

**MINUTES OF THE SADDLE RIVER ZONING BOARD OF ADJUSTMENT
HELD: WEDNESDAY JUNE 15, 2016 at 7:00P.M., MUNICIPAL BUILDING**

PRESENT: Chairman Montana, Board Members Dowden, Kakaty, Laurite, Nazzaro, Raia, Trobiano Alt. #2, Attorney David Rutherford

ABSENT: Board Member DeCrosta, Council Representative Gray

SUNSHINE LAW: Chairman Montana stated: "I have been informed by the Clerk that adequate notice has been provided by mailing a notice to The Herald News and The Record on December 16, 2015 and posting a notice in the Office of the Borough Clerk and on the Borough website."

PLEDGE OF ALLEGIANCE

Chairman Montana stated Lou Perrin, a longstanding member, has resigned from the Zoning Board of Adjustment. He was the former Building Inspector. He was perceptive and adept in his analysis of applications. His service was greatly appreciated. He will be missed.

APPROVAL OF MINUTES

A motion was made to approve the April 20, 2016 minutes by Board Member Nazzaro. Seconded by Board Member Dowden.

Roll Call Vote: AYES: was rendered by Chairman Montana and Members Dowden, Nazzaro and Trobiano

MEMORIALIZING RESOLUTION (S): There were none.

APPLICATIONS:

**Blk. 1202 Lot 21 – Kim & William Pressman
19 Charlden Drive
Prior relief was sought by applicant for the required
combined side yards.
Current as-built conditions indicate building
coverage in excess of the prior approvals which
granted 6.85%. Shed was constructed without
approvals or permits.
APPROVED**

Chairman Montana introduced the Pressman application, Block 1202 Lot 21.

Attorney Russell Anderson, of Honing & Honing, Waldwick, New Jersey introduced himself as Steven Honig's partner. He will be representing the Pressmans in place of his partner, who is recovering from surgery. The application is seeking a final CO and to close some open permits. Attorney Anderson offered an overview of the application.

At this time Mr. Tibor Latinscics, Engineer, was sworn in and qualified as an expert witness. Mr. Latinscics referred to the marked exhibits and began a detailed explanation of them.

In 2006, overhangs were not included in lot coverage. Exhibit A7 was built prior to 2006. The building coverage for the principal home, garage, breezeway, porches and roofs on the porches excluding the overhangs on the rear shed is 6.88%. With the overhangs the building coverage comes to 7.19%.

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The building coverage including the overhangs and the shed to the rear is 7.36%. Pictures were shown of the overhangs. The hardship is in 2003-2004 overhangs were not included in building coverage calculations at the time the home was designed and constructed. The Zoning codes and interpretation thereof were amended in 2006-2008 which is what brings the applicant in front of the Board.

Mr. Latinscics was asked if the variances being requested would have any detrimental effect to the area; in his opinion they would not.

At this time Martin Spence, Borough Engineer and Scott Levy, Borough Landscape Architect were sworn in.

Mr. Spence referenced his report dated June 13th, 2016 concerning the Pressman application submitted for a variance from the maximum building coverage. He explained his report in detail. The report summarized the events leading to the need for a variance. He cited the two (2) resolutions concerning prior ZBA applications and approvals related to the definition of lot width and minimum setbacks as well as a foundation as-built construction. These items are not related to the current application. The current application deals with building coverage.

Mr. Spence explained the way building coverage is now calculated and defined. The code has been revised over the last 10-15 years. The recent revisions include overhangs, in total, which are over 3 feet from the building. The variance is a 332 sq. ft. excess over the 7% which is the maximum allowed. There have been no complaints received from adjacent neighbors.

Mr. Levy was asked to be heard from by Chairman Montana.

Mr. Levy commented on the landscaping of the property in detail. The wetlands are considered a hardship bearing on this application where the site squeezes towards the east.

Ms. Nazzaro asked for further clarification of the current allowable building coverage and how it relates to the overhangs. She further stated the structures on the property are quite well hidden by the landscape. The overages of the overhangs would be hard to find. Mr. Spence provided clarification for the Board.

Mr. Laurite asked when the shed was constructed and if it was done at the same time as the original construction. Mr. Spence explained the shed was built after the primary construction. Member Laurite clarified the overhangs were permitted at the time they were built under the existing building code. The same does not apply to the shed.

Mr. Dowden asked if the original plans included a pool house. Mr. Spence explained the prior owners did apply for a pool house however they changed the plan to enlarge the sunroom.

Mr. Trobiano confirmed the existence of the shed since 2008 and the overhangs have existed since 2004 when the home was constructed. It was confirmed there have been no complaints regarding same. Member Trobiano stated she has no issue with the way the shed or overhangs exist.

Mr. Kakaty asked what the building coverage would be if the overhangs were included but not the shed. Mr. Spence replied the building coverage would be 7.19% in the above case.

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Mr. Kakaty asked if the overhangs were excluded and the shed was included it would still be over the maximum building coverage allowed of 7%. Mr. Spence acknowledged it would be over 7%.

Mr. Raia stated he has a problem with the shed as it was built without a permit after primary construction even though it is hidden and covered. He does not think if something is hidden and covered that should be the criteria to make it acceptable. Mr. Raia understands the overhangs were constructed within the building coverage maximum at the time they were built and does not have a problem with them.

Chairman Montana stated this is a C2 variance. The overhang coverage is excusable and understandable as it was not done with malice or forethought. He agrees the shed is a problem even though it is screened.

Attorney Andersen conferred with his client and it was agreed the shed would be removed.

Chairman Montana stated with the removal of the shed he has no problem with the balance of the application. He stated he appreciated the indulgence of Mr. Pressman in alleviating his concerns regarding the shed. Chairman Montana asked if the rest of the Board would be in concurrence with this. All Board members agreed with the Chairman.

Attorney Rutherford briefly framed the resolution at this time. It will be a proper C2 variance with the condition the shed is removed.

A motion was made to **approve** the resolution by Mr. Dowden. Seconded by Mr. Laurite.
Roll Call Vote: AYES: Unanimous

APPLICATIONS:

**Blk. 1601 Lot 8 – Vincent & Janice Blehl
33 East Allendale Road
Reconstruct shed, construct detached garage, which
exceeds maximum square footage and height
permitted, fire pit, install solid six foot fence, not
permitted.
APPROVED (Shed only)**

Chairman Montana introduced the Blehl application, Block 1601 Lot 8.

Mr. Vincent Blehl and Mr. Tibor Latinscics, P.E. were sworn in by Attorney Rutherford.

Mr. Latinscics offered an overview of the application and exhibits pertaining to thereof. The applicant is proposing to renovate the existing shed, install a six (6) foot high stockade fence (solid), to replace or supplement existing fence along the frontage and construct a four (4) car accessory structure planned previously under different code regulations. This garage construction has been abandoned for approximately fifteen (15) years. Building permits were obtained by the applicant in 2001 when garage doors were permitted to face the street. In addition the proposed garage has a footprint of 1,617 sq. ft. when only 1,000 sq. ft. is permitted. Mr. Latinscics addressed the variances requested and discussed the need for sought approval.

Borough Engineer, Martin Spence, prepared a report dated June 13, 2016. He explained that the first page is a narrative describing the property. Mr. Spence highlighted details pertaining to the existing shed and encroachments of setbacks. He explained the applicant previously obtained a building

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permit in 2001 for the proposed garage when the building code allowed such a structure. The project was abandoned after the concrete foundation was in place. The building code has since changed and does not allow the garage as previously designed. Mr. Spence explained the list of variances being requested on page two of his June 13, 2016 report. Mr. Spence asked the applicant to explain what types of improvements he would like to make on the outside of the existing shed in order to clarify the difference in "maintaining" verses "improving".

Mr. Blehl explained what started out as gutter repair on the shed became more complex when he discovered the exterior walls were all rotted and had to be replaced. He stated his intent was once this was finished he would apply for the siding, windows and roof permit.

Mr. Levy addressed the topography and landscape of the property and how the variances requested would impact, if at all the surrounding area. In his opinion, Mr. Levy did not find an adverse effect to the approval of said variances.

Ms. Trobiano stated the pre-existing items in the application should be allowed to stay with suggestion of the roof line of the proposed accessory structure height to be modified to conform within the height allowed. This would alleviate the number of allowances requested.

Mr. Kakaty stated he finds no issue with the proposed shed as it qualifies under a C2. He finds issue with the garage as it is well above the maximum square footage allowed. He suggested the garage doors could be masked by further landscaping and the garage could be pared down in terms of size. He found no issue with the fence as it is a well-traveled street and offer some relief from the traffic on the street.

Mr. Raia was in agreement with Ms. Trobiano concerning the pre-existing items. His main concern is with the height of the garage.

Ms. Nazzaro asked about the impact if any, between the 17 ft. verses the 20' roof line given the slope of the property.

Mr. Latinscics stated that the design of the roof line is consistent with the design of the other buildings on the property. Details were provided by Mr. Blehl.

Mr. Spence explained that in 2002 there were a host of changes made to coding for garages. He explained some of the changes in detail such as height, door placement and square footage.

Mr. Dowden said he has no issue with the shed or the fence. His issue is with the height and size of the garage.

Chairman Montana stated he does not have an issue with the shed; however he does have an issue with the fence being solid, the height and size of the garage and the garage doors facing the street. The Chairman asked the Board for suggestions.

Mr. Kakaty suggested the application be split with separate votes as follows, one on the shed, one on the fence and related retaining wall and a third vote on the garage.

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Mr. Raia asked to explore the issue of a solid fence. A discussion ensued regarding the existing fence. It was concluded the applicant is really looking for a solid fence to purpose as a sound barrier not just a solid fence. The only area in Saddle River that has a solid fence is by Route 17 which serves as a sound barrier.

The issues with the fence are height, location and design. The proposed fence would be solid, six foot in height and five feet from the property line. The fence was discussed in detail at this time. Construction of a regular fence with foliage behind it to block the sound was suggested. The glare of the lights was also a consideration.

Chairman Montana asked Mr. Levy if the sound could be mitigated with the use of foliage along the fence line. Mr. Levy commented that some of the sound could indeed be mitigated with the use of evergreens. Due to the location of the property the glare of the lights is also a consideration. Mr. Levy offered that a solid fence would not be a detriment due to the topography and existing landscaping of the property.

Ms. Nazzaro asked Mr. Blehl if any of the headlights when a vehicle comes off Route 17 Northbound hit his house; Mr. Blehl stated they do not.

Chairman Montana asked Mr. Blehl if he is going to redesign the garage would the solid fence still be needed as a screen for the garage doors. Mr. Blehl did not think the idea of reorienting the garage was considered a possibility at the time.

It was suggested by Chairman Montana the garage be cut down so the RV could be turned in from the west side of the garage, or behind the garage or the right side of the garage. If the garage was made to be 1000 square feet the primary purpose of covering the RV would still be accomplished. The doors could then be designed either west or east or on the north side of the edifice.

Mr. Blehl stated a new plan for the garage would be resubmitted. The possibility of a fence with a 50% opening does not seem to accomplish the goals. The fence portion of the application was asked to be withdrawn at this time.

Attorney Rutherford stated the fence portion of the application is being withdrawn without prejudice. The applicant has the right to make whatever revisions deemed to be appropriate and file a new application to return before the Board if needed.

Attorney Rutherford indicated the applicant has withdrawn variance requests related to the garage, fence and related retaining wall. The only matter before the Board is the reconstruction of the shed as per the testimony.

Chairman Montana asked for a motion to be made regarding the shed. A motion was made to **approve** the shed by Mr. Kakaty. Seconded by Ms. Nazzaro.
Roll Call Vote: AYES: Unanimous

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OPEN TO THE PUBLIC: No one wished to be heard.

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT:

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

Respectfully submitted,

Joy C. Convertini
Municipal Clerk

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