

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
May 15, 2008

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>	Kevin Martin	Chairman	Absent
	Lorraine de Stefan		Present
	Melvina Fakazis		Present
	David Rice		Present
	Thomas Pospisil	Vice-Chairman	Absent
	Robert Adamo		Present
	Joseph Massin	Alternate # 2	Present
	Robert Fortsch	Alternate # 1	Present
	John Donovan		Present

<u>ALSO PRESENT:</u>	Richard Conte	Board Attorney	Present
	Elliott Sachs	Board Engineer	Absent
	Damian Gil	Land Use Administrator	

MINUTES:

A motion by Melvina Fakazis, seconded by John Donovan to approve the minutes of April 17, 2008; on roll call vote, all in favor, the motion carried.

RESOLUTIONS:

Zipfel, 550 Wittich Terrace, Block 802, Lot 10
Violation of 142-263

A motion by Melvina Fakazis, seconded by Lorraine de Stefan to adopt the application; on roll call vote, all those eligible voted yes, the motion carried.

Martino, 726 Tiffany Avenue, Block 2102, Lot 15
Violation of 142-265

A motion by Melvina Fakazis, seconded by Joseph Massin to adopt the application; on roll call vote, all those eligible voted yes; the motion carried.

APPLICATIONS

**Mucha, 598 Cleveland Avenue, Block 1506, Lot 12
Violation of 142-263**

Peggy Mucha and Robert Dincecco were sworn in by Richard Conte, Attorney. Ms. Mucha explained the application to add a 6 ft. porch across the front of the home. Steps would be recessed into the porch. The Board members reviewed the plans and had no comments.

Robert Fortsch opened the meeting to the public and so carried.

No Public Comment

The meeting was closed to the public.

David Rice clarified that the steps would recede into the porch area. John Donovan inquired if the home was in the A-Zone. Ms. Mucha responded “yes”. Melvina Fakazis asked that the application be conditioned that the porch area would not be enclosed.

There were no further comments or questions by the Board.

A motion by Melvina Fakazis, seconded by Lorraine de Stefan to approve the application as conditioned, on roll call vote, Lorraine de Stefan, Melvina Fakazis, David Rice, John Donovan, Robert Fortsch and Joseph Massin voted yes; Robert Adamo voted no; the motion carried.

**Caitlin Construction , 9 Hoiem Court, Block 302, Lot 30.01
Violation of 142-263**

Paul Montibano, Attorney for the applicant, advised that the application is for a 10 ft. front yard variance. Ken Ochab, Planner was sworn in by the Board Attorney. He presented his qualifications which were accepted by the Board.

A diagram prepared by AFR Engineering and dated March 3, 2008 was marked as Exhibit 1. Mr. Ochab advised that he had reviewed the plan. Mr. Montibano reviewed boundary lines and setbacks. Mr. Ochab testified that the proposed house was reduced to about 3,400 sq. ft. from 4,400 sq. ft. and the proposed 3 car garage is now a 2 car garage which created a front yard variance request.

Mr. Ochab felt that there would be no negative criteria / impact to the neighbors. He stated that the nearest neighbor would not be affected and the 10 ft. variance request would not impact anything.

David Rice inquired if the front steps beyond the existing 35 ft. would infringe closer. Mr. Ochab replied “it may.”

Mr. Montibano stated that the applicant was trying to maintain about the same size house in the area however, without a variance it would be a small house.

Robert Fortsch opened the meeting to the public and so carried.

Linda Gibson, identified herself as Block 302, Lot 31, 610 Orangeburgh Road. She claimed that the 30 ft. setback from the stream reaches the stream. Mr. Ochab reviewed the entire plan and how Cherry Brook runs through the property.

David Green, 545 Frank Scotland, inquired about the distance from his house and if the applicant was in compliance. He was informed that only the front yard was too close otherwise compliance was in order.

Mrs. Rossen, claimed that application to be an eyesore and commented that the brook floods. Mr. Ochab advised that there would be a full landscaping plan and the stock pile would be removed. Mrs. Rossen commented that everyone within 200 ft. should be notified. Mr. Conte stated that a property owners list is provided to the applicant of those within 200 ft of the proposed property line. Mrs. Rossen claimed that 2 individuals were not notified. Damien Gil, Land Use Administrator stated that Mr. Bruno was not within the 200 ft. limit and Mr. Mendenez was mailed a notice however, the return receipt was not received.

Judy Bruno, 646 Orangeburgh Road inquired about the distance of the footprint relative to the brook. Mr. Ochab responded 25 ft.

The meeting was closed to the public.

Robert Adamo inquired if the mitigation plan before the DEP would be unfavorable to the applicant. Mr. Montibano advised that it would not affect the application. Mr. Adamo inquired when the footings were placed. Mr. Montibano advised October or November, 2005/2006. Mr. Montibano commented that notice was received from the DEP that there may be encroachment on the set back line.

Joseph Massin inquired if the existing trees would be removed. Mr. Montibano replied that trees would be discussed with the Shade Tree Commission. Current plans are to remove a 24" circumference Oak tree.

John Donovan inquired if a report was received from Elliott Sachs, Board Engineer. Damien Gil responded "no". Mr. Gil commented on bulk variance and mitigation plan.

Upon request of the public, Robert Fortsch reopened the meeting to the public and so carried.

David Green, inquired what changed in terms of the original plan regarding number of trees. Mr. Montibano stated that all buffers were approved, and the developer still has obligations discussed at the Planning Board level.

Linda Gibson commented on water run-off and trees.

David Rice suggested she speak with the developer regarding trees and landscaping. Mr. Montibano advised that drainage was dealt with at the Planning Board level.

Eliose Hayes inquired about rear yard setback. Mr. Montibano advised that the applicant is in compliance. Damien Gil advised that an as built survey will be furnished and the Board Engineer will make a determination.

Mrs. Rossen commented that big house on small lots are destroying the town. Linda Gibson, inquired about the size of the cul-de-sac. Mr. Montibano advised that it is standard size.

The meeting was closed to the public.

Robert Adamo recommended allowance for a tree buffer on the left side by the driveway due to closeness to the property line. Six foot pines were discussed. Mr. Montibano advised that a sufficient buffer proposed by the developer can be included in the resolution if the application is approved. Mr. Adamo would like to see an amended landscape plan. Joseph Massin agreed. Mr. Montibano advised that the developer's agreement required to follow the Shade Tree recommendations. It is the developer's responsibility to place 5 – 6 ft. evergreens as a buffer.

At the request of the public, Robert Fortsch opened the meeting to the public and so carried.

Linda Gibson, commented on buffer trees.

David Green stated that the macadam driveway butts up against his property. Neighbors should be considered. John Donovan advised that the ordinance allowed the driveway as proposed.

Marsha Dougherty commented on deed restrictions of home being built. Mr. Fortsch advised that the Board is not authorized and has no power regarding deed restriction.

The meeting was closed to the public.

Summary comments were made by the Board. Mr. Adamo felt that a macadam driveway would be better than a larger house. Mr. Fortsch felt that the Board Engineer should be involved.

Conditions were that the tree buffer of 5 – 6 ft. evergreens as recommended at the Planning Board level be placed, the Board Engineer provide final review, and the proof of service to the resident who did not respond be obtained.

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

ADJOURNMENT:

Upon motion seconded and carried, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary