

MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY MAY 19, 2010 at 7:30P.M., MUNICIPAL BUILDING

PRESENT: Board Members, Cohen, Dowden, Montana, Kakaty,
Gatto, Alt. #1. Attorney David Rutherford

ABSENT: Chairman Petrocine, Board Members Perrin & 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 April 21, 2010 minutes by Board Member Cohen.
Seconded by Board Member Dowden
Roll Call Vote: AYES: Unanimous

MEMORIALIZING RESOLUTION (S):

**ZBA 08-10 Blk. 1303 Lot 11
61 Stony Ridge Road
Jack Justiniano
Air conditioning units encroach into
The 25' non disturbance zone.
APPROVED**

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

A motion to **APPROVE** the Justiniano resolution was offered by Board Member Kakaty Montana. Seconded by Board Member Dowden
Roll Call Vote: AYES: Unanimous

**ZBA 09-10 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, Attorney Rutherford gave an overview of this resolution to the Board. Borough Engineer Spence reiterated that there is an encroachment into an easement and approval from the Mayor and Council would be necessary. In addition, the landscape plan must be approved by landscape architect Scott Levy and also presented to the Mayor and Council.

A motion to **APPROVE** the Mauriello resolution was offered by Board Member Cohen Montana. Seconded by Board Member Dowden
Roll Call Vote: AYES: Unanimous

**ZBA 10-10 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**

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

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

APPLICATIONS: **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, Patricia McLaughlin, homeowner and David Hals, P.E., Schwanedede/Hals Engineering were sworn in. Mr. Hals was qualified as an expert witness. Mrs. McLaughlin stated that she purchased the home in 2005 and explained the home in detail to the Board. She stated that they have a large family and would like to add a

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new family room and enlarge her master bath.

Mr. Hals explained the plot plan, dated March 4, 2010, revised April 14, 2010 and was marked Exhibit A-1. At this time, Mr. Hals passed out 7 photographs of the existing home and they were marked Exhibit A-2. He explained each photo to the Board. The property is undersized at .84 acres. An additional plot plan dated March 4, 2010 with both existing conditions and building setbacks was marked Exhibit A-3. Mr. Hals explained this plan in detail to the Board. He explained that the existing porch will be the location for the new family room but it is technically going to be encroaching in the front yard setback. He further stated that this is a C-1 variance due to the undersized nature of the property creating a hardship.

Borough Engineer Spence stated that he has prepared a report dated May 18, 2010 regarding this application and he discussed this in detail to the Board. He stated that there are no steep slope or erosion issues and the applicant is not removing any trees. The necessary drainage considerations are in place.

OPEN TO THE PUBLIC: Eva Gordon, 12 West Church Road, Saddle River was sworn in and stated that she lives next door and is probably the only person who will be able to see this addition. She further stated that she has no problem with it.

It was agreed by the Board Members that this request is a modest one and it would enhance the home.

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

WORK SESSION:

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS: Board Member Montana stated that the Board is in receipt of the draft of the amendment to the Zoning Ordinance and asked the members to give any input they may.

RESOLUTION FOR CLOSED SESSION

At this time, Attorney Rutherford read a resolution to go into Closed Session to discuss

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the pending litigation.

Resolution ZBA-11-10 was offered by Board Member Dowden
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