

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. March 2, 2015  
MINUTES**

**ROLL CALL**

Present: Mr. Brensilber, Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman, Mr. Callahan.  
Absent: None.  
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."

**COMMUNICATIONS** – there are none.

**APPROVAL OF MINUTES**

Motion by Ms. Gilbert second by Mr. Levene to approve the minutes of January 5, 2015. All members on a voice vote were in favor, the minutes were approved.

**UNFINISHED BUSINESS**

Resolution to be memorialized

Approved: Campanella, 46 Park St – 1605/1  
Impervious coverage, lot coverage, front yard setback. ZB2015-02.

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

**Carried from January 5, 2015:**

Alpert, 12 Marcotte La – 501/6  
Circular driveway. ZB2015-01. (Rec'd 12/18/14 decision by 4/17/15.)

**Revised drawing and calculations as requested enclosed.**

Mr. Farrell recused himself from the application.

The homeowner Christine Alpert was sworn in by Mr. Grossman. Mrs. Alpert explained the house is set close to the street and is an older style home; Paul Keyes had done a circular driveway plan and the necessary calculations. In her opinion the benefits are that it will be safer not backing into the street and with the change and refreshed landscaping it will look nicer.

In response to questions from the Board, Mrs. Alpert said the hedges are now too tall to trim and would end up as trunks, she is reluctant to remove them, but feels they may belong to the Borough, and agreed they do hinder visibility; Paul Keyes was only asked to do the drawing and calculations, they had not discussed a parking area, as she was not fully convinced it would solve the backing out problem.

Jeff Alpert, 12 Marcotte La was sworn in. Mr. Alpert said the driveway would be gravel which they both prefer, and Belgian block curbing near the street to define it, the garage is not really used because it is small, at this time it houses a car they do not use often, it is difficult getting to the garage as the driveway is very narrow along the side of the house.

Minutes approved 5-4-2015.

Mrs. Alpert re-iterated the safety issues of traffic on the street, poor visibility in backing out and on street parking by residents, and others; adding visibility will be safer going out face first despite the hedge and pillars.

There were no questions or comments from the public.

Mrs. Alpert gave a summary of the application.

The board went into executive session. Mr. Levene said he felt the variances were minimal, there is a safety issue involved in backing out, and he would be in favor.

Mr. Kominsky said he is a proponent of circular driveways, there is a convenience and this lot is unique with a safety issue, he too would be in favor.

Mr. Lieberman said it is a large lot and a circular driveway would be a convenience for the homeowner, he did not feel it would be an issue.

Mrs. Gilbert said she was not convinced that it would solve the safety issue, all vehicles will be parked in front of the house and visible.

Mr. Brensilber agreed, and did not feel there was an advantage to it, aesthetically it would enhance the style of this house.

Mr. Callahan said he felt there is a safety issue with the hedges, and for this driveway to work cars had to all go in the same way.

Motion by Mr. Brensilber second by Mr. Lieberman to approve the circular driveway.

Roll call vote:

In favor: Mr. Brensilber, Mr. Lieberman, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Cytryn,  
Mr. Grossman.

Opposed: None.

Circular driveway approved 7-0

**NEW BUSINESS**

Arrabito, 7 Morris Rd – 401/4

Rear yard setback 28.73ft, front yard setback on Morris Rd – 14.89ft. (Rec'd 1/20/15 decision by 5/20/15.)

ZB2015-04.

Present was the homeowner Pamela Arrabito who said her architect would be their witness. Thomas Mesuk Architect gave his business address, was sworn in and accepted as an expert.

Mr. Mesuk said they had removed the deck, and would construct two steps to a small landing outside the kitchen door, the property is on a corner and to the best of their knowledge there was no variance for front yard setback on Morris Road; they need two variances a rear yard setback and a front yard setback on Morris Road, the second floor addition will be cantilevered over the side yard but still conform to the 10ft setback.

There were no questions from the board.

There were no questions or comments from the public.

Mr. Mesuk gave a summary of the application.

Minutes approved 5-4-2015.

The board went into executive session. Mr. Brensilber said this was one of the best applications the board had seen for a while, the applicant is leaving FAR on the table, not overbuilding for the lot size and he would make the motion to approve the two variances.

Motion by Mr. Brensilber second by Mr. Levene to approve the rear yard and front yard setback variances.

Roll call vote:

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

Opposed: None.

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

Collins, 106 Columbus Dr – 131/12

Side yards – 4.7ft and 8.8ft. ZB2015-03. (Rec'd 1/22/15 decision by 5/22/15.)

Present was the owner and her architect. Penelope Collins and Chris Blake were sworn in and Mr. Blake was accepted as an expert in the field of architecture.

Ms. Collins said she had purchased this house as it is close to the Middle School for her two sons, and in future close to the High School; she felt this house had the most potential in the area and price range and she wanted to preserve part of the Tenafly architectural heritage. The original intent was to not have to apply for a variance, but the original survey was incorrect; this was not discovered until a second survey was done and the original was two feet off, so variances would be needed.

Mr. Blake said the proposed addition will add a bath on the first floor, the existing house is 23ft wide on a 50ft wide lot, there is an existing sunroom/porch they will enclose to extend the kitchen and expand the upstairs which is quite cramped with two bathrooms and three bedrooms; the master bedroom will be expanded to a master bedroom suite, the two other bedrooms and bathroom to remain as-is. The existing rear portico on the west side of the house will be enclosed and made into a coat closet; there is very little room to play with due to the width of the house. There is a lot of vegetation along that side of the property (west side) and he did not feel the proposed changes would be too noticeable.

Three photographs taken by the homeowner were submitted into evidence and marked A1-3; they showed the vegetation on the west side of the property. Mrs. Collins explained the discrepancy on the original survey.

Craig Spina, 108 Columbus Drive was sworn in. Mr. Spina said he is the most affected neighbor to the west, and felt the addition is too large and he would not be able to sit outside because the addition will be right there and block his view.

Mr. Blake said the proposed addition is a two story, a small portion is setback at 8.7ft, but the balance of the proposed addition is at the required setback of 10ft. In his opinion there was enough vegetation on the west side for privacy and he did not think there would be an effect on light or air; they are trying to maintain the traditional structure of the building. There followed discussion among board members on the variances being requested and the length of the addition.

Mr. Spina pointed out that he had lived in the house for 25 years and the portico on the west side used to be an entry into the house that was closed up many years ago.

There being no further comments Mr. Blake gave a summary of the application.

The Board went into executive session.

Minutes approved 5-4-2015.

Mr. Levene asked if there was any other forum for the objecting neighbor. The only recourse is an appeal in Superior Court in Hackensack.

Mr. Kominsky was concerned about the 4.7ft setback, the 10ft was understandable.

Mr. Lieberman said it is a tight undersized lot.

Mrs. Gilbert asked if the two variances could be voted on separately.

Mr. Ritvo said Mr. Blake should talk to his client and decide on this. After a brief meeting with his client, Mr. Blake said they would agree to separating the setback variance votes.

Mr. Farrell said they could leave it there and not do anything with it.

Mr. Cytryn confirmed both variances would be voted on tonight.

Mr. Grossman said he thought it would be removed.

Motion by Mrs. Gilbert second by Mr. Kominsky to approve the side yard setback variance of 8.7ft.

Roll call vote:

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

Opposed: Mr. Brensilber.

Setback variance of 8.7ft carried 6-1.

Motion by Mr. Farrell second by Mr. Levene to approve the 4.7ft setback,

Roll call vote:

In favor: Mr. Farrell, Mr. Levene, Mr. Brensilber, Mrs. Gilbert.

Opposed: Mr. Kominsky, Mr. Lieberman, Mr. Grossman.

Setback variance of 4.7ft approved 4-3.

The Board took a three minute recess at 9:10PM.

Aivazov/Ng, 12 Morris Rd – 403/12

Front yard setback Morris Rd – 4ft and 8.8ft, impervious coverage. (Rec'd 1/22/15 decision by 5/22/15.)

ZB2015-05

Present for the applicant was Chris Blake their architect. Mr. Blake gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Blake said the property is on a corner and is currently over on impervious coverage. A large shed behind the garage will be removed but with the proposed addition they will be adding 435SF; they propose removing a portion of the porch on the north east corner of the house, and a first and second floor addition on the south end of the house that will expand the kitchen and family room on the first floor and the master bedroom on the second floor; there will also be interior renovations.

There were no questions or comments from the public.

Mr. Lieberman said he felt the board should not be rubber stamping second floor additions that are non-conforming, he felt the board should look at all aspects and the impact of the additions.

Mr. Blake gave a summary of the application.

Minutes approved 5-4-2015.

The board went in to executive session. Mr. Lieberman said the setback is on the street side, he felt the board had been rubber stamping second floor additions, he felt it would be better to have a live-able second floor and more valuable.

Mr. Cytryn said if the addition on the left side of the house was smaller, the impervious coverage would be less.

Mr. Grossman wondered if the second floor facing Morris Rd would be overwhelming.

Mr. Cytryn said others that built over the garage had possible light and air impact addressed.

Mr. Lieberman said they could do dormers or other options, not just build straight up.

Mr. Kominsky said he felt the board should give the benefit of the doubt and maybe grant the variance.

There followed discussion on second floor additions.

Motion by Mr. Lieberman second by Mr. Brensilber to deny the variances.

Roll call vote:

In favor: Mr. Lieberman, Mr. Brensilber, Mrs. Gilbert, Mr. Grossman.

Opposed: Mr. Farrell, Mr. Kominsky, Mr. Levene.

Application denied 4-3.

**ADJOURNMENT**

Motion by Mr. Levene second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 9:40PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary