

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
June 18, 2009

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 & notice is posted at River Vale Municipal Offices.

<u>ROLL CALL:</u>	Kevin Martin	Chairman	Present
	David Rice		Present
	Thomas Pospisil		Present
	Robert Adamo		Present
	Joseph Massin	Alternate # 1	Present
	Robert Fortsch		Present
	John Donovan		Present
	Douglas Marchese	Alternate # 2	Present
<u>ALSO PRESENT:</u>	Brian Giblin	Board Attorney	Present
	Elliott Sachs	Board Engineer	Absent
	Lauren Roehrer	Land Use Admin	Present

Robert Adamo arrived at 8:03 p.m. after roll call.

VOUCHERS:

A motion by Joseph Massin, seconded by John Donovan to approve vouchers as read by the Board Chairman, on voice vote, all in favor, the motion carried.

MINUTES:

A motion by Robert Fortsch, seconded by Joseph Massin to approve the minutes of May 21, 2009 on roll call vote, all those eligible voted yes; the motion carried.

RESOLUTIONS:

Mazzone, 608 Baylor Avenue, Block 905; Lot 4
Violation of 142-263

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

Stephan, 638 Woodside Avenue, Block 303; Lot 3
Violation of 142-263

A motion by David Rice, seconded by Robert Fortsch to adopt the resolution; on roll call vote, all those eligible voted yes; the motion carried.

APPLICATIONS:

Brian Giblin, Board Attorney announced that the application for 688 Westwood Avenue would be heard on July 16th.

DISCUSSION

601 Piermont Avenue – formally approved application.

Chairman Martin asked Mr. Giblin to recap what has transpired with this application to date. Mr. Giblin advised that after Mr. Martin had reached out to him, he reviewed the plans in the file from the applicant in the Building Department. He reviewed what was approved by the Board members during testimony. Mr. Giblin advised that the building inspector did not consider the application a demolition of a house because the foundation was not removed. Mr. Martin felt that the foundation was removed.

Mr. Giblin advised that Mr. Sartori, Building Inspector visited the site. Mr. Giblin advised Mr. Sartori that the applicant exceeded what the Zoning Board members approved. The house was apparently built too wide by 1 or 2 inches. Construction was stopped.

Mr. Giblin discussed the matter with the Township Attorney and the Mayor. The matter is in the hands of the Township Attorney. The Zoning Board is not an enforcing agency.

It was determined that the foundation was “saw cut”. Mr. Massin inquired what the property owner was obligated to do. The Board approved the application based on the drawings provided and testimony provided. If the wall of the house was “blown down” during construction how does the Board enforce.

Mr. Martin explained that the approval was not intended to tear the existing house down and build a new one. John Donovan commented on the plans and the tapes from the meeting. Mr. Martin expressed the application as an addition not a demolition.

Mr. Adamo agreed that the Board’s impression was for an addition. The drawings showed an entirely new floor. The resolution referred to an addition that turned out to be a new house.

Mr. Adamo felt that all “new” construction fees should be applied and the Mayor and Council and Building Official should be notified by letter. The applicant should be responsible for the correct permit fees. Mr. Adamo added that the town engineer should review the matter. A letter will be sent to the Mayor and Council relative to the Board’s concerns.

Discussion ensued on how old a survey should be when accepted by the Board for review with plans. The Board members requested a clear definition of demolition pertaining to applications.

ADJOURNMENT:

Upon motion seconded and carried, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary