



MINUTES
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 15, 2005

Kevin Martin opened the meeting at 8:05 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.

ROLL CALL:	Kevin Martin	Chairman	Present
	Lorraine de Stefan		Present
	Melvina Fakazis		Absent
	Chuck Waldes		Present (8:04)
	David Rice		Absent
	Thomas Pospisil (Alternate 2)		Present
	Robert Fortsch		Present
	Robert Adamo (Alternate 1)		Present
	J.J. Clancy		Present

Also Present: Brian Giblin Board Attorney

Brian Giblin, Board Attorney, announced that a notice appeared in the newspaper regarding 371 Rivervale Road, Block 1301, Lot 31 however, an application had not been received or deemed complete. If received and deemed complete, the notice will be sufficient however, if not complete, the applicant would need to renotice.

APPLICATIONS:

05-25 Spechar, Mr. and Mrs. 168 Brookside Avenue, Block 2103, Lot 4.02
Fence replacement violates Zoning Ordinance.

Brian Giblin announced that this application would be heard on January 19, 2006.

05-27 Santonocito, Mr. and Mrs., 605 Montview Place, Block 1717, Lot 3.01. Minimum lot area and side yard setback variance.

Continued from November 17, 2005

Giuseppe Santonocito and John Giammarino, Architect were previously sworn. The application was reviewed by John Giammarino, Architect. Mr. Santonocito reported that he currently lives in an apartment in Westwood and he would like the house completed for his wife who would be joining

him from Italy.

Kevin Martin opened the meeting to the public and so carried.

Howard Lawrence, 607 Montview Place, commented that originally the applicant asked for a 1 foot variance on the east side and now they are asking for a west side variance. He asked for clarification as to what they were actually looking for. Brian Giblin reported that a 1 foot variance was required on each side along with a 12 foot arrogate side yard setback. The application conveys relief being requested.

Mrs. Kaloheen, 601 Montview Place, a neighbor, saw no problem with the application commenting that it would improve the neighborhood.

Mr. Lawrence stated that the Kaloheen's have 3 large dogs and they are commenting on Mr. Santonocito's behalf because they don't want arguments with him regarding the dogs.

The meeting was closed to the public.

Kevin Martin summarized the application and reviewed notice. He referred to the 4.7 ft. front yard setback and asked if the plans would protrude off the deck in the front. Mr. Giammarino said no, only a portico which is within setback.

Robert Fortsch asked that the resolution include that the portico would not be enclosed in the future. The applicant, Mr. Santonocito agreed.

There were no further questions or comments.

A motion by Lorraine de Stefan, seconded by Chuck Waldes to approve the application according to plans and conditioned that the portico would not be enclosed, on roll call vote, all those eligible voted yes, the motion carried.

05-28 Anita Tires, 678 Westwood Avenue, Block 1801, Lot 18 – Use expansion application

Thomas Pospisil recused himself and left the dais.

The applicant's attorney, Robert Tafuri, announced that they would prefer to carry the application to January 19, 2006 due to the possible change of Zoning Board members for the New Year.

The application was scheduled for January 19, 2006

Thomas Pospisil returned to the dais.

05-29 Hagen, Mr., 724 Wilson Court, Block 2101, Lot 44 Non-conforming structure and side yard setback variance.

Continued from November 17, 2005

John Ingenito, father-in-law of the applicant was sworn in by Brian Giblin, Board Attorney. Mrs. Hagen was also present.

A new site plan was resubmitted showing an increase in the side yard set back from 3.5 feet to 7.09 ft. and a decrease in the garage area to 12 ft. 3 inches.

Kevin Martin suggested at the last meeting, and again at this meeting that the garage be relocated utilizing the large back yard area. He stated that whether the side yard is 3.5 ft. or 7.09 ft. it is still narrow. John Ingenito reported that most houses on the block have an attached one car garage. This house has no garage, just a shed. Robert Adamo reported that a standard garage measures 12 ft. x 20 ft. Mr. Ingenito advised that the house would be vinyl sided and aesthetically pleasing. Robert Adamo did not see a coverage problem at 40% lot coverage and 25% building coverage.

Kevin Martin opened the meeting to the public and so carried.

Anthony and Carol Ciullo, 722 Wilson Court, previously sworn. Mr. Ciullo liked the idea presented by Kevin Martin to utilize the back yard area for a garage. He inquired how much square footage of additional space on the 2nd floor was proposed. Mr. Ingenito responded "less than before". Mr. Ciullo objected to the garage because of the second story. He believes it would defer lighting to his property. He would also not like looking at a two story structure from his deck.

Lissa Canavan, 526 Alosio Drive, commented on "B" zone requirements and accessory structures. She felt an attached garage in this particular area would be better. J.J. Clancy advised that there is no requirement that a garage be built.

The meeting was closed to the public.

Robert Adamo reported a fair amount of demolition to the house and decrease in side yard setbacks. He felt the applicant had other options.

Robert Fortsch felt that better plans could be presented.

Kevin Martin commented that a 10 ft. option in lieu of 7.09 ft. side yard should be considered which would allow for 4 bedrooms upstairs. Mr. Giblin reported that if the application is denied this evening, the applicant would need to come back with entirely different plans.

Kevin Martin summarized the figures; 16.99 total feet side yards (9.9 and 7.09), where 20 ft. is required and a 12.208 ft. x 20 ft. garage.

There were no further questions or comments by the Board.

A motion to deny the application by J.J. Clancy, seconded by Robert Fortsch; on roll call vote,

Lorraine de Stefan voted no, not to deny, Chuck Waldes voted no and Kevin Martin voted no; Robert Fortsch and J.J. Clancy voted yes, to deny the application. The motion did not carry.

A motion to approve the application by Chuck Waldes, seconded by Lorraine de Stefan, on roll call vote, Lorraine de Stefan, Chuck Waldes and Kevin Martin voted yes; Robert Fortsch and J.J. Clancy voted no. The motion carried.

05-30 Johnson, Mr. and Mrs., 638 James Lane, Block 601, Lot 29 Front Yard Setback Variance

Mr. William Johnson, applicant was sworn in by Brian Giblin, Board Attorney. Mr. Giblin announced that the applicant is a former coach of the Chairman, Kevin Martin.

Mr. Johnson reviewed his application requiring a front yard setback variance. An addition and alterations to an existing dwelling to accommodate larger front entrance foyer and additional living space. Mr. Johnson reported that the letter of denial was incorrect. It stated that 38.54 ft. was proposed and should have been 38.34 ft. He advised that a new roof and siding would be placed. Drainage would remain in the same location. Mr. Johnson reported that he has lived in the same house since 1987 and would like to remain but needs larger living quarters. He would be updating his house to neighborhood standards.

Brian Giblin inquired if the application would exceed the set back footprint. Mr. Johnson responded “only by front yard”. Robert Fortsch inquired about trees in front of the house. Mr. Johnson reported that only one tree exists and it would not be removed. J.J. Clancy inquired about front stairs. Mr. Johnson advised that the front entrance would be at grade level on a walk in basis with no steps.

Kevin Martin opened the meeting to the public and so carried.

No Public Comment.

The meeting was closed to the public.

A motion by Kevin Martin for a 38.34 front yard setback approval, seconded by Robert Fortsch, on roll call, all in favor, none opposed, the motion carried.

RESOLUTION:

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.

Brian Giblin read the section of the resolution that contained the amendment. Page 8, #4 “The carriage house is approved as currently configured as a two story single family home. No further expansion shall be permitted without the approval of the Board of Adjustment.

A motion by Kevin Martin, seconded by J.J. Clancy to approve the resolution as amended, on roll

call vote, Lorraine de Stefan, Chuck Waldes, Robert Fortsch, J.J. Clancy and Kevin Martin voted yes; Thomas Pospisil and Robert Adamo were not eligible, the motion carried.

MINUTES:

A motion by Lorraine de Stefan, seconded by J.J. Clancy, to approve the minutes of November 17, 2005; on roll call vote, those eligible to vote voted yes, the motion carried.

CORRESPONDENCE: none

VOUCHERS: none

DISCUSSION:

Proposed 2006 meeting schedule – J.J. Clancy recommended blocking the 1st and 3rd Thursdays throughout the year in order to reserve the room if needed. The first Thursday could be used “as requested” for a work session or special meeting. The Board members concurred with the recommendation. The regular meetings on the 3rd Thursday of each month will be published; the first Thursday will be published as needed. The Board’s Reorganization meeting will be held on January 5, 2006 at 8:00 p.m. and published. The regular meeting in January will be held on January 19, 2005 at 8:00 p.m.

J.J. Clancy discussed review of the application form.

J.J. Clancy will contact Boswell Engineering for a specific engineer name for interview purposes for a Board Engineer.

J.J. Clancy referred to Administrative Code for the Township of River Vale. Under the code in section “F”, which regarded the Zoning Officer, it read that a Zoning Officer shall be appointed by the Mayor to serve a one year term. Mr. Clancy read from the code, the responsibilities of the Zoning Officer. He did not feel a Zoning Officer could fulfill his/her duties in 2 hours per week. He recommended this be sited in the Annual Report which is distributed to the Boards and Mayor and Council. Kevin Martin asked that J.J. Clancy’s concerns and recommendations be included in the Annual Report. It is a concern of the Board who feel it is important that 2 separate, distinct persons be responsible and in the Zoning office which is in accordance with the Township ordinance.

ADJOURNMENT:

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

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

THE NEXT MEETING IS SCHEDULED FOR JANUARY 5, 2006. REORGANIZATION

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						