



MINUTES  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
OCTOBER 20, 2005

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 (8:10)
	Chuck Waldes		Absent
	David Rice		Present
	Thomas Pospisil (Alternate 2)		Present
	Robert Fortsch		Present
	Robert Adamo (Alternate 1)		Present
	J.J. Clancy		Present
	Brian Giblin	Board Attorney	Present

**DISCUSSION:**

**05-22 Hayden, Christopher** – 705 Westwood Avenue Block 2101, Lot 5 – Board Interpretation of Right-of-Way, and to determine if property should be deemed a corner lot.

J.J. Clancy recused himself and left the dais.

David Rutherford, Esq. represented the applicant. The application was discussed at the August 25, 2005 meeting and approved by resolution at the September 15, 2005 meeting.

Brian Giblin, Board Attorney stated that in reviewing a transcript of the minutes of August 25, 2005 it did not appear that the applicant agreed to a condition that he would not seek to sub-divide the property in the future as stated in the resolution. Therefore, the Board needs to consider amending the resolution.

After brief discussion, a motion by Lorraine de Stefan, seconded by David Rice to amend the resolution approved on September 15, 2005 to include that the applicant did not agree to a condition that he would not seek to sub-divide the property in the future; on roll call vote, those eligible voted yes, the motion carried. J.J. Clancy recused.

Mr. Clancy returned to the dais.

**05-26 Rosenbach, Mr. and Mrs. 692 Westwood Avenue Block 1801, Lot 23**

No representation. A motion by Kevin Martin, seconded by Robert Adamo for Brian Giblin to send a letter to the applicant, on voice vote, all in favor, the motion carried.

**APPLICATIONS:**

05-13 Spillane, Mr. & Mrs. 878 Westwood Avenue Block 1901 Lot 5 New construction of a non-conforming single family dwelling. Violates Article LV Section 142-255A and 144-255C. Continued from September 15, 2005.

William Bailey Esq. of Huntington / Bailey represented the applicant Michael Spillane.

Mr. Bailey advised that he was able to locate a resolution from 1979 which pre-dates the Zoning Code regarding 2 dwellings on the property. Brian Giblin confirmed that the Planning Board declared there were 2 dwellings since the 1920's. Non-conforming use at the present time.

Photographs were submitted and marked as Exhibit A-4. Michael Spillane, previously sworn reviewed each photograph for the Board's information. The Board then viewed the photographs. Mr. Spillane testified that he spoke with his neighbors who are in agreement with the application. His mother, Mary Spillane currently resides in the carriage house which he renovated for her. His proposed plans to demolish the main house and rebuild is due to cost effectiveness.

Brian Giblin stated that both houses are legal, non-conforming and existed prior to ordinance. Kevin Martin wanted satisfaction regarding the history of the property before making a determination. He was satisfied with Mr. Giblin's findings.

Mr. Adamo had questions regarding non-conforming set backs. Mr. Bailey took the opportunity to review specific set backs of the application and lot coverage. He advised that the proposed house would be approximately 3,184 total square feet.

J.J. Clancy inquired if the carriage house currently had a garage. In referring to the Planning Board resolution which stated at that time it was a garage and an apartment. Mr. Spillane responded that when he purchased the property, no garage existed.

Kevin Martin opened the meeting to the public.

No Public Comment

The meeting was closed to the public.

Conditions for approval were discussed:

- The main house cannot be expanded in the future by the applicant or another without coming before the Board.
- The main house will be built in accordance with plans submitted. Any amendments would need to be approved by the Board. No further expansion on this home without coming before the Board.
- The carriage house is approved as currently configured as a two story single family home. No further expansion on this home without coming before the Board.
- The Planning Board resolution will be amended to clarify the current configuration of the carriage house.

A motion by Melvina Fakazis, seconded by Robert Fortsch to approve the application as conditioned herein; on roll call vote, Lorraine de Stefan, Melvina Fakazis, David Rice, Robert Fortsch, J.J. Clancy and Kevin Martin voted yes; the motion carried. Thomas Pospisil and Robert Adamo were not eligible.

**05-25 Spechar, Mr. and Mrs. 168 Brookside Avenue, Block 2103, Lot 4.02**

Fence replacement violates Zoning Ordinance

Suzanne and Albert Spechar were sworn in by Brian Giblin, Board Attorney. Mrs. Spechar advised the Board that she and her husband replaced a fence because it was damaged. A new fence was placed in the exact location of the original one. They did not apply for a permit. She stated that her architect advised her that a permit was not required. Photographs of the original fence and the new fence were provided and marked as Exhibits A-1, A-2, A-3, A-4 and A-5.

Kevin Martin advised the applicants that the new fence was too high and solid. It needs to be 50% open. The house is on a corner lot and the fence runs in the back yard and the front side of the house. A photograph of the swimming pool location was marked as Exhibit A-6. Mr. Martin explained that a 4 ft. fence was required to circle the pool area but it cannot be 4 ft. in the front yard. Only 3 ft. is permitted.

Robert Adamo inquired if the fence blocked the view backing out of the driveway. Mrs. Spechar replied “no”. Robert Adamo suggested possibly moving the fence back and placing a buffer with shrubs.

Kevin Martin advised Mrs. Spechar to speak with her architect and have him review the fence ordinance and come up with a suggestion for the fence company to undo their mistake advising them that the fence is not appropriate, it is too high and in the wrong location.

J.J. Clancy suggested obtaining an opinion from the Police Department.

Brian Giblin summarized recommending a representative from the fence company or the architect come to the next meeting of the Board, November 17, with a corrective action plan. He recommended J.J. Clancy’s suggestion be taken to have the Police Department provide their opinion for safety and traffic.

Kevin Martin opened the meeting to the public.

Andy Green, 160 Rivervale Road, was sworn in by Brian Giblin, Board Attorney. He asked for clarification of what sections of the fence needed to be corrected. Mr. Giblin explained.

Alessa Stewart, 164 Brookside Avenue, was sworn in by Brian Giblin. She testified that the Spechar fence did not obstruct her vision.

Donna Platyan, 155 Rivervale Road, was sworn in by Brian Giblin. She also testified that the fence did not obstruct her vision.

The meeting was closed to the public.

It was determined that the pool was protected. Mrs. Spechar was advised to check with the Land Use Officer for a copy of the police determination on or about November 7 so she can provide it to her architect for review.

The application was carried to the November 17, 2005 meeting.

**MINUTES:**

A motion by Melvina Fakazis, seconded by J.J. Clancy, to approve the minutes of September 15, 2005; on roll call vote, those eligible to vote voted yes, the motion carried.

**CORRESPONDENCE:**

Letter dated October 18, 2005 from Grace Meyer, Esq. re: Construction of Jewish Assisted Living Facility between Westwood Avenue and Rivervale Road.

The Board deemed this to be a Planning Board issue and requested it be referred to the Building Inspector and Township Clerk.

Letter from Anthony Quartararo regarding 561 Dale Court.

**VOUCHERS:**

Vouchers submitted were determined to be Planning Board vouchers.

**DISCUSSION:**

J.J. Clancy advised the Board that currently results of the Board actions are not published in an authorized newspaper. Brian Giblin will follow up. Mr. Clancy emphasized the importance of date stamping incoming applications and referenced related submittals.

Zoning Board Engineer – Christopher Statile, Thomas Skrable and Eve Mancuso have submitted applications. Other towns will be contacted for references. A pay scale will be obtained.

J.J. Clancy inquired who would review the Meadows application. Kevin Martin responded that Christopher Statile was appointed for this application.

Kevin Martin commented on Zoning Board packages. He advised that they may be mailed. Additional correspondence may be included with an application i.e. fence ordinance.

**ADJOURNMENT:**

Upon motion of Lorraine de Stefan, seconded by Melvina Fakazis, on voice vote, all in favor, none opposed, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

**THE NEXT MEETING IS SCHEDULED FOR NOVEMBER 17, 2005.**

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						

