

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
December 4, 2008

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
	Lorraine de Stefan		Present
	Melvina Fakazis		Absent
	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>	Brian Giblin	Board Attorney	Present
	Lauren Roehrer	Land Use Administrator	Present
	Elliott Sachs	Board Engineer	Present

Mr. Adamo arrived at 8:15 p.m.

MINUTES:

A motion by Joseph Massin, seconded by Thomas Pospisil to approve the minutes of November 13, 2008; on roll call vote, all in favor, the motion carried.

VOUCHERS:

A motion by Kevin Martin, seconded by Thomas Pospisil to approve invoices as submitted and reviewed for Boswell Engineering, on roll call vote, all in favor, the motion carried.

APPLICATION

**Talukdar, Orangeburgh Road, Block 601, Lot 10
Violation of 142-263**

Steven Ross, Attorney for the applicant, Margerie Koestner, Professional Engineer and Mr. Se Hwan Kim, Architect were present.

Mr. Adamo arrived (8:15 p.m.)

Elliott Sachs reported that he did not receive a revised drawing. Mr. Ross advised that it was just amended and provided Mr. Sachs with a copy.

The revised site plan was marked as Exhibit A-7. Revised plot plan drawings were modified due to the Board's comments.

Margerie Koestner, Professional Engineer provided her qualifications which were accepted by the Board. Mrs. Koestner described and reviewed amendments made to Exhibit A-7.

Proposing 10.33 ft. in the rear corner; 39 ft. combined side yard proposed. The property consists of 48,000 sq. ft. total. A variance is needed for side yard and height of proposed house. Three trees are proposed to be removed. Kevin Martin inquired how far forward the house would need to be placed in order to conform. Mrs. Koestner responded about 20 ft. total. She reported that a 50 ft. buffer for wetland area next door exists and the idea is to stay as far up away from the wetland area as possible. Currently no house can be built in the wetland area which is defined as a flood zone area, unless regulations change.

Mr. Ross commented that if the house were to be moved forward as discussed, it would encroach on the trees. He explained why Mrs. Talukdar chose to place the house on the lot as she did.

Mr. Sachs commented that the Board agreed to a 35 ft. height and it is actual 35.25 ft. which would create a D variance. Mr. Ross responded that the drawings submitted this evening show the height at 35 ft. Mr. Rice and Mr. Martin felt that by moving the house back or forward about 20 ft. would not affect trees or impact neighbors and the placement on the lot would be more reasonable.

Mrs. Koestner felt that more trees would be lost and the house would be located closer to the wetland area and may encroach neighbor's views.

Kevin Martin disagreed and commented that moving the house forward is not an issue and there would still be over 100 ft. of front yard property. Robert Fortsch would prefer seeing the house moved forward rather than backward. Mr. Adamo wanted to hear from the architect on the design. Mr. Pospisil advised that the town ordinance allows for a roof height of 32 ft. and this may affect the whole design of the house.

Mr. Ross asked Mrs. Koestner if 35 ft. would be conforming on 1 acre in an A-1 zone. Mrs. Koestner responded yes.

Mrs. Talukdar previously sworn advised that she had spoken with the neighbors in the area who appreciated their existing views. She explained that the proposed house is 70 ft. off of Orangeburgh Road and if it were to be moved forward about 10 – 15 ft., it would block the neighbor's view. She added that Orangeburgh Road is a County Road and usually extremely busy. This is also why the proposed placement was chosen.

Mrs. Talukdar discussed why she chose the particular type of house and garage design.

Mr. Kim, Architect was sworn in by Brian Giblin, Board Attorney. He provided his qualifications which

were accepted by the Board. Mr. Kim reported that the lot shape is irregular and explained why he chose this placement of the house on the lot. Mr. Sachs inquired how Mr. Kim calculated the building height. Statute 142-200 was referred to. Mr. Giblin reported that the town requirement is 32 ft.

Mr. Martin felt that by moving the house forward by 5 – 7 ft. would not make a difference to neighbor's views. He recommended moving the house forward 7.5 ft. and picking up some side yard and then over to the left by 3 – 4 ft. which would not cause a negative impact.

The Board took a 10 minute recess (9:10 p.m.)

The Board reconvened at 9:20 p.m.

Mr. Ross requested an adjournment in order to review the site plan and reconfigure the house to reflect reduction on the side yard and then discuss height. Mr. Massin suggested taking another look at the roof height issue.

Mr. Giblin commented that the roof height needed to be recalculated and determine where the calculation comes from. It is likely that the plans could create a D variance which is a serious situation.

Mr. Sachs provided details on how the height should be calculated. Mrs. Talukdar agreed to review options that would satisfy the Board. The house needs to be kept under the 35 ft. height to avoid a D variance. Mr. Donovan asked that she should include why hardship relief is needed.

The application will be continued on January 15, 2008.

RESOLUTION

Rasekhi, 607 Orangeburgh Road, block 601, Lot 8 Violation of 142-248

Thomas Pospisil presided as Chairperson, Kevin Martin voted against the application at the November 13, 2008 meeting.

Brief discussion and comments were made and clarified by Brian Giblin, Board Attorney.

A motion by David Rice, seconded by Joseph Massin to adopt the resolution; on roll call vote, David Rice, Thomas Pospisil and Joseph Massin voted yes; Kevin Martin voted no; Lorraine de Stefan, John Donovan and Robert Fortsch were not eligible; the motion carried.

DISCUSSION

Land Use Administrator Lauren Roehrer provided a list of Board members and terms for the Board Attorney's review.

Joseph Massin suggested establishing an internal data base for all Board approved resolutions and recorded actions taken by the Board members. This will be discussed with the Board Attorney.

Kevin Martin provided an update on COAH. Joseph Massin provided comments. Discussion ensued.

ADJOURMENT:

Upon motion seconded and carried, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary