

**ZONING BOARD OF ADJUSTMENT MINUTES**  
**REGULAR MEETING**  
June 16, 2016

Robert Fortsch opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law Statement:

This is a Regular Meeting of the Zoning Board of Adjustment. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers & notice is posted at River Vale Municipal Offices.

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<b><u>ROLL CALL:</u></b>	Robert Fortsch -Chairman	Present
	Thomas Pospisil- Vice Chairman	Absent
	John Puccio	Present
	Susan Vaccaro	Present
	Charles Tomczyk	Present
	Kevin Martin	Present
	Craig Plescia	Present
	Brian Giblin	Board Attorney Present
	Elliott Sachs	Board Engineer Absent
	Joanne Allgor	Land Use Admin Present

**SALUTE TO THE FLAG**

**APPLICATION**

Scott – 702 Westwood Avenue – Block 1801 Lot 25 – six foot fence

Leonard Scott was sworn in by Brian Giblin, Board Attorney. His property is a corner lot located on Westwood Avenue and Peters Place. His application for a fence was denied by the Zoning Officer. Mr. Scott explained his application to install a six foot fence for family safety and privacy. He has a swimming pool. The pool has a four foot fence around it.

Kevin Martin commented that he understands why the applicant is requesting a six foot fence but he has an issue with placing the fence on the property line sidewalk. He prefers if the location of the fence is brought back into the applicant's property by six or eight feet. He referred to a photograph and other applications that were approved for a fence in the area. Robert Fortsch suggested plantings for privacy rather than a fence. Mr. Scott stated that he would rather have a fence. He commented on other fences in the neighborhood. Chairman Fortsch stated that the Police Department prefers a four foot fence.

Kevin Martin commented that the area, Westwood Avenue and Peters Place is not a heavy traffic area.

Brian Giblin marked the photograph that Kevin Martin referred to as Exhibit A-1 depicting a neighbor's white fence.

John Puccio commented that he would like to see each application considered independently on a case

by case basis to justify the need for a variance. The photograph marked as Exhibit A-1 has a significant amount of chain link fence.

Charles Tomczyk agreed that the fence should be setback 6 / 8 feet from the sidewalk. Craig Plescia agreed stating that mulch can be placed between the sidewalk and the fence at 6 ft. back. A lattice top fence is nice.

Mr. Scott stated that other neighbor's have a fence placed on the property line. He added that traffic has increased in both directions especially during the recent construction project. It was determined that Mr. Scott's property was almost one-half acre (102 x 175).

Mr. Scott proposed a solid wood fence not board on board. Chairman Fortsch felt that he could privatize the pool area with plantings. He did not agree that rebuilding the fence would be an improvement.

John Puccio recommended to determine how many feet in from the sidewalk the fence should be placed and do not allow a 6 ft. fence to run throughout as proposed. The front should be 4 ft and then 6 ft. for the remaining area not 6 ft. throughout. Kevin Martin responded that the fence should be setback from the sidewalk 6 ft. consistent with what the Board has done in the past.

Chairman Fortsch opened the meeting to the public.

No public comment.

The meeting was closed to the public.

A motion was made by Kevin Martin to move the fence 6 ft. back from post at 12.47 mark towards the west; 6 ft. high, no higher, dog eared is okay; consistent with three houses in the immediate area; second by Charles Tomczyk; on roll call vote, Robert Fortsch, Susan Vaccaro, Charles Tomczyk, Kevin Martin, Craig Plescia voted yes; John Puccio voted no; the motion carried.

## MINUTES

May 19, 2016

A motion by Robert Fortsch, seconded by Charles Tomczyk to approve the minutes of May 19, 2016; on voice vote all those eligible voted yes; the motion carried.

## PAYMENT OF INVOICES

A motion by Robert Fortsch, seconded by John Puccio to approve invoices as read for the record by Secretary Susan Vaccaro, on voice vote all in favor, the motion carried.

## DISCUSSION

### Solar Power

Chairman Fortsch attended a symposium on May 7<sup>th</sup> whereas Solar panels and windmills were discussed. There was concern expressed.

Referring to the Wagner case, it was recommended that Board Attorney Brian Giblin define what “grade” is as opposed to fill.

Brian Giblin included a response in his report but suggested it be reviewed by the Mayor and Council and a more comprehensive decision made. Based on his review of ordinances from other towns he felt the decision should apply to every structure. Kevin Martin suggested putting Brian Giblin’s findings in a letter to the Mayor and Council

Robert Fortsch commented that every Board member should read the Master Plan as noted at the symposium.

**ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary