

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. October 7, 2013  
MINUTES**

**ROLL CALL**

Present: Mr. Brensilber, Mr. Cytryn, Mr. Farrell, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Li, Mr. Grossman.  
Absent: Mrs. Gilbert.  
Also present: Harold Ritvo.

**OPEN PUBLIC MEETINGS ACT STATEMENT**

Chair Grossman read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Notice for this meeting date was faxed to the Record on January 3, 2013, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

**COMMUNICATIONS**

NJ Planner, July/August 2013.

**APPROVAL OF MINUTES**

Motion by Mr. Farrell second by Mr. Levene to approve the minutes of Sept 9, 2013. All members on a voice vote were in favor the minutes were approved.

**MOTIONS FOR ADJOURNMENT** - none scheduled.

**UNFINISHED BUSINESS**

Approved: Callas, 105 Franklin St – 808/14  
New Two family dwelling – 3 story, height 31.3', projection into side yard of 7'.  
ZB2013-13. (*Rec'd 7/22/13, decision by 11/19/13.*)

Approved: Stiefel, 70 N. Browning Ave – 303/31  
8' side yard for A/C condenser. ZB2013-14. (*Rec'd 7/23/13 decision by 11/20/13.*)

Mr. Grossman asked the board to hold memorialization of the two above resolutions as he wanted the attorney to re word some sections. All members were in approval resolution ZB2013-13 and ZB2013-14 would be memorialized at the November meeting.

Approved: Bulent, 35 Elm St – 2001/15  
Second floor addition, rear yard 22.4'. ZB2013-15. (*Rec'd 7/25/13 decision by 11/22/13.*)

Motion by Mr. Levene second by Mr. to memorialize the resolution. All members on a voice vote were in favor.

**NEW BUSINESS**

Israel, 46 Sussex Rd – 803/8  
Front yard and side yard setbacks. ZB2013-17. (*Rec'd 9/19/13 decision by 01/17/14*)

Present were the homeowners Michael and Kelly Israel who were sworn in. Mr. Israel said they had taken two years to find their dream home and this was it; they would like to construct an addition to the right side of the house, which they knew when they purchased the house would need a variance; the proposed addition would bring the house to today's standards yet maintain many of the features in keeping with the street and neighborhood and still have the benefits of a large yard. Their witness would be the architect.

Raul Mederos gave his business address, was sworn in and accepted as an expert in the field of architecture. Mr. Mederos described the lot, the house which was built in 1929 and existing conditions on the property; he explained the footprint of the house is slightly skewed on the lot and does not sit in the center of the lot. The applicants are proposing an addition to the right side of the house that will include a two car garage, mud room and second floor master bedroom suite, the front entry would be added in the front of the house. Mr. Mederos continued that the natural place for the garage addition is on that side of the property as the driveway is already there, the applicants have two SUV's and they would like both cars to be in the garage. The distance from the edge of the proposed addition to the adjacent dwelling is about 50ft.

In response to questions from the Board, Mr. Mederos said the front yard setback is 25ft, the house currently is at 21.56ft and the proposed front entry would decrease the setback into the front yard by about one foot; the front entry will be widened to accommodate coat closets and it will add curb appeal to the house with no adverse impact on the light or air of the neighbors; he felt the unique quality of the property is the location of the house on the lot which is far to the right, and the house being skewed by about a foot; it would not be practical to put the garage on the other side of the house as the proposed location is close to the kitchen and the driveway is already there, there is also natural light in the living room and a fireplace; he felt the character of the building would be improved as the roof lines would be designed to be symmetrical the new entry will tie in the front of the house; the old garage would be preserved and used as storage; variances are not needed for the A/C Units and generator; the goal is to maintain and keep the trees, and arborist has been to the property to inspect the trees; they really would like to maintain the left side yard as a play area; any retaining walls would be minor; the garage width is 22ft, the minimum is now about 20ft.

Marsha Mayman, 49 Joyce Road asked if there was a Plan B, how deep the rear yard is and if trees are damaged during construction what action would be taken.

Mr. Israel said there is no Plan B, the rear yard is 38' deep, a tree expert would have to determine any tree damage.

The following members of the public were sworn in individually and all spoke in favor of the application: Evelyn Sanchez, 54 Sussex Rd; Joan Avery, 45 Sussex Rd, Diane Egleston, 18 Joyce Rd; Lois Hargrave, 41 Joyce Rd; Jennifer Maughan, 32 Sussex Rd; Ythan Goldberg, 29 Joyce Rd. Marsha Mayman, 49 Joyce Rd asked for any damaged trees to be replaced and the A/C Units and Generator be screened. The applicant agreed to both requests.

There being no further comments from the audience Mr. Israel gave a summary of the application.

Motion by Mr. Lieberman second by Mr. Levene to go into deliberative session. All members on a voice vote were in favor.

Mr. Grossman thanked the neighbors for their attendance at the meeting, and then explained the board's aim and purpose.

Mr. Kominsky said he felt there were two issues the garage variance of which he is in favor, but was not convinced the front yard setback variance was necessary.

Mr. Li said he was in favor of the application.

Mr. Lieberman said he had no issue with the front yard setback, the garage would be a significant addition but it will be in the side yard and no other variances were needed.

Mr. Brensilber said this is a large lot, it had been said it would beautify the area, he felt it advantage would be homeowner desire and did not feel that was a reason to grant a variance, he was not in favor of granting the variances.

Mr. Levene was impressed by the showing of neighbors at the meeting, he expressed concern about the driveway and possible damage to the trees in the area of the proposed work.

Mr. Cytryn said trees are covered under a separate ordinance; he is persuaded by the benefit of a garage and an investment by the homeowner to preserve the neighborhood.

Mr. Farrell said he lives at 125 Sussex Road and was not noticed, there are different looks and different styles in different areas of Tenafly, he felt the side yard was taking away some of the character of the neighborhood, an open front entry would be best, he would approve the variances.

Mr. Grossman said he was on the fence and usually looks at the hardship.

Mr. Ritvo said the following would be in the resolution; trees will be replaced as necessary, the A/C and Generator will be screened, the front entry will be open and the variances are for this design only.

Motion by Mr. Kominsky second by Mr. Levene to approve the two bulk variances.

Roll call vote:

In favor: Mr. Kominsky, Mr. Levene, Mr. Farrell, Mr. Li, Mr. Grossman.

Opposed: Mr. Brensilber, Mr. Lieberman.

Side yard setback and front yard setback variances approved 5-2.

Somet R E Development, 93 Prospect Terr – 1501/10

Front yard coverage by driveway, side yard setbacks (2). ZB2013-16. (Rec'd 9/19/13 decision by 01/17/14)

Present for the applicant was the architect Mr. Mederos who was sworn in. Mr. Mederos said this is a narrow and deep lot the house is in a state of disrepair, the applicant proposes constructing a new single family dwelling, a two car garage in the front and a wood deck and patio in the rear, the only variances being requested are the bulk variances, two side yard setback variances, and a front yard coverage variance for the driveway, this is due to the lot only being 50' wide which is a hardship. Marked into evidence was a large color photo of the existing house this was marked A-1.

In response to questions from the board, Mr. Mederos said to make the driveway conform to the 30% as required by the code would give the driveway an awkward shape like a funnel, marked as A-2 was a drawing done on tissue paper by Mr. Mederos, showing a funnel shaped conforming driveway.

Ziv Oren one of the owners said he could speak for the owners, he said that they would withdraw the variance for the driveway and make it conforming, he also said he was aware that the requirements for the zone were at the maximum and there could be no margin for error. Mr. Oren said the A/C units would be moved to behind the house in a conforming location.

Ken Carbone, 91 Prospect Terrace was sworn in, he said he felt the applicant knew of the limitations before they bought the house and wanted confirmation this would be a spec house and asked if the house could be smaller. Mr. Oren confirmed this was a spec house.

Mike Bishop, 84 Prospect Terrace was sworn in, he asked for confirmation the driveway would conform and the A/C Units would be moved to conform. Mr. Oren confirmed this.

Mr. Kominsky asked what the benefit to Tenafly is for the granting of the variances.

Mr. Mederos said the house conforms to the requirements of the code except for the side yards, the hardship is a lot that is only 50' wide, the proposed dwelling will enhance the aesthetic view of the street.

Mr. Oren said he is in real estate and the proposed square footage of this house is the square footage that people are looking for to make a start in Tenafly.

Mr. Carbone, 93 Prospect Terrace spoke against the application. Mr. Ritvo pointed out that all applicants are treated the same, be they homeowners or developers. There were no further comments from the public.

Mr. Mederos gave a summary of the application.

Motion by Mr. Brensilber second by Mr. Kominsky to go into deliberative session. All members on a voice vote were in favor.

Mr. Brensilber thanked the public who came to the hearing, he felt the size of the house would not affect the light and air of the neighbors, and would enhance the area.

Mr. Li said he was in favor as this would be similar to the one across the street

Mr. Lieberman said he did not feel the size of the house could be reduced to 20' wide just to meet the setback requirements, he felt the house would benefit the street.

Mr. Farrell said they would be building on existing foundation.

Motion by Mr. Brensilber second by Mr. Li to approve the side yard setback variances.

Roll call vote:

In favor: Mr. Brensilber, Mr. Li, Mr. Farrell, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.

Opposed: None.

Two side yard setback variances approved 7-0.

**ADJOURNMENT**

Motion by Mr. Kominsky second by Mr. Brensilber to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 10:20PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary