

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 PM. November 3, 2014
MINUTES**

ROLL CALL

Present: Mr. Brensilber (arr7:55PM), Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Li Mr. Lieberman, Mr. Grossman.
Absent: Mr. Cytryn, Mr. Levene.
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."

COMMUNICATIONS

NJ Planner July/August 2014

APPROVAL OF MINUTES

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

MOTIONS FOR ADJOURNMENT - there were none.

UNFINISHED BUSINESS

Approved: Dias-69 Windsor Rd – 603/30.
Side and rear yard setbacks for tree house. ZB2014-20.

Approved: Hatten, 77 Mahan St – 1211/4.
Front yard setback, side yard, lot coverage. ZB2014-21.

Motion by Mrs. Gilbert second by Mr., Farrell to memorialize the resolutions. All members on a voice vote were in favor.

NEW BUSINESS

Mermelstein, 59 Esmond Pl – 123/10

Addition. ZB2014-23. Set-backs front yard Esmond & Newcomb & accessory structure setbacks.

(Rec'd 10/23/14, decision by 2/20/15.)

Raul Mederos, the architect gave his business address, was sworn in and deemed an expert in the field of architecture; Mr. Mederos was reminded that he was an advocate for the owner and should outline the facts.

Mr. Mederos described the lot, it's size and location on the corner of Esmond Place and Newcomb Road, the house was built in 1923; they plan on renovating the first floor and adding a two story addition and patio to the rear of the house on the Newcomb Road side; the garage will remain as an accessory structure and be repaired ; the variances required are dimensional.

Two front yard setback variances – Newcomb Road setback required is 33.5’, they propose 11.7’; Esmond Place the setback required is 26.3’ they propose 26.2’; the setbacks for the garage which is an accessory structure should be 4’ from the side and rear yards, the existing garage is 0.86’ and 2.58’ these dimensions will remain and the garage will be repaired. Mr. Mederos said the area is a mix of different styles of houses.

In response to questions from board members Mr. Mederos said the two story addition will be 12’ to the west, the open patio extends 10’4” the slab and structure of the garage will remain; in his opinion the corner lot was not exceptional it is the size of the lot which is less than half the 9,000SF required in the zone.

There were no comments or questions from the public, there were no further questions from the board.

Mr. Mederos gave a summary of the application. Mr. Grossman announced the board was now in deliberative session.

Mr. Kominsky said it appears reasonable, the accessory structure setbacks are 4ft from the side and rear yards, but the garage is existing.

Mr. Farrell said the FAR is under control and there do appear to be many pre-existing situations of setbacks.

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

Roll call vote:

In favor: Mr. Farrell, Mr. Kominsky, Mrs. Gilbert, Mr. Lieberman, Mr. Li, Mr. Grossman.
Opposed: None.

Setback variances approved 6-0.

Carried from September 8, 2014:

Campanella/Flicker, 46 Park St – 1605/1

Lot coverage, FAR, impervious coverage. ZB2014-18. (Rec’d 8/28/14 decision by 12/26/2014.)

Revised Site Plan & architectural drawings rec’d 10/21/2014.

Present for the applicant was Mr. Capizzi his attorney who explained this application is to add a two car garage, to variances are required one for lot coverage and one for FAR. His first witness would be the architect Mark Braithwaite.

Mark Braithwaite gave his business address 17 Sheridan Avenue, Ho-Ho-Kus, New Jersey, was sworn in and deemed an expert in the field of architecture. Mr. Braithwaite said the house has many prominent features except for a garage. The best location for the garage they felt would be facing Highwood Avenue, the garage will be oversized to store the garbage and recycle containers and try to get extra storage space, they have proposed 24’ by 28’, the size will complement the house and flow; a small mud room has been added between the garage and house, to allow for a transition area before entering the house, and the existing shed on the property will be removed.

In response to questions from the board, Mr. Braithwaite said a garage of 23’ deep and 26’ wide would be okay but there would be no storage, he has drawn and had built many garages and they do try to get a little extra space from the garages for storage; in his opinion a 20 by 20 garage would look silly next to this house which features a Gambrel roof.

There were no questions from the public.

Michael Hubschman the engineer, gave his address, was sworn in and deemed an expert in the fields of Planning and Engineer.

Mr. Hubschman offered a Site Plan last revised October 14, 2014 as an exhibit on the easel, this was the same site plan that had been submitted to the board but was a colorized. Mr. Hubschman explained the existing shed will be removed, the proposed garage will be built onto an existing paved surface, the allowed FAR is 6644SF (22.5%), existing is 7066SF (23.93%), what is proposed will be 7245SF (24.54%), an additional seepage pit will be constructed for the proposed garage. In his opinion the site can handle the additional FAR, which is about 180SF, the roads in the area are wide, the lot is large and a large non-conforming shed is being removed, and the cars will be off the driveway.

In response to questions from the board Mr. Hubschman said the neighbors attended the prior meeting as they did not want the house to be demolished, they wanted it to remain as it is, aesthetically pleasing to the neighborhood, it is not falling into disrepair, it needs a great deal of work inside; many architectural elements add to the FAR – covered porches, porte-cochere.

There were no comments from the public.

Mr. Capizzi asked for a five minute recess so he could talk to his client.

Board reconvened at 8:53PM.

Mr. Capizzi said after discussion with his client and professionals, the storage area in the garage would be reduced, the garage would be reduced in size to 23' deep by 25' wide interior, exterior would be 24' by 26', the side yard setback on that side of the property would now be 22ft; the proposed FAR would be 24.16% (7134SF) and the impervious coverage would also be further reduced to 9428SF which will be 479SF less than what is existing, Mr. Capizzi confirmed they are still asking for a garage that would be 26' wide.

There were no comments or questions from the public or the Board.

Mr. Capizzi gave a summary of the application.

Mr. Grossman said the board was now in deliberative session.

Mrs. Gilbert said it is a big house that needs a garage, this is not an architectural review board, she is in favor of the application even though a reduction in some of the numbers is not always good.

Mr. Lieberman said there are other large homes in the area as of right, the garage will be a nice feature to the house and said he would be in favor as long as the shed will be removed.

Mr. Brensilber commended the applicant for the reduction in some of the numbers, but felt the lot was overbuilt and is too big, it is the gateway to Park Street, but he would vote no on the application.

Mr. Farrell had concerns about the garage size and wondered what standard is, a garage is positive, he appreciates the reductions in the numbers, but felt the house is overbuilt because of its charm, he said he is undecided.

Mr. Kominsky said a sense of utility and architectural scale keeps the neighborhood beautiful, the Historic Preservation Commission had no objections, he would be in favor.

Mr. Grossman said he was on the fence, the FAR has over-intensified the use of the lot, he does appreciate the efforts made to reduce the numbers, but is undecided.

Minutes approved: 12-01-2014.

Motion by Mrs. Gilbert second by Mr. Kominsky to approve the application with the condition that the stone wall will remain in place.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Kominsky, Mr. Lieberman, Mr. Farrell.

Opposed: Mr. Brensilber, Mr. Li, Mr. Grossman.

Variances denied 4-3.

OTHER BUSINESS – there was none.

ADJOURNMENT

Motion by Mr. Brensilber second by Mrs. Gilbert to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 9:20PM.

Respectfully submitted,

Lindsay Graham
Board Secretary