

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
March 15, 2007

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.

ROLL CALL:	Kevin Martin	Chairman	Present
	Lorraine de Stefan		Absent
	Melvina Fakazis		Absent
	Chuck Waldes		Absent
	David Rice		Present
	Thomas Pospisil		Present
	J.J. Clancy		Present
	Robert Adamo (Alternate 1)		Present
	Joseph Massin (Alternate 2)		Present
Also Present:	Brian Giblin, Board Attorney		Present
	Elliot Sachs, Board Engineer		Present

Robert Adamo arrived after roll call at approximately 8:15 p.m.

APPLICATIONS:

07-01 Valente, 371 Rivervale Road, Block 1301, Lot 31
Soil moving for approved variances

Carmine Alampi, Attorney for the applicant, advised that Board that he had received a letter from Elliott Sachs, Board Engineer and that he agreed with the 2100 cubic yards of soil movement. Mr. Alampi advised that notices have been provided.

Robert Costa, was sworn in by Brian Giblin, Board Attorney. Mr. Costa testified that the applicant has proposed to construct a single family house which had been approved by the Board. Approximately 2100 cubic yards of soil is proposed to be removed. Mr. Sachs referred to his letter dated February 27, 2007 and advised that the exact location of soil movement and the total number of days soil movement would take place needs to be determined. Mr. Costa reported that the soil would be clean and screened.

Thomas Pospisil inquired how the street would be kept clean with trucks going in and out. Mr.

Alampi advised that is incorporated in the Developer's Agreement. Mr. Costa advised that Bergen County Soil Conservation regulations needed to be adhered to.

Mr. Massin inquired about the possibility of flooding as reported by adjacent property owners. Mr. Alampi stated that there are no changes to the plans that were submitted and approved in January, 2007.

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

Bernard Barker, 595 Sunset Road, stated that a gravel driveway was approved and the applicant is in violation of the information provided to the Board. He stated that the resolution on the agenda this evening was not noticed. Mr. Giblin explained that it did not need to be noticed and that after a resolution is adopted, at that time a summary notice is printed in the newspaper.

The meeting was closed to the public.

David Rice asked if a gravel driveway was proposed. Mr. Costa responded "yes." Mr. Costa added that in order to accomplish the plan that was approved, you need to move about the soil.

Mr. Giblin reviewed conditions listed in the February 27, 2007 letter from Mr. Sachs.

A motion by Kevin Martin, seconded by Robert Adamo to approve the soil moving for approved variances; on roll call vote, all in favor, the motion carried.

07-03 Romanelli, 227 Fondiller Street, Block 1606, Lot 9

Violation of 142-265

E. (2) (b) The proposed addition has a side yard setback of 6.0 feet where 10 feet minimum is required. Side yard variance of 4.0 feet requested (side 1)

E.(2) (b) The proposed addition has a side yard setback of 9.9 feet where 10 feet minimum is required. Side yard variance of 0.1 feet requested (side 2).

E (2) (a) The proposed addition has an aggregate side yard setback of 15.9 feet where 20 feet is required. Aggregate side yard variance of 4.1 feet requested.

Andrew Green and Carolyn Romanelli were sworn in by Brian Giblin, Board Attorney. Mr. Green explained plans for an addition in the rear of the home, on the 2nd floor. He explained setback and variance requests. The plans are to extend 10 feet back, on the second floor keeping the same line as the existing house.

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

No public comment

The meeting was closed to the public.

Kevin Martin inquired about water run-off. Mr. Green advised that a seepage pit with a 2000 gallon tank would be installed. The soffits would have a little crown molding at 29.6 ft. total and would not exceed 30 feet maximum.

David Rice stated that currently a porch does not exist and the proposed plans show a porch. Mr. Green advised that there are existing steps with an extending overhang over the door but he would stay within setback.

Drainage will be reviewed by the Town Engineer.

Kevin Martin reviewed conditions.

A motion by Robert Adamo, seconded by David Rice to approve the application as conditioned, on roll call vote, all in favor, the motion carried.

07-04 Wolf, 137 Highland Court, Block 2203, Lot 2.06

Violation of 142-248

A. 5 foot high 50% open fence that encroaches 15.06 feet into the front yard. Fences in front yard must not exceed 3 feet high.

Eric Wolf was sworn in by Brian Giblin, Board Attorney. He explained a proposal to install a 5 ft. fence, 50% open, which is 2 ft. higher than allowed. The purpose of the fence is for safety of his children, a dog and privacy. Also to keep deer away. Mr. Giblin advised that the proposed fence could not be within 25 ft. of the front property line. Mrs. Wolf advised that it is a corner lot in a cul-de-sac.

Kevin Martin advised that a corner lot has 2 front yards. In this case one fronts Highland Court and the other Highland Avenue. The survey was referred to. Mr. Martin saw no hardship presented. Mr. Giblin advised that the Board follows certain standards and a fence ordinance is in place. Mr. Giblin referred to the plans and advised that the area where 10.06 feet is marked off on the East side, a 5 ft. fence can be placed.

Kevin Martin commented that the plans are no good the way they are presented and a different plan should be considered and submitted. He explained the options that the applicants had. Anything within 25 ft. is considered front yard. J.J. Clancy advised that a 3 ft. fence all along the property line would be okay.

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

No public comment.

The meeting was closed to the public.

Kevin Martin reviewed for the applicant that they can come to the next meeting with alternate plans

or a vote could be taken this evening. Mr. Giblin reiterated that fences cannot exceed 3 feet in the front yard per ordinance.

The applicant decided return to the April meeting with alternate plans. Mr. Giblin advised that plans should be submitted at least 10 days prior to the meeting.

07-05 Menville, 656 Woodside Avenue, Block 304, Lot 1

Violation of 142-263

E. (2) (a) Vertical expansion of a non-conforming structure. The proposed side yard setback is 9 feet where 15 feet is required. Side yard setback variance of 6 feet requested.

Robert Menville, 656 Woodside Avenue, was sworn in by Brian Giblin, Board Attorney. He explained his application for an addition straight up on his house, not extending outward, for a master bedroom suite. He would be replacing the entire roof with a HIP roof. Regarding run-off of water, no additional overhangs, would remain the same except 12 ft. higher. No seepage pit.

J.J. Clancy inquired how C-1 Designation impacted this development and if Mr. Menville was required to have flood insurance. Mr. Menville advised that C-1 did not apply and he is not affected by flood insurance. He is on the upside of the brook. Same roof line.

Mr. Menville commended Ed Madger for his work efforts.

A motion by Kevin Martin, seconded by Robert Adamo to approve the application, on roll call vote, all in favor, the motion carried.

The Board recessed 9:00 – 9:08 p.m.

07-06 Parkland Construction, 580 Cleveland Avenue, Block 1503, Lot 21

Robert Adamo recused himself and left the dais.

Nancy Saccente, Attorney advised that she had two witnesses present to testify, the Engineer, Gary Vander Veer and the applicant, Kurt Seickel.

Gary Vander Veer of AFR Engineering was sworn in by Brian Giblin, Board Attorney. Mr. Vander Veer presented his qualifications which were accepted by the Board. Mr. Vander Veer testified that he was contracted by the applicant to prepare plans, he is familiar with town code and the lot and surrounding area. He stated that the lot is in a residential zone A and requirements for that zone are listed on the Key Map included on the plans. Mr. Vander Veer read the list for the record. He advised that the lot is comparable in size and similar in size with the neighborhood. A drainage analysis was prepared. Two – 500 gallon seepage pits will be installed in a stone field in the rear. These pits are sufficient to handle run off from the dwelling. Mr. Vander Veer described the plans for the proposed dwelling and added that the size of the house is comparable to adjacent homes.

Three trees are proposed to be removed. Three hundred eighteen cubic yards of soil will be exported from the site for excavation of the basement area. Site elevations will remain the same. A survey was prepared, setback dimensions are accurate.

Mr. Massin asked why a 30 ft. maple tree would be removed. Mr. Vander Veer advised that it may get damaged and it will be detrimental to the new dwelling.

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

Gary McDonald, 583 Hamilton Place, expressed concern regarding the seepage pit. He wanted to know how his property would be impacted from the run off. Mr. Vander Veer explained how the seepage pit would collect the run off explaining that it would be piped underground. Mr. McDonald asked about the bottom of the seepage pit elevation. Mr. Vander Veer advised that it would be 6 to 7 feet below ground elevation. Mr. McDonald advised that the depth was equal to his current ground level. Mr. Vander Veer explained that if the seepage pit were to fail, roof leader drains would handle the over flow. Mr. McDonald wanted a guarantee that his property would not be impacted and asked if there are issues what the remedy would be. Mr. Giblin advised that the Township Engineer reviews the systems and if there were a problem, it would be against the property owner.

Chris Zeeman, 579 Hamilton Place, asked how Mr. Vander Veer defined a 25 year storm. Mr. Vander Veer responded certain rain fall intensity and the time of concentration is when rain starts and reaches its peak 5.7" per hour for 15 minutes. 1 ½ "of rain is the analysis. Mr. Zeeman is concerned with flooding and run off onto his property. Mr. Vander Veer explained that the run off from the back of the proposed dwelling to Mr. Zeeman's property will be an improvement to the existing run off.

Tony Madora, 584 Cleveland, inquired how deep the house would be on the East side. Nancy Saccente, Esq. responded 39 feet. All except the garage is 10.1 feet off the property line. Mr. Madora advised that he has an in ground pool. Mr. Vander Veer advised that there would be no impact on the pool. There will be no undermining or cause to shift. Mr. Madora commented that the proposed property is all sand.

Joseph Prinke, 586 Cleveland, inquired about air conditioner units. Mr. Vander Veer advised that there would be air conditioners and the owner would provide the location information.

Chris Zeeman, 579 Hamilton Place, asked about the location of walls and if there are any topographical impairments. Mr. Vander Veer advised that there are no impairments.

The meeting was closed to the public.

Kevin Martin commented on the proposed soil stock pile. Mr. Vander Veer advised that some soil would need to stay on site. Excavation would be done in the front and rear.

Joseph Massin asked about the seepage pit over the years. Mr. Vander Veer advised that if the

seepage pit were to get clogged or overflow, the owner would need to open the cover, which is not likely to happen. There should be no collection of leaves in the pit and it should last a long time. However, the pit is maintainable. Mr. Massin expressed his concern about drainage affecting other property owners. Mr. Giblin advised that he assumed the system would be a condition of approval.

J.J. Clancy was concerned about run-off toward Hamilton Place and asked if the seepage pit could be relocated to the front yard for flow to the street. Mr. Vander Veer advised that if there is no utilities conflict, there is adequate space to place it in the front.

Kurt Seickel, applicant and member of Parklane Construction, was sworn in by Brian Giblin, Board Attorney. He testified that he has been in business for 20 years and was involved in design of the dwelling with the architect. Exhibit A-1 consisted of 5 drawings marked A-5, 5 of 5 dated January 5, 2007 and prepared by Michael Napolitan, Architect.

Mr. Seickel proceeded to describe the house referring to sheet 5 of 5 of the plan. He advised that the code allows for 32 feet high dwelling; his proposal is just under 29 feet. The dwelling is proposed to have 4 bedrooms, 2.5 baths. The height of the ceilings of all rooms is 8 ft. and 9 ft. A porch will be located to the left of the garage. He advised that the existing house would be demolished. He agreed to place the seepage pits in the front yard if asked to do so.

Sheets A-1, A-2, A-3, and A-4 – depict levels of construction

A-2 shows the 1st floor plan

A-3 shows the 2nd floor plan

A-4 shows elevations on the right and left sides.

The proposed height of the house is 27.7 ft. high. The character of the house fits others in the area.

Mr. Massin inquired if any fencing was anticipated. He was advised “no”. Mr. Massin asked if there were any fire protection issues for fire equipment to enter on the side of the building. Mr. Seickel was not aware.

Kevin Martin asked what other kind of structure could be placed to maintain current side yards. Mr. Seickel advised that the only other type of dwelling would be a narrow, deep house. He added that all area houses have front loaded garages and this plan keeps in style with the neighborhood.

Kevin Martin’s concern was with extending 10 ft. out on each side creating a big reduction on the side yards and leaving very little space between neighbors.

Thomas Pospisil would like to see a 14 ft. left side yard.

J.J. Clancy stated that the Board, in the past, had prohibit windows on the encroachment side of a proposed dwelling.

Kevin Martin felt that the West side yard at 9.6 ft. was tight. Mr. Massin agreed. Mr. Martin would

like to see the plans amended by 2 ft. on each side.

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

Linda Madora, 584 Cleveland, resides on the East side. She is happy that the existing house will be replaced, but not if it overpowers her home. She is concerned with the distance from her home and privacy. Mr. Seickel advised her that the distance would be about 12 – 13 feet and that construction would not affect her property or pool. There would be no damage to her tree roots. Mr. Seickel added that the stock pile would not affect her pool and could be placed anywhere on the property. Mrs. Madora had side line concerns.

Nancy Saccente had questions for Mrs. Madora. Therefore, Mrs. Madora was sworn in by Brian Giblin, Board Attorney. Miss Saccente asked that if Mrs. Madora was concerned with the side yard distance, would she prefer the house to be built deeper, advising that it could be built deeper. Mrs. Madora replied no, smaller. Mr. Giblin advised that the house could be built back and the applicant would meet requirements. Mr. Vander Veer stated that the applicant is in compliance with building coverage. Miss Saccente asked the applicant if the air conditioners could be placed in the rear of the house. Mr. Seickel replied yes.

Chris Zeeman, inquired about available plans for the dwelling. He was advised that they would be made available before the next meeting. Mr. Zeeman advised that he had a petition letter to present. Mr. Giblin told him that it cannot be accepted and that any comments on the application need to be made in person.

The applicant consents to continue to April 19th meeting with no default.

Robert Adamo returned to the dais.

RESOLUTIONS:

06-23 Sloofman, 557 Forest Court, Block 908, Lot 25

Violation of 142-249

Swimming pool 8.0 feet from side yard where 10 feet is required

Swimming pool 6.1 feet from existing structure where 10 feet is required

A motion by J.J. Clancy, seconded by Joseph Massin to adopt the resolution, on roll call vote, all those eligible voted yes; the motion carried.

Valente, 371 Rivervale Road, Block 1301, Lot 31

One word in the resolution was amended by Brian Giblin, Board Attorney. On page 7, *structure* was added in lieu of “addition”.

A motion by Kevin Martin, seconded by Joseph Massin to adopt the resolution, on roll call vote, all

those eligible voted yes; the motion carried.

MINUTES: February 15, 2007

A motion by J.J. Clancy, seconded by Joseph Massin to approve the minutes of February 15, 2007 as amended by J.J. Clancy, on roll call vote, all those eligible voted yes; the motion carried.

DISCUSSION:

J.J. Clancy reviewed items for the April 19, 2007 agenda.

VOUCHERS: -

A motion by Thomas Pospisil, seconded by Robert Adamo to approve vouchers as presented and read by the Chairman; on voice vote, all in favor, the motion carried.

A motion by J.J. Clancy, seconded by David Rice to approve additional vouchers as presented and read by the Chairman, on voice vote, all in favor, the motion carried.

A motion by J.J. Clancy, seconded by Joseph Massin to approve vouches as presented and read to Christopher Statile, Board Engineer for special project; on voice vote, all in favor, the motion carried.

ADJOURNMENT:

Upon motion of David Rice, seconded by Joseph Massin , on voice vote, all in favor, none opposed, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

THE NEXT MEETING IS SCHEDULED FOR April 19, 2007

Name	Moved	Second	Ayes	Nays	Absent	Abstain
Lorraine de Stefan						
Melvina Fakazis						

Chuck Waldes						
David Rice						
Joseph Massin Alt 2						
J.J. Clancy						
Kevin Martin						
Thomas Pospisil						
Robert Adamo Alt 1						