

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
September 18, 2008

Thomas Pospisil 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	Present
	Robert Adamo		Present
	Joseph Massin	Alternate # 2	Present
	Robert Fortsch	Alternate # 1	Present
	John Donovan		Present

<u>ALSO PRESENT:</u>	Michael Gannair for Brian Giblin -Board Attorney	Present	
	Elliott Sachs	Board Engineer	Absent
	Damian Gil	Land Use Administrator	Present

Robert Adamo arrived at 8:14 p.m.; Melvina Fakazis arrived at 8:20 p.m.

MINUTES:

A motion by Melvina Fakazis, seconded by John Donovan to approve the minutes of August 21, 2008; as amended, on roll call vote, all in favor, the motion carried.

VOUCHERS:

None

APPLICATIONS

Knigin, 316 Spring Street, Block 1501.01, Lot 46
Violation of 142-263

John Knigin, applicant was sworn in by Michael Gannair, Board Attorney for Brian Giblin explained his proposal for a 1000 sq. ft. addition. Part of the addition pushes out towards the existing front porch. The existing porch encroaches on setback. A variance is needed to place posts. A covered porch, not enclosed, with a railing is proposed.

Robert Fortsch inquired if the applicant planned on keeping the circular driveway. Mr. Knigin replied yes. Mr. Donovan inquired if the measurements included the front steps. Mr. Knigin replied that the existing setback is to the bottom step. Mr. Donovan felt that the steps should be included in the measurements.

Mr. Pospisil opened the meeting to the public and so carried.

No public comment

The meeting was closed to the public.

David Rice clarified that the existing setback is most likely 40.5 ft. to the bottom of the front step. Mr. Donovan recommended clarification be included in the resolution; the variance includes the steps and the porch will not be enclosed.

A motion by John Donovan to grant a 40.5 ft. variance as discussed; seconded by Lorraine de Stefan; on roll call vote, Lorraine de Stefan, John Donovan, David Rice, Robert Fortsch, Thomas Pospisil and Joseph Massin voted yes; Melvina Fakazis and Robert Adamo were not present for this application.

Catanese, 601 Piermont Avenue, Block 1301, Lot 18

Violation of 142-263

Dana Catanese was sworn in by Michael Gannair. She reviewed her application for an addition. Property width required is 91 ft. where 120 ft. is required. An 8 ft. variance is requested. Window placement was discussed. Mr. Donovan inquired about the neighbor's house on the right side and their setback. Mrs. Catanese advised that the setback is the same as her house.

Jerry Cassero was sworn in by Michael Gannair. He commented that the couple wanted to maintain as much of the rear yard as possible for future family plans. Mr. Fortsch felt that the application was a good improvement.

Mr. Pospisil opened the meeting to the public and so carried.

No public comment

The meeting was closed to the public.

A motion by Joseph Massin, seconded by Robert Fortsch to approve the application as discussed; on roll call vote, all those present, including Robert Adamo and Melvina Fakazis voted yes; the motion carried.

RESOLUTIONS

Scoli, 316 Alpine Circle, Block 410, Lot 4

Damian Gil, Land Use Administrator, advised that the submitted plans were miscalculated but the requested variance is still 10 ft. He stated that Mr. Giblin advised voting on the correct

figures and that the resolution can be amended. Mr. Gannair provided clarification for the vote. The approved addition shall be as submitted on August 21st and marked as Exhibit A-1 and the amended plans dated September 18 correcting the calculations marked as Exhibit A-2. A 10 ft. variance still applies as approved.

A motion by John Donovan, seconded by Joseph Massin, to adopt the resolution as amended and discussed; on roll call vote, all those eligible voted yes; the motion carried.

Haller, 607 Orangeburgh Road, Block 1606, Lot 1

Mr. Donovan commented that there was no reference in the resolution to the 50% open fence that was granted. Mr. Gannair responded accordingly.

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

Demeo, 701 Westwood Avenue, Block 2101, Lot 4

Damian Gil, Land Use Administrator explained that there was a discrepancy as to how the resolution was worded so he listened to the meeting tape recording. He commented that the applicant's pool is already installed and that the applicant has been put on hold a few times. Mr. Gil recommends a special small meeting be held to review the resolution and act on it. The members eligible to vote will be asked to attend. The Zoning Board members concurred.

DISCUSSION

League of Municipalities update by John Donovan.

Mr. Adamo posed a question regarding fences that have been installed, issued a permit, and a C/O and then it is noticed that the resident did need a variance. Discussion ensued and case law cited.

It was determined that Board members are not enforcers and that there is no obligation, as Board members, to notify town officials.

ADJOURMENT:

Upon motion seconded and carried, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary