

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
AUGUST 3, 2006**

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
	Chuck Waldes		Absent
	David Rice		Absent
	Thomas Pospisil (Alternate 2)		Absent
	Robert Fortsch		Present
	Robert Adamo (Alternate 1)		Present
	J.J. Clancy		Present
Also Present:	Brian Giblin, Board Attorney		Present
	Elliot Sachs, Board Engineer		Present

Robert Adamo arrived at 8:10 p.m.

**APPLICATIONS:**

**06-10 Ottomanelli, 130 Demarest Avenue, Block 1602, Lot 7**

500 feet of fencing. 6 foot fence in front yard where 3 foot or lower is permitted. Less than 50% open fence proposed where 50% or more is required.

Thomas Randall, attorney for the applicant, advised that this is a continued hearing for a fence on Demarest Avenue. He provided an overview of the Board's concerns and how they have been addressed. Mr. Randall provided a series of photographs marked as Exhibits A-1 through A-19. Mr. Ottomanelli, previously sworn, confirmed that he had taken all the photographs within the last 2 weeks. Mr. Ottomanelli explained the area each photograph detailed. He advised of his concerns having 4 young children, trespassers, litter, landscape debris and a pond in the area approximately 5 feet deep. Mr. Randall referred to photographs A-14 and A-15 and inquired if a 3 ft. fence would satisfy the applicant's concerns. Mr. Ottomanelli responded no, and explained his property details containing a slopped hill. He is willing to amend the application to allow the fence in front of the house to be 50% open and keep the driveway area open. Mr. Ottomanelli guaranteed maintenance of the fence. He would also request the town to place a no dumping sign in the area.

J.J. Clancy asked for justification for a 6 ft. fence in the yard in front of the house. Mr. Randall replied that the property is unique and justifies deviation due to slope of the property. Mr. Clancy advised that this is not relative to a stockade fence but to a roth iron fence. Mr. Clancy did not view the house and the property it sits on as being any different than any other house in River Vale.

Mr. Ottomanelli would prefer to have a fence across the driveway. Mr. Randall added that Demarest Avenue is a narrow road and there are safety concerns. Mr. Ottomanelli compared his request with a fence in front of Holiday Farms and the one placed at Edgewood Country Club.

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

No Public Comment

The meeting was closed to the public.

Robert Fortsch agreed to a 6 ft fence in the rear of the property but was opposed to it in the front of the property and felt that a 3 ft. fence would suffice. Mr. Ottomanelli felt that this type of request was okay for some and not for others, sighting Holiday Farms and Edgewood Country Club. Brian Giblin, Board Attorney responded that the Board has turned down numerous requests for front yard fences adding that Holiday Farms had a pre-existing fence and the fence installed at Edgewood Country Club was for safety purposes. There are legal justifications as to why some requests may be approved.

The transition point for placement of a 6 ft. fence from the Cedar Lane side to the driveway was discussed. Elliott Sachs, Board Engineer will work with the applicant to determine placement. Brian Giblin outlined the proposed resolution details. The application was amended from a 6 ft. front yard fence to a 3 ft. front yard fence, leaving the driveway open, marked with a 6 ft. transition point.

A motion by J.J. Clancy, seconded by Melvina Fakazis, to approve the application as amended and based on the engineer's report; on roll call vote, all in favor, the motion carried.

**06-11 Jones, 202 Goodell Court, Block 301, Lot 1**

Violation of 142-248 – 4 foot fence in front yard where 3 foot or lower is permitted. Less than 50% open fence proposed where 50% or more is required.

Debra and Tim Jones were sworn in by Brian Giblin, Board Attorney. Mr. Jones explained his proposal for an in ground pool and a fence. Originally the plans were for a 5 ft. fence and noticed that way. Now, Mr. & Mrs. Jones are requesting a 4 ft. fence. Mr. Giblin will include in a resolution that the decision is subject to adequate notice. Mr. Jones wants to extend the fence beyond the house leaving more play area for his children. Mr. Giblin explained how they can place a 4 ft. fence for the pool without a variance and would meet pool requirements. J.J. Clancy described corner lot ordinance.

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

Christopher Eliopoulos, 205 Graney Drive, asked for an explanation of “front yard”. Brian Giblin, Board Attorney explained that a corner lot has 2 front yards.

Joel Rose, 198 Graney Drive, and Frank Mezzadri, 201 Graney Drive, came forward to review the proposed plans. Mr. Mezzadri advised that he had 3 letters from 3 other neighbors who are opposed to the application. Mr. Giblin explained that letters could not be accepted by the Board. The opposing party needs to appear in person.

The meeting was closed to the public.

Mr. Jones inquired if the application were not passed this evening what the next step would be. Mr. Giblin responded that he would need to return with a substantially different application. If there is no action to vote this evening, Mr. Jones could return next month. Mr. Jones amended his application for the Board to consider a 5 ft. fence, 15 feet from the house and 30.3 feet from the property line.

The meeting was opened to the public and so carried.

Frank Mezzadri, 201 Graney Drive, asked where the fence would then come out to. Mr. Jones referred to the plans and explained. Mr. Mezzadri concluded that the fence would extend past the house by 15 feet and objected.

The meeting was closed to the public.

There were no other comments or questions.

A motion by J.J. Clancy, seconded by Lorraine de Stefan, to deny the application as presented, based on no hardship, on roll call vote all those present voted in the positive. The motion to deny the application carried.

The Board recessed 9:25 p.m. – 9:35 p.m.

**06-15 Carnelian Developers, 782 Tiffany Avenue, Block 201, Lot 27**

Violation of 142-263 – Proposed lot width of 115.11 feet where 120 feet is required.

Holly Schepisi, Attorney represented the applicant, Paul Garfinkel / Carnelian Developers. A plot plan of lot 27, block 2001, 782 Tiffany Avenue, revision dated July 20, 2006 and prepared by Mark Martins Engineering was presented. A drawing of the proposed new residence was prepared by Haven Homes and marked as Exhibit F. Previously exhibits were submitted to the Board. Ms. Schepisi stated that the denial letter was previously marked as Exhibit A. The application was properly noticed and was denied for non-compliance by proposing a 115.11 feet width where 120 ft. is required. The lot is existing, non-conforming.

Mark Martins, professional engineer was sworn in. His qualifications were accepted by the Board. Mr. Martins explained the proposal to demolish an existing house on the property. All set back requirements are met. No bulk variances are required. The lot does not meet requirements for lot width. Mr. Martins advised that he met with Christopher Statile, engineer and reviewed what he and Mr. Statile considered issues. A copy of Mr. Statile's letter was presented and marked.

Ms. Schepisi asked Mr. Martins to review drainage. Mr. Martins advised that drainage is designed to handle roof and driveway runoff. Three seepage pits would be place in the rear yard.

J.J. Clancy asked to address issues of Mr. Statile. Mr. Martins replied that a retaining wall was eliminated to allow a turnaround of approximately 24 feet in the driveway.

J.J. Clancy inquired about soil movement. Mr. Martins responded that the application is below the 500 yard limit.

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

Doris Lauder, 786 Tiffany Avenue, inquired about the distance from her property line. Mr. Martins advised her that 15 feet is the minimum. She felt that the proposal is massive.

Alexis Smith, 762 Tiffany Avenue, is a licensed realtor for the passed 17 years. She welcomed the proposal as a benefit to the area.

Greg Pennington, 778 Tiffany Avenue, felt that this is a positive proposal.

Anita Bianco, realtor likes the proposal.

Dan Petramale, 783 Tiffany Avenue, resides across the street from the property. He is not opposed, nor is he fond of the proposal but it is a large house and changes the area.

The meeting was closed to the public.

Paul Garfinkel, applicant, was sworn in by Brian Giblin, Board Attorney. Ms. Schepisi asked Mr. Garfinkel to briefly describe when the denial letter was received and what steps he took to resolve. Mr. Garfinkel received the letter of denial on June 24, 2006, he picked up a Zoning Board check list, contacted a company that provides modular housing and received a Shadetree permit.

Holly Schepisi referred to Exhibit D – Mr. Garfinkel explained that the photographs were 4 views of the existing structure taken about 2 weeks ago. Service has since been removed from the house. Exhibit F is the front elevation of the proposed structure. Plans were changed to a center hall colonial. Neighbors were consulted. Mr. Garfinkel currently resides 6 houses away from the proposed house. Exhibit G – photographs or recent home or homes under construction

in River Vale. Used to demonstrate that large homes are being built in River Vale.

Mr. Garfinkel explained the plans to construct a 17 section modular house. The road will not be blocked during construction.

Kevin Martin inquired if the sections would be delivered via flat bed. Mr. Garfinkel responded yes. He added that the routing was checked and there will be no damage to trees or wires.

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

Craig Pennington, 778 Tiffany Avenue, works with cranes in the construction field. He sees no problem with the proposed plans and added that Mr. Garfinkel had consideration for the neighbors.

Doris Lauder inquired how many square feet the house would be. Mr. Garfinkel responded 4,800 square feet. He explained how the plans went from 4,200 square feet to 4,800.

The meeting was closed to the public.

Robert Fortsch asked what the applicant would plan if a variance would not be required. Ms. Schepisi answered that any design presented would require being before the Board.

There were no further comments or questions.

A motion by Melvina Fakazis, seconded by Lorraine de Stefan, to grant the variance of 4.9 feet conditioned as outlined by Brian Giblin, Board Attorney; on roll call vote, all in favor, the motion carried.

Brian Giblin, Board Attorney formulated the resolution of approval.

A motion by Kevin Martin, seconded by Melvina Fakazis to adopt the resolution as formulated by Brian Giblin; on roll call vote, all in favor, the motion carried.

**MINUTES:**

A motion by J.J. Clancy, seconded by Robert Fortsch to approve the minutes of July 13, 2006; on roll call vote, all those eligible voted yes; the motion carried.

**RESOLUTIONS:**

None

**VOUCHERS:**

None

**DISCUSSION:**

Robert Fortsch provided some details on the League of Municipalities in Atlantic City this November.

J.J. Clancy reviewed a letter from 688 Westwood Avenue LLC wherein they advise that the residential lot will be eliminated therefore new plans will be forthcoming.

**ADJOURNMENT:**

Upon motion of Kevin Martin, seconded by Melvina Fakazis, on voice vote, all in favor, none opposed, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

**THE NEXT MEETING IS SCHEDULED FOR SEPTEMBER 7, 2006**

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