

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
September 16, 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.

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

MINUTES

August 19, 2010

Upon motion by Joseph Massin, seconded by John Donovan the minutes of August 19, 2010 were approved; on roll call vote, all those eligible voted yes; the motion carried.

APPLICATIONS

**Harnett, 808 Ellen Lane Ct., Block 2002, Lot 4.03
Violation 142-263**

David Harnett was sworn in by Michael Gannaio, Board Attorney. Notice is in order. Mr. Harnett advised that he is proposing an additional 5 feet to the size of his current deck which is 13 feet. The current deck needs to be replaced. Photographs were provided and defined by Mr. Harnett. The family spends a lot of time outside and Mr. Harnett wants to improve the quality of the deck.

Mr. Adamo recused himself and left the dais.

Mr. Fortsch commented that the applicant would be within the code of the rear yard setback. Mr. Harnett advised that he purchased the property in 2001. The deck was on the property at that time. He believes it was placed about 15 years ago. Mr. Massin referred to one of the photographs and asked for a

description of the property beyond the fence. Mr. Harnett stated that beyond the fence is the neighbor's back yard and the house sits approximately 60 feet from the fence. A patio is in the rear of the house. Directly in the rear of Mr. Harnett's house is property that belongs to United Water. Mr. Fortsch reported that the current deck is non-conforming and he questioned expanding it as opposed to replacing it. Mr. Harnett responded that he would most likely not replace the deck if he could not expand the deck.

Mr. Massin referred to the as built drawing. He questioned the location of the seepage pit and asked if it would be right at the limits of the proposed deck expansion and if so, would it cause an issue? Mr. Harnett conferred with his architect. Mr. Harnett responded that the deck would be built around the seepage pit.

Mr. Donovan inquired about the nature of the United Water property and what they may plan to do in the future. Mr. Harnett advised that the property at the rear of his house was heavily wooded with some trees that were downed. He stated that about ½ mile into the area there is a stream that runs to Harrington Park.

Mr. Massin commented that the deck is currently enclosed except for one section. He asked if that was a storage area. Mr. Harnett responded that it is an area that he would like to keep for storage. Mr. Massin asked if the area would remain where it is currently located. Mr. Harnett conferred with his architect and states that the lattice would be moved out to the new perimeter. Mr. Massin asked if there was any intent to place a slab. Mr. Harnett advised that there would be no permanent slab placed. Mr. Massin asked that this be part of the resolution if approved.

Mr. Fortsch is reluctant to grant a variance on top of a variance however was not against the proposal. Mr. Massin would like a statement in the resolution that there would be no problem with the location of the seepage pit.

Susan Vaccaro arrived at the meeting.

A motion by Douglas Marchese to approve the application as discussed, seconded by John Donovan; on roll call vote all in favor, the motion carried. Susan Vaccaro was not eligible to vote.

Robert Adamo returned to the dais.

**McGonigle, 589 Thurnau Drive, Block 810, Lot 6
Violation of 142-263**

Daniel McGonigle was sworn in by Michael Gannaio, Board Attorney. Robert Scialla, Architect was sworn in by Michael Gannaio, Board Attorney. Mr. Scialla presented his qualifications which were accepted by the Board members. Mr. McGonigle provided brief details pertaining to what his application was proposed for. He testified that he purchased his house in 2003. He is in need of more living space and updated life style. Mr. McGonigle advised that he retained Mr. Robert Scialla, Architect to produce his plans. Mr. Scialla reviewed the 4 variances required and requested by the applicant. The side property lines are not parallel with the house which is a front to back split level. By expanding to the sides it would increase the non-conformity especially on the right side. A garage was located on the right side and converted to part of the house. The application includes restoring the

garage. The left side has an existing deck and an inadequate kitchen. That is why the proposal is to expand to the left and the right. The front yard setback is non-conforming there is an existing front entrance porch. The architectural design is enhanced by the front yard porch. In order to create more living space the design needed to be focused laterally.

Joseph Massin referred to Exhibit A-3 and the open front porch. He would like the resolution to include, if the application is approved, that the front porch would not be enclosed and that there would be no intention to enclose it in the future. This was agreed to by the applicant. Mr. Massin asked for the property proximity to the dwellings on both the right and left sides. He requested actual measurements. Mr. McGonigle stated that the deck would not exceed the property line on either side. The architect reported that the rear wall of the house would stay and that there are 3 existing bedrooms on the second floor. A master bedroom is proposed at the front of the house second floor.

Robert Fortsch inquired about water run off due to increase in size. The architect saw no problem because of the grade pitch. Leaders will run towards the back. There is approximately 80 ft. to the back property line. This subject can be discussed further with the Board's engineer as a condition.

Mr. Massin asked if the proposed kitchen and deck would be at the same level. The architect responded yes. The deck would be extended towards the rear of the house and not further than the corner of the house. Mr. Massin inquired about the location of the external condensers. Mr. McGonigle explained the location for the Board. Mr. Fortsch asked if it were feasible to move the condensers towards the rear of the house. We have had issues with locations on the side and the noise level. This was agreed to and will be noted in the resolution if approved.

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

No public comment.

The meeting was closed to the public.

Mr. Fortsch reviewed the conditions to have the Board's engineer comment on the seepage pit and water run off and that the location of the condensers be placed at the rear of the house and the front porch would not be enclosed.

No further discussion. A motion was made by John Donovan with comments, seconded by Kevin Martin to approve the application; on roll call vote, all in favor, the motion carried.

DISCUSSION

Commercial Vehicles – Ordinance 229-2010 An Ordinance of the Township of River Vale Bergen County New Jersey Amending Chapter 142 Land Use Entitled Vehicle Parking.

Chairman Robert Fortsch advised that the Council has requested attendance by the Zoning Board members at their September 27th Mayor and Council meeting to discuss this subject.

Chairman Fortsch advised that a Land Use Symposium will be held on October 16th at Bergen

Community College. He encouraged the Board members to attend.

Chairman Fortsch reminded everyone about the Boswell Engineering invitation to their Gala Cocktail Reception at the League of Municipalities in November.

Joseph Massin elaborated on the suggestions he would make at the Mayor and Council meeting on September 27th pertaining to Commercial Vehicles – Ordinance 229-2010.

Discussion ensued on the ordinance and non-compliant cases where an individual should have come before the Board for a variance and did not.

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary