

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. January 5, 2015
MINUTES**

ROLL CALL

Present: Mr. Brensilber, Mr. Cytryn, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman, Mr. Callahan.
Absent: Mr. Farrell
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 2, 2015, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

REORGANIZATION:

Sean Callahan was sworn in as a 2nd Alternate member, and welcomed to the Board.

APPOINTMENT OF OFFICERS FOR 2015:-

CHAIR: Motion by Mr. Cytryn second by Mr. Levene to nominate Mr. Grossman as Chair. All members on a voice vote were in favor.

VICE CHAIR: Motion by Mr. Lieberman second by Mr. Grossman to nominate Mr. Brensilber. All members on a voice vote were in favor.

BOARD ATTORNEY: Motion by Mr. Levene second by Mr. Brensilber to nominate Mr. Ritvo. All members on a voice vote were in favor.

BOARD ENGINEER: Motion by Mr. Brensilber second by Mrs. Gilbert to nominate David Hals of the firm Schwanewede/ Hals. All members on a voice vote were in favor.

BOARD SECRETARY: Motion by Mr. Brensilber second by Mrs. Gilbert to nominate Lindsay Graham. All members on a voice vote were in favor.

SECOND VICE CHAIR: Motion by Mr. Brensilber second by Mr. Levene to nominate Mr. Lieberman. All members on a voice vote were in favor.

COMMUNICATIONS

NJ Planner Sept/Oct 2014

APPROVAL OF MINUTES

Motion by Mrs. Gilbert second by Mr. Brensilber to approve the minutes of December 1, 2014. All members on a voice vote were in favor.

UNFINISHED BUSINESS

Resolution to be memorialized

Cheng, 120 Sunset La – 207/4.

FAR – 39.8%; front yard setback 15.25' on Daisy Pl. ZB2014-24.

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

NEW BUSINESS

Alpert, 12 Marcotte La – 501/6

Circular driveway. ZB2015-01. (Rec'd 12/18/14 decision by 4/17/15.)

Present were the homeowners Jeffrey and Christine Alpert who were sworn in by Mr. Ritvo. Mrs. Alpert said they would like to install a circular driveway, two variances are needed: one for lot width, the lot is 118ft wide and 120ft is required, and one for front yard coverage by driveway, the code permits 30% and we are proposing 36%. They have made the driveway 12ft wide, and feel a circular driveway is needed as there is a safety issue in backing out onto Marcotte Lane, a road that during the day cars are parked on the street and visibility can be blocked by the trees and bushes.

A-1: a poster board with about 14 photos of the existing conditions on one side and sketches of the existing driveway and proposed circular driveway on the other side. This was marked into evidence. Mrs. Alpert also played a video on her I-pad of her backing out of her driveway onto Marcotte Lane; the 30% front yard coverage by driveway is difficult to meet on their property as the house is close to the street; they have planters.

In response to questions from the board, Mrs. Alpert said there would be four cars that would have to maneuver to get out of the driveway; sometimes the street can be very busy with people using it as a cut through from either Bergenfield or from Tenafly; they would like a circular driveway rather than a K turn area as they felt the circular driveway would be more visually pleasing than a large area of black top; by installing the circular driveway they plan on sprucing up the front yard area and removing the planters; the driveway was moved away from the north east corner of the property as there is a catch basin in that area; they will keep the tree and remove some of the planters and hedge if necessary.

Mrs. Alpert offered a photo of the driveway of her neighbor at 6 Marcotte La who had been given a variance for a circular driveway. This was marked A-2.

Mr. Callahan pointed out that he felt the vegetation should be cut back to a lower level to make egress easier, especially a left turn.

Mr. Grossman expressed concern that the math of the numbers did not seem to match and suggested the applicant rethink the driveway and come back with a revised plan.

Motion by Mr. Lieberman second by Mr. Cytryn to carry this matter to February 2nd 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.

Campanella, 46 Park St – 1605/1

Impervious coverage, lot coverage, front yard setback. ZB2015-02. (Rec'd 12/24/14 decision by 4/23/15.)

Present was Mr. Capizzi the attorney for the applicant, who said the homeowner and his engineer are both present. Mr. Capizzi said the first application for a garage was denied by the board, this application is

for a smaller garage and no FAR variance is needed; he also pointed out that paragraph 9 (on page 3) of the denial ZB2014-18 discussed the proposed changes in the size of the garage.

Michael Hubschman was sworn in and accepted as an expert in the field of Planning and Engineering. Mr. Hubschman explained the garage will be 22ft deep and 24ft wide, there will be a small mud room, the FAR is existing and they are not adding any as a prior variance granted FAR of 24.4%, three non-conformities are being removed, a shed on the south side, a proposed spa and a portion of the existing driveway. The variances required are for coverage.

There followed discussion by the Board as to whether this application is substantially different from the prior application for a garage; some comments were the garage is 650SF, the FAR has been eliminated; there is a strong desire in Tenafly for garages, and the general consensus was to that the elimination of FAR does make it substantially different.

Motion by Mr. Levene second by Mr. Cytryn to hear this application as the elimination of the FAR makes the application substantially different. A majority of members on a voice vote were in favor.

Mr. Capizzi said the impervious coverage had been reduced by 555SF with the removal of three non-conforming conditions; and about 252SF over on lot coverage.

Mr. Hubschman used a colorized Site Plan last revised 12/4/2014 marked as A-1 to explain and show the three non-conformities being removed and the proposed garage. He described the lot and current improvements, adding the total impervious coverage will be reduced and lot coverage will be increased, regarding the garage they will install one garage door, the prior application had two garage doors. In response to a question about a seepage pit, Mr. Hubschman said one would be installed south of the proposed garage and it would only handle water from the new garage.

There were no questions from the public for the engineer.

Michael Campanella the homeowner was sworn in by Mr. Ritvo. Mr. Campanella said they had looked at several alternatives as to what they could take away from the house; the interior has been completely gutted, there was mold, broken pipes and it seems as though everything has been replaced and the interior of the house is taking shape, they only need garages; he did not feel they could remove a porte-cochere to not need a variance as the house does have a definite style and appearance, but have chosen to keep the house exterior as it is.

There were no questions from the board.

There were no questions or comments from the public.

There was discussion among some board members: Mr. Callahan said he felt the location of the garage was the most utilitarian solution; Mr. Brensilber said he did not object to what they were doing; Mrs. Gilbert said she felt it was a similar trade off to the 2006 application and wondered which elements would affect the community more.

Minutes approved: 3-2-15.

In response Mr. Capizzi said he did not feel there was a trade- off, this is not an easy lot to build on the front yard setbacks leave little room for construction; and he explained the layout and architectural significance which under the MLUL should be preserved.

The Board went into executive session.

Mr. Cytryn said they will be over by 250SF on lot coverage, and there is a reduction in total impervious coverage, by rights the applicant could build a one car garage without a variance. He did not feel there were any other practical options.

Mr. Lieberman said this is a large house on a large lot

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

Roll Call Vote:

In favor: Mr. Cytryn, Mr. Levene, Mr. Callahan, Mrs. Gilbert.

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

Variances approved 4-3.

ADJOURNMENT

Motion by Mr. Brensilber second by Mrs. Gilbert to adjourn the meeting. All members on a voice vote were in favor the meeting adjourned at 9:25PM.

Respectfully submitted,

Lindsay Graham
Board Secretary