



**BOROUGH OF SADDLE RIVER
REGULAR SCHEDULED MEETING
ZONING BOARD OF ADJUSTMENT**

AGENDA

**January 17, 2024
7:00 PM**

REORGANIZATION MEETING

1. MEETING NOTICE

Chairman Montana: "This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of January 17, 2024 was included in a list of meetings notice sent to the Record-Herald News and Ridgewood News on January 4, 2024 and advertised in said newspapers on January 8, 2024 and January 12, 2024. Also posted on the bulletin board in the Municipal Building on January 4, 2024 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk."

Notification of fire exits.

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE

- **Tami Trobiano (Regular Member)**
- **Patty Nazzaro (Alternate #1)**

4. ROLL CALL

5. APPROVAL OF MINUTES

November 29, 2023

December 20, 2023

Minutes

6. RESOLUTIONS

01-24 Appointing Board Attorney - Doreen Winn, Esq.

02-24 Appointing Officers to ZBA

03-24 Appointing Board Engineer - Martin Spence

04-24 Appointing Landscape Architect - Scott Alan Levy Associates

05-24 Setting Forth Filing Fees for ZBA

06-24 Adopting 2024 By-Laws

07-24 Approving Form of Application for ZBA

08-24 Approving 2023 Annual Report

Resolutions

7. APPLICATION

(This matter continued from December meeting)

Brandon Broderick

59 Oak Road

B. 1702 L. 15

The application consists of construction of a temporary/seasonal tent structure over the existing basketball court.

8. ADJOURNMENT

PROFESSIONAL CONTRACT OF EMPLOYMENT BETWEEN
THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH
OF SADDLE RIVER AND DOREEN E. WINN ESQ. FOR THE
YEAR 2024

WHEREAS, the parties to this Agreement are the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF SADDLE RIVER (hereinafter referred to as the "Board") located at the Municipal Building, 100 E. Allendale Rd., Saddle River, New Jersey 07458, and Doreen Gonzalez doing business as DOREEN E. WINN, ESQ. (hereinafter referred to as "Winn") located at 39 W. Wildwood Road, Saddle River NJ 07458 and

WHEREAS, by resolution of the Board on January _____, 2024, Winn was appointed attorney for the Board; and

WHEREAS, the laws of the State of New Jersey require that contracts of employment between municipalities and subdivisions thereof and their attorneys be written; and

WHEREAS, for the consideration stated herein and other good and valuable consideration the Board and Winn agree as follows:

1. The Board hires Winn and Winn agrees to work for the Board and perform the services ordinarily and normally performed by an attorney for a Zoning Board of Adjustment in the State of New Jersey.
2. Winn shall perform such services in such a manner and at such times as shall be directed by the Board. Both parties to this contract agree to give due regard to the ethical standards as well as the statutory and common law requirements of the State of New Jersey governing services by an attorney to his or her client.
3. Winn shall be compensated for her services as follows:
 - a) Winn shall be paid a quarterly retainer in the sum of \$1,250.00 (for a total of \$5,000.00 per year), to be paid upon submission of a voucher. The retainer shall cover attendance at regularly-scheduled meetings of the Board, related telephone conferences and E-Mails with Board Members, the Board Secretary, the Board Engineer and Landscape Architect, and representatives of the Building Department, along with routine correspondence.
 - b) Winn shall be paid \$ 175 for attendance at each special meeting of the Board.
 - c) Winn shall be paid at the rate of \$125.00 per hour for the review of applications for development, appeals and requests for interpretation, and related materials; review or preparation of forms of legal notice; and the preparation of resolutions.
 - d) All other services shall be also billed at the hourly rate of \$ 125.00 per hour. These services shall include, but not necessarily be limited to, representation of the Board in litigation; appearances in the Superior Court of New Jersey, United States District Court for the District of New Jersey, United States

Court of Appeals for the Third Circuit, and other Courts, Boards or quasijudicial bodies; preparation and filing of pleadings and all services related to litigation; review and advice as to procedural forms and matters; review and advice with reference to possible changes in Borough ordinances; non-routine telephone and personal conferences with Board members, Borough officials, applicants and their representatives; preparation of memoranda and legal opinions as may be requested by the Board, services rendered with respect to non-routine applications, such as applications for use variances, or involving non-residential properties (including review of applications, plans and related materials, review of correspondence, consultations with applicants and their representatives), and the preparation of the annual report of the Board required by N.J.S.A. 40:55D-70.1. Winn shall also be reimbursed for all costs and expenses she may incur with respect to such matters.

4. Notwithstanding the date of the signing of this Contract, it shall be effective as of January 1, 2024 and shall expire on December 31, 2024 subject to earlier termination at the will of either party.
5. A Business Entity Disclosure Certification, required pursuant to N.J.S.A. 19:44A-10.8, is attached hereto and made a part hereof, the parties acknowledging that the awarding of this contract is based upon the statements contained therein.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement this _____ day of January, 2024

Attest:


ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF SADDLE RIVER

Cindy Kirkpatrick, Board Secretary

By _____
John Montana, Chairman

Witness

Cindy Kirkpatrick, Board Secretary



Doreen E. Winn, Esq.

December 29, 2023

Zoning Board of Adjustment
Borough of Saddle River
100 E. Allendale Road
Saddle River, NJ 07458

Re: Proposed Professional Services Zoning Board Engineer 2024 Borough of Saddle River

Dear Zoning Board,

Spence Engineering (SE) is pleased to submit for your consideration this proposal to provide continued Zoning Board engineering services for the calendar year 2024. This office has provided these same services to the Board in previous years. Spence Engineering provides support engineering services to the Board during the application process.

It is noted that most if not all engineering charges incurred are refunded as part of the Applicant's escrow account established to pay for professional services. This includes reviews and meetings.

Martin K. Spence, PE is a Professional Engineer licensed in the State of New Jersey as well as nine (9) other states in good standing. Offices are located at 86 E. Allendale Road, Saddle River, NJ.

Representative Scope of Services

- Meet and discuss with applicant's various issues during the Application process.
- Provide support services to the Board Clerk on preparation of agenda, completeness and Resolutions
- Provide Completeness Review of Application
- Provide detailed engineering reviews of applications including grading, drainage, site layout, lighting, site circulation
- Attend Board Meetings
- Provide support review during Resolution preparation including Conditions for Resolution.

The scope of services are consistent with the previous years. The above services are performed at a rate of \$137.50 an hour which is consistent with the Borough Engineer rate. No per meeting rate is charged, as all time is charged to an application from the established escrow.

If you have any questions regarding the above/attached, please contact me.

Very truly yours,



Martin K. Spence, PE

Accepted by: Zoning Board

Date:

86 E. Allendale Road, Saddle River NJ 07458 Phone: (201) 934-0300 Fax: (201) 934-0320
Visit us @ www.spenceengineer.com

Licensed in New Jersey, New York, Pennsylvania, Maryland, Georgia, North Carolina, South Carolina, Florida, Montana and Virginia

AGREEMENT FOR PROFESSIONAL SERVICES

ZONING BOARD LANDSCAPE ARCHITECTURAL CONSULTANT

THIS AGREEMENT, on this 1st day of January, 2024 between the ZONING BOARD OF THE BOROUGH OF SADDLE RIVER, with offices at the Borough Hall, 100 East Allendale Road, in the Borough of Saddle River, County of Bergen, and State of New Jersey (hereinafter referred to as "Board"), and Scott Alan Design, Inc., with offices located at 15 Barry Place, Fairlawn, NJ 07410 (hereinafter referred to as "Landscape Architectural Consultant"),

WITNESSETH:

WHEREAS, the Board desires to appoint a Landscape Architectural Consultant to serve the Board; and

WHEREAS, Scott Alan Design, Inc., has agreed to serve as the Board's Landscape Architectural Consultant; and

WHEREAS, N.J.S.A. 40:11-5 provides for the awarding of a professional service contract upon resolution without public bidding; and

WHEREAS, THE Board has decided to appoint Scott Alan Design, Inc. as the Board's Landscape Architectural Consultant; and

WHEREAS, the parties desire to set forth in writing their agreement with reference to the compensation and duties of the Landscape Architectural Consultant; and

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. Appointment. Scott Alan Design, Inc. shall serve as Landscape Architectural Consultant to the Board from January 1, 2024 to December 31, 2024 or until its successor is appointed and sworn, whichever is later.

2. Compensation. The Landscape Architectural Consultant shall receive compensation at the rate of \$100.00 per hour.

3. Services. The services provided by the Landscape Architectural Consultant shall include review of applications, attendance at Zoning Board meetings when requested by the Board, performance of special projects assigned by the Board, correspondence, telephone calls and office work performed by the Consultant. No matter involving services to the Board shall be undertaken by the Consultant unless referred by the Board, except under extraordinary or emergency situations. All such services shall be billed upon voucher forms supplied by the Board, and shall contain a list of services performed. Work performed by the Consultant which relates to particular applications for development shall be paid out of the particular developer's escrow.

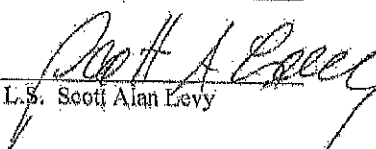
4. Restrictions. No provision contained herein shall be construed so as to restrict the practice of the Landscape Architectural Consultant as a private practitioner, except where such outside practice may be deemed in conflict with the representation of the Board as determined by the Attorney, New Jersey Supreme Court Advisory Committee on Professional Ethics, or the Courts of the State of New Jersey. Nevertheless, the Board shall have the right to choose a Landscape Architectural Consultant other than Scott Alan Design, Inc. to represent it in any particular matter at any time if they believe a conflict of interest exists. The Landscape Architectural Consultant shall not give any advice to applicants as to how to prepare or present their applications for subdivision and site plan, without the Board being advised of the advice so given.

5. Termination. Upon termination of the agreement, unless renewed, all documents belonging to the Board in the possession of the Landscape Architectural Consultant shall be forwarded to the successor Landscape Architectural Consultant, or returned to the appropriate party.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals the day and year first above-written.
ZONING BOARD OF THE BOROUGH OF SADDLE RIVER

Date
12/20/2023

Date

Chairman


L.S. Scott Alan Levy

4. Engineering, legal or expert fee deposits shall be made initially when the application is filed. Additional fee deposits may be required and shall be made after review of the application if it is determined that additional services are necessary.

	AYES	NAYS	ABSTAIN	ABSENT
Boyajian, Greg				
Feldsott, Irene				
Howard, Robert				
Jarmark, Michael				
Trobiano, Tami				
Yale, David				
Montana, John (Bud)				
Nazzaro, Patty Alt. 1				
Qadeer, Farah Alt. 2				

Date Passed: 1/17/24

 , Secretary

 , Chair

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION
 PASSED AT THE MEETING HELD on January 17, 2024.

 , Secretary

R# ZBA 06-24
Date: 01/17/24

SADDLE RIVER ZONING BOARD OF ADJUSTMENT
Resolution Offered by
Seconded by

RESOLUTION ADOPTING BY-LAWS FOR THE
SADDLE RIVER ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED, that the By-Laws for the year 2024 is approved in the form annexed hereto.

	AYES	NAYS	ABSTAIN	ABSENT
Boyajian, Greg				
Feldsott, Irene				
Howard, Robert				
Jarmark, Michael				
Trobiano, Tami				
Yale, David				
Montana, John (Bud)				
Nazzaro, Patty Alt. 1				
Qadeer, Farah Alt. 2				

Date Passed: 1/17/24

, Secretary

, Chair

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT
THE MEETING HELD on January 17, 2024.

, Secretary

2024

**BY-LAWS
OF
THE BOARD OF ADJUSTMENT OF THE
BOROUGH OF SADDLE RIVER**

ARTICLE I

Officers

Section 1. The officers of the Board of Adjustment shall consist of a Chairman, Vice Chairman and Recording Secretary.

Section 2. The Chairman shall preside at all meetings and hearings of the Board, decide all points of order or procedure, in consultation with the Board, and shall have the duties normally conferred by parliamentary usage on such officer in addition to any duties required by law, ordinance, these rules or the Board.

Section 3. The Chairman shall have the privilege of discussing all matters before the Board, making motions and voting thereon.

Section 4. In the absence or disqualification of the Chairman, the Vice Chairman shall assume all duties of the Chairman. In the absence or disqualification of both the Chairman and the Vice Chairman, the Board shall elect one of its members to chair the meeting.

Section 5. The Recording Secretary (who need not be a member of the Board) shall accept and process applications, keep the minutes and records of the Board, prepare the agenda of regular and special meetings in consultation with the Chairman, send out all notices required by law and these By-Laws, conduct, at the direction of the Board, all official correspondence of the Board and perform all other duties required by law, the Land Use Ordinance of the Borough of Saddle River (hereinafter "the Ordinance"), these By-Laws and by the Board.

ARTICLE II

Election of Officers

Section 1. Nominations of officers shall be made from among the members present at the annual organization meeting and the election shall follow immediately thereafter.

Section 2. A candidate receiving a majority vote of the members present at the annual organization meeting of the Board shall be declared elected and shall serve for one year or until his or her successor is elected.

Section 3. Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE III

Meetings

Section 1. Regular meetings of the Board will be held on the third Wednesday of each month, or such other date as may be established from time to time by resolution of the Board. Meetings shall begin at 7:00 PM, and end at 10:00 PM, unless other times are established by majority vote of the Board or decision of the Chairman. In most cases, a public hearing on an application will not start after 9:30 PM, subject to the Board, by majority vote of all members present, determining otherwise. The first regular meeting of the year shall constitute the annual organization meeting of the Board. Whenever there are no business matters to be considered at any regular meeting, other than the annual organization meeting, the Chairman may dispense with such meeting by notifying each member of the Board and each other person who may have been given notice of the meeting prior to the time set for the meeting; provided, however, that if at least two (2) other members of the Board shall request that such regular meeting be held, the Chairman shall not dispense with such meeting.

Section 2. A quorum shall consist of four members of the Board, or as otherwise provided by the Municipal Land Use Law of the State of New Jersey.

Section 3. Special meetings may be held upon the call of the Chairman and at such other times as the Board may determine by majority vote of all members present at the time, provided that at least two (2) days notice of the meeting is given each member. It shall be the duty of the Chairman to call such a special meeting when requested to do so in writing by a majority of all members of the Board. The notice of such meeting shall specify the purpose of such meeting and no other business may be considered thereat except by unanimous consent of the entire Board.

All special meetings of the Board shall comply with the notice provisions of the Municipal Land Use Law (N.J.S.A. 40:55d1, et. seq.) and the Open Public Meetings Act (N.J.S.A. 10:4-6, et. seq.).

Section 4. The order of business of all regular meetings of the Board shall be as follows:

- (a) Reading of the Open Public Meetings Act Notice;
- (b) Pledge of Allegiance;
- (c) Roll Call;
- (d) Approval of Minutes;
- (e) Consideration of Memorializing Resolutions;
- (f) Public Hearings;
- (g) Communications;
- (h) Old Business;
- (i) New Business;
- (j) Public comment as to matters not otherwise on the agenda;
- (k) Work Session (if necessary); and
- (l) Adjournment.

Section 5. The Recording Secretary shall keep minutes of the proceedings of each meeting of the Board, showing the vote of each member upon each question, or if absent, recused or otherwise failing to vote, indicating such fact. Copies of such minutes, when prepared and approved by the Board, shall be furnished to each member of the Board, the Board's Counsel, the Mayor and Council of the Borough of Saddle River, its Representative to the Board, the Zoning Enforcement Official and the Building Department. All meetings and hearings of the Board, including work sessions, shall be open to the general public, except for closed sessions held pursuant to N.J.S.A.10:4-12 of the Open Public Meetings Act.

Section 6. The agenda shall be established by the Board Secretary, in consultation with the Board Chairman and the Board Engineer. As a general rule, the Board Secretary shall not list more than three matters for public hearing, with the understanding, however, that when appropriate, more than three matters may be listed. The Board Chairman shall, at an appropriate time in the meeting, review the agenda for the purpose of apprising applicants who have not yet been heard, the likelihood of their matter being reached during the meeting.

ARTICLE IV

Procedure for Hearing Applications and Appeals

Section 1. Applications, including forty-sixth day following the date of its submission. No application shall be listed for public hearing unless and until it has been declared complete by the Board's Professional Engineer.

Each application deemed "complete" (as that term is used in the Municipal Land Use Law) shall be placed upon the calendar of the Board by the Recording Secretary to be set for a public hearing. Applications shall be assigned for hearing in the order in which they are filed, as they are declared complete, except that any

application may be advanced for hearing by the Board Chairman upon reasons affecting public safety or public welfare being shown.

After the application is deemed "complete", the Board's Professional Engineer shall submit a written report to the Board summarizing his/her analysis of the application, and containing any comments or recommendations the Board Engineer may have. The Borough Landscape Architect may also submit such a report. Copies of all such reports shall be sent to the applicant.

The Board shall also have the right to solicit reports from other Borough officials and agencies, and third party consultants, in its discretion.

Section 5. The applicant shall, at least ten (10) days prior to the time appointed for said public hearing, comply with the notice provisions of N.J.S.A. 40:55D-12, and shall, prior to the start of the public hearing, file affidavits of service and publication with the Recording Secretary.

Section 6. At the time of the public hearing, the applicant may appear on his or her own behalf or be represented by counsel or agent. All corporations, limited liability companies, partnerships and other legal entities (unless there is only one shareholder or member), and individual applicants who are not present at the time of the public hearing, shall be represented by an attorney licensed to do practice in New Jersey. The order of proceeding shall be as set forth on the Order for Hearing, attached to these By-Laws.

Section 7. The Board shall comply with the provisions of N.J.S.A. 40:55D-10(f) with respect to the recording of proceedings before the Board.

Section 8. Whenever the Board imposes any condition with respect to the granting of an application, such condition shall be set forth in the resolution stating the decision. The Board may also require that the resolution, or a memorandum of same, be

recorded in the Office of the Bergen County Clerk so that any condition imposed by the Board is a matter of public record, not for the purpose of creating a deed restriction, but for the purpose of ensuring that the applicant's successors in title are charged with knowledge of the conditions. All costs associated with such recording shall be borne by the applicant.

Section 9. All actions of the Board relating to applications requiring relief under N.J.S.A. 40:55D-70(d) shall have the concurrence of at least five (5) members of the Board. All other actions shall have the concurrence of a majority of a quorum. In general terms, voting shall be as established in the Municipal Land Use Law.

Section 10. The Board shall render its decision in accordance with the time periods in the Municipal Land Use Law.

Section 11. A copy of the resolution stating the action taken by the Board shall be forwarded by the Secretary to:

- (1) The applicant or the applicant's attorney;
- (2) The Zoning Enforcement Officer and the Construction Department;
- (3) The governing body of the Borough of Saddle River; (4) The Planning Board of the Borough of Saddle River; and
- (5) Any other interested municipal body.

Such action shall also be advertised at least once in an official newspaper having circulation in the Borough of Saddle River, as required by law.

Section 12. Variances granted by the Board shall expire in accordance with the provisions of Section 37-31 of the Saddle River Borough Code, as it may be amended from time to time, or its successor, and subject to the provisions of any applicable statute or regulation extending such approvals.

Section 13. The Chairman shall have the authority to review and grant/deny requests for adjournments.

Section 14. Requests for withdrawal or dismissal of an application shall be granted by the Board, upon such terms and conditions (if any) as the Board deems fair and just.

ARTICLE V

Fees

Section 1. The fee paid, and escrow posted, by the applicant at the time of filing the application shall be as fixed by the Mayor and Council by Ordinance.

ARTICLE VI

Consultants/Experts

Section 1. In connection with any application, the Board may retain such consultants/experts as it sees fit to aid the Board in its work. The costs of such consultants/experts shall be borne by the applicant.

ARTICLE VII

Records

Section 1. A file of all material and decisions relating to each case shall be kept by the Recording Secretary as part of the records of the Board.

Section 2. All records of the Board shall be maintained in the Municipal Building of the Borough of Saddle River. The Recording Secretary shall maintain such records as are required by law.

ARTICLE VIII

Amendments

The Board may, from time to time, amend any part or parts of these By-Laws by a majority vote of a quorum of the Board so long as such amendments are in accordance with the laws of the State of New Jersey, including the Municipal Land Use Law, and the ordinances of the Borough of Saddle River. It is anticipated that the Board will adopt By-Laws at each annual re-organization meeting.

ARTICLE IX

Attendance

Each Board member must maintain a good meeting attendance record. Board members are subject to removal pursuant to N.J.S.A. 40A:9-12.1(g).

Article X

Consistency with Municipal Land Use Law

It is the Board's intent that these By-Laws be consistent with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et. seq., and any other applicable statute or regulation. Therefore, in the event of any conflict or inconsistency, the provisions of the Municipal Land Use Law, and those statutes or regulations, shall control.

Adopted on January 17, 2024

John Montana, Chairman

R# ZBA 07-24
Date: 01/17/24

SADDLE RIVER ZONING BOARD OF ADJUSTMENT
Resolution Offered by
Seconded by

RESOLUTION APPROVING FORM OF APPLICATION FOR THE
SADDLE RIVER ZONING BOARD OF ADJUSTMENT

WHEREAS, the Board of Adjustment Engineer along with the Board Secretary have reviewed the 2024 application of the Zoning Board; and

WHEREAS, it was determined that the current Application is acceptable to be used for 2024.

NOW, THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Saddle River that effective immediately, the attached Application will be used for Board of Adjustment.

	AYES	NAYS	ABSTAIN	ABSENT
Boyajian, Greg				
Feldsott, Irene				
Howard, Robert				
Jarmark, Michael				
Trobiano, Tami				
Yale, David				
Montana, John (Bud)				
Nazzaro, Patty Alt. 1				
Oadeer, Farah Alt. 2				

Date Passed: 1/17/24

, Secretary

, Chair

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD on January 17, 2024.

, Secretary

BOROUGH OF SADDLE RIVER
ZONING BOARD OF ADJUSTMENT CHECKLIST FORM FOR SUBMITTAL
(THIS FORM MUST BE FILED WITH APPLICATION)

AN APPLICATION MUST BE SUBMITTED TO THE SECRETARY OF THE ZONING BOARD FOR REVIEW BY THE BOROUGH ENGINEER PRIOR TO IT BEING DEEMED COMPLETE AND SCHEDULED FOR A ZONING BOARD HEARING. THE FOLLOWING IS A COMPLETE APPLICATION.

- APPLICATION FEE (\$150 for bulk variance; \$250 for use variance)
- ESCROW \$1,800

(ALL FEES AND ESCROWS MADE PAYBLE TO BOROUGH OF SADDLE RIVER)

THREE (3) COPIES OF THE FOLLOWING:

- ZONING DENIAL FORM FROM ZONING OFFICER WITH DETAIL OF ZONING NON-COMPLIANCE AND VARIANCE REQUESTED.
- ZONING BOARD OF ADJUSTMENT APPLICATION
- ARCHITECTURAL DRAWINGS IN SUFFICIENT DETAIL FOR BOARD REVIEW OF PROPOSED APPLICATION. ARCHITECTURAL DRAWINGS SHALL BE CONSISTENT WITH ENGINEERING SITE PLAN. **ARCHITECTURALS SHALL PROVIDE THE FOLLOWING AS A MINIMUM:**
 - FLOOR PLANS
 - ELEVATIONS
 - ENGINEERING SITE PLAN WITH SUFFICIENT DETAIL INCLUDING THE FOLLOWING:
 - PROPOSED SCOPE OF WORK INCLUDING EXISTING AND PROPOSED. SHOW EXISTING DWELLING, ADDITIONS, REMOVALS, DECKS, WALKS, DRIVEWAY AND ALL IMPROVEMENTS TO THE PROPERTY TO SUPPORT REQUEST/APPLICATION.
 - ZONING TABLE SHOWING BUILDING AND LOT COVERAGES (PRE AND POST CONSTRUCTION). PROVIDE A DETAILED BREAKDOWN OF COVERAGES.
 - MAP REFERENCES AND EASEMENTS
 - METES AND BOUNDS OF ALL PROPERTY LINES AND WIDTH OF ROW
 - KEY MAP WITH ADJACENT PROPERTIES WITHIN 200'
 - DATUM AND NORTH ARROW
 - FIRST FLOOR, GARAGE FLOOR AND BASEMENT FLOOR AS APPLICABLE
 - DRIVEWAY LOCATION
 - PERTINENT UTILITIES TO BE SHOWN INCLUDING ELECTRIC AND GAS
 - SEPTIC SYSTEM AND LOCATION OF WELL
 - DRAINAGE DESIGN INCLUDING ON-SITE RETENTION FOR ALL NEW IMPERVIOUS AREAS (BASED ON THE 100 YEAR FREQUENCY STORM). NOTE DRAINAGE DESIGN MAY BE MADE PART OF THE BUILDING DEPARTMENT SUBMITTAL IF WAIVER BY APPLICANT IS REQUESTED AND APPROVED BY BOARD.
 - EXISTING AND PROPOSED TOPOGRAPHY AS APPLICABLE.
 - LANDSCAPING AS APPLICABLE TO MITIGATE ANY VARIANCE REQUEST. SEPARATE LANDSCAPE PLAN WILL BE REQUIRED WHERE MORE THAN 4 TREES ARE REMOVED AS PART OF APPLICATION.

APPLICANT NAME PRINT	SIGNATURE	DATE
ADDRESS	BLOCK	LOT
		PROPERTY

<p>*Email address (required)</p>	<p>BOROUGH USE</p> <table border="0" style="width: 100%;"> <tr> <td>APPLICATION FILED DATE</td> <td>_____</td> <td>RECEIVED BY</td> <td>_____</td> </tr> <tr> <td>APPLICATION FEE RECEIVED</td> <td>_____</td> <td></td> <td>_____</td> </tr> <tr> <td>ESCROW RECEIVED</td> <td>_____</td> <td></td> <td>_____</td> </tr> <tr> <td>APPLICATION DEEMED COMPLETE DATE</td> <td>_____</td> <td></td> <td>_____</td> </tr> </table>	APPLICATION FILED DATE	_____	RECEIVED BY	_____	APPLICATION FEE RECEIVED	_____		_____	ESCROW RECEIVED	_____		_____	APPLICATION DEEMED COMPLETE DATE	_____		_____
APPLICATION FILED DATE	_____	RECEIVED BY	_____														
APPLICATION FEE RECEIVED	_____		_____														
ESCROW RECEIVED	_____		_____														
APPLICATION DEEMED COMPLETE DATE	_____		_____														

**PROCEDURE IN APPEALING TO THE
BOARD OF ADJUSTMENT OF THE
BOROUGH OF SADDLE RIVER, NEW JERSEY**

REQUEST FOR VARIANCE

1. Make application in writing to the Zoning Officer for the use or construction desired.
2. If not permissible under the Zoning Ordinance, the Zoning Officer will issue a written disapproval of the application. (Denial, Refusal of Permit)
- 3A. Upon issuance of the denial of the application by the Zoning Officer, applicant shall obtain a list of all neighboring property owners within 200 feet of the entire property in question, including the owners of all property outside the Borough. **Whenever a governmental agency is the owner of property within 200 feet, you must serve that agency.**

In connection with the neighboring property located in the Borough of Saddle River, the Tax Collector may, at his or her discretion, and without assuming any liability, render such assistance as may be needed. The charge for a 200' list is \$10.00.

In connection with neighboring properties outside of the Borough of Saddle River, applicant is advised to consult with the Tax Collector, or the duly designated agent in the adjacent municipality, to obtain the names of property owners within 200 feet of the property in question. The said list should contain the lot and block numbers of all such neighboring properties within 200 feet of the property for which the variance is sought.

- 3B. For the completeness review (prior to deeming the application complete and all submittal of full fifteen (15) sets of plans and application, applicant shall submit (3) complete sets for the completeness review (including subsequent submittals) until application is deemed complete.
- 4A. When the application is deemed complete, applicant shall submit fifteen (15) completed copies of Form #1, Notice of Appeal, to be filed with the Board of Adjustment Secretary. At the time of filing, applicant shall pay a fee and post escrow with a certified check, cash or check. Notarization where called for on the Notice of Appeal shall be completed prior to the time of filing.

Along with the **Notice of Appeal (Form #1)**, applicant shall also file fifteen (15) copies of a survey plan of the premises in question, certified by a licensed professional engineer or civil engineer or surveyor of New Jersey, showing all buildings located thereon, all lot dimensions and setbacks from the front, rear and side lines of the property and percentage of total lot coverage. **ALSO INCLUDE ELEVATIONS.** If there have been any changes in the survey since the date of the original survey, applicant shall furnish an explanation of said changes. Applicant shall also file fifteen (15) copies of the Building Inspector's written denial of the use or construction desired.

*******ALL SUBMITTED PLANS AND PAPERWORK MUST BE COLLATED*******

- 4B. Applications may also be heard: (1) to review any alleged error, in any order, requirement, decision or refusal made by any administrative officer of the Borough of Saddle River based on or made in the enforcement of the zoning ordinance; (2) to hear and decide requests for interpretation of the zoning map or ordinance or other special questions related to the zoning ordinance or zoning map; and (3) for certificates of prior nonconformity pursuant to N.J.S.A. 40:55D-68.

Notice is required for all Board of Adjustment applications. The applicant shall submit 15 copies of an application setting forth the special question, appeal or interpretation raised detailing the ordinance, map or other regulation in question and including all matters relevant to such determination: i.e., zoning ordinance section, prior ordinance, if applicable, surveys, site plans or maps that will clearly illustrate the problem raised. Where a prior legal nonconforming use, or structure is alleged, the applicant shall have the burden of proving the prior legal nonconformity.

5. Serve one (1) copy of the **Notice of Hearing** (Form #5) upon each property owner within 200 feet of the property in question. Service shall be made:
 - (a) By sending a copy of the notice by **certified, return receipt requested mail** to the last known address of the owners as shown by the most recent tax lists; or
 - (b) By serving on the property owners as shown on the said current tax duplicate or his agent in charge of the property.

6. If the property in question is within 200 feet of an **adjacent municipality**, a copy of **Notice of Hearing** (Form #5) must be sent by registered or certified mail to:
 - (a) **The Clerk of each such adjacent municipality; and**
 - (b) To the Bergen County Planning Board.

7. All Notices must be served no later than ten (10) days before the date of the hearing. The applicant shall file an affidavit of service with the Board Secretary no later than ten (10) days before the hearing. The affidavit shall state the names, addresses and tax lot and block number for each property owner served and the address at which any required serving was made upon the Clerk of adjoining municipalities or the County Planning Board.

Form #3 is suggested as a form of such affidavit of service. At the time of the filing of the appeal, Forms #1, #2, #3 and #5 must likewise be filed with the Board Secretary. All documents must be collated.

8. The Board regularly meets on the third (3rd) Wednesday of each month and hearings convene at **7:00 p.m.** unless a different time shall be fixed by the Board.** Work Sessions are held immediately following the Regular Meeting; and are open to the public.

This information is furnished to applicants so that they may be able to guide themselves in connections with the time limits for service of the Notices as set forth in these instructions; namely, not less than (10) days prior to the meeting scheduled for that month.

ABSOLUTE REQUIREMENT: Proof of Taxes (Form #4) must be **certified** by the Tax Collector and included with this application.

Should you have any questions concerning the application, you may contact the Board Secretary, Cindy Kirkpatrick at 201-327-2609 Ext 226 or ckirkpatrick@saddleriver.org during regular business hours.

FORM #1

**NOTICE OF APPEAL
SADDLE RIVER BOARD OF ADJUSTMENT**

Appeal is hereby made from the decision of the Zoning Office _____ alleged to be in violation of Section _____ of the Zoning Ordinance to:

- () Erect: _____
- () Alter : _____
- () Extend: _____
- () Change use of: _____
- () Interpret: _____
- () Other: _____

in accordance with plans filed herewith.

DESCRIPTION OF:

Proposed _____

Existing Building _____

Premises known as Block _____ Lot _____ Zone District _____

Street Address: _____ Telephone No. _____

Applicant: _____ Address: _____

Owner: _____ Address: _____

Primary Email Address

Alternate Email Address

Size of lot _____ Corner or Interior _____

On how many streets does lot have frontage? _____

Size of Building _____ feet width _____ feet depth
(at street level)

Height of Building _____ stories, _____ feet

Set back from front property line _____ feet. From side line if corner lot

_____. Other details not provided for in foregoing _____

Has there been any previous appeal involving these premises _____. If

so state (a) Date filed _____ (b) Character of Appeal _____

_____ (c) Disposition _____

The grounds of appeal, interpretation or variation desired and reasons for same
as follows:

Applicant shall attach hereto survey, Plot Plan, computations and elevations,
together with all other exhibits to be considered by the Board, and shall state
specifically if there are any changes in any of these documents made after they
were prepared, setting forth said changes as follows: _____

I hereby depose and say that all the above statements and statements made in any
papers submitted herewith are true.

Sworn to before me this _____
day of _____

Notary Public

Applicant's Signature _____
Address _____
Email Address _____

Form #2 Complete one of the below as applicable

AFFIDAVIT OF OWNERSHIP

State of New Jersey
County of Bergen

_____, of full age, being duly sworn according to law,
on his oath deposes and says that he owns _____
in the County of _____ and State of _____, that
he/she is the owner in fee of all that certain lot, piece or parcel of land
situated, lying and being in the Borough of Saddle River aforesaid, and known and
designated as Block _____, Lot _____ and that the statements contained in this application
are true

Owner Signature

Sworn to before me this _____ day of _____

Notary Public

AFFIDAVIT OF AUTHORIZATION

State of New Jersey
County of Bergen

_____, of full age, being duly sworn according to law,
on his oath deposes and says that he/she owns _____
in the County of _____ and State of _____, that
he/she is the owner in fee of all that certain lot, piece or parcel of land
situated, lying and being in the Borough of Saddle River aforesaid, and known and
designated as Block _____, Lot _____ and that he/she
authorizes _____ to make the within application to the Board on his/her
behalf and that the statements contained in said application are true.

Owner Signature

Sworn to before me this _____ day of _____

Notary Public

Saddle River Zoning Board of Adjustment Application January 2023 (amended 05/23)

FORM #3

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY

COUNTY OF BERGEN

_____, of full age,

being duly sworn according to law, deposes and says:

That he/she owns _____ in the
Borough of Saddle River, in the County of Bergen and State of New Jersey.

That he/she served copies of appeal to the Saddle River Board of Adjustment
upon the persons whose names appear on the list annexed hereto and made a part
hereof, which service was made at the times indicated on said list and in the
manner indicated on said list.

Affiant also served copies of Notice of Hearing by certified mail, return
receipt requested, upon the property owners shown on said list as appears from
return receipts annexed to said list.

The notice served upon the property owners was set forth in Form #2 of the
Board of Adjustment of the Borough of Saddle River.

Sworn to before me, this _____

day of _____

Notary Public

Signature

FORM #4

PROOF OF CURRENT TAXES

MEMORANDUM

DATE: _____

RE: BLOCK _____ LOT _____

Property Owner: _____

Location: _____

Property taxes on the above property have been paid through _____

Linda Canavan, CTC
Tax Collector

*****SAMPLE*****

NOTICE OF HEARING

Pursuant to the provisions of the Municipal Code of the Borough of Saddle River and provisions of N.J.S.A 40:55d-12, notice is hereby given that (name of applicant), owner(if not owner, describe the applicant’s interest in the property, such as tenant or contract-purchaser) of the property commonly known as (street address), Saddle River, New Jersey 07458, also known as Lot (lot number)in Block (block number)on the tax assessment map of the Borough of Saddle River, has filed an application with the Zoning Board of Adjustment of the Borough of Saddle River seeking a variance from the provisions of the Zoning Ordinance of the Borough of Saddle River which regulate (nature of all relief requested, such as “side-yard setback” or “lot coverage” or “disturbance in non-disturbance zone”) in the (zone in which the property is located)Z The applicant wishes to (insert a description of the work proposed or work already completed for which approval is sought and the nature of all variances sought, such as “construct an addition to an existing single-family home with a side-yard setback of 22 feet where 40 feet is required” or “building coverage of *% where only *% is permitted” or “permit the construction of a driveway which will encroach in the non-disturbance zone”)

In addition to the foregoing, the applicant will also seek any and all other variances, waivers, deviations or exceptions the Board deems to be required.

A copy of the application and related documents are on file in the Office of the Secretary to the Board, Saddle River Municipal Building, 100 East Allendale Road, Saddle River, NJ 07458, and may be inspected by members of the public, weekdays, during regular business hours between 9:00am and 3:00pm.

A public hearing with respect to this application has been scheduled for Wednesday, (date of public hearing)*, at 7:00PM, at the Saddle River Municipal Building, 100 East Allendale Road, Saddle River, NJ 07458, or as soon thereafter as the matter can be heard. All interested parties are invited to appear and be heard at that time.

Name of Applicant
Address of Applicant

INFORMATION FOR APPLICANTS

The above notice must be completed and served upon all persons and entities appearing on the list provided by the Tax Assessor, and published in The Record on one occasion, at least 10 days prior to the public hearing. If you have questions concerning the completion of this form, or the manner in which service and publication is to be accomplished, please contact the Board Secretary or the Board Attorney, Doreen Winn, Esq., at:

Doreen E. Winn, Esq.
39 W. Wildwood Road
Saddle River, NJ 07458
201-327-2131 phone
201-236-3821 fax
doreenwinnlaw@gmail.com

100 E. Allendale Rd., Saddle River, NJ 07458
(201) 327-2609 Ext. 228
(201) 327-0168 FAX

APPLICATION FOR 200 FT. LIST

FEE: \$10.00

DATE: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

APPLICANT'S TELEPHONE: _____

APPLICANT'S FAX NO: _____

BLOCK: _____ LOT: _____

SUBJECT'S NAME: _____

SUBJECT'S PROPERTY ADDRESS: _____

REASON FOR APPLICATION: _____

ZONING BOARD OF ADJUSTMENT-BOROUGH OF SADDLE RIVER
ANNUAL REPORT 2023

This Annual Report covers the Board’s actions from January 1, 2023 through December 31, 2023. During this time period, the Saddle River Zoning Board of Adjustment held eleven (11) regular meetings.

There were a total of eleven (11) completed applications. One application has been carried into 2024. Decisions were rendered on the remaining ten (10) applications. Nine (9) applications were approved and one (1) was denied (request for shed under C-2, item #5 below) Nine (9) applications were in the R-1 zone. One (1) application was in the CO zone. (#1, the only use variance and site plan application)

Variations Requested were as follows: All were granted except for rear yard setback of application #5

- Front yard setback (# 1, 2, 3 and 7)
- Side yard setback (#1, 2, 4 and 6)
- Rear yard setback (#5, 8 and 9)
- Front dwelling setback (#3 and 9)
- Encroachment into non-disturbance zone (#9 and 4)
- Number of accessory structures (#9)
- 2nd story in accessory dwelling (#10)
- Lot coverage (#1 and 2)
- Building lot coverage (#1)

Approval under C-1 Standard
Application numbers 1,3, 6,7,8,9

Approval under C-2 Standard
Application numbers 1 2,4, 9 and 10

Of the ten approved applications, five were pre-existing non-conformities thus basically any action prompted the necessity of a variance application (#2, 4, 7, 9, 10)

-
- | | | |
|----|--------------------|---|
| 1. | Name of Applicant: | Cimi Properties LLC |
| | Property Address: | 70 E. Allendale Road, Block 1607 Lot 2 |
| | Zone: | CO |
| | Relief Sought: | Use Variance, Site Plan Approval and variances for front yard setback and side yard setback (both existing non- |

conformities), building coverage and improved lot coverage.

Date of Public Hearing: December 23, 2022
Action Taken: APPROVED under C-1 and C-2 standards
Date of Resolution: January 18, 2023.
Resolution #: 09-23

Comments: The site is located in a historic district. The applicant has received a certificate of appropriateness from the Landmarks condition to use the site as a health and wellness center. While the zoning code does not specifically permit doctor, dentist or other health care professionals, this zone does permit business and professional offices. Because medical use is not specifically delineated in the borough code, the applicant sought a use variance. The Master Plan states that the purpose of the CO designation is to permit and encourage professional and business office use in a manner that is compatible with the historic character and scale of the existing building environment. The applicant is not only restoring the building which is in disrepair but will make it complement the other buildings in the area and meet the purpose of the master plan in the restoration of historic buildings. There are no negative impacts and the proposal will result in a reduction of impervious area and no increase in stormwater runoff, the site will be improved with new well and septic, upgrading parking and landscaping.

2. Name of Applicant: James Paul Barabas
Property Address: 139 West Saddle River Road Block 1606 Lot 21
Zone: R-1
Relief Sought: Variance from existing non-confirming Front, side and lot coverage for enclosure of existing screened porch
Date of Public Hearing: February 15, 2023
Action Taken: APPROVED under C-2 standard
Date of Resolution: March 15, 2023
Resolution #: 10-23
Comments: This was an existing screened porch in a historic district that was in poor condition. The applicant merely switched out the screen for glass without expanding any of the foundation representing an improvement and conservation of a historic site. There was no exacerbation of the pre-existing non-conformity. The board did note an area of the driveway had been covered with stone and included an approval of that slight de

minimum increase in coverage in the resolution. All work to also comply with the Landmarks Commission resolution.

3. Name of Applicant: JD Saddle River LLC
Property Address: 6 Bayberry Drive Block 1402. Lot 36
Zone: R-1
Relief Sought: variance for front yard setback and principal dwelling setback
Date of Public Hearing: March 15, 2023, April 19, 2023
Action Taken: APPROVED under C-1 Standard
Date of Resolution: May 17, 2023
Resolution #: 11-23

Comments: Applicant proposed construction of a poolhouse/storage/ pergola structure adjacent to an existing pool. The existing pool currently encroaches into rear and side yards. The accessory structure would need to be 132.7 feet from the centerline of the roadway to comply with the 25 feet setback from the principal dwelling, the proposal is 77.81 feet. The principal dwelling is currently 107.7 feet from the centerline. This is a very unusually shaped lot bisected by the Wandell brook with the dwelling on one side and the pool and proposed structure on the other side.

4. Name of Applicant: Dana Koenig, beneficiary of the Dana Koenig Trust of 1986 with authorization from Gail S. Habernickel, trustee
Property Address: 29 Mohegan Trail Block 1606 Lot 8
Zone: R-1
Relief Sought: Variance for encroachment of chicken coop into side yard setback and non disturbance zone
Date of Public Hearing: April 19, 2023
Action Taken: APPROVED under C-2 standard
Date of Resolution: May 17, 2023
Resolution #: 12-23

Comments: Pre -existing chicken coop and best location for what is a permitted use in terms of safety and aesthetics.

5. Name of Applicant: Jordan Wright
Property Address: 64 Oak Road Block 1701 Lot 13
Zone: R-1
Relief Sought: Variance for existing shed encroaching into rear yard setback
Date of Public Hearing: May 17, 2023
Action Taken: DENIED
Date of Resolution: June 21, 2023
Resolution # 13-23

Comments: Applicant argued for approval based on a C-2 standard. The Board found there was sufficient space and locations where the shed could be located that would not require any variances.

6. Name of Applicant: Renato Carfagno and Fay Chen
Property Address: 80 W. Saddle River Road. Block 1801 Lot 36
Zone: R-1
Relief Sought: Side-yard setback variance for pool and patio
Date of Public Hearing: July 19, 2023
Action Taken: APPROVED under C-1 standard.
Date of Resolution: September 20, 2023
Resolution # 14-23

Comments: The property is mostly within a Flood Hazard Area, bounded by the Saddle River and contains a large man-made pond. Because of the property constraints there is no practical area to locate the pool and patio (common accessory structures in the Borough and the proposal commensurate with the neighborhood. Retention of the farm pond and proposed landscaping provide benefits to the community.

7. Name of Applicant: James T. Virgona and Maryann Virgona
Property Address: 32 Woodfield Lane
Zone: R-1
Relief Sought: Variance for roof dormer, rear addition and roof skirting from requirement to be 125' from centerline of roadway
Date of Public Hearing: September 20, 2023
Action Taken: Approval under C-1 standard

Date of Resolution: October 18, 2023
Resolution # 15-23

Comments: This is a corner and undersized lot. The variances are related to the pre-existing non-conformity of the dwelling on the lot. All improvements were already in the front yard setback. Footprint and height of the building remain the same.

8. Name of Applicant: Gregory Daniel
Property Address: 1 Elden Drive
Zone: R-1
Relief Sought: Variance for rear yard setback for kitchen addition and patio addition
Date of Public Hearing: September 20, 2023 and October 18, 2023
Action Taken: Approval as amended during the hearing under C-1
Date of Resolution: November 29, 2023
Resolution # 16-23

Comments: This is a corner lot with the dwelling situated on the rear yard setback line. Variances during the hearings were reduced from request for three structures to two structures; hardship due to existing situation, topography, restriction of building space due to corner lot and provided buffers and landscaping.

9. Name of Applicant: Angelo Mariani and Krystyna Gabka
Property Address: 16 Arrowhead Lane
Zone: R-1
Relief Sought: Variance for 6 accessory structures when maximum of 3 is permitted; some pre-existing non-conformities as to rear yard of existing dwelling, structures in front yard of dwelling and existing hardscape encroachment into non-disturbance zone.
Date of Public Hearing: October 18, 2023
Action Taken: Approval as amended during the hearing under C-1 and 2
Date of Resolution: November 29, 2023
Resolution # 17-23

Comments: This home had eleven existing accessory structures and the applicant requested that nine be permitted to remain. After all testimony and discussion the Board found under C-2 that 6 of the sheds could remain based on their size, location on the property, aesthetics and the removal of some of the existing non-conformities. The board also find that some of the pre-existing non-conformities could remain under a C-1 standard.

10. Name of Applicant: 116 East Saddle River Road A LLC
Property Address: 116 East Saddle River Road
Zone: R-1
Relief Sought: Variance for 2nd story in accessory building
Date of Public Hearing: November 29, 2023
Action Taken: Approved under C-2 Standard
Date of Resolution: December 20, 2023
Resolution #: 18-23

Comments: This variance was requested because the zoning officer found that expanding the dormers on the second floor resulted in a “2nd story” and accessory buildings are only permitted to be one story. The accessory building was in existence prior to the restrictions on accessory buildings in terms of size and number of stories. In fact, the building already had a second story but increasing the dormer size on the inside resulted in an increase in volume which the zoning officer interpreted as the creation of a 2nd story. The Board found there really was already a 2nd story in existence prior to the adoption of the restrictions, the changes would not result in any change of footprint or height of the structure and the application included a removal of an existing encroachment into a non-disturbance zone.

Recommendations: