney Rutherford

ABSENT: Board Members Dowden, Perrin, Gatto Alt. #1,

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 February 17, 2010 minutes by Board Member Montana.
Seconded by Board Member Raia
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

ZBA 05-10

**Blk. 1301 Lot 11
65 Stony Ridge Road
Peter Barbieri
Construct a new single family dwelling
Violates the required front yard setback
DENIED**

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

A motion to **DENY** the Barbieri resolution was offered by Board Member Kakaty
Seconded by Board Member Raia
Roll Call Vote: AYES: Raia, Kakaty, ABSENT: Dowden, Perrin, Gatto ABSTAIN: Cohen,
NOT VOTING: Petrocine, Montana

ZBA 06-10

**Blk 1803 Lot 5
1 Spruce Road
Muhammad & Naseem Qadeer
Dwelling unit exceeds the maximum allowable
7%. Requesting permission to permit the
building coverage to be 7.56%
APPROVED**

At this time, Attorney Rutherford gave an overview of this resolution to the Board. He further stated that all of the additional paperwork requested was submitted. Borough Engineer Spence reiterated that the plans were in order but cautioned the applicant to be very careful with their calculations as they are very close to the required setbacks. Attorney Rutherford will make an amendment to the resolution to state that, once the proposed improvements are staked out, the applicant's engineer will submit a stake out plan to insure that all of the calculations are in order.

A motion to **APPROVE** the Qadeer resolution was offered by Board Member Raia
Seconded by Board Member Montana
Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC:

WORK SESSION:

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS:

APPLICATIONS:

**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**

Attorney Bruce Whitaker, McDonnell & Whitaker, Ramsey, NJ represented the applicant. He gave an extensive overview of this application at this time. Attorney Rutherford stated that although, Board Member Raia's family has an affiliation with the Saddle River Day School, it is not necessary for him to recuse himself from this application.

The first floor addition will consist of a classroom, a library, a science room and an art room; all of this for the students that are currently enrolled, not to exceed 300.

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He explained that the need for additional parking is not caused by the construction of this addition but rather is required by the number of students currently enrolled at the Saddle River Day School.

Attorney Whitaker stated that the denial submitted from the building department was in reference to the parking deficiency and requested that the applicant go before the Planning Board to hear this issue. He further stated that the code states that if a condition is not met, the application must be heard by the Planning Board but this is in direct contradiction with the municipal land use law, which supersedes municipal code. Only one Board has the jurisdiction to deal with this and it was determined that the Zoning Board would hear this part of the application as well the application for the proposed construction of the addition.

At this time, Eileen Lambert, 263 Canterbury Drive, Ramsey, NJ, Head of School, Saddle River Day School was sworn in.

Attorney Whitaker asked if she was familiar with this application and the proposed plan and she stated that she is. She further stated that the proposed science room is important as elementary school students need specific rooms for science, art and a library. The school is also in need of a meeting room as either the library or the lunch rooms are currently being used and it is often disruptive to students. She reiterated that the school is not intending to increase enrollment.

She addressed the parking situation and stated that all seniors and some juniors are permitted to drive to school.

At this time, Douglas Doolittle, Mahwah, NJ, engineer was sworn in and stated that he prepared the site plan for this application. He explained the site plan in detail to the Board. He further stated that the Planning Board is in receipt of a soil movement application, which cannot be acted upon until this application is completed by the Zoning Board. The plans that were submitted will comply with all Borough site plan ordinances. The site plan was marked Exhibit A-1.

At this time, John Montoro, Montoro Architectural Group, Saddle River, NJ was sworn in and was qualified as an expert witness. Attorney Whitaker asked Mr. Montoro to give the Board an overview of his architectural plans, which he did in detail. He stated that the applicant's goal was to create an addition that would match the existing historical architecture as closely as possible, which he feels has been accomplished. The architectural renderings were marked Exhibit A-2.

Board Chairman Petrocine asked Borough Engineer Martin Spence, Saddle River, NJ to comment on this application, which he did after being sworn in. Mr. Spence stated that he prepared a review dated March 16, 2010, along with historical reviews, dated

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February 22, 2010, which the Board and the applicant are in receipt of. In addition, the applicant is requesting to hook up to municipal water and sewer lines but this is not part of the application. The current septic system will be adequate for the proposed renovation.

At this time, Borough Landscape Architect Scott Levy, Scott Alan Design, Hamburg, NJ was sworn in. He stated that he prepared a revised review on March 2, 2010 for the Board and discussed this review in detail, specifically soil compaction issues and tree and root preservation. Temporary chain link fencing will be needed during construction and this was addressed.

Board Chairman Petrocine asked Attorney Whitaker about an increased demand on the septic system and he stated that, although two new bathrooms are going to be added, there are going to be the same number of students so there will not be a greater septic demand.

Board Member Montana asked about additional parking spaces and where they would be installed. Mr. Doolittle addressed this issue and stated that they would probably be located along the sides of the existing driveways.

Board Member Cohen stated that she did not feel that there is insufficient parking at the school.

Board Member Raia asked about the enrollment, which is currently at 274 but it will not exceed 300 and Attorney Whitaker stated that there will not be parking issues.

Mrs. Lambert addressed the enrollment and stated that it is beneficial to the students to keep the enrollment at approximately 275, giving each classroom a 7-1 ratio, students to teachers. She further stated that enrollment fluctuations are usually minor.

OPEN TO THE PUBLIC:

Bruce Miesel, 20 Powder Hill, Saddle River, NJ stated that his children attended the Saddle River Day School and there has never been a parking issue. As the Chairman of the Master Plan Committee in Saddle River, he further stated that the ordinance governing parking, needs to be revised and should not be based on the number of teachers or students. He feels that the best way to address parking is by the square footage of the structures on the property.

Mr. Miesel further stated that the school is an asset to the community as it provides open space as well as having access to the sports facilities, both accommodating objectives of the Master Plan.

Board Chairman Petrocine stated that he would like to further discuss both the negative

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and positive virtues of adding nine parking spaces at the school.

Board Member Montana was in agreement regarding the parking and he further stated that, seeing as there is no need for additional parking, he would prefer grass over asphalt.

Attorney Rutherford explained all of the aspects of this application to the Board, should they chose to approve this and grant variances.

A motion to **approve** the Saddle River Day School application was offered by Board Member Montana. Seconded by Board Member Kakaty
Roll Call Vote: AYES, Unanimous

Attorney Whitaker asked the Board if a letter could be sent to the Planning Board prior to the memorialization of this resolution so that this applicant could be placed on the upcoming agenda for the next scheduled Planning Board meeting on April 21, 2010. The school would like to commence as soon as the students are finished with classes in June.

Board Chairman Petrocine asked Attorney Rutherford to read the additions to the Qadeer resolution previously discussed, which he did in detail.

ADJOURNMENT:

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk