

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. August 3, 2015
MINUTES**

ROLL CALL:

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

NJ Planner May/June 2015

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Ms. Gilbert to approve the minutes of July 6, 2015. All members on a voice vote were in favor, the minutes were approved.

UNFINISHED BUSINESS

Resolutions to be memorialized:

Approved: Patel, 76 W Clinton Ave – 901/39.
Home Office. ZB2015-06. *(Rec'd 3/25/15 decision by 7/23/15.)*

Approved: Rupp, 156 Churchill Rd – 2102/13
4ft piers. ZB2015-08. *(Rec'd 5/22/15 decision by 9/19/15.)*

Approved: Karofsky, 171 Hudson Ave – 1404/22
Side yard 9.75ft, impervious coverage 29.14%. ZB2015-10.
(Rec'd 06/15/2015 decision by 10/13/2015)

Motion by Ms. Gilbert second by Mr. Callahan to memorialize the resolutions. All members on a voice vote were in favor.

Carried from June 1st, July 6th:

North Summit St – 1401/4
Use. ZB2015-11. *(Rec'd 5/14/2015 decision by 9/1/2015.)*
** Request to carry this application to September 21st, 2015.

Motion by Mr. Cytryn second by Mr. Lieberman to extend the time of decision and carry the application to September 21st to be heard in these chambers 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.

NEW BUSINESS

Carrillo, 92 Howard Park Dr - 2201/10

Side yard 9.8'; building coverage 21.7%; FAR 35.1%. ZB2015-12. (Rec'd 7/10/25 decision by 11/7/2015)

Present for the applicant was Mr. Mederos their architect. Mr. Mederos was sworn in and deemed an expert in the field of architecture as he had testified several times in front of this Board.

Mr. Mederos described the lot, the existing house; the lot size is small for the zone about 2500SF smaller than the zone requires; they are proposing a second floor addition over the garage and extending towards the rear of the house over an existing patio. Several variances are required, a side yard, building coverage and FAR. As explanation Mr. Mederos said the garage is non-conforming to the side yard, there is a front covered porch that extends more than two feet from the front of the house, which accounts for 170SF and makes building coverage over the 20% allowable; the proposed addition in the rear goes over a patio and the way the ordinance is worded even though this is an open space the ceiling height of 7ft it is included in FAR, as it the front covered porch, total outdoor spaces included in the FAR is about 4%.

Mr. Mederos offered a photo showing the front of their house and the neighbor, this was marked A-1; the photo showed the slope of the land and that there would be no effect on the light and air of the neighbor.

Mr. Mederos said this is a family of five and there are three bedrooms and the proposed addition will expand the master bedroom and maintain the three bedrooms, but add a master bath and rearrange the other bathrooms. The exterior of the house and roof will also be upgraded.

In response to questions from the board, Mr. Mederos said the house is small and it really is not practical to conform as the side yards do not conform now; the front roof overhang is questionable but included; the front line of the house is in line despite the front yard setback which is 25ft, but this means the rear yard only has 4ft to play with. Mr. Mederos said he felt this plan was softer rather than pushing the addition forward.

There were no questions from the public.

Christian Carrillo the homeowner was sworn in. Mr. Carrillo said they like the street and neighborhood and they felt this plan made the most sense.

Mr. Cytryn expressed concern about the increase in the FAR. Mr. Mederos said variances will still be needed for the side yards which are non-conforming, this is a three bedroom house and the proposed addition will continue along the line of the garage, the challenge is the size of the added space, which is a master bedroom suite with walk in closet.

There were no questions or comments from the public.

There Board had no further comments on the application. Mr. Mederos gave a summary of the application.

The Board went into deliberative session.

Mr. Cytryn said most of the homes on the street have not built over the garage, and felt that would change the streetscape.

Mr. Lieberman said it was difficult to decide if the proposed addition would fit in with the neighborhood, adding the board has been accommodating to these additions in the past.

Minutes approved: 9/21/2015.

Mrs. Gilbert thanked the architect for a good presentation, she felt the land could support the addition, but was concerned by the FAR.

Mr. Farrell said he has seen prior applications with several variances and no impact on the light and air, but the FAR is a big open area that is included.

Mr. Brensilber said the FAR is significantly over, a lot of effort has gone into the application, but it looks like it takes up the entire lot.

Mr. Grossman said he was undecided, the FAR is large and he did not feel the property could handle the increase.

Mr. Cytryn agreed about the FAR, and suggested they change the plans and reduce the FAR.

It was decided to vote on the FAR portion of the application first. Motion by Mr. Levene second by Mr. Cytryn to approve the FAR.

Roll call vote:

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

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

FAR portion of the application denied 4-3.

ADJOURNMENT

Motion by Mr. Brensilber second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor, the meeting adjourned at 8:25PM.

Respectfully submitted,

Lindsay Graham
Board Secretary