



**MINUTES
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
JULY 21, 2005**

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		Present
	Melvina Fakazis		Present
	Chuck Waldes		Absent
	David Rice		Present
	Thomas Pospisil (Alternate 2)		Present
	Robert Fortsch		Present
	Robert Adamo (Alternate 1)		Present (8:25)
	J.J. Clancy		Present
	Brian Giblin	Board Attorney	Present
	Richard Burns	Board Engineer	Absent

MINUTES:

A motion by Melvina Fakazis, seconded by Thomas Pospisil, to approve the minutes of June 16, 2005; on roll call vote, those eligible to vote voted yes, the motion carried.

APPLICATIONS:

05-20 Marchese, Douglas, 627 Stanley Place – Block 1102, Lot 12 Enlargement of Non-conforming structure – second story addition to single family dwelling. Violates Article L VIII Section 142-263 E.1(a) where front yard setback required is 45’ and proposed is 42’ .7”

Mr. & Mrs. Marchese were sworn in by Brian Giblin, Board Attorney. Mr. Marchese stated that the application is for a second story addition which would include a master bed room, fifth bedroom and a closet area / laundry room. David Rice inquired if all new roofing and siding would be placed. Mr. Marchese responded “yes”. J. J. Clancy inquired how old the house was. He was advised that it was built in 1953 and that all surrounding houses were the same. Mr. Giblin commented that the house would not exceed the existing footprint. He asked about overhangs. Mr. Marchese advised that the rear of the house would have a cantilever.

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

No Public Comment

The meeting was closed to the public.

There were no further questions or comments.

A motion by David Rice, seconded by Melvina Fakazis to approve the application; on roll call vote, all in favor, the motion carried.

05-22 Hayden, Christopher – 705 Westwood Avenue Block 2101, Lot 5 – Board Interpretation of Right-of-Way, and to determine if property should be deemed a corner lot.

J.J. Clancy recused himself and left the dais. David Rutherford, Esq. represented the applicant, Christopher Hayden. The application is to demolish and construct a one family house. The issue is whether or not the lot in question is considered a corner lot. A site plan was submitted dated May 23, 2005 and revised June 27, 2005. Mr. Rutherford provided a brief overview. A deed dated August, 1974 and recorded July, 1982 was submitted and marked as Exhibit A-1.

Christopher Hayden was sworn in by Brian Giblin, Board Attorney. Mr. Hayden testified that he and Mr. Daniels are co-owners of the lot in question, lot 5, since February, 2005. The existing house is not occupied. Mr. Hayden advised that he resides at 707 Westwood Avenue, Lot 6 since 1994.

Mr. Rutherford advised that the right-of-way is approximately 15 feet, of which 10 feet is paved. All utilities are installed. As to maintenance, the town currently plows the area. He stated that Marc DeCarlo, Land Use Administrator was looking for interpretation regarding the property as a corner lot. Discussion ensued on the right-of-way. Mr. Martin felt that the right-of-way functions as a street.

Mr. Rutherford was advised to gather more information and to file a formal variance application.

05-06 LoPiccolo, Mr. and Mrs. – 110 Ivy Lane Block 2005, Lot 12 Proposed new portico – violates Article L VIII 142-263 E (1) a. Proposed addition of portico where front yard setback is 45' and 42' is proposed.

Frank LoPiccolo, applicant was sworn in by Brian Giblin, Board Attorney. Mr. LoPiccolo advised that he wants to construct a new set of steps and install an overhang. The footprint would be approximately 2 feet larger. From the actual house out, the footprint would be a total of 5 feet. Mr. Giblin recommended a maximum 4 ft. encroachment and no more than 41 ft. setback from the property line.

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

No public comment

The meeting was closed to the public.

There were no further questions or comments.

A motion by Melvina Fakazis, seconded by Lorraine de Stefan to approve the application conditioned that the proposed addition not be enclosed and Mr. Giblin's recommendations be enforced; on roll call vote, all in favor, the motion carried.

COMMENTS:

J.J. Clancy suggested correspondence be sent to the Mayor, Council and Zoning Officer stating that the Zoning Board recommends applications for stairs/raisers/steps require a variance. The Board members concurred. A letter will be prepared by Brian Giblin, Board Attorney.

It was noted that the application check list asks for a social security number and due to the privacy act, this information should not be required.

CORRESPONDENCE:

Kevin Martin, Board Chairman received correspondence from applicants Edgewood and Splani asking to be carried to the August 18 Zoning Board meeting.

DISCUSSION:

Resolution compliance – Robert Adamo commented that the Gehm application approval was not followed through according to the resolution. Brian Giblin suggested applications be approved based on the applicant coming back with revised plans to match the approved resolution. The Construction Official should be advised that resolutions are not being complied to. Melvina Fakazis recommended that after applications are approved revised drawings should be submitted and then the resolution be memorialized. J.J. Clancy advised that applications are not date stamped as to when they are received.

Brian Giblin and Kevin Martin will arrange a meeting with the Zoning Officer and Land Use Administrator to discuss submitted applications and resolution compliance.

There is concern by Board members as to confirmation of who their engineer is.

RESOLUTIONS:

05-02- Sylvestri – 614 Poplar Road – Block 1001.01 Lot 4 New Garage Construction 35 ft. x 25 ft. 15 ft. high.

A motion by Kevin Martin, seconded by Robert Adamo to adopt the resolution, on roll call vote, all those eligible voted yes; the motion carried.

05-09 Montopoli – 548 Forest Drive Block 908, Lot 22 – new accessory structure on corner lot.

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

05-07 Sabato – 715 Wilson Court – Block 2101, Lot 23 – Proposed new construction of garage.

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

05-08 – Herman, John and Dana, 827 Rivervale Road Block 402, Lot 8 – new construction

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

05-05 – D’Onofrio – 603 Thurnau Drive – Block 814, Lot 3 Construction of front portico

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

05-11 – Coppa – 679 Woodside Avenue – Block 302, Lot 11 – second floor addition – front portico

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

05-14 – Margarelli – 236 Fondiller Street – Block 1710, Lot 18 – 2 story addition and front portico

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

PAYMENT OF INVOICES:

None

ADJOURNMENT:

Upon motion of Kevin Martin, seconded by Thomas Pospisil, on voice vote, all in favor, none opposed, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

THE NEXT MEETING IS SCHEDULED FOR AUGUST 18, 2005.