

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
October 15, 2009

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

Thomas Pospisil presided the meeting.

VOUCHERS:

A motion by Robert Fortsch, seconded by Joseph Massin to approve a voucher as read by the Vice-Chairman, on voice vote, all in favor, the motion carried.

MINUTES:

A motion by David Rice, seconded by John Donovan to approve the minutes of September 17, 2009 on roll call vote, all those eligible voted yes; the motion carried.

APPLICATIONS:

Borrelli, 844 Berkshire Road, Block 1903, Lot 7
Violation of 142-263

Jodi Borrelli was previously sworn in. The applicants provided a new plot plan. Mrs. Borrelli advised that 830 ft. of pavers originally proposed have been removed from the plan. The application now stands at a little below a 46% variance requirement. The variance originally requested was 1,791 sq. ft and is now at 962 sq. ft. The applicant will remove the originally proposed paved side walkway and place grass and flower beds instead.

David Rice commented that the application as revised is more appropriate at a 6.35% variance.

The meeting was opened to the public and so carried.

No public comment.

The meeting was closed to the public.

John Donovan commented that the revised plans were a much better proposed application.

The October 5, 2009 revised plans were marked as Exhibit A-1 and dated October 15, 2009.

No further comments.

A motion by David Rice, seconded by Joseph Massin to approve the application as amended to 6.35% (962 sq. ft.) variance request and per diagram submitted that will be annexed to the resolution; on roll call vote, all in favor, the motion carried.

King, 811 Bailey Road, Block 507, Lot 1
Violation of 142-263

Paige and Stephen King were sworn in by Michael Gannaio, Board Attorney. Mr. King advised that he and his wife own a ranch house. The house has 3 slider doors that lead to 2 decks. The applicant proposes to replace a deck in the rear of the property. An existing deck is 12 ft. wide and proposed would be 6 ft. wide. Mr. King provided a description of his property. The property line ends approximately 10 ft. before a stream in the rear yard. Photographs were provided and described by Mrs. King. Discussion ensued on the photographs.

Because of the stream in the rear of the property, Mr. Donovan inquired if the property is in a C-1 designation. Mr. King advised that the water remains below the bank and made no comment about C-1 designation.

Mr. Fortsch inquired if the chain-link fence was existing. Mrs. King responded that the chain-link fence was placed by the previous owners. Mr. Donovan asked if the tree buffer was on the property line. Mr. King advised that in the photograph the hammock is on the other side of the 2 trees that parallel the deck and the tree buffer is not on his property line.

Mr. Marchese inquired if the same footings would be used. Mr. King stated "no".

The meeting was opened to the public.

No public comment.

The meeting was closed to the public.

Mr. Donovan inquired how far the chain link fence that is shown on the survey is from the center of the

stream. Mr. King advised about 3 ft.

Mr. Massin suggested that if the application is approved the resolution should be contingent on verifying C-1 designation regulations as it pertains to distance from streams and particularly this application.

In order to verify C-1 designation regulations, Mr. Gannaio provided the choice of carrying the application to the next meeting or having it voted on with the condition of C-1 designation regulations being determined.

Mr. & Mrs. King selected taking a vote, and if approved contingent to C-1 designation regulations pertaining to the application.

Mr. Fortsch provided case history pertaining to C-1 designation.

Mr. Donovan provided details on C-1 designation distances from streams, water etc.

No further comment.

A motion by Joseph Massin, seconded by David Rice for a conditional approval subject to C-1 designation regulations being identified as to distance from the proposed rear deck and this application; on roll call, all in favor the motion carried.

DISCUSSION

80 Coopers Lane – The Land Use Administrator advised that the application was deemed incomplete by Michael Sartori, Construction Code Official who required a topographical survey from the applicant.

ADJOURNMENT:

Upon motion seconded and carried, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary