

**ZONING BOARD OF ADJUSTMENT MINUTES**  
**REGULAR MEETING**  
April 15, 2010

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

Robert Adamo arrived after roll call at 8:05 p.m.  
John Donovan arrived after roll call at 8:07 p.m.

Alejandro Alvarez was sworn in as a new full member by Michael Gannaio, Board Attorney.

**MINUTES**

January 21, 2010 and March 18, 2010

A motion by Joseph Massin, seconded by Susan Vaccaro to approve the minutes of January 21, 2010 and March 18, 2010; on roll call vote, all those eligible voted yes; the motion carried.

**VOUCHERS**

No vouchers presented.

**APPLICATION**

LaViano, 262 Ford Avenue, Block 1707, Lot 21  
Violation of 142-248

Thomas LaViano was sworn in by Board Attorney Michael Gannaio. Mr. LaViano began to explain why

he installed a front yard 6 ft. fence for which he did not apply for a permit. He advised that he had dogs and 2 young children. He installed the fence for safety reasons. The house is located on the corner lot of Ford and Elizabeth. Maria Leibfried commented that the fence seemed closer to the curb than other fences in the area. John Donovan explained the right of way line which is 10 ft. He advised that the front property line is the right of way line and the fence is outside of the right of way. There is almost 35 ft. to the curb line, 25 ft. of it is surveyed set back line.

Robert Adamo inquired why the fence was place half way down the side facing Elizabeth rather than at the back corner. Mr. LaViano responded that it gave the back yard property more room.

Mr. Massin commented on on-going issues without permits and reviewed the ordinance regulations pertaining to fences which he felt contractors should be aware of. His concern was the possibility of creating a precedent. He expressed the need to have the ordinance complied with.

Maria Leibfried had no problem with reviewing each case on an individual basis. Susan Vaccaro reported that a relative was in a similar situation and was asked to take the fence down. Mr. LaViano felt that the ordinance did not seem practical. Robert Adamo commented that fences do not create a neighborly feeling. He felt that a 6 ft. fence in a front yard is a major problem. Mr. Adamo suggested that Mr. LaViano withdraw the application this evening and modify his intentions cautioning Mr. LaViano that if the Board did not vote in his favor this evening he would not be able to re-negotiate.

When Mr. LaViano inquired if he had any other options Mr. Gannaio advised that he could appeal and go the County Board.

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

Regina Susek, 549 Roosevelt, advised that she can see Mr. LaViano's fence from her home. She advised that a lot of money for remodeling was spent on her house and she applied for permits as required by the town. She felt that Mr. LaViano should have inquired with the town about the rules and regulations prior to installing the fence.

The applicant agreed to carry his application to the May 20, 2010 meeting.

**McDonald, 583 Hamilton Place, Block 1503, Lot 17**

Violation of 142-263

Gary McDonald was sworn in by Michael Gannaio, Board Attorney. Joseph Bruno, Architect and Planner were sworn in by Michael Gannaio. He provided his qualifications which were accepted by the Board. Mr. McDonald reviewed his application to add a one-car garage and family room addition and perform some work on other rooms in the house.

Mr. Bruno referred to plans marked as Exhibit A-1. He stated that the house was situated on a pre-existing non-conforming lot. Mr. Bruno proceeded to explain the proposed first floor and second floor plans. He reviewed variances required. The subject property does not have a garage. It will remain as a single family residence. Thomas Pospisil inquired about his distance from adjoining houses to the east and west. Mr. Bruno responded that the east side was 29 ft. to the neighbor and closer on the east side at

22 ½ feet. He felt that the proposed changes would not be overbuilt for the property.

Mr. McDonald stated that he purchased the house in 1987 and did some work on it at that time.

Mr. Massin spoke about fully grown evergreens currently being used as a barrier and ingress and egress by emergency vehicles. Mr. Bruno responded that emergency ladder equipment would be set up from the road and not necessarily on the property itself.

Robert Fortsch felt that the east side line at about 1/3 of what is required would create a small side yard. He added that if the applicant expanded to the rear there would be no set back issues. Maria Leibfreid also felt that the 5 ft. on the east side was not enough space.

Mr. Bruno discussed alternatives. The width of the garage could be reduced by 18 inches.

Robert Adamo referred to the front elevation and commented on it as a big hardship. He considered the entire picture not just a 5 ½ ft. vs. 7 ft. east side yard.

Mr. Massin inquired where the condensers would be located. Mr. Bruno responded in the rear behind the first floor bedroom.

Mr. Adamo commented on the 2 proposed stair cases to the second floor. He felt that 7 ft. was still tight and 10 ft. on the east side would be much better. He suggested re-looking at the old staircase and maybe reducing the size of the master bedroom. Mr. Bruno redefined what exists, such as a crawl space.

Maria Leibfreid liked the proposal. She felt that the applicant was not being greedy with the garage size. She asked if the family room could be reconfigured for size. Mr. Bruno explained what could be changed by moving over the family room.

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

No public comment.

The meeting was closed to the public.

It was determined that 7 ft would be a maximum east side yard without cutting into the crawl space.

Mr. Massin made it clear that if the variances are denied this evening, the application is closed. If the applicant withdraws the application to the next meeting it remains open.

The Board recessed at the request of Mr. Bruno, Architect (time 9:15 p.m.)

The meeting reconvened at 9:25 p.m.

Mr. McDonald did not object with the east side yard from 5 1/5 ft. to 7 ft.

Mr. Donovan felt that the application was aesthetically pleasing and that a 7 ft. side yard was acceptable.

He commented that the applicant should not consider placing a portico on the east side to gain back the 18” that he would loose with the garage. Mr. Donovan asked if the neighbor to the east had a garage. Mr. McDonald stated “no, just a driveway”. He added that all garages are on the left side of the houses that had a garage.

Mr. Massin inquired about water runoff. Mr. Bruno advised that the roof would be guttered with down spouts and a seepage pit would be placed.

A motion by Thomas Pospisil, seconded by Joseph Massin to approve the application as discussed; with a reduction in size of the garage by 18” creating a 7 ft. east side yard; on roll call vote, Robert Fortsch, Thomas Pospisil, Robert Adamo, John Donovan, Joseph Massin and Alejandro Alvarez voted yes; Susan Vaccaro voted no; the motion carried.

## **RESOLUTION**

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

A motion by Thomas Pospisil seconded by John Donovan to adopt the resolution as revised; on roll call vote, those eligible voted yes; the motion carried. Chairman Fortsch advised that since he was absent at the last meeting, the resolution would be signed by Vice-Chairman Pospisil and himself.

## **DISCUSSION**

Chairman Fortsch announced that some of the neighboring towns have been eliminating Zoning Boards. Although there has been no firm indication in River Vale of this, Chairman Fortsch wanted to review costs of the Zoning Board which came to approximately \$8,000. Joseph Massin commented on issues that occur when combining Planning and Zoning Boards.

Chairman Fortsch advised that the Land Use Administrator, Lauren Roehrer and he would discuss a plaque of service for former Chairman Kevin Martin and former Board member David Rice.

John Donovan will follow up with Brian Giblin, Board Attorney on demolition regulations.

Susan Vaccaro inquired about the meaning of “hardship on pre-existing properties”. Her concern is with over building an area. Robert Adamo commented on her inquiry.

## **ADJOURNMENT:**

Upon motion, seconded and carried, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary

