

## RIVERALE PLANNING BOARD

June 7, 2007

The Workshop/Regular meeting of the Riverdale Planning Board opened on the above date at 7:30 p m Chairman Steven Loesner read the sunshine law

**ROLL CALL:** Present: Bradley Clinton  
Al Heimall  
Glenn Venza  
George Lang  
Michael Reilly (Alt No 2)  
Vice-Chairman Brendan Magennis  
Chairman Steven Loesner

Absent: Vincent Pellegrini  
Mayor William Budesheim  
Councilman Joseph Falkoski

Also present is John Barbarula Esquire, Board Attorney

### APPROVAL OF MINUTES:

Thereupon Al Heimall set forth the motion seconded by Bradley Clinton to carry the minutes of May 24, 2007 due to the transcripts have not been received.

**ALL IN FAVOR**

### WORKSHOP:

No one was in attendance for the workshop, thereupon Glenn Venza set forth the motion seconded by Al Heimall to close the workshop portion of the meeting.

**ALL IN FAVOR**

### JULY MEETING:

Chairman Loesner stated that there is no agenda for the July 5, 2007 meeting; therefore he would like a motion to cancel the meeting Thereupon George Lang set forth the motion seconded by Bradley Clinton to cancel the meeting for July 5, 2007

**ROLL CALL:** Ayes: Lang, Clinton, Venza, Heimall, Reilly,  
Magennis, Loesner  
Nays: None  
(7 Ayes – 0 Nays – Motion Carried)

### BOARD OF ADJUSTMENT APPLICATION:

#### **1. Application No. BOA05132997 Salvatore and Jacqueline Poli / 25 Post Lane / Block 19.01 Lot 1**

Salvatore and Jacqueline Poli came forward and were sworn in by the Board Attorney. The Board Attorney stated that the notices are in proper order giving the board full jurisdiction to hear this application

Mr. Poli stated they would like to put up a six foot fence in the along the front of the house. The Ordinance call for a 3' fence and he would like a variance for a 6' fence. There is a pool in the yard and there was a 6' fence before. Years ago the fence was put up because of the dog stated Mr. Poli, and he had talked to the Zoning Officer who was here at that time. There is a pool on the left side of the house. Chairman Loesner asked the Zoning Official for clarification on the Ordinance. The Board Secretary copied the Ordinance and gave each member a copy. The Zoning Official stated the reason Mr Poli is here this evening is because he did not apply for a permit for the fence.

According to the ordinance the front fence should be 3'. Chairman Loesner asked if technically the fence was in the front yard, due to the fence being in line with the house. The Zoning Officer stated she did not want to start precedence with this application. Chairman Loesner stated he understands this and that the board denies a lot of 6' fences in front yards because we don't want to set precedence. Mr. Poli stated he understands that.

Chairman Loesner asked Mr. Poli why he did not obtain a permit to construct the fence. Mr. Poli stated he didn't know he needed one. As soon as he was aware of the permit, he went to the zoning office within the hour of the work being stopped. Al Heimall asked the zoning officer about other fences he has seen that were 6' on property lines and how that affects the ordinance. The Zoning Officer stated that there are pre-existing conditions. However, when a pre-existing fence is being replaced the property owners have to comply with the ordinance. Chairman Loesner stated there is a pool on the property and there is a bigger problem with bordering the river and the pool being on the side of the property there must be a fence surrounding the pool.

Chairman Loesner opened this application to the public. No one from the public was in attendance, thereupon Al Heimall set forth the motion seconded by Bradley Clinton the public portion of this application.

**ALL IN FAVOR**

The Board Attorney stated that the board should keep the following in mind when making their decision:

1. The pool is in the side yard
2. The property is unique especially because of the river
3. The fence did exist and this is a replacement and is in line with the front façade of the house
4. The pool should have a permit to bring it into compliance
5. The pool must be fenced in whichever way Mr. Poli wants to do it

After discussion, thereupon Al Heimall set forth the motion seconded by Glenn Venza to approve the variance with the following conditions:

1. The applicant must obtain a permit to construct the fence
2. The applicant must obtain a permit for the pool.
3. The 6' fence along the front façade of the house is approved.
4. There must be a fence around the pool or the yard, whichever the applicant prefers.

**ROLL CALL:** Ayes: Heimall, Venza, Clinton, Lang, Reilly,  
Magennis, Loesner  
Nays: None  
(7 Ayes – 0 Nays – Motion Carried)

**ADJOURNMENT:**

Thereupon George Lang set forth the motion seconded by Bradley Clinton to adjourn the meeting.

**ALL IN FAVOR**

Meeting adjourned at 7:58 p.m.

Respectfully submitted by:

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Linda Roetman  
Board Secretary