

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING - REORGANIZATION

January 15, 2009

Kevin Martin opened the meeting at 7:55 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.

<u>ROLL CALL:</u>	Kevin Martin	Chairman	Present
	David Rice		Present
	Thomas Pospisil		Present
	Robert Adamo		Present
	Joseph Massin	Alternate # 2	Present
	Robert Fortsch	Alternate # 1	Present
	John Donovan		Present

<u>ALSO PRESENT:</u>	Brian Giblin	Board Attorney	Present
	Elliott Sachs	Board Engineer	Present

Chairman Kevin Martin advised that Melvina Fakazis and Lorraine de Stefan would no longer serve on the Board. Robert Adamo arrived at 8:10 p.m. John Donovan arrived 8:06 p.m.

REORGANIZATION:

Chairman – 2009

A motion by David Rice to nominate Kevin Martin as Chairman for the year 2009; there were no other nominations; seconded by Joseph Massin, on roll call vote, David Rice, Robert Fortsch, Joseph Massin and Thomas Pospisil voted yes; the motion carried.

Vice-Chairman – 2009

A motion by David Rice to nominate Thomas Pospisil as Vice-Chairman for the year 2009; there were no other nominations; seconded by Robert Fortsch: on roll call vote, David Rice, Robert Fortsch, Kevin Martin and Thomas Pospisil voted yes; the motion carried.

Secretary – 2009

A motion by David Rice to nominate Robert Fortsch as Secretary for the year 2009, there were no other nominations; seconded by Kevin Martin; on roll call vote, David Rice, Kevin Martin and Thomas Pospisil voted yes; the motion carried.

John Donovan arrived.

Board Attorney – 2009

A motion by Kevin Martin, to nominate Brian Giblin, Esq. as the Board Attorney for the year 2009; there were no other nominations; seconded by John Donovan; on roll call vote, David Rice, Thomas Pospisil, Robert Fortsch, John Donovan and Kevin Martin voted yes; the motion carried.

Board Engineer – 2009

A motion by Robert Fortsch to nominate Elliott Sachs as Board Engineer for the year 2009; there were no other nominations; seconded by Joseph Massin; on roll call vote, David Rice, Thomas Pospisil, Robert Fortsch, John Donovan and Kevin Martin voted yes; the motion carried.

Meeting Dates – 2009

Chairman Martin read for the record the proposed schedule of meeting dates for the year 2009; December 3th in lieu of December 17th and November 12th in lieu of November 19th a motion by David Rice; seconded by John Donovan to accept the amended schedule of meeting dates; on roll call vote, all in favor, the motion carried.

Annual Report

Brian Giblin advised that a report prepared by the Chairman and dated January 9, 2009 would be attached to the official report for distribution to the Mayor and Council.

A motion by accept the Annual Report as written and with the added statement; by Kevin Martin, seconded by Thomas Pospisil; on roll call vote, all in favor, the motion carried.

Swearing In of New Members

Robert Fortsch accepted and signed his Oath of Office as Board Member for 2009.

VOUCHERS:

A motion by Kevin Martin, seconded by Joseph Massin to approve vouchers presented and read for the record for Elliott Sachs, Boswell Engineering; and Board Attorney, Brian Giblin on roll call vote, all in favor, the motion carried.

DISCUSSION:

None

RESOLUTIONS: - None

Robert Adamo arrived.

APPLICATIONS:

**Talukdar, Orangeburgh Road, Block 601, Lot 10 (continued application)
Violation of 142-263**

Steven Ross, Attorney for the applicant advised that Steven Koestner, Professional Engineer and Se Hwan Kim, Architect were present for testimony on this continued application discussion.

Mr. Ross provided an overview of the last testimony including discrepancies in plans. An amended site plan was provided and marked as Exhibit A-9.

Mr. Koestner, previously sworn reviewed the amendments to the site plan. The proposed height was lowered by two feet to 32.4. The roof peak was kept at the same level. Mr. Ross stated that changes made to the plan since the last hearing were reviewed by Mr. Koestner and the house was repositioned and reconfigured on the property. The house is now situated 92 ft. from Orangeburgh Road and conforms on combined side yards.

Mr. Adamo recommended a foundation survey and as-built drawing be provided for grades.

Mr. Pospisil in referring to a photograph commented that the first floor is proposed from 10 ft. to 9 ft. and the second floor from 9 ft. to 8 ft. therefore lowering the roof height by 2 ft.

Mr. Giblin advised that a C variance for 2.72 ft. is needed.

Mr. Adamo commented that 34.72 ft. grade would lead to a ridge height of 139.27 ft. Mr. Ross confirmed and agreed. Mr. Sachs advised that the existing grade would not change and explained. Mr. Giblin stated that a ridge elevation survey can be included as a condition confirming the height at 139.27 ft. prior to framing of the roof.

Mr. Sachs stated that the foundation location survey should show all survey yards from the yard lines, the ridge beam elevation and the ridge prior to sheathing – height certification on as-built survey.

Chairman Martin opened the meeting to the public

No public comment

The meeting was closed to the public and so carried.

Board Attorney Brian Giblin reviewed the conditions of the application.

Mr. Ross advised that the conditions as discussed this evening are accepted by the applicant.

A motion by Kevin Martin, seconded by John Donovan, to accept the revised site plan and approve the application as conditioned, on roll call vote, all in favor, the motion carried.

The Board took a 5 minute recess. (8:45 p.m.– 8:50 p.m.)

Talocco, 688 Westwood Avenue, Block 1801, Lots 20, 21, 22
Yuki Hanna, LLC, 688 Westwood Avenue, Block 1801, Lots 20, 21, 22
Violation of 142-273

Combined applications – same property - 2 restaurants

Attorneys – Saverio Cereste, Richard Hubschman

Robert Fortsch reported that he worked with Mr. Hubschman but has no current business relationships with him. Mr. Giblin advised that he did not have to be recused.

Mr. Cereste provided an overview advising that Mr. Talocco has been in the restaurant business for 50 years. He represents Mr. Talocco in this dual application. The proposal is for a 1370 sq. ft. restaurant with 50% seating and 50% kitchen area.

A use variance is required, size of parking stall, distance between parking aisle and parking variance itself.

Mr. Hubschman, on behalf of Yuki Hanna, a 2400 sq. ft. restaurant.

Mr. Cereste described the exhibits – a one sheet floor plan marked as Exhibit A-1 and dated 8/18/08
a 2 sheet key map and site plan marked as Exhibit A-2 and dated
1/20/06 and revised 6/22/06

Raymond Virgona, Architect provided an overview of Exhibit A-2 original approved site plan from the original application – a 40 seat restaurant is proposed – both restaurants are in the same building 2 – restaurants at approximately 3000 sq. ft. each. The building is approximately 9200 sq. ft. therefore there is enough space between the 2 restaurants.

Mr. Virgona reviewed Exhibit A-1 key map location of property. – Floor plan reviewed 1371 sq. ft.

Mr. Martin inquired how many employees there are. Mr. Virgona responded 4 or 6.

Mr. Rice inquired of one bathroom. Mr. Virgona responded yes there will be one bathroom, and by requirement it is sufficient.

Mr. Cereste advised that the variance is based on retail calculation requiring 20 parking spaces. Mr. Giblin read section 142-273 A-6 requiring 28 + 4 spaces.

Chairman Martin opened the meeting to the public and so carried.

Anga Fonte, 271 Collingnon Way asked about parking relative to the building and curb line. Mr. Virgona responded that the restaurant would be about 100 ft. set back. There are no dedicated parking spaces for either restaurant. For retail, 8 spaces are needed.

Michele Rosenbach, 692 Westwood Avenue, advised that she lives very close to the proposed restaurants and inquired about exhaust. Mr. Virgona replied that the units would be on top of the building therefore allowing exhaust to exit straight up.

Barbara Haden, 279 Collingnon Way, inquired if there will be or are parking restrictions on the side streets. Mr. Martin advised that there is no authorization to park on side streets and the side streets are pretty far from the area. Relative to exhaust fans, Mrs. Haden commented that in some places they are very noisy. Mr. Virgona advised that the equipment is state of the art and noise should not be a concern.

The meeting was closed to the public and so carried.

David Rice advised that lighting and noise is regulated in the town. Kevin Martin added that the nursing home across the street did a bad job on mitigating the noise. He asked that the exhaust noise lead toward the parking lot, and away from Collingnon Way. Mr. Virgona replied that state of the art equipment will be used and he will make sure it is diverted. Garbage will be placed in a closed in area; closed on the sides and the top.

John Donovan inquired if space between seats would be generous. Mr. Virgona responded, not over generous – restricted to the number of seats placed.

Joseph Massin inquired about impact lighting in the surrounding neighborhood. Mr. Virgona advised that it would be shielded and would not spill over. The property is fenced in as well.

Mr. Virgona commented that the applicant is here for parking permits as more is needed as compared to retail use.

Owner Armondo Talocco was sworn in by Brian Giblin, Board Attorney. He provided his experience in the restaurant business. Mr. Talocco explained that the air conditioning and exhaust are in compliance with BOCA code.

Russ Luppino was sworn in by Brian Giblin, Board Attorney. Mr. Luppino testified on air conditioning, ventilation and garbage containers and removal.

Mr. Rice inquired about hours of operation. Mr. Talocco responded from 11:00 a.m. to 10:00 p.m. 7 days a week.

Craig Peregoy, Traffic Engineer was sworn in by Brian Giblin, Board Attorney. Mr. Peregoy presented his qualifications which were accepted by the Board.

At this time, Brian Giblin, Board Attorney announced that the Rosell's Citgo application represented by Nancy Sacente, Attorney would be carried to February 19th meeting of the Board. Ms. Sacente consents to continue without seeking default approval.

Mr. Peregoy advised that the 1st restaurant would require 22 parking spaces and the 2nd restaurant 13 spaces. Mr. Peregoy considered shopping center requirements in calculating parking generation. Friday and Saturday are the busiest for a shopping center requiring 3 spaces per 1000 sq. ft. of parked cars on

peak days. Saturday calculations are based on ITE standards 138 spaces most used; 155 provided leaving 17 spaces. The traffic impact from the previous application still applies according to Mr. Peregoy.

Mr. Martin inquired if the employees would park behind the buildings. He was told “yes”.

Mr. Peregoy advised that parking statistics are based on national average. Mr. Donovan inquired about parking generation in relation to a health club. Mr. Peregoy was asked to provide a summary.

The application will be continued on February 19, 2009.

ADJOURNMENT:

Upon motion seconded and carried, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary