

MINUTES  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
May 18, 2006

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
	Chuck Waldes		Present
	David Rice		Present
	Thomas Pospisil (Alternate 2)		Present
	Robert Fortsch		Present
	Robert Adamo (Alternate 1)		Absent
	J.J. Clancy		Present

Also Present:	Brian Giblin	Board Attorney
	Elliot Sachs	Board Engineer

David Rice arrived at 8:10 p.m.

J. J. Clancy made a motion to dismiss the Valente application without prejudice, seconded by Robert Fortsch, on voice vote, all in favor, the motion carried. The applicant would need to re-notice if they decide to come back before the Board.

**APPLICATIONS:**

**06-10 Ottomanelli, 130 Demarest Avenue, Block 1602, Lot 7**

500 feet of fencing. 6 foot fence in front yard where 3 foot or lower is permitted. Less than 50% open fence proposed where 50% or more is required

Joseph Ottomanelli was sworn in by Brian Giblin, Board Attorney. He explained his proposal to place a 6 ft. fence on his property. He advised the Board that he is concerned with people crossing his property to go to the pond in the area. Garbage is being thrown over the guard rail. A 3 foot fence would not help. There are safety concerns and insurance issues. Mr. Ottomanelli referred to photographs he took of the area which the Board members were provided as well. Kevin Martin inquired about photograph No. 7. Mr. Ottomanelli advised that this was a photograph of Demerest Avenue. Melvina Fakazis inquired about the possibility of placing a chain link fence. Mr.

Ottomanelli felt that kids could climb it.

Kevin Martin read a letter from the County dated May 8, expressing their concerns. Brian Giblin explained that the property is located on a bend and on a County road and any solid object may create an unsafe condition. The engineer was asked to provide a written opinion to the applicant and Board members.

J.J. Clancy inquired if the fence would cross the driveway. Mr. Ottomanelli stated that it would not. Melvina Fakazis recommended a sample of the fence be obtained for the Board members to view. J.J. Clancy recommended that any changes to the type of fence or the proposal should be documented.

Elliott Sachs, Board Engineer advised that he would need a site plan with the proposed fence on it before he can visit and analyze the proposal. Robert Fortsch commented that he knew the previous owners of the house and felt that Mr. Ottomanelli may be overstating the garbage problem. He stated that the concerns of garbage may reverse itself when people realize there is a new owner.

Brian Giblin advised that a diagram of where the fence will be placed is required for site triangles.

The application is carried to June 15, 2006.

**06-12 Higgins, 847 Westwood Avenue, Block 1903, Lot 5**

Side yard setback – 3.25 feet where 15 feet is required for deck extension and hot tub.

Richard Higgins was sworn in by Brian Giblin, Board Attorney.

Mr. Higgins explained his application to extend an 18 x 18 foot deck where there is “dead” space and in line with the house to provide more deck area and place a hot tub. Melvina Fakazis inquired how far the hot tub would be from the neighbors on Lot 6. Mr. Higgins responded about 40 – 45 feet and added that the neighbor’s house is on approximately ½ acre of property. Melvina Fakazis was concerned with the side of the neighbor’s house that would face the hot tub. Mr. Higgins confirmed that the neighbors would not be able to see the hot tub.

The proposed extension would be 4 ft. off the ground and no closer than 39 - 40 inches to the neighbor’s house on the side yard. J. J. Clancy was concerned with the side yard setback commenting that there is very little room to use a ladder or repair a fence. Discussion ensued on placing the hot tub on the existing deck for safety and electrical reasons. Robert Fortsch mentioned the noise level from a hot tub and felt that the closer it would be placed to the house the better buffer there would be rather than placing it on the property line. The type of hot tub to be placed was described by Mr. Higgins.

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

No public comment.

The meeting was closed to the public.

A motion was made by Melvina Fakazis, seconded by Lorraine de Stefan to approve the application; the approval is conditioned that the extended deck is 39” off of the property line, the extension is 12 x 18 ft., a concrete platform 10 x 12 feet be placed for the hot tub and the deck will not be enclosed; on roll call vote, Lorraine de Stefan, Melvina Fakazis, Chuck Waldes, David Rice and Kevin Martin voted yes; Robert Fortsch and J.J. Clancy voted no, Thomas Pospisil was not called; the motion carried.

**06-06 –688 Westwood Ave LLC, 688 Westwood Ave, Block 1801, Lot 20,21,22,23**

Use Variance for Building 1 (Retail Use in “A” Residence District)

Use Variance for Building 1 (Residential Apartments in “A” Residence District)

Use Variance for Building 2 (Residential Apartments in “C” Commercial District)

Minimum Front Yard (8 feet proposed where 45 feet is required)

Minimum Side Yard (10 feet proposed where 15 feet is required)

Maximum Building Coverage (37.6% proposed where 25% is required)

Maximum Building Height (35 feet proposed where 32 feet is required)

Maximum Distance from edge of Parking Lot to Residence District Lot Line (2.5 feet proposed where 10 feet is required)

Minimum Parking Space depth (18feet proposed where 19 feet is required)

Minimum Drive-Aisle Width (24 feet proposed where 25feet is required)

Parking Space Requirements (202 proposed where 260 is required)

Kevin Martin read the list of variances requested by the applicant, 688 Westwood Ave, LLC

Marla Taus, Attorney represented the applicant, contract/purchaser. Ms. Taus stated that the architect and traffic engineer completed testimony at the last meeting. However, the traffic engineer will be present to address issues from the last meeting.

Mark Martins, Civil Engineer was sworn in by Brian Giblin, Board Attorney. He provided his qualifications which were accepted by the Board. He described the waivers and variances proposed. Mr. Martins advised that lots 20, 21 and 22 are commercial lots and lot 23 is residential.

Mr. Martins testified that he prepared the site plan consisting of 8 sheets, dated 1/30/06 and marked as Exhibit A-3 as follows:

Sheet 1 - an overall key map

Sheet 2 – entire site plan

Sheet 3- storm drainage and grading plan

Sheet 4- lighting plan / landscaping plan

Sheet 5- soil erosion plan

Sheet 6- detail sheet

Sheet 7- existing survey

## Sheet 8- lot merger plan

Each sheet was defined and discussed by Mr. Martins. Mr. Martins testified that he reviewed the township engineer's report dated March 28, 2006 which he agreed to except for exceptions listed; Items 15 F & G, items 20 – 25 and items 34 C & D. Items 34 C & D were reviewed by Mr. Martins – trash and loading areas. The area can handle the proposed use per Mr. Martin.

Kevin Martin inquired what existed on the left side of the proposal. Mr. Martins advised an office building and Anita Tire. On the other side, a new single family house. Kevin Martin felt that the proposal would impact the new expensive house. Mr. Martins advised that the plans could be revised to provide a bigger buffer area. A 10 ft. buffer is required by the town. Kevin Martin commented that the proposal would generate a large amount of garbage and that this is the largest proposed industrial park in River Vale. He was concerned with having a large enough garbage facility and loading area. Mark Martins advised that the area is 10 ft. x 10 ft and that there would be private garbage pick up. Kevin Martin expressed his concerns regarding garbage pick up time and noise early in the morning which he has witnessed in the past. Deliveries to some establishments are made 6 a.m. and earlier according to Kevin Martin. Mark Martins felt that proper scheduling has to do with building management and the burden would be on the people who own and operate, to follow the rules.

Elliott Sachs commented that the township ordinance has different requirements for different types of retail services. He recommended that the applicant be more specific in order to evaluate. Restaurants, number of tables, frequency of in and out may impact traffic on Westwood Avenue. He advised that some Boards put conditions on use. Brian Giblin advised that there are 15 categories of permitted uses. Melvina Fakazis described the retail stores in a nearby strip mall. She is concerned about late closings and headlights facing the residential homes and apartments. Mark Martins advised that a more solid barrier could be proposed but currently, shrubs are proposed in the landscaping plans.

Kevin Martin referred to sheet 3 of Exhibit A-3 and inquired how wide the storm water retention area would be. Mark Martins responded 30 ft. in width. All water with the exception of the far right corner will run off toward Westwood Avenue according to Mr. Martins. Kevin Martin inquired if a storm chamber field would be installed in the back. Mark Martins responded yes, going into the ground off of building No. 3. Elliott Sachs mentioned C-1 designation, which he explained, and Hackensack Water Co. Mark Martins advised that the project is 1500 ft. away and that there are no issues. Need to comply with water quality.

J.J. Clancy was concerned with including residential Lot No. 23 in the plan. Brian Giblin inquired how wide Westwood Avenue was. Mr. Martins responded 80 ft. There is no front yard requirement in a commercial zone.

Chuck Waldes asked what other towns in the area had mixed use. Mark Martins was not aware. Kevin Martin opened the meeting to the public and so carried.

Marie Gurrieri, 271 Collignon Way Apt. 4B, inquired what type of fan for exhaust would be placed on the rooftops for stores due to noise they generate. Mark Martins advised that the noise ordinance would need to be complied to.

Robert Russo, owner of 751 Beech Crest Drive, inquired if the parking area behind building No. 3 requires a variance. Mark Martins reviewed variance requests for the rear of building No. 3.

Robert Waldron, 271 Collignon Way, Apartment 8-A, advised that between Lots 21 and 22, there is a strip of property and he asked who owned it. Mark Martins advised that it is a 10 ft. right-of-way owned by Lot 21 which provides access to Lot 22. He pointed out that he was referring to sheet 7, Boundary and Topographic Survey. Mr. Waldron commented on the proposed apartments on top of stores and asked where children would play. Mark Martins responded that there is no dedicated recreation area and that the apartments are small and not meant for large families. Mr. Waldron inquired if a solid barrier were considered, how high it would be. Mr. Martins responded 6 ft. and the proposed evergreens would be 4 – 6 ft. He added that lighting would be shielded and would need to meet requirements. A solid fence would be placed if the Board found that appropriate.

Mary Lake, 265 Collignon Way, Apt. 3B, commented that the impervious coverage is more than double the legal requirements. Mark Martins commented on impervious coverage for a residential lot which is a separate zone and requirements are different. Mrs. Lake had concerns with drainage, commenting that if the whole area were covered with macadam, where would the water flow. Mark Martins advised that a number of improvements are being proposed for water flow which needs to comply with the State standards.

Robert Russo, owner of 751 Beech Crest Drive, commented that 1 residential lot is to be converted to commercial use. He asked, if this were turned down and stayed as residential use, what percent would it cut off the project. Mark Martins replied approximately 25%.

Don Brett, 259 Collignon Way, asked if a fence were placed, would it run the whole entire length of Collignon Way. Mark Martins advised that it could be done.

Mrs. Eskinazi, 265 Collignon Way, Apt. 3B, commented that the proposed development would change the whole look of the town. She is concerned with noise. Mark Martins explained that there would be no rear access to building No. 3. Mrs. Eskinazi commented on “kids hanging out and skate boards.” Mark Martins advised that this would be a security and enforcement issue. She felt that there would be a lot of noise due to all the activity with retail stores. Mark Martins advised that there would be no loading in the rear of building No. 3. He stated that the two proposed driveways enter and exit from Westwood Avenue and that there is sufficient distance between the 2 driveways.

Carol Ann Carini, 259 Collignon Way, asked to see the lighting plan for building No. 3. Kevin Martin provided some details on the lights and advised her how she can see the plans. Ms. Carini commented on the distance of the front buildings from Westwood Avenue and expressed her safety concerns. Mark Martins advised that from the property line to the actual roadway there is a distance of 28 ft.

Patricia Brett, asked what the distance is from the property line of the apartments to the back of building No. 3. Mark Martins advised approximately 56 feet. She stated that trees act as sound barriers.

Robert Russo, owner of 751 Beech Crest Drive, commented on emergency “back doors” and the activity that could be generated. Mr. Martins advised that this issue would need to be referred to the architect.

The meeting was closed to the public.

David Rice commented that if the residential Lot 23 were omitted the applicant can essentially do the project. J.J. Clancy inquired how the proposal affects Lot 23. Mark Martins responded most of building No. 1 and a section of building No. 3.

The Board recessed 10:15 p.m. to 10:20 p.m.

The Chairman reconvened the meeting.

Chairman Martin permitted one last question from the public.

Patricia Brett asked how long, if permitted, the project would take for completion. Mark Martins advised her approximately 1 year.

Traffic Engineer, Joseph Staiger, previously sworn, provided his findings on morning traffic counts which he conducted on May 11 at both 9:00 a.m. and 11:00 a.m. Mr. Staiger advised that he did a distance study and time study regarding Peters Lane “cut through.” He referred to the site plan and advised that using the cut through is a longer distance both ways and he did not predict a significant increase in cut through traffic.

Kevin Martin provided case scenarios of different areas and sited traffic problems and difficulty of getting in and out. He stated that he has seen traffic avoid the light at Rivervale Road and Westwood Avenue and cut through Peters Lane. Kevin Martin felt strong that by adding stores, you are adding traffic and this would make vehicles migrate to Peters Lane through Collignon to get to Rivervale Road to avoid the traffic light and the proposed complex. He commented on the Assisted Living Facility advising that the majority of people would be arriving and leaving at the same time causing stress on Peters Lane and Collignon Way.

Mr. Staiger felt that the roadway could handle the increase in traffic and that there would be no effect on the operation of the roadway.

The application will be continued on June 1, 2006.

## **RESOLUTIONS:**

**06-09 Nilsen, 734 Westwood Avenue, Block1801.01, Lot 37**

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

A motion by J.J. Clancy, seconded by Melvina Fakazis to appoint Boswell Engineering as traffic consultant for the 688 Westwood Avenue LLC application; on voice vote, all in favor, the motion carried.

A motion by J.J. Clancy, seconded by David Rice, to appoint Christopher Statile as engineer for the Edgewood Country Club application; on voice vote, all in favor, the motion carried.

**VOUCHERS:**

A motion by Kevin Martin, seconded by David Rice to approve vouchers submitted in the amount of \$3,671.00; on voice vote, all in favor, the motion carried.

**ADJOURNMENT:**

Upon motion of Kevin Martin, seconded by Thomas Pospisil, 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 JUNE 1, 2006**

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						