

**MINUTES OF THE SADDLE RIVER BOARD OF ADJUSTMENT  
JULY 17, 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 Trobiano, Kerner, Peros, Yale, Chairman Montana  
  
David L. Rutherford, Esq., Board Attorney  
Martin Spence, Borough Engineer  
Borough Landscape Architect Scott Levy  
Cindy Kirkpatrick, Board Secretary

**ABSENT:** Board Member Kakaty, Zagorski, Holiat, Howard

**APPROVAL OF MINUTES:**

Ms. Trobiano, made a motion to approve the April 17, 2019 minutes, seconded by Ms. Peros.

**ROLL CALL:**

AYES: Trobiano, Yale, Montana

NAYS:

ABSTAIN: Kerner, Peros

ABSENT: Kakaty, Zagorski, Holiat, Howard

Ms. Trobiano, made a motion to approve the May 15, 2019 minutes, seconded by Mr. Kerner.

**ROLL CALL:**

AYES: Trobiano, Kerner, Yale, Montana

NAYS:

ABSTAIN: Peros

ABSENT: Kakaty, Zagorski, Holiat, Howard

Ms. Trobiano, made a motion to approve the June 19, 2019 minutes, seconded by Mr. Kerner.

**ROLL CALL:**

AYES: Trobiano, Kerner, Peros, Yale, Montana

NAYS:

ABSTAIN:

ABSENT: Kakaty, Zagorski, Holiat, Howard

**MEMORIALIZING RESOLUTIONS:**

**ZBA 15-19**

**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.

**APPROVED**

Mr. Kerner made a motion, seconded by Ms. Trobiano, to approve the resolution.

**ROLL CALL:**

AYES: Trobiano, Kerner, Peros, Montana

NAYS:

ABSTAIN:

ABSENT: Kakaty, Zagorski, Holiat, Howard

**ZBA 16-19**

**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.

**APPROVED**

Ms. Peros made a motion, seconded by Mr. Kerner, to approve the resolution.

**ROLL CALL:**

AYES: Trobiano, Kerner, Peros, Montana

NAYS:

ABSTAIN:

ABSENT: Kakaty, Zagorski, Holiat, Howard

**ZBA 17-19**

**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.

**APPROVED**

Ms. Peros made a motion, seconded by Mr. Kerner, to approve the resolution.

**ROLL CALL:**

AYES: Trobiano, Kerner, Peros, Montana

NAYS:

ABSTAIN:

ABSENT: Kakaty, Zagorski, Holiat, Howard

At this point, Ms. Trobiano recused herself and stepped down from the dais.

**APPLICATION:**

**Block 1801 Lot 35  
76 West Saddle River Road  
Tami Trobiano**

The Applicant was represented by Renee Cardone, Esq. of Schepisi & McLaughlin, 473 Sylvan Ave., Englewood Cliffs, New Jersey 07632-2918. The attorney summarized the application.

Three expert witnesses were sworn in:

Mary Scro, Z+ Architect, 240 West Crescent Avenue, Suite D, Allendale, NJ 07401

Lisa Phillips, Professional Planner, 14 Rt. 4 West, River Edge, NJ

Joseph Mienecki, Jr., Civil and Professional Engineer, 9 Midvale Ave., Towaco, NJ 07082

Mr. Mienecki's May 23, 2019 site plan (revised June 7, 2019 and June 26, 2019) was marked into evidence as **A-1**. He explained the conditions of the property. The application consists of constructing additions/roof modifications to the existing dwelling which will require variances for front yard setback encroachments. The proposal also involves renovation of the back patio area.

Mary Scro testified that the applicant hired her to design an addition to the house and the goal was to keep the addition to a minimum. The proposal involves removing existing and replacing roof and adding 10 cubic ft. in the front yard setback area.

**A-2** marked into evidence: Z+ Architect LLC plans dated 8/13/18 revised 9/17/18 and 5/21/19.

Ms. Scro reviewed the plans and explained the proposed gabled roofing.

Ms. Phillips entered exhibits **A-3** (3 page photo exhibit) and **A-4** (aerial exhibit) into evidence. The planner reviewed the photographs.

Ms. Phillips pointed out that although a front yard setback is being sought, the addition is to the rear and the side. There will be no change to the streetscape. Positive criteria is a (c)(1) variance, whereas the current setback is 99'.

Negative criteria includes no change in streetscape and dwelling to south is far away from property.

Consistent with single family zone in Master Plan.

Experts were sworn in:

Scott Levy, Scott Alan Design, 15 Barry Place, Fair Lawn, NJ 07419

Martin K. Spence, PE PP, Borough Engineer, Spence Engineering, 86 E. Allendale Rd., Saddle River, NJ 07458

Mr. Spence reviewed his correspondence dated July 14, 2019.

Mr. Levy reviewed his correspondence dated June 18, 2019.

Chairman Montana opened the meeting to the public. No member of the public wished to be heard so the meeting was closed to the public.

Mr. Yale commented that he approves of the fact that lot and building coverages are within requirements, as are additions to the footprint.

Mr. Kerner asked if the building height of 19' would increase. Ms. Scro responded about 1'.

Chairman Montana polled the board and they responded favorably. Chairman Montana also stated his support of the application.

Mr. Rutherford said that if the board votes favorably on the application, he could prepare a resolution granting c(1)(b) and c(1)(c) relief. Approval conditioned on Mr. Spence's comments in his report: S1 and S2 and Mr. Levy's conditions 1-4.

Motion to **approve** application by Ms. Peros and seconded by Mr. Kerner.

#### **ROLL CALL**

AYES: Kerner, Peros, Yale, Montana

NAYES:

ABSTAIN:

ABSENT: Kakaty, Zagorski, Holiat, Howard

(Ms. Trobiano had earlier recused herself from this application.)

After the vote on the application, Ms. Trobiano returned to the dais.

Mr. Spence stated that he has a conflict with Block 1609, Lot 19, 3 Christopher Place (Maltzen) application and therefore recused himself from the hearing. David Hals replaced him as engineer for this application.

**APPLICATION:**

**Block 1609 Lot 19  
3 Christopher Place  
Konstantin Maltzen**

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

The Applicant was represented by Nicholas G. Sekas, Esq. of Sekas Law Group LLC, 530 Sylvan Avenue, Suite 201, Englewood Cliffs, New Jersey 07632. The attorney summarized the application.

Three expert witnesses were sworn in and accepted as professionals:

Bruce D. Rigg, Professional Engineer and Land Surveyor, 1000 Maple Ave., Glen Rock, NJ 07452  
Paul Baumann, Planner, 5 Norwood Terrace, North Caldwell, NJ  
Scott Bella, Architect, 65 Glen Rock Avenue, Glen Rock, NJ 07452

Mr. Rigg testified that he prepared a survey and also site plan for reconstruction of a new home. A unique feature is the "L" shape of the property. Seeking variance for sideyard setbacks. The existing home is non-conforming.

With respect to practical difficulties, other than the aforesaid irregular "L" shape, Mr. Rigg said the house is designed with side-entry garage and entry area. There is an enlarged open field area to be used for septic.

The landscape plan is currently being designed and subject to town approval.

Mr. Bella testified that he designed a one family dwelling approximating 6,500 sq. ft. He described the proposed design of the house. The slope is underneath the garage.

Paul Baumann testified that there is virtually no other solution to build the house than what is proposed. A 26' building is impractical for the lot and neighborhood.

Positive criteria – the proposal falls within the Master Plan. The current size of the house does not accommodate the needs of the 6 family member inhabitants. The proposed house would enhance the neighborhood and supports 55d2(i). The house would be designed in concert with the fire and safety codes in support of 55d2.b and 2.c.

Negative criteria – dense tree population. There will also be a landscape plan to be submitted.

Variance can be granted without any substantial detriment to the public.

In summary, the granting of the variance will not substantially impair the intent of the zoning ordinances, and no negative effects.

David Hals was sworn in. Mr. Hals is a professional engineer and land surveyor who represents 6 municipal land use boards. He is stepping in for Mr. Spence who recused himself from this application.

Mr. Hals reviewed his July 15, 2019 report. He added that the driveway is located in the 25' no disturbance buffer. The driveway is being removed and the area will be landscaped.

Scott Levy, Landscape Architects-Planner, for the board, reviewed his June 18, 2019 report. He stated no landscape plan was received.

There are 4-5 large evergreen trees that are going to be impacted when removing the driveway, so care should be given to them. He spoke of the impact on the critical root zone.

Mr. Sekas said that the applicant is willing to work with the landscape architect and the town to be a good neighbor.

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

Chairman Montana asked the board for their questions. Ms. Peros questioned the scope of the driveway and how it impacts the streetscape. Mr. Sekas said pavers could be installed around the driveway. Mr. Levy said if the evergreens could be saved, the impact on the additional width of the driveway will be minimal, but if they can't be saved, then Mr. Levy will work with the applicant as to the best way to resolve.

Mr. Kerner asked if there is a practical way to expand the house without requesting a variance? Mr. Sekas said that the house has 3 nonconforming variances in which 2 would be eliminated with the proposal.

Mr. Rutherford pointed out that extra frontage creates the variance, but the advantageous part is the installation of the septic system.

Chairman Montana polled the board. The board members and Chairman spoke of their support of the application.

Mr. Rutherford could draft a resolution for C(1)(A) based upon irregular shape of the property and Master Plan not impaired. Include compliance with conditions of Mr. Hals and Mr. Levy's reports. Landscape plans to be reviewed as part of soil moving application.

Motion to **approve** application by Ms. Trobiano and seconded by Mr. Yale.

**ROLL CALL**

AYES: Trobiano, Kerner, Yale, Peros, Montana

NAYES:

ABSTAIN:

ABSENT:

**OLD BUSINESS:**

Nothing to report.

**NEW BUSINESS:**

Ms. Trobiano wished to thank everyone for their approval and support of her application.

**OPEN TO THE PUBLIC:**

No member of the public wished to be heard.

**ADJOURNMENT:**

Chairman Montana adjourned the meeting.

Respectfully submitted,

Cindy Kirkpatrick  
Secretary to the Board of Adjustment