

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 PM. September 8, 2014
MINUTES**

ROLL CALL

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

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, May/June 2014.

Letter dated September 5th, from THPC re: 46 Park Street, stating the commission has no objection to the proposed addition. (Letter emailed to Board and applicant's attorney on 9-5-2014.)

APPROVAL OF MINUTES – August 7, 2014 would be memorialized at the October meeting.

MOTIONS FOR ADJOURNMENT

E Mail received from Mr. Capizzi, attorney for 46 Park Street, 1605/1, requesting application be carried to October 6th as the architect is unable to attend this meeting. Motion by Mr. Cytryn second by Mr. Levene to adjourn application ZB2014-18 to October 6th at 7:30PM in these chambers or as soon thereafter as the matter can be reached with no further notice required. All members on a voice vote were in favor.

UNFINISHED BUSINESS

Denied: Guttman, 14 Grandview Terr – 1503/21.
Boat in side yard. ZB2014-15. (*Rec'd 7/18/14 decision by 11/15/14.*)

The resolution was not ready, as the attorney was not present.

NEW BUSINESS

Tsipenyuk, 115 Oak St – 2002/21

Set backs – front yard, side yard, front yard coverage by driveway. ZB2014-17.

(*Rec'd 8/23/14 decision by 12/20/2014.*)

Present were the homeowners Vladislav and Natalya Tsipenyuk and their architect Raul Mederos. The homeowners were sworn in by Mr. Grossman. Mr. Tsipenyuk said they would like to add a garage, and a bathroom as with four of them in the house, one bathroom is difficult; and add a new master bedroom and bath to the second floor above the existing and proposed garage.

Raul Mederos gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Mederos said with reference to the lot the variances relate to the east side of the lot only due to the position of the house on the lot; currently the distance to the neighbor to the east is 37', once the

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addition is done the distance will be about 25'; the proposed interior of the garage will be 20 x 24' with one door; the garage addition would necessitate widening the driveway; there is a very large oak that will be removed, but there is also a large oak tree in the Borough right of way, and the driveway will have to have the curve in it to avoid that tree.

Mr. Mederos offered into evidence one page with two google views of the property; this was marked A-1. The top picture showed the existing house, and the picture below it had been marked up by Mr. Mederos to show the proposed addition.

In response to questions from the board Mr. Mederos explained wall bracing that is required under the Building code, the 20' wide garage would not be a problem; a variance would still be required if the garage was not added.

There were no questions or comments from the public. A summary was given of the application by Mr. Tsipenyuk.

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

Mr. Kominsky said he felt the application was simple and concise and would be in favor.

Mr. Levene wondered if the applicant could have asked for more.

Mr. Lieberman expressed concern at the width of the driveway and tree removal which would still leave the driveway very wide.

Mr. Grossman said the lot is only 5' less than the 85' for the zone, and did not feel this was a major factor in seeking the variances, and what is proposed is best for the home on the lot.

Motion by Mr. Kominsky second by Mr. Cytryn to approve the application.

Roll call vote:

In favor: Mr. Kominsky, Mr. Cytryn, Mr. Brensilber, Mr. Levene, Mr. Lieberman.

Opposed: Mr. Li, Mr. Grossman.

Variances approved 5-2.

Pleva, 154 Hudson Ave, 1503/3

Rear yard, impervious coverage. ZB2014-19. (Rec'd 8/25/14 decision by 12/23/2014.)

Present were Brian and Eileen Pleva the homeowners who were sworn in. Mr. Pleva said they are proposing an addition to the house, a one story addition bumping out the kitchen and family room, and the second floor addition would allow the addition of closet space and a new bathroom, and reconfiguring the bedrooms. In the rear a patio is proposed and new stairs to the basement. Their architect Raul Mederos would speak to the variances and quirks with a flag lot.

Raul Mederos, gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Mederos said the property is non-conforming it is a flag lot, and gave the definition of a flag lot per the Tenafly Ordinance.

Offered into evidence were four pages, marked A1-A through A1-D; this consisted of A1-A Sketch No. 9 Lot Definition from the Tenafly Ordinance, A1-B sketch No. 14 Yard definition, A1-C a google view of the area shaded in pink, and A1-D a closer view of the same google view of 154 Hudson Ave.

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Mr. Mederos said what is proposed is expansion of the first floor that will move the kitchen from facing the driveway and garage (north) to the south side of the house overlooking the patio and garden; a mud room will be constructed on the north side and family room will be expanded to the south side; a new patio (measuring 30 x 15), landing and stairs are proposed, and new stairs to the basement that is unfinished and used for storage of patio furniture. Mr. Mederos explained the lot is already over on impervious coverage (6,265SF) as it is a flag lot and the proposed addition and patio is adding 981SF; the hardship is the flag lot which drives the impervious coverage up, despite the size of the lot.

In response to questions from the Board Mr. Mederos said the existing walks do have grass between them and per the homeowners there do not appear to be issues with run off in heavy rains; the walks are a way of getting to the rear of the house; even if part of the driveway was removed they would still be over on impervious coverage, the walls in the eastern part are due to the topography of the property; the house is in need of renovation, the exterior will remain but the addition will be new, the kitchen will be moved to the south side of the house, which will be easier to keep an eye on the children playing in the yard and better flow to the patio and rear yard from the kitchen.

Susan Siegel, 39 Grandview Terrace said she did not fully understand the location of the addition; her property is behind the Pleva property. Mr. Mederos explained what was proposed to Ms. Siegel using exhibit A1-C and A1-D.

Mr. Mederos said the lot is non-conforming for impervious coverage, there is no FAR variance being requested and if the house was positioned differently on the lot no variances would be needed.

Mr. Pleva said they could reduce some impervious coverage near the garage, the patio that has a table near the garage can be removed and the table will be moved to the new patio on the other side of the house;. Mr. Mederos estimated this would lessen the impervious coverage by about 200SF.

Susan Siegel, 39 Grandview Terrace was sworn; she asked if the addition could be done on the other side of the house as it was close to her garage.

Debbie Abitante, 152 Hudson Ave was sworn in, she stated she was in favor of the application and supported their application.

Mr. Mederos gave a 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. Levene said he did not see any negative aspects to the application, he does understand the neighbor's concern, but the addition will not be closer to her house.

Mr. Kominsky said he felt there was a significant hardship being a flag lot and the amount of driveway, the proposed addition is close to the neighbor, but it is a garage not living space.

Motion by Mr. Kominsky second by Mr. Lieberman to approve the application.

Roll Call Vote:

In favor: Mr. Kominsky, Mr. Lieberman, Mr. Levene, Mr. Li, Mr. Cytryn.

Opposed: Mr. Brensilber, Mr. Grossman.

Variances approved 5-2.

Black, 109 Thatcher Rd – 1808/15

Side yard, lot coverage, total imp coverage. ZB2014-16. (Rec'd 8/27/14 decision by 12/25/2014.)

Mr. Grossman stepped down and recused himself from hearing the application. Mr. Brensilber took the Chair.

Present for the applicant was her attorney Mr. Urdang who said his witness would be the architect Mr. Hartwick and the homeowner was also present if she was needed. Mr. Urdang explained the application is for a side yard variance, lot coverage and total impervious coverage.

Ray Hartwick, gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Hartwick said in 2005 after a hearing the property was granted multiple variances including – FAR, both side yard setbacks, a front yard setback and a lot coverage. In order to square-off the rear of the house and make the family room larger they now propose an addition to the rear which will increase the lot coverage of the house, total impervious coverage and a side yard setback. Mr. Hartwick using A-1 the plans submitted to the Board showed the proposed addition to the family room, and also a more defined patio, which will be a little smaller than the existing patio. Mr. Hartwick offered into evidence a set of five photographs, which was marked A-1, the photos showed the existing dense foliage around the rear and sides of the property

The proposed addition will follow the line of the existing house at 11.4', in his opinion there would be no diminution of light or air, nor shade or shadows to the neighbors, and there would be no negative impact. The additional building line would be 14ft, the increase in lot coverage would not be seen from the street, the proposed addition is to the rear, no FAR variance is needed due to the change in the ordinance the applicant is getting 328SF credit for the garage.

In response to questions from the board, Mr. Hartwick confirmed the patio is 1,000SF, and that he had positioned the different seating arrangements and this size is best suited for the seating they have, the pavers that will be used are permeable even though the ordinance does not distinguish between pervious and impervious, in his opinion the patio could not be made any smaller.

There were no questions or comments from the audience.

Mr. Urdang gave a brief summary of the application.

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

Mr. Lieberman said the addition is in the rear and really would not be visible, he felt the rear patio could be a little smaller, the rear yard is well screened and the proposed addition fits well.

Mr. Cytryn felt the patio could be smaller, there was no compelling need or advantage to have it this size.

Mr. Kominsky said he was in favor; the proposed addition would fit well with the existing dwelling.

Mr. Levene spoke of creeping numbers with each variance granted.

Mr. Brensilber said there is an incremental creep upwards, but felt there was a balance and no one would see this addition.

Motion by Mr. Kominsky second by Mr. Cytryn to approve the three variances.

Roll call vote:

In favor: Mr. Kominsky, Mr. Cytryn, Mr. Lieberman, Mr. Li.

Opposed: Mr. Levene.

Variances approved 5-1.

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Campanella/Flicker, 46 Park St – 1605/1

Lot coverage, FAR, impervious coverage. ZB2014-18. (Rec'd 8/27/14 decision by 12/25/2014.)

Adjourned to October 6, 2014.

OTHER BUSINESS - there was none.

ADJOURNMENT

Motion by Mr. Kominsky second by Mr. Li to adjourn the meeting. All members on a voice vote the meeting was adjourned at 10:10PM.

Respectfully submitted,

Lindsay Graham
Board Secretary