

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

ROLL CALL

Present: Mr. Brensilber (arr 7:50PM), Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Levene, Mr. Li, Mr. Lieberman (arr 7:50PM), Mr. Grossman.
Absent: Mr. Kominsky.
Also present: Mr. Lenner, Mr. Byrnes.

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."

COMMUNICATIONS

NJ Planner Jan/Feb 2014

APPROVAL OF MINUTES

Motion by Mr. Levene second by Mr. Cytryn to approve the minutes of March 3, 2014. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT

UNFINISHED BUSINESS

Resolutions to be memorialized:

Approved: Schwarz, 22 Ravine Rd – 1703/23.
Impervious coverage. ZB2014-02. (Rec'd 1/17/14 decision by 5/17/14)

Approved: Ophir, 41 Kenwood Rd – 1710/23
Side yard, front yard setbacks. ZB2014-03. (Rec'd 1/23/14 decision by 5/23/14)

Approved: Mermelstein, 25 Esmond Pl – 205/7.
Side yard and front yard setbacks. ZB2014-04. (Rec'd 1/24/14 decision by 5/24/14)

Due to technical difficulties with e mail no resolutions were received, they would be memorialized at the next meeting scheduled for May 5th.

Carried from 3-3-2014 for discussion, clarification of impervious coverage numbers and vote:

Lubathkin, 28 Louise La – 805/31.

Total impervious coverage. ZB2014-05. (Rec'd 2-20-14 decision by 06/20/14.)

Revised Site Plans received March 7, 2014.

Present with the applicant was Ms. D'Arminio of the firm Elliot W. Urdang. Veronica Lubatkin was sworn in by Mr. Lenner. Ms. Lubatkin said the engineer had revised the plan to show in blue the removal of 114 square feet of pavers reducing the total impervious from 3842SF to 3728SF.

Mr. Cytryn clarified the variances that are being requested are impervious coverage and three side yard setbacks; and asked about the noise of the pool equipment. Ms. Lubatkin confirmed the variances and said there is a 6ft solid wood fence around the property now, and they will do additional landscaping.

There were no questions or comments from the public.

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

Mr. Levene said the applicant had been asked to reduce the pool pavers and they had done so.

Mr. Cytryn said he felt additional bushes should be planted to lessen the noise of the pool equipment.

Mr. Farrell said it is a tough lot , he worries about the neighbors downhill as the land slopes towards the brook, this the 30” storm drain in the rear of those properties, and lot coverage was also a concern of his.

Mr. Grossman said there is a pipe around the edge of the pool patio that feeds in to a seepage pit in the front of the hose.

Mr. Farrell suggested landscaping on both sides of the lot.

Mr. Levene made a motion to approve the variances with the additional plantings around the pool equipment and lot; second by Mr. Cytryn.

Roll call vote:

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

Opposed: None.

Variances for total impervious coverage, location of pool and pool equipment approved 5-0.

[Mr. Brensilber and Mr. Lieberman arrived 7:50PM.]

Copur, 14 Virginia St – 212/4.

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

Mr. Copur the homeowner was present and he was advised he was still under oath. Mr. Byrnes, the Zoning Officer was present. Mr. Byrnes explained that he had found a better and clearer property survey from which he had done his calculations, and together with the calculations done by the applicant's contractor a new Zoning Denial was issued. Existing impervious coverage is 3494.9SF; the deck, deck stairs and landing will be 390.5SF for a total proposed impervious coverage of 3885.4SF; Mr. Byrnes continued that on this property the Code allows impervious coverage of 3748.65SF. As clarification Mr. Byrnes advised the Board the two pages that were emailed to them had the correct numbers.

Mr. Copur agreed with Mr. Byrnes calculations.

There were no questions or comments from the public.

Mr. Copur gave a brief summary of the application.

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

Mr. Farrell said he would be in favor of granting the variance as the deck is in the rear.

Mr. Grossman thanked the applicant and Zoning Officer.

Motion by Mr. Levene second by Mr. Li to approve the impervious coverage variance.

Roll call vote:

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

Opposed: None.

Impervious coverage variance approved 5-0.

NEW BUSINESS

Ng, 141 Newcomb Rd – 118/22.

Side Yard, FAR. ZB2014-06. (Rec'd 3/7/14 decision by 7/5/14.)

Chris Blake the architect and Susan Ng the homeowner were sworn in by Mr. Lenner. Mrs. Ng said they purchased the house in November 2013 and would like to add a second floor to accommodate a bedroom for each child; there are only two bedrooms upstairs and one bathroom. They also would like to enlarge the landing off the kitchen.

Mr. Blake described the lot, adding it is on a corner and a little undersized; he described the existing layout of the interior of the house and what is proposed on the second floor is adding a master bedroom suite, moving the laundry upstairs, and reconfiguring the other two bedrooms for the children; the proposed addition will not block any light or air of the neighbors; they will try to upgrade the exterior appearance of the house, which is in need of attention; the double doors from the kitchen lead out to a landing which is narrow and in need of repair. This necessitates a side yard variance, that side is landscaped with trees and bushes.

In response to questions, Mr. Blake said decks in the front yard are not allowed, the second floor will fit onto the first floor, the deck on the side yard will be egress from the kitchen there is no reason for it to be in the front of the house, it would be used more as an ingress/egress situation from the kitchen; it is not inappropriate in Tenafly to have three large bedrooms or four smaller bedrooms upstairs; he conformed the addition will not be larger than the existing first floor and they would not be increasing impervious lot coverage.

There followed discussion on the different plans the board had compared with the applicant and her architect; Mr. Blake said the size of the house will not exceed the existing first floor, interior changes have not been decided and the house would still be used as a single family dwelling, the house is a Cape Cod style from the 60's and it is being updated and upgraded. Mr. Blake said the deck is necessary as the back door is there, and a second exit from the house would be convenient. He did ask the board if they could vote separately on the two variances being requested.

There were no questions or comments from the public.

Mr. Blake gave a summary of the application.

Motion by Mr. Cytryn second by Mr. Farrell to go into deliberative session. The Board agreed to vote separately on the two variances.

Mr. Brensilber said he felt the applicants should only appear in front of the board with finalized and exact floor plans, the second story he felt was acceptable, but he had his concerns about the rear deck off the kitchen that it was too close to the property line.

Mr. Grossman said final plans are not necessary as those decisions are made in the end by the customer as work progresses.

Motion by Mr. Brensilber second by Mr. Farrell to deny the side yard setback for the deck.

Roll call vote:

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

Opposed: Mr. Levene, Mr. Cytryn.

Side yard setback for deck denied 5-2.

Motion by Mr. Farrell second by Mr. Li to approve the FAR variance.

Roll call vote:

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

Opposed: None.

FAR variance approved 7-0.

Baris, 59 Hamilton Pl – 809/42

Side yard. ZB2014-08. (Rec'd 3/26/14 decision by 7/24/14.)

Present was the homeowner Joshua Baris who was sworn in by Mr. Lenner. Mr. Baris said they purchased the house in September 2011 and the previous homeowner had given them plans for a proposed addition, that application required variances to convert the garage into living space and a setback. Mr. Baris continued that the application to convert the garage was denied, but approval was given for a side yard setback; a rear addition was done, but the addition over the garage was not done. He proposes adding a second floor, since 2004 the side yard setback has changed and it is now 15ft required; existing is 9.9ft this would be the only variance he is seeking.

They would like to add a master bedroom suite over the garage and renovate upstairs adding a laundry area, closets and a study. Mr. Baris said a rear addition of family room was done, this proposed addition will be only above the garage which would make the house more functional not massive, they are under on FAR. The lot is a parallelogram shape which is difficult to comply with the setbacks, on the right side of the property there is a setback of 23ft, but the natural location for the addition is over the garage, for some reason the house is skewed to the left side of the property; there is a pool with patio in the rear.

There were no questions from the public.

Kristine Cecere-Jones, 104 Palmer Ave was sworn in. Mrs. Cecere-Jones said she would be the neighbor most affected, her property is on the corner of Palmer and Hamilton; she spoke in favor of the application.

Mr. Baris gave a summary of the application.

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

Mr. Li said he would be in favor of granting the variances.

Mr. Lieberman said he had an issue with the side yard on that side adding he felt it would be too tight, and the applicant should find another way to add a master bedroom suite.

Mr. Farrell said many lots in that area had one large side yard and a smaller opposite side yard; he did not feel the proposed addition would be a detriment

Mr. Brensilber agreed with Mr. Lieberman and suggested the applicant find another way to add on as the addition would be a detriment.

Mr. Cytryn said if you visit the street it is easy to see which houses have been added on to.

Mr. Lieberman said maybe the question is would this addition fit in with the neighborhood.

Mr. Brensilber said he felt there was too much on that side and the variance should not be granted.

Motion by Mr. Cytryn second by Mr. Li to approve the side yard variance.

Roll call vote:

In favor: Mr. Cytryn, Mr. Li, Mr. Farrell, Mr. Levene.

Opposed: Mr. Brensilber, Mr. Lieberman, Mr. Grossman.

Side yard setback variance of 9.9' approved 4-3.

11 Park, LLC., 11 Park St – 1604/15.

Piers. ZB2014-07. (Rec'd 3/26/14 decision by 7/24/14.)

Mr. Cytryn recused himself as he lives within 200ft and was noticed.

Present for the applicant was Mr. Matthew Capizzi, who said this application is for two four foot piers, the fence will comply with the code, but the piers do not. His witness would be Paul Keyes of Paul Keyes Landscape Architecture, LLC.

Paul Keyes gave his business address, was sworn in and deemed an expert in the field of Landscape design. Mr. Keyes said the piers would be four feet high and two feet square with a light fixture on top, the piers will match the design of the house, and a black aluminum gate will be installed, the gates will remain open, and not be remote controlled, they selected black for the gates as black would blend in and not be as visible. The gate will meet the code which is 75% open and a maximum of 48 inches high in the front yard. Marked into evidence as A-1 was a color picture of the house and pier and gate. The piers would be setback 15ft from the street, he felt the piers and gate would add to the streetscape, there is also a safety issue for the children playing in the front yard.

In response to questions from the board Mr. Keyes said the piers have to be set back out of the right of way, there is also a large oak tree they need to be careful about when digging the footings, he did not feel there would be a sight issue if a vehicle was backing out of the property, as 15 feet would be enough to see; he confirmed the piers are for the gates and to make the entry look better and be aesthetically pleasing.

He offered into evidence two pages of five photographs of properties on Park Street with driveway piers; this was marked as A-2, and showed piers for #30, #34, #38, #39 and #45 Park Street.

There were no questions or comments from the public.

Mr. Capizzi gave a summary of the application.

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

Mr. Brensilber said he had no problem with approving the application, neither the neighbors nor anyone from the HPC were present, he felt it would beautify the streetscape and was aesthetically pleasing.

Mr. Li said he was not in favor the only reason for the piers is the gate and the gates would be open all the time.

Mr. Levene said he wasn't in favor and the pictures on A-2 showing other properties on Park Street were quite a distance from this property.

Mr. Grossman wondered about the message it sends to the area.

Mr. Farrell said testimony was that the gate is black; he felt the piers would draw attention to the gates.

The board re-opened the hearing for comments from Mr. Capizzi.

Mr. Capizzi said the gates would be kept manual.

The board went back into deliberative session.

Mr. Brensilber said he did not find the piers objectionable, adding the gates were really not needed.

Mr. Farrell said they would do it anyway.

Motion by Mr. Lieberman second by Mr. Levene to approve the piers.

Roll call vote:

In favor: Mr. Lieberman, Mr. Levene, Mr. Brensilber, Mr. Farrell.

Opposed: Mr. Li, Mr. Grossman.

Four foot piers approved 4-2.

ADJOURNMENT

Motion by Mr. Brensilber second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor, the meeting adjourned at 10:05PM.

Respectfully submitted,

Lindsay Graham
Board Secretary