

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. March 3, 2014  
MINUTES**

**ROLL CALL**

Present: Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Li, Mr. Grossman.  
Absent: Mr. Brensilber, Mr. Lieberman.  
Also present: Mr. 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 7, 2014, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

**BOARD ATTORNEY**

Motion by Mr. Levene second by Mr. Cytryn to nominate Mr. Ritvo as Board Attorney for 2014. All members on a voice vote were in favor, Mr. Ritvo unanimously approved as Board Attorney for the year 2014.

**COMMUNICATIONS**

Site Plan application with variance for 311 Tenafly Road, (United Way) received from Planning Board.

**APPROVAL OF MINUTES**

Motion by Mrs. Gilbert second by Mr. Cytryn to approve the minutes of January 6, 2014. All members on a voice vote were in favor the minutes were approved.

**MOTIONS FOR ADJOURNMENT**

**UNFINISHED BUSINESS**

**Resolution to be memorialized:**

Denied: Campanella, 46 Park St – 1605/1  
Front yard, lot coverage, pool location. ZB2013-21.  
(Rec'd 11/20/13 decision by 3/20/14.)

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

Matters carried from February 3<sup>rd</sup> due to snow storm

Schwarz, 22 Ravine Rd – 1703/23.

Impervious coverage. ZB2014-02. (Rec'd 1/17/14 decision by 5/17/14)

Present were the homeowners Jocelyn and Evan Schwarz who were sworn by Mr. Ritvo. Mrs. Schwarz said their application is to construct a two car garage that the property does not have.

Mrs. Schwarz offered into evidence a poster board exhibit that was marked A-1; this was a blow up of the tax map showing the neighboring driveways on Ravine Road, and as explanation Mrs. Schwarz stated the curve in the road does present a hardship for street parking by visitors.

Marked as A-2, was a poster board of the tax map of the street and with a photo of each property on the street showing the garage; Mrs. Schwarz said if they are given permission to add the garage it will add to the continuity of the street.

Marked as A-3 was a colorized copy of the plan that had been submitted to the board, this showed in green the areas of the property that were grass. Mrs. Schwarz said the proposed garage would match the look of the house; due to the topography of the land, the storage and half bathroom will be at the level of the pool patio, they used the diagram entitled Left Side Elevation on page 1 of the submitted plan to describe this. The homeowners stipulated that no one would live in the garage. There are evergreens along the right property line that will shield the garage from the neighbor on that side.

In response to questions from the board Mrs. Schwarz said this bathroom would be for pool users only, they currently have to come in to the basement to use the bathroom; the height of the garage would not be more than 15feet which is the maximum for an accessory structure, they have never had water in the basement even after Superstorm Sandy, but if the Borough Engineer wants one installed they would comply; they bought the house without a garage.

There were no questions from the audience.

Frank Valente the architect gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Valente said the total impervious coverage on site is 5919SF, the proposed garage and pavers in front of the garage will add 696SF to the total impervious coverage.

In response to questions from the board Mr. Valente said total impervious coverage is a formula based equation, not a percentage; he felt the 24' wide garage would be more appropriate as two ten foot doors could be placed into each opening; if the garage were to be smaller some of its utility could be lost and to make the garage 20 x 20 would only decrease the impervious coverage by .6 of 1% of the lot; the homeowners would comply with the installation of a seepage pit if required by the engineer; it would be difficult to say how much smaller the driveway could be, he would have to talk to his clients.

Mrs. Schwarz said they could remove some of the slate walks and parts of the driveway.

Mr. Grossman suggested the applicants and their architect have a discussion on what can be removed and come up with a number. They agreed to carry the hearing for later this evening to discuss removal of impervious coverage. (8:05PM)

Copur, 14 Virginia St – 212/4.

Impervious coverage. ZB2014-01. (Rec'd 1/23/14 decision by 5/23/14)

Present was the homeowner Mr. Copur who was sworn in. Mr. Copur said in 2004 they built a new house on this lot, the original plans showed a deck, but they could not decide between a deck or a pool. They did not build the deck at that time, but it is on the plan which he showed the Board and was approved for construction in 2004; the ordinance has changed and he feels he should be given permission to build the deck as it is already approved. The Board questioned the plans the homeowner was holding and after some discussion, the Board Secretary said they could be an extra set of plans from the construction, copies of the permits were in the data base, but the plans were not.

Mr. Copur offered in to evidence a photograph of the rear of the house showing the double sliding doors and bolt marks on the house where the deck would be attached. The proposed deck would measure 21 x 16ft for 336SF coverage. Mr. Copur said this is the same size that was approved in 2004 when the house

was built, and he did not want to argue with the Zoning Officer's denial of 4225.8SF; even though he felt those numbers were incorrect and very high.

The board advised Mr. Copur to meet with the Zoning Officer to go through the numbers and clarify them and come back to the April meeting with no further notice required. Mr. Copur said the town can't find the plans; the Zoning Officer has miscalculated the numbers he felt he should be allowed to build the deck.

Mr. Copur was advised that if the board vote on his application and deny it, he cannot come back with a different deck. Motion by Mr. Kominsky second by Mr. Farrell to carry this matter to April 7<sup>th</sup>, to be heard at 7:30PM or as soon thereafter the matter can be reached, with no further notice required by the applicant. All members on a voice vote were in favor.

Continued: Schwarz, 22 Ravine Rd – 1703/23.  
Impervious coverage. ZB2014-02

Mrs. Schwarz was reminded she was still under oath. Mrs. Schwarz said the slate walkways and portions of the driveway marked in red would be removed, totaling about 400SF, so the variance being requested is for 6,215SF. Page one of the plan submitted to the Board was marked A-4 this showed in red the walks and portions of the driveway that would be removed.

There were no questions or comments from the public.

Mrs. Schwarz gave a brief summary of the application.

Motion by Mrs. Gilbert second by Mr. Cytryn to go in to deliberative session. All members voted in favor.

Mrs. Gilbert said the proposal is consistent with zoning, garages keep cars hidden and off the street; she felt excess impervious coverage can cause drainage issues; the plan would be subject to review by the engineer and if necessary a seepage pit would be installed, and the stipulation that no one will live in the garage should be in the resolution. Mrs. Gilbert said she would be in favor.

Mr. Cytryn appreciated the cars being off the street and in the garage; he would also be in favor of the application.

Motion by Mrs. Gilbert, second by Mr. Cytryn to approve the variance for impervious coverage.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Cytryn, Mr. Farrell, Mr. Kominsky, Mr. Levene, Mr. Li, Mr. Grossman.

Opposed: None.

Total impervious coverage variance approved 7-0.

Ophir, 41 Kenwood Rd – 1710/23

Side yard, front yard setbacks. ZB2014-03. (Rec'd 1/23/14 decision by 5/23/14)

Present for the applicant was his attorney Mr. Urdang. Mr. Urdang said his witness would be the architect Mr. Blake and the homeowners are present.

Chris Blake gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Blake described the location of the property at the end of the cul-de-sac of Kenwood Road; during Superstorm Sandy a tree fell across the house causing extensive damage; he described the existing house layout, and then went on to describe the proposed two story rear addition, which would be more in

keeping with the neighborhood and the rooms would be larger. The garage is an existing oversize one car garage that the applicant would like to expand to a two car garage, the position of the house on the lot causes a side yard setback variance to be required on the right side and a front yard setback variance due to the positioning of cul-de-sac. Mr. Blake said the neighboring houses are at least 40ft away; in his opinion there would be no diminution of light and air with the proposed addition, no adverse impact nor any aesthetic impact on the neighbors.

In response to questions from the board Mr. Blake confirmed the existing garage is a large one car garage that will be expanded to hold two cars; the existing side yard setback is 10.7', required for the zone is 15', the garage at 20' wide will be a little tight and a variance for a side yard setback of 8.1' is required.

There were no questions or comments from the public.

Mr. Urdang gave a brief summary of the application.

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

Mr. Li said he felt bad for the family who had suffered the damage to their house, he felt a two car garage is a benefit, but wanted to hear his colleagues comments.

Mr. Cytryn said this was a narrow lot with constraints.

Mr. Levene said the addition was in accord with the street and seemed reasonable.

Mr. Farrell said being on a cul-de-sac is a different layout for the houses because of the end of the cul-de-sac.

Mr. Kominsky said he felt it was a straightforward 15' to 8', he felt there was an infringement on the neighbor, he was concerned about the numbers.

Mr. Grossman said a cul-de-sac makes some things easier and the house does seem further back than it actually is.

Motion by Mr. Cytryn second by Mr. Levene to approve the two variances.

Roll call vote:

In favor: Mr. Cytryn, Mr. Levene, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Li, Mr. Grossman.

Opposed: None.

Side yard and front yard setback variances approved 7-0.

At 9:28PM Chair Grossman suggested a short break.

Meeting reconvened at 9:31PM.

Mermelstein, 25 Esmond Pl – 205/7.

Side yard and front yard setbacks. ZB2014-04. (Rec'd 1/24/14 decision by 5/24/14)

Present was the applicant and new owner of the property and his architect Jordan Rosenberg. Mr. Rosenberg gave his business address, was sworn in and deemed an expert in the field of architecture.

Mr. Rosenberg said they propose a new single family dwelling on this lot; the existing house will be demolished and a new single family dwelling built using part of the existing foundation, a new basement will be dug and a new two story home constructed; the property is on a corner and has two front yards, the existing house is 16.6' from Christie Street, the front yard on Esmond Place meets the code of 25'. Mr.

Rosenberg explained the layout of each floor, the front facing Esmond Place will have architectural details will make the view aesthetically pleasing; this is an undersized lot and the new dwelling would add to the neighborhood. A side yard variance is also required as the existing foundation is at 9' from the side yard, the new addition will meet the code.

Mr. Rosenberg offered an aerial view photograph of the area showing the streets and properties along Christie Street, the ones with a similar setback were marked in blue; the subject property was marked in yellow. With regard to the front yard facing Christie Street, Mr. Rosenberg explained that several different size windows would be used to break up the flow of brick, plus landscaping would also be planted. No variances are needed for FAR or impervious coverage and in his opinion he felt the house would fit in being of a similar size and scale as others in the neighborhood.

Mrs. Gilbert asked who the owner of the property is. Mr. Mermelstein explained that at the time the application was submitted to the Zoning Officer he had not closed on the property, but the closing has now occurred and he is the owner. He is a developer and his company name is RDM Homes, LLC., he was sworn in.

In response to a question from Mr. Cytryn Mr. Rosenberg agreed this was a tough site to meet both front yard setbacks and there were many challenges.

Eliane Schwartz, 68 Christie Street asked if the chimney could be moved as she did not want that to negatively impact her view.

The architect said they would comply with the Board's request.

There were no comments from the public.

Mr. Rosenberg gave a brief summary of the application.

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

Mr. Levene said it is new construction and seems reasonable for the neighborhood.

Mr. Farrell said corner lots are difficult, the new construction will be further away from the street than the existing, and the applicant is willing to move the chimney.

Mr. Kominsky felt it was excessive 16ft to 25ft, and felt the house was creeping closer to the street.

Mrs. Gilbert had mixed feelings about corner lots if they penalized the owner; removal of the chimney doesn't change the setback.

Mr. Grossman agreed that corner lots are difficult, and advised the applicant that the property is built to the max and there is no margin for error.

Motion by Mr. Li second by Mrs. Gilbert to approve the application.

Roll call vote:

In favor: Mr. Li, Mrs. Gilbert, Mr. Cytryn, Mr. Farrell, Mr. Levene, Mr. Kominsky, Mr. Grossman.

Opposed: None.

Front yard setback and side yard setback variances approved 7-0.

**NEW BUSINESS**

Lubatkin, 28 Louise La – 805/31.

Total impervious coverage. ZB2014-05. (Rec'd 2/20/14 decision by 6/21/14.)

Present for the applicant was Mr. Urdang. Mr. Urdang said the applicant wants to build a pool; he gave a brief summary of the history of the property and said it was discovered after purchasing the house that there is a 30" concrete drainage pipe in the rear yard.

Chris Lantelme the engineer gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Lantelme said there is a 30" drainage pipe from Joyce Road that runs along the rear of the properties on Joyce Road to the Tenakill Brook; he confirmed it is a storm drain pipe that carries water only; there would be nothing to gain by moving the pipe. The applicant proposes constructing a pool and patio; the pool will be about 600SF which is average. Marked as A-1 was a blow up of the proposed pool.

In response to board questions, Mr. Lantelme said he was not sure why the pool setback from the side yard is 20ft, he was not sure it was even a safety issue; the pool and patio as currently proposed are about 242SF over on impervious coverage, adding they could remove one foot from the rear and left side of the patio and maybe two feet from the right side, which would reduce the coverage by about 114SF, he did believe the pool had to be a certain setback from the foundation of the house, which is why the pool cannot be closer to the house.

There were no questions or comments from the public.

Mr. Ritvo advised the applicant's engineer to revise the square footage of the impervious coverage and resubmit the revised plan to the board who would vote on the application at the April 7<sup>th</sup> meeting.

Motion by Mr. Cytryn second by Mrs. Gilbert to carry this application to April 7<sup>th</sup> to be heard at 7:30PM or as soon thereafter as the matter can be reached with no further notice required by the applicant. All members on a voice vote were in favor.

## **ADJOURNMENT**

Motion by Mrs. Gilbert second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 10:40PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary