

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. December 2, 2013
MINUTES**

ROLL CALL

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

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, Set/Oct 2013

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Mrs. Gilbert to approve the minutes of November 4, 2013. All members on a voice vote were in favor.

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.

Approved: Stiefel, 70 N. Browning Ave – 303/31
8' side yard for A/C condenser. ZB2013-14.

Approved: Israel, 46 Sussex Rd – 803/8
Front yard and side yard setbacks. ZB2013-17.

Approved: Somet R E Development, 93 Prospect Terr – 1501/10
Front yard coverage by driveway, side yard setbacks (2). ZB2013-16.

Denied: Arp, 90 Coppell Dr – 1904/2
Impervious coverage. ZB2014-18.

Motion by Mr. Lieberman second by Mr. Cytryn to memorialize the above resolutions. All members on a voice vote were in favor the resolutions were memorialized.

NEW BUSINESS

Campanella, 46 Park St – 1605/1

Present for the applicant was Mr. Capizzi, who said this application is for redevelopment of the site, and the variances being sought are front yard setback, building height, location of the pool and lot coverage. He had four experts ready to testify this evening, the Engineer, Architect, Planner and Landscape architect.

Michael Hubschman gave his business address, was sworn in and deemed an expert in the field of engineering. Mr. Hubschman described the lot, its location and the proposed changes.

Marked as A-1 was a colorized site plan last revised 11-21-13. Mr. Hubschman showed the existing conditions on the site using page three of exhibit A-1, adding the existing house has quite a few conditions that do not meet the current Zoning regulations.

Marked as A-2 was an aerial view of Park Street with the Borough Tax Map superimposed, this showed the houses on Park Street, and the front yard setback, which for this property in question the setback would be 63ft. They are proposing to face the house on Park Street with a 40ft setback, which is the minimum for the zone.

Marked as A-3 was a Site Plan with pink highlighter showing the existing conditions on the property, driveway, house, etc. Height measurements of several neighboring properties were done, these too are shown on this exhibit. As far as engineering was concerned this site is almost flat, seepage pits will be installed, roof leaders will go into the seepage pits, the driveway will be curbed to allow water to flow into the existing storm drain system.

In response to questions from the board, Mr. Hubschman said the site plan shows the possible building envelope; the irregular shape of the lot and it being on a corner are added challenges the Planner would address; the pool is where it is as it fits in with the flow of the house being closer to the covered patio rather than a conforming location which would be near the bedrooms; the Planner would address the architectural reasons for the height variance and pool location variance; in his opinion he felt the pool was in the best location on the lot; he was not sure if there were prior variances granted on the property.

There were no questions for the engineer from the audience.

Mark Braithwaite, the architect gave his business address, a brief summary of his education and experience in testifying in other towns in Bergen County, was sworn in and accepted as an expert in the field of architecture. Mr. Braithwaite said the owners like the location and site, the current house was built in the 1900's has no garage but there is an awkward circular flow through the interior of the house, which does not suit the owners, hence they propose building a new dwelling to suit their needs and family; he described the interior layout of the proposed house.

Marked as A-4 was a color rendering of the front elevation of the proposed dwelling. Mr. Braithwaite continued that the materials would be cedar shingles, copper, gutters, stone siding, a stair tower would be on the corner of Park and Highwood as the main focal point of the house with a wrap-around porch; he felt the height was restrictive at 30ft, and this style of house needed to be at least 32ft or higher.

Marked as A-5 was a home in Wyckoff he had designed in 2008. This would be a similar style to the proposed new dwelling; there is no interior advantage to the additional height.

In response to questions from the Board, Mr. Braithwaite said the first floor ceiling height is 10ft; he was not certain of the heights of the adjacent dwellings. Mr. Capizzi said he could recall the engineer who had done some of those calculations.

Mr. Hubschman was advised he was still under oath. Mr. Hubschman said the Cady-Stanton house at 135 Highwood Ave was 34.4ft, and some of the neighbors are at between 30 and 32ft.

Mr. Braithwaite said he was not sure about building a new dwelling needing only a front yard setback with the house on a corner it could face Park Street and the pool would be on the Highwood side.

Joyce Hamrah asked for the height of the house in Wyckoff, and the length of the driveway. Mr. Braithwaite said the house was about 34-35ft and he did not know the length of the driveway.

Johnathan Furer asked if the house faced the corner would fewer variances be needed. Mr. Braithwaite said he could not answer that question.

Carl Trop neighbor to the east asked about landscaping/screening from the pool. Mr. Braithwaite said the landscape architect would respond to that question.

Christopher Karach Landscape Architect, gave his business address gave a brief summary of his education and experience, was sworn in and accepted as an expert. Marked into evidence as A-6 was a Schematic Landscape Plan last revised 11/26/2013. Mr. Karach explained the plantings around the property that would provide a visual and sound buffer to the neighbors, the plantings would include evergreens that are narrow with growth at the top rather than spreading out; there are existing street trees and the applicant would plant additional red oak trees about 7-8ft back from the curb.

There were no questions for the witness from the public.

David Spatz the Planner, gave his business address, was sworn in and deemed an expert in the field of Planning. Mr. Spatz said he had reviewed the ordinances, reviewed the plans, visited the site and said three variances were needed. The neighborhood setback of 63ft is almost impossible to meet as this lot is not as deep as the others on the street, to push the proposed house back to the setback would create other setback variances; in his opinion there would be no detriment to the neighborhood the orientation facing Park Street would improve the neighborhood, the existing driveway is in a dangerous location being right near the intersection; a reduced height of the proposed new building would have a negative aesthetic impact as the proposed height is similar to others in the area, there would be limited shadows and the height is a design element for the appearance of the building; the location of the pool flows with that part of the house and access to the outside, the pool is not overly large, the new construction will eliminate many non-conformities there will be better drainage and the new dwelling would be a benefit to the neighborhood.

Susan Siegel, 39 Grandview Terrace asked if there was any proof on this being a dangerous intersection for the existing driveway. Mr. Spatz said no, but it would be safer to have the driveway on Park Street.

Joyce Hamrah, 129 Highwood Ave asked for clarification on the comparison with the Cady Stanton house height which is set back further than this house. Mr. Spatz said it is not the same as the sloped portion of the roof is setback.

Michael Sackler, 238 Engle Street, asked for the setbacks of the existing house. Mr. Spatz said the Highwood Avenue side is okay, but the property has two front yards as it is on a corner and the pool would not need a variance if it was closer towards the Park Street side of the property towards the south.

At 9:03PM there was a two minute recess.

9:09PM. Meeting reconvened for Public Comments.

The following members of the public were sworn in individually and all spoke against the application; Richard Gerstman, 15 Park Street, Jonathan Furer, 45 Park Street, Michael Sackler, 238 Engle Street, and Joyce Hamrah, 129 Highwood Avenue. There were no further comments from the public.

Mr. Brensilber asked Mr. Capizzi to address the benefits to Tenafly in his summation.

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Mr. Capizzi gave a summary of the application.

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

Mr. Brensilber said he felt the applicant had done a good job on presentation; no one fully explained or addressed the existing non-conformities; he said Park Street was the crown jewel in the area, but felt the house was too large and would not vote in favor.

Mrs. Gilbert said corner lots have their own set of rules as they are different and special, it used to be one side was the front yard and the other a side yard, but the code was changed and two front yards was put into place, she felt the house was well designed and beautiful but was not sure if the proposed house fit-in with the neighborhood.

Mr. Farrell said he felt the house was beautifully designed, it is on a corner and wondered if the house was a little smaller it could be set back a little more; he also wondered if each variance could be voted on separately.

Mr. Cytryn was concerned by the size of the house, and felt the neighborhood would be better preserved with a smaller house.

Mr. Grossman felt the benefits to Tenafly were not addressed, and pointed out that any variances granted go with the land not the user of the property.

After a brief discussion with his clients, Mr. Capizzi said they would withdraw the height variance.

Motion by Mr. Brensilber second by Mr. Lieberman to deny the application.

Roll call vote:

In favor: Mr. Brensilber, Mr. Lieberman, Mrs. Gilbert, Mr. Levene, Mr. Li, Mr. Grossman.

Opposed: Mr. Farrell.

Application denied 6-1.

Halvorsen, 288 County Rd – 1402/2

Side yard setbacks. ZB2013-20. (Rec'd 11/21/13 decision by 3/21/14.)

Present for the applicant was Mr. Urdang who said his witness would be the architect Mr. Chris Blake. Mr. Urdang said this property is situated on the east side of County Road between North Summit and Hudson, this side of County Road is two family and across the street is commercial. The applicant proposes building a new two family dwelling.

Chris Blake, gave his business address, and was sworn in by Mr. Lenner. Mr. Blake has testified in front of the Board on prior occasions and was accepted as an expert in the field of architecture. Mr. Blake said he prepared the plans, described the shape, size and gave the dimensions of the property which is deep and narrow as are the neighboring lots in the area. Mr. Urdang offered into evidence 11 photographs he had taken of the immediate area, these were marked A-1 through A-11, and Mr. Blake went through each exhibit and described it before passing them to the board to look at.

Mr. Blake said a new two family is proposed with two two-car garages under the proposed dwelling; the existing driveway which runs the length of the property will be removed, and the new dwelling will be centered on the lot so two two-car garages can be constructed; the house will be set back 66ft; he described the interior layout of the two units; the exterior will have stone and siding to break up the view. Mr. Blake said under RSIS a four bedroom unit must provide 2.5 parking spaces, hence the two car garages and space for one vehicle to be parked on the driveway; he said the other part of RSIS is the space where the one car

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will be parked should not be less than 360sf, this Board can grant a de-minimis exception to that requirement of RSIS.

In response to questions from the Board, Mr. Blake said the 7ft side yard is to accommodate the two car garages, the Fire Department could gain access via other properties, there is no minimum size for a garage, landscaping will be installed.

There were no questions or comments from the audience.

Mr. Urdang gave a summary of the application.

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

Mr. Brensilber said he felt this was a simple application with the driveway and garage driving the variances, there are other two families in the area which also has commercial properties, he would vote in favor.

Mr. Li said he felt the garages make the width of the house.

Mrs. Gilbert said she felt this was not an unrealistic application, the garage size is an issue, would there be less garage and less cars if these were three bedroom units, but there may be more driveway.

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

Roll call vote:

In favor: Mr. Brensilber, Mr. Farrell, Mrs. Gilbert, Mr. Levene, Mr. Lieberman, Mr. Li.

Opposed: Mr. Grossman.

Side yard variances approved 6-1.

Hall, 7 Standish Ct - 606/9

Front yard, rear yard, lot coverage. ZB2013-19. (Rec'd 11/21/13 decision by 3/21/14.)

Present for the applicant was Mr. Urdang who said his witness would be the architect Mr. Hartwick. Ray Hartwick gave his business address, was sworn in and deemed an expert in the field of architecture.

Mr. Hartwick said he had drawn the plans and was familiar with the site; he described the existing conditions and location of the property; he said what is proposed is to add a two car garage facing Ivy Lane, and an addition on the second floor above the garage. The existing garage will be converted to a family room and expansion of the kitchen; on the second floor dormers will be created on the rear of the house for the additional closets and bathroom and a new bedroom will added above the old garage, and the Cape Cod style will be maintained. There will be no construction on the north side of the property closer than what currently exists, the distance from the second floor addition to the neighbor's house is about 65ft, there would be no diminution of light or air on the neighbors; the overage in lot coverage by the house is driven by the addition of a two car garage, in his opinion there would be no substantial negative impact on the neighborhood.

In response to questions from the board Mr. Hartwick said Ivy La is half Tenafly and half Englewood, he also explained the front yard as it pertains to corner lots.

There were no questions from the public.

Ryan Don, 11 Standish Ct, was sworn in; he said he is the closest neighbor to the north, and spoke in favor of the application.

Mr. Urdang gave a summary of the application.

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

Mr. Lieberman said the proposed addition seems to make sense; it is a nice addition he was concerned by backing out onto Ivy Lane.

Mr. Grossman expressed concern about lot coverage and the size of the garage.

Mrs. Gilbert said this should have been brought up earlier.

Motion by Mr. Brensilber second by Mrs. Gilbert to re-open the hearing for additional testimony on the garages. All members on a voice vote were in favor.

Mr. Hartwick said 20ft clearance inside is needed as it is not only the cars off the driveway but also storage space is needed for the children's toys; an interior of 20 x 23 is doable, the depth could be reduced to 20ft, which would eliminate the front yard setback variance.

Motion by Mrs. Gilbert second by Mr. Cytryn to back into deliberative session. All members on a voice vote were in favor.

Motion by Mrs. Gilbert second by Mr. Levene to approve the rear yard setback and lot coverage variances.

Roll call vote:

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

Opposed: None.

Rear yard and lot coverage variances approved 7-0.

ADJOURNMENT

Motion by Mr. Brensilber second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor and the meeting was adjourned at 11:00PM.

Respectfully submitted,

Lindsay Graham
Board Secretary