

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**  
April 19, 2007

Kevin Martin 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 and notice is posted at River Vale Municipal Offices.

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<b>ROLL CALL:</b>	Kevin Martin	Chairman	Present
	Lorraine de Stefan		Present
	Melvina Fakazis		Present (8:15)
	Chuck Waldes		Present (8:35)
	David Rice		Present
	Thomas Pospisil		Present
	J.J. Clancy		Present
	Robert Adamo (Alternate 1)		Present
	Joseph Massin (Alternate 2)		Present
Also Present:	Brian Giblin, Board Attorney		Present
	Elliot Sachs, Board Engineer		Present

Robert Adamo left the meeting at approximately 8:50 p.m. Recused himself from the last application, Parklane Construction.

Announcements:

J.J. Clancy reviewed the agenda for the public as follows:

- Application 07-07 – Giambona, 549 Wittich Terrace – May 17, 2007 Agenda
- Application 06-18 – Rehill, 73 Rivervale Road, - May 3, 2007 Agenda (Peter Steck, Planner will be contacted to appear on behalf of the Board)
- Application for 598 Cleveland Avenue – the applicant noticed, however did not submit an application yet.

Brief discussion by Chairman Martin on seminar attendance and certification.

**MINUTES: March 8, 2007 and March 15, 2007**

A motion by David Rice, seconded by J.J. Clancy to approve the minutes of March 8, 2007 and March 15, 2007, on roll call vote, all those eligible voted yes; the motion carried.

**APPLICATIONS:**

**07-04 Wolf, 137 Highland Court, Block 2203, Lot 2.06**

Violation of 142-248

A. 5 foot high 50% open fence that encroaches 15.06 feet into the front yard. Fences in front yard must not exceed 3 feet high.

Eric Wolf, previously sworn, advised that he had presented an amended plan. Mr. Wolf had 4 photographs which were marked as Exhibit A-4, taken by Mr. Wolf, showing conditions as they currently are. The Board reviewed the plans and the photographs.

Regarding placement of the fence on Highland Avenue, Mr. Adamo inquired if the fence is proposed to be placed behind the row of trees. Mr. Wolf advised it would be lined up with where a white fence is now. Mr. Adamo reminded Mr. Wolf that playground equipment is not permitted in a front yard.

Mr. Clancy said that Mr. Wolf previously testified that he wanted a 5 ft. fence to protect his children, his pet and to keep deer off of his property. He stated that the children could still walk through the shrubs in the rear and get to the street. He felt that a 3 ft. fence would accomplish the same thing. Mr. Wolf advised that a 5 ft. fence is better for recreational activity, such as ball playing.

Kevin Martin felt that a 5 ft. fence 15 ft. off the house is hard to accept. A 3 ft. fence can be placed around the entire yard. Mr. Wolf advised that he is trying to keep in line with the trees and fence that is already in place.

Mr. Clancy informed Mr. Wolf that years ago the fence limit was 30” and then was increased to 36” about 5 years ago. He explained the reason for the increase in fence height and added that a higher fence would obstruct police vision.

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

No public comment.

The meeting was closed to the public.

A motion to approve the application was made by Robert Adamo with no second.

A motion to deny the application by J.J. Clancy, seconded by Joseph Massin, on roll call vote, Thomas Pospisil, J.J. Clancy, Joseph Massin and Kevin Martin voted yes; Robert Adamo and David Rice voted no; the motion to deny carried.

**06-06 Westwood Avenue LLC, Block 1801, Lot 20, 21, 22**

Soil moving for approved site plan

Marla Taus, attorney for the applicant advised that the application was amended to reflect 7,774

cubic yards of soil. Mark Martins, previously sworn testified that he prepared the amended and submitted plans which include a cover sheet, a site plan sheet and grading sheet. Soil fill is 4,499 cubic yards, soil cut is 3,275 cubic yards which equates to 80 truck loads of soil. Police department will be notified, roads will be cleaned and hours of operation will be in accordance with Township requirements. No local roads will be used in transfer, only main roads.

Mr. Martins advised that there would be no water drainage problems. Mr. Sachs advised the Board that he reviewed the drawings and was able to determine soil cuts and came within 5 – 10% of their figure and is accurate enough. There is no exception to quantity of soil being moved on site and therefore there is no issue with the application.

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

No public comment

The meeting was closed to the public.

A motion by Robert Adamo, seconded by Melvina Fakazis to approve the application, on roll call vote, Lorraine de Stefan, Melvina Fakazis, David Rice, Thomas Pospisil, J.J. Clancy, Robert Adamo and Kevin Martin voted yes; Chuck Waldes abstained; 8 members were called with one abstention.

Brian Giblin, Board Attorney advised that too many members were called. The vote was retaken as follows:

A motion by Kevin Martin, seconded by Melvina Fakazis to approve the application, on roll call vote, Lorraine de Stefan, Melvina Fakazis, David Rice, Thomas Pospisil, J.J. Clancy, and Kevin Martin voted yes; the motion carried. Chuck Waldes, who previously abstained, Robert Adamo and Joseph Massin were not called; the motion carried.

**07-06 Parkland Construction, 580 Cleveland Avenue, Block 1503, Lot 21 (amended plan)**

Violation of 142-263

**E.(2) (a)** The proposed dwelling has an aggregate side yard setback of 30 feet where 40 feet is required. Aggregate side yard variance of 10 feet requested.

**B. (2)** The existing lot width is 75 feet where 120 feet is required. Lot width variance of 45 feet requested.

**B. (1)** The existing lot area is 11570 square feet where 18000 square feet is required. Lot area variance of 6430 square feet is requested.

Robert Adamo recused himself, left the dais and the meeting. (8:50 p.m.)

Nancy Saccente, attorney for the applicant, advised that plans have been amended. Mr. Vander Veer, previously sworn, presented plot plan dated February 1, 2007 and revised March 27, 2007 and marked as Exhibit A-2. Mr. Vander Veer proceeded to describe variance changes made. The side yard set back on each side is now 15 feet. There is one proposed variance for combined set back for

side yards.

The seepage pit has been relocated to the front yard. A test hole for sub surface conditions at 10 feet deep was conducted. The seepage pit is 1000 gallons and will handle all run off. Holes are on the side. Direction of water runoff discussed. The soil movement calculation was modified, the new calculation is 394 cubic yards.

Mr. Giblin inquired about the black granite curbing. Mr. Vander Veer advised that it is for the interior of the driveway, on site.

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

No public comment

The meeting was closed to the public.

Nancy Saccente advised that revised building plans were submitted previously to the Board and dated March 20, 2007, prepared by Michael Napolitlian, Architect. 5 sheets marked as Exhibit A-5.

Kurt Seickel, previously sworn described the new configuration of the house and changes made to width, depth and height. The house would be 45 feet wide to meet both side yard setbacks at 15 feet. The house will be 8 to 10 feet deeper on the easterly side. Same style house, 4 to 5 feet higher and still within height requirement for zone.

No new variances are required. The house is a 4 bedroom, 2 car garage. Sheet 4 of 5 shows new front elevation. The right side elevation has 1 window on the 1<sup>st</sup> floor. The left side has 2 windows. A sump pump will be installed.

Chairman Martin opened the meeting to the public.

Tony Madora, 584 Clinton Avenue, inquired how long the house is from front to back. Mr. Seickel advised 57 feet 4 inches on the first floor and 44 feet 4 inches on the second floor. Mr. Madora felt that the house is longer and the property is being over developed. Mr. Madora advised that there was a discrepancy between his survey and the proposed survey. Discussion ensued. Mr. Madora asked how many square feet the total house would be. Mr. Seickel advised 1835 square feet on the 2<sup>nd</sup> floor, 1750 square feet on the 1<sup>st</sup> floor and 487 square feet for the garage. The house without the garage is 3500 square feet.

Karen Slattery, 578 Cleveland, inquired what the depth of the proposed house would be on the west side. Mr. Seickel advised 51 ft. 4 in. The east side is 57 ft. 4 in. on the 1<sup>st</sup> floor. Mrs. Slattery advised that she come up with 4,072 square footage, as opposed to 3,500 square feet. Mr. Seickel advised her that she was including the garage. Mrs. Slattery inquired about the seepage pit. Mr. Vander Veer described the seepage pit as an underground tank in the front of the house below ground. Mrs. Slattery is looking for a buffer toward her driveway, she is concerned with her trees getting enough sun.

Cole Ruby, 284 Rockland Avenue, commented on the property size being deficient. He felt that the property was being overdeveloped. Mr. Seickel advised that he is providing 15 ft. on each side line. Mr. Ruby asked if the mechanics, air conditioning units, would cause an impact. Mr. Seickel advised of no impact. Mr. Ruby commented on previous testimony that there may be a survey discrepancy. Mr. Vander Veer stated that the applicant's survey was done accurately by a licensed surveyor and that the property line is correct. He added that the property is 75 feet wide with a 15 ft. side line on either side.

Joseph Prinky, 586 Cleveland Avenue, inquired how many feet the rear yard setback is to the rear yard property line both east and west. Mr. Seickel advised 52 ft. on the east and 58 ft. on the west. There is no obstruction and the property is not being over developed according to Mr. Seickel. Mr. Seickel testified that there would be no problems with the neighbors during excavation.

Mike Festa, 263 Rivervale Road, inquired why a variance was need, there is an existing house on the property. Mr. Seickel advised due to zoning. Mr. Giblin advised that a variance is being requested due to a 30 ft. side yard where 40 ft. is required. Mr. Desta felt that the plans were for a large house on a small piece of property.

Chris Zeeman, 579 Hamilton Place, inquired how the height of the proposed house was determined. Mr. Vander Veer explained.

The meeting was closed to the public.

David Rice asked for clarification that the air conditioning system would be located in the rear and that shrubs would be placed for buffer. Mr. Seickel confirmed yes, in both cases.

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

Kay Spalace, 587 Cleveland Avenue, was sworn in by Brian Giblin, Board Attorney. She inquired about the aesthetics of the neighborhood commenting that there is stuff that should be removed in the driveway. Nancy Saccente advised that property maintenance would be taken care of.

Chris Zeeman, 579 Hamilton, was sworn in by Brian Giblin, Board Attorney. He advised of his general concerns that the proposed house is large for the size property 75 ft. x 150 ft. He commented that the neighborhood consists of mainly cape cod houses approximately 2200 sq. ft. He felt that there should be a reduction in the side of the proposed house. The proposed house doesn't fit in the neighborhood. It will change the character of the neighborhood.

Cole Ruby, 284 Rockland Avenue, was sworn in by Brian Giblin, Board Attorney. He commented that Parklane Construction will benefit from these plans, not the neighbors.

Karen Slattery, was sworn in by Brian Giblin, Board Attorney, She felt that the resale value of her house will decline. She provided 3 photographs that she took herself showing the property as it

exists. The photographs were marked as Exhibit O-1. Mrs. Slattery inquired about mechanics. Kevin Martin advised her that the applicant would install air conditioning in the rear. Nancy Saccente asked her what size her property was. Mr. Slattery advised 75 ft. x 150 ft.

The meeting was closed to the public.

Nancy Saccente provided summary statements. She stated that the applicant provided a plan that fits with the neighborhood, concerns of the public and the Board were addressed. The value of the neighbor's homes will not decrease. She asked that the Board vote in favor of the application.

Conditions that the air conditioner will be placed in the rear and that a buffer of shrubs will be placed on both side yards was stated by Brian Giblin, Board Attorney.

A motion by Thomas Pospisil, seconded by Joseph Massin to approve the application as conditioned, on roll call vote, Thomas Pospisil, J.J. Clancy, Kevin Martin and Joseph Massin voted yes; David Rice voted no; the motion carried. Robert Adamo was recused.

## **RESOLUTIONS:**

Brian Giblin, Board Attorney, summarized the resolutions.

07-01 Valente, 371 Rivervale Road, Block 1301, Lot 31  
Soil moving for approved variances

A motion by J.J. Clancy, seconded by Joseph Massin, to adopt the resolution, on roll call vote, all those eligible voted yes; the motion carried.

07-05 Menville, 656 Woodside Avenue, Block 304, Lot 1  
Violation of 142-263

A motion by J.J. Clancy, seconded by David Rice, to adopt the resolution, on roll call vote, all those eligible voted yes; the motion carried.

06-22 Freda, 220 Rivervale Road, Block 1801, Lot 9  
Violation of 142-227

A motion by J.J. Clancy, seconded by Thomas Pospisil, to adopt the resolution, on roll call vote, all those eligible voted yes; the motion carried.

Mr. Giblin advised that the applicant would need to return before the Board for site plan approval and resolution.

07-03 Romanelli, 227 Fondiller Street, Block 1606, Lot 9  
Violation of 142-265

A motion by J.J. Clancy, seconded by Thomas Pospisil, to adopt the resolution, on roll call vote, all those eligible voted yes; the motion carried.

**VOUCHERS: -**

Chairman Martin read vouchers payable to Boswell Engineering, Brian Giblin, Board Attorney and Christopher Statile, Special Engineer.

A motion for payment of vouchers as read by the Chairman, Lorraine de Stefan, seconded by Joseph Massin, on roll call vote, all in favor, the motion carried.

**ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

**THE NEXT MEETING IS SCHEDULED FOR MAY 3, 2007**

Name	Moved	Second	Ayes	Nays	Absent	Abstain
Lorraine de Stefan						
Melvina Fakazis						
Chuck Waldes						
David Rice						
Joseph Massin Alt 2						
J.J. Clancy						
Kevin Martin						
Thomas Pospisil						
Robert Adamo Alt 1						

