

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
March 18, 2010

Thomas Pospisil 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.

<u>ROLL CALL:</u>	Thomas Pospisil		Present
	Robert Adamo		Absent
	Joseph Massin		Present
	Robert Fortsch		Absent
	John Donovan		Present
	Douglas Marchese	Alternate #2	Present
	Susan Vaccaro		Present
	Maria Leibfried	Alternate #1	Present
<u>ALSO PRESENT:</u>	Brian Giblin	Board Attorney	Present
	Elliott Sachs	Board Engineer	Absent
	Lauren Roehrer	Land Use Admin	Present

MINUTES

Carried

VOUCHERS

A motion by Joseph Massin, seconded by Susan Vaccaro to approve vouchers as read by Vice-Chairman Pospisil in the amount of \$178.50, on roll call vote, all in favor the motion carried.

APPLICATION

Martins, 657 Greenway Place, Block 809, Lot 13
Violation of 142-263

Mark and Andrea Martins were sworn in by Brian Giblin, Board Attorney. Mr. Martins commented that although he is a professional engineer, he was present as a resident and homeowner. He explained his proposed application for an addition on a house that he resides in with his wife and 3 sons. The lot is non-conforming and requires variances for side yard and front yard setbacks. Mr. Martins defined the variances he was seeking. Mrs. Martins commented that the house is a front to back split level and is difficult to work with. Mr. Martins advised that the proposal included removing a single car garage and replacing it with a 20 ft. wide 2-car garage.

New siding and a new roof will be added. The first floor plan is for a kitchen and new dining room area.

A wall is proposed to be removed between the current kitchen and dining room turning the area into one large kitchen and relocating the dining room.

Second floor plan is for a new master bedroom suite on top of the kitchen, living room and relocated dining room. Mrs. Martins advised that the plans were based on similar homes in the neighborhood. Mr. Martins advised that the plans were prepared to try and not make the proposal look like additions to the house.

John Donovan commented that in the front steps should be included as part of the structure in configuring the front yard setback. He added that the ordinance asks for 45 ft. as minimum depth of front yard setback. Mr. Donovan commented on the seepage pit in the rear yard stating that it would cover any water run-off.

Joseph Massin commented on the proposed width of the garage at 11 ft per one-car garage the proposal should be for 22 ft. width. Whereas, 20 ft. is proposed. Mr. Martins commented that the proposal is actually a 1 ½ car garage or larger than a one car garage.

Douglas Marchese inquired where the air conditioner condenser would be located. Mr. Martins explained that they already had central air-conditioning and that the condenser was located in the front left corner by the deck. Mr. Marchese commented that in the past there were issues with noise. Placement was discussed. Mr. Donovan recommended language in the resolution, should the application be approved, be included as to encroachment limitations on the side yard for condenser location.

Vice-Chairman Pospisil opened the meeting to the public and so carried.

No public comment.

The meeting was closed to the public.

Thomas Pospisil referred to a section of the roof and its height and inquired why the Martins would not consider making that section part of the bedroom. Mr. Martins advised that he needed storage space. Mr. Pospisil inquired why a 2-car garage was not proposed. Mr. Martins replied that he did not want to push the limit towards the neighbors on that side of the property. He wanted to minimize.

John Donovan configured 3 front steps at 2.8 feet. Brian Giblin read a portion of the ordinance pertaining to front yard setback. The distance in feet should be figured to the nearest portion of the principal building; in this case the steps. The proposal should be amended to read 37.6 ft. proposed front yard setback.

There will be no deck improvements according to Mr. Martins.

Joseph Massin commented that it is important to obtain commitment on location of air conditioner condensers in order to avoid problems with any future applications. Thomas Pospisil and Joseph Massin agreed that left side or behind the house would be accepted. Mr. Martins had no objection to that direction.

Susan Vaccaro felt that setbacks of other houses in the area should be looked at. She did not agree with the proposal. John Donovan responded to her comment stating that as long as the width is a reasonable request and the applicant is complying with setbacks he did not see a problem. Joseph Massin added that all property owners within 200 ft. of the applicant were noticed and no objections were received.

There were no further comments.

Amendments to the application as discussed are to adjust the front yard setback, the deck would not be enclosed and condensers would be located in the rear yard.

A motion by John Donovan, seconded by Joseph Massin to approve the application as discussed and amended; on roll call vote, Thomas Pospisil, John Donovan, Joseph Massin, Maria Leibfried and Douglas Marchese voted yes; Susan Vaccaro voted no; the motion carried.

DISCUSSION

Comments and discussion ensued on air conditioner condenser enclosures for noise. Brian Giblin cited case law. Susan Vaccaro commented on the environment, over crowding, over building, “mac-mansions” and encroachment on neighbors. John Donovan commented on impervious coverage.

Joseph Massin advised that the Board had discussions on building heights, they are aware and concerned. He described a former application where the applicant was asked to move the location of the proposed new construction back further on the lot.

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary