

**MINUTES OF THE SADDLE RIVER BOARD OF ADJUSTMENT
JUNE 19, 2019 AT 7:00 PM
SADDLE RIVER MUNICIPAL BUILDING**

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 January 3, 2019 and posting a notice in the Office of the Borough Clerk and on the Borough website."

PLEDGE OF ALLEGIANCE

ROLL CALL:

PRESENT: Board Members Holiat, Howard, Kakaty, Kerner, Peros, Trobiano, Yale, Zagorski and Chairman Montana

David L. Rutherford, Esq., Board Attorney
Martin Spence, Borough Engineer
Cindy Kirkpatrick, Board Secretary

ABSENT: Borough Landscape Architect Scott Levy

At this time, Ms. Trobiano recused herself from the meeting and departed from the dais. In addition, Mr. Rutherford recused himself from the hearing and departed from the dais. Kathryn J. Razin, Esq. (from the firm Stickel, Koenig, Sullivan & Drill, LLC) substituted as board attorney on the following application.

MEMORIALIZING RESOLUTION(S):

ZBA 14-19

**Block 1801 Lot 7.01
12 River Farm Lane
Patriot Farm, LLC**

Proposed barn and indoor riding arena building area exceed the maximum allowable area of 1,000 square feet and height of 17 feet. Living quarters over barn are not permitted in the residential zone. Commercial use of property is not permitted in the zone. Proposed accessory structures are not 25 feet behind the front building line of the principal structure. Proposed size of cupolas atop barn exceeds the maximum dimensions. Proposed number of garage doors exceeds the maximum permitted. Boarding of animals and commercial use are not permitted in the zone.

APPROVED

Ms. Razin summarized the memorializing resolution.

A motion was made by Mr. Zagorski, seconded by Mrs. Holiat to approve the resolution.

Roll Call:

AYES: Kakaty, Holiat, Zagorski, Howard, Montana

NAYES:

ABSTAIN:

ABSENT:

After Roll Call, Ms. Razin departed from the dais and Mr. Rutherford and Board Member Trobiano returned to the dais.

APPLICATION:

Block 2003 Lot 20

39 Chestnut Ridge Road

Jay Piro & Norell Paleologos

Construction of a second floor addition to the existing dwelling with encroachments into the front yard and side yard setbacks due to the existing dwelling location.

The Applicant was represented by Bruce E. Whitaker, Esq. of McDonnell & Whitaker, LLC, 245 East Main Street, PO Box 379, Ramsey, New Jersey 07446-0379.

Mr. Whitaker gave an overview of the application and listed the nonconformities. Furthermore, even with deficiencies in the bulk requirements for this lot, improved lot coverage is only 3.90% where 7% is the maximum permitted and the building area of the lot is only 14.23% where 21% is the maximum permitted. The Applicant is seeking to only construct a second floor addition atop a portion of the first floor of the house. There is no expansion of the footprint of the house. This is a lawfully existing structure that is non-conforming on the Property.

Peter C. Kirch, 43 Spring St., Ramsey, New Jersey, Professional Land Surveyor, was sworn in prior to providing testimony.

A-1 was marked into evidence: survey dated 3/1/19 revised 5/31/19. Mr. Kirch gave an overview of the survey. He confirmed that the addition does not exceed the footprint.

Mr. Whitaker stipulated that there was a small paver area in the non-disturbance zone to the rear of the property which was in existence when applicants purchased the property, however, they do not have a problem removing it if required for condition of approval.

Martin Spence, Borough Engineer, 86 E. Allendale Road, Saddle River, NJ, was sworn in and testified that he prepared a review dated June 18, 2019.

Mr. Rutherford stated that Mr. Scott Levy, Landscape Architect for the Board, was unable to attend tonight's meeting, however, sent a message that if the board were inclined to grant the application, he would request as a condition that tree protection and tree preservation measures be included.

Chairman Montana opened the meeting to the public. No member of the public came forward.

Chairman Montana opened the meeting to the board members for questions of the professionals. Mr. Kerner asked about the age of the paver pad. Mr. Whitaker replied that it pre-dates his clients' ownership of the house.

Mr. Kerner also inquired as if there is adequate screening with the current landscaping. Mr. Whitaker replied in the affirmative.

Chairman Montana asked for a sense of the board. The board members provided their comments to the application which appeared to be favorable to the application. Mr. Yale expressed his concern regarding infringement in non-disturbance zone, but was advised that it can be a condition for approval. Mr. Kerner also commented on the disturbance of a non-disturbance zone. Chairman Montana explained that wording such as returning the area to a vegetative state could be incorporated as a condition of approval.

Mr. Spence explained that the non-disturbance zone was created by way of ordinance in 2001.

Mr. Rutherford stated that, if approved, the conditions would be:

- Tree preservation;
- Compliance of soil stabilization;
- Removal of paver area in non-disturbance zone and restoration of plantings to Mr. Spence's satisfaction

Motion to **approve** application by Ms. Trobiano and seconded by Ms. Peros.

ROLL CALL

AYES: Holiat, Zagorski, Peros, Kerner, Kakaty, Trobiano, Montana

NAYES:

ABSTAIN:

ABSENT:

APPLICATION:

Block 2101 Lot 20

51 Twinbrooks Road

H.W. Guy Seay & Susan Seay

Construction of additions to the existing dwelling which will require variances from the front and rear yard setbacks.

The Applicant was represented by Bruce E. Whitaker, Esq. of McDonnell & Whitaker, LLC, 245 East Main Street, PO Box 379, Ramsey, New Jersey 07446-0379.

Mr. Whitaker said the property is located in the R-1 zone with a 1 ½ story framed dwelling unit currently on the property. The property is irregular in shape due to a roadway configuration and a stream that runs through the property which eliminates the ability to center the home on the lot.

The concept is to create living space on the first floor. Additionally, the applicant is proposing to take the front loading garages and relocate them to the side of the house providing for side loading garages.

The second concept is to provide a front porch look.

The final concept is to propose an enclosed porch/sunroom in the rear yard setback.

The overall application calls for C(1) and C(2) variances.

Mr. Whitaker said he spoke to Mr. Levy and the applicant does not have a problem with a condition to create landscape buffering.

Board Member, Mr. Howard, lives in the immediate vicinity of the property (though not within 200') but does not know the applicants.

Sean McClellan, 101 West Street, Hillsdale, NJ 07642 was sworn in and provided his experience and background information. He was deemed qualified as a professional in the field of professional engineering.

Survey dated April 30, 2019 (revised 6-5-19) was reviewed. Mr. McClellan explained that the shape of the lot is irregular due to the stream on the lot as well as the roadway. The lot is irregularly shaped and because of that, there is only one side yard. The addition would be 10' area closer to the front yard setback.

There is a sunroom proposed in the rear yard which is approximately 17' area for a rear lot that approximates 445'.

There are no variances being requested for lot and/or building coverage.

William G. Brown, 241 Madison Ave., Wyckoff, NJ 07481 was sworn in and qualified as an expert in the field of architecture. Cover Sheet last date April 26, 2019.

The architect explained that the proposal includes one story living and reviewed page A2 of the first floor plan.

There are 3 bedrooms and a bath on the second floor that remain unchanged and storage over the garage.

There is an existing paver patio in the rear.

The architect explained that the design plans include accommodations for the applicant's medical needs and proceeded to describe the proposed changes to the exterior of the home.

A-3 was marked into evidence: two photos taken by Mr. Brown on today's date showing the trees that buffer the property.

Mr. Brown offered testimony affirming that currently, the garage doors can be seen from Twin Brooks Rd., however, the proposed relocation of the garage doors would obscure them from public view due to the trees and landscaping around the property.

With reference to Mr. Spence's June 18, 2019 report, Mr. Whitaker stipulated to Mr. Spence's S-1 comment regarding the seepage pit system.

Mr. Spence asked the architect about the renovation of the patio to a sunroom and the proposed columns that extend beyond the existing footprint of the patio. Mr. Brown replied that the proposal is for a new foundation wall and slab on grade.

Mr. Spence reviewed his June 18, 2019 report.

Chairman Montana opened the meeting to the public, but no member of the public came forward. The chairman then opened the meeting to the board members for questions. Mr. Kakaty asked that Mr. Levy's report dated June 18, 2019 be adhered to, especially with respect to the preservation of certain trees detailed therein. No other board members had questions.

Chairman Montana asked for a sense of the board. Each board member provided their thoughts on the application.

If the board is inclined to approve the application, Mr. Rutherford could prepare a resolution for C-1(a) (b) and (c) variances and stipulations contained in Mr. Spence's report S-1 through S-3 and also incorporating the items in Mr. Levy's June 18, 2019 report, and in particular, item no. 4 pertaining to preservation of certain trees. Additionally, C-2 (relocation of garage doors).

Motion to **approve** application by Mrs. Holiat and seconded by Ms. Trobiano.

ROLL CALL

AYES: Holiat, Zagorski, Peros, Kerner, Kakaty, Trobiano, Montana

NAYES:

ABSTAIN:

ABSENT

APPLICATION:

**Block 2003 Lot 4
20 Old Woods Road
Mark & Judith Buono**

Construction of additions to the existing dwelling with encroachments into the front yard setback.

The Applicant was represented by Bruce E. Whitaker, Esq. of McDonnell & Whitaker, LLC, 245 East Main Street, PO Box 379, Ramsey, New Jersey 07446-0379.

The property, 20 Old Woods Road, is unique in that it is substandard in size and has the following nonconformities:

1. Front yard setback is 70.1' where 125' is required.
2. Lot area is 38,712 square feet where 87,120 square feet is required.

The lot has less than half of the required area and building coverage will only be at 6.15% where 7% is the maximum permitted and maximum lot coverage of 12.79% where 21% is the maximum permitted.

The Applicant is proposing a front yard setback of 69 feet whereas the current front yard setback is at 70.1 feet.

The property is unique due to its shape and also because the front of the structure faces to the side of the lot. The lot also possesses sufficient landscaping.

Douglas Doolittle, McNally, Doolittle Engineering, LLC, 169 Ramapo Valley Road, Oakland, New Jersey, 07436, was sworn in prior to providing testimony. The plan that he is testifying to is dated 1/2/19 and revised 3/1/19, 3/14/19 and 5/22/19 (Site Plan & Septic System Plan & Soil Erosion and Sediment Control Plan).

Mr. Doolittle stated that what makes this property unique is that the front of the house faces the side yard (to the west). The proposal includes a patio in the side yard, upgrade septic system and drainage. The size of the lot is under for both building and lot coverage. The proposal would add about 600 square feet which includes the portico. Currently, there exists substantial landscape on the property and additional landscaping is contemplated.

The front yard setback is 70.1 feet and the applicant is proposing a front yard setback of 69 feet. The differential is a de minimis 1 foot. The 69 foot setback is at its closest point since the building is skewed on the property.

The lot area is 38,712 square feet where 87,120 square feet is required. Building coverage is 6.15% where 7% is the maximum permitted and lot coverage would be 12.79% where 21% is the maximum permitted.

Assuming this application is approved, a septic plan will be submitted.

Mr. Doolittle does not have any objections to Mr. Spence's report.

Philip Fenimore, Evans Architects, 470 Chamberlain Avenue, Paterson, New Jersey 07522, was sworn in as an architectural designer to offer opinion testimony.

Mr. Fenimore explained that the house was built in the early 1940's. The house is a 2-story structure and with the proposed additions, would bring the house to approximately 3,037 square feet. Mr. Fenimore reviewed his plan. The rear addition is the only 2-story addition that is proposed. The addition provides for an extension to the kitchen and eat-in area. The second floor would allow for an extension of the footprint.

In addition to the expansion of the footprint, there is a small, covered porch along the rear and a proposed small covered porch along the front. The extension of the porch is just under 5'.

Mr. Fenimore continued with his testimony referencing his plans. The plans were described as A.1 through A.5 dated March 5, 2019.

William R. Boyce, Biosphere Landscape Architecture + PM, PO Box 499, Saddle River, New Jersey 07458 was sworn in as a landscape architect. He referred to his plan dated 4-14-19 with the colorized version of the plan being marked as **A-3**.

Mr. Boyce identified the trees on the property. Mr. Boyce confirmed that the way the house sits on the property it actually fronts to the side of the property.

A-4 was marked into evidence: Photographs by Biosphere Landscape Architecture + PM. Mr. Boyce identified the trees and landscaping included on the sheet.

Mr. Whitaker referred to a shed that currently exists on the property and encroaches into the nondisturbance zone. The proposal includes removal of the shed so that there is no encroachment into the nondisturbance area.

Mr. Spence reviewed his report to the board dated June 18, 2019 and said that the third paragraph should be stricken as there is only one variance being sought by the applicant. He continued his review of the report.

Mr. Spence suggested that further testimony be included to address building height. Mr. Fenimore stated that the ridge will be held at 34.2'.

Mr. Spence's comment (S-4) refers to a discrepancy in lot numbering which can be discussed at a later date.

Mr. Spence advised that the applicant is proposing a septic system that contemplates removal of trees which will be a separate application.

Chairman Montana opened the meeting to the public.

Nick Paleologos, 16 Powder Hill, asked if the shed was going to be removed. Mr. Whitaker replied in the affirmative and said that he stipulated to that provision earlier.

The resident asked for clarification regarding proposal to the back and side of the house. Mr. Fenimore replied that a patio will be added to the rear of the house. Mr. Boyce spoke about the landscaping that would provide a shield between the applicant's property Mr. Paleologos' property.

As no further member of the public came forward, the meeting was closed to the public.

Chairman Montana asked for comments from the board.

Mrs. Holiat asked if the rhododendrons would remain. Mr. Boyce replied that the applicant would like them to, but they will be trimmed down.

Mr. Kerner inquired as to whether the addition could be set back 2.1' to keep the current distance. Mr. Fenimore replied that the proposal contemplates the landing on top and bottom of the mud room area.

Chairman Montana said that he sees the application as a C1 variance due to the lot changes and C2 variance due to the augmentation to the landscape, septic upgrades, shed removal and building height restriction.

Mr. Rutherford proposed drafting a resolution with conditions based on the reports submitted by Messrs. Spence and Levy. He will also add the need for a protective landscaping shield between neighbors on Powder Hill.

Motion to **approve** application by Mr. Zagorski and seconded by Mr. Kakaty.

ROLL CALL

AYES: Holiat, Zagorski, Peros, Kerner, Kakaty, Trobiano, Montana

NAYES:

ABSTAIN:

ABSENT

COMMUNICATIONS:

Nothing to report.

OLD BUSINESS:

Nothing to report.

NEW BUSINESS:

Nothing to report.

OPEN TO THE PUBLIC:

No member of the public wished to be heard.

ADJOURNMENT:

Upon motion by Mr. Kakaty, seconded by Mr. Zagorski, and all in favor, the meeting adjourned.

Respectfully submitted,

Cindy Kirkpatrick
Secretary to the Board of Adjustment