

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. September 21, 2015
AGENDA**

ROLL CALL:

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

Appeal filed: RE: Jose Garcia Foundation, N Summit St, Block 1401, Lot 4. *[Received 9/1/2015.]*

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Mr. Levene to approve the minutes of August 3, 2015. All members on a voice vote were in favor, the minutes were approved.

UNFINISHED BUSINESS

Resolution to be memorialized:

Denied: Carrillo, 92 Howard Park Dr - 2201/10
Side yard 9.8'; building coverage 21.7%; FAR 35.1%. ZB2015-12.

Motion by Mr. Lieberman second by Mr. Farrell to memorialize the resolution. All members on a voice vote were in favor.

Carried from June 1st, July 6th, Aug 3rd:

North Summit St – 1401/4

Use. ZB2015-11. (Rec'd 5/14/2015 decision by 9/1/2015, extension of time given to 9/21/2015.)

Site Plan and Board Engineer letter rec'd 9/14/2015.

** This application will not be heard as there is an objection.

Mr. Ritvo explained that the Jose Garcia Foundation application for N Summit Street, Block 1401, Lot 4 will not be heard as there is a property dispute with the neighbor, and a question about noticing properties within 200 feet of Lot 3 and Lot 4.

Motion by Mr. Farrell second by Mr. Cytryn to carry this application to November 2nd, to be heard at 7:30PM in these chambers or as soon thereafter as the matter can be reached and the applicant must re-notice for Lot 3 and Lot 4, and place a new legal ad. All members on a voice vote were in favor.

NEW BUSINESS

Harel, 233 Engle St – 1703/1

Circular driveway. ZB2015-18. (Rec'd 9/2/2015 decision by 12/31/2015.)

Mr. Cytryn said he had been noticed and would recuse himself. Mr. Cytryn left the dais.

Present for the applicant was Gregg Spadaro, a Licensed Landscape Architect, who gave a brief history of his experience, qualification, and prior testimony in other towns. Mr. Spadaro was accepted as an expert in his field and sworn in.

Amy Harel, the homeowner was sworn in. Mrs. Harel was advised that the medical letters that had been submitted could not be used as those specific doctors were not present for questioning; the Board was reminded that variances go with the land, not personal reasons.

Mrs. Harel read from a letter she had prepared dated September 21st. The letter described the topography of the lot, the problems and issues they had in winter.

7:50PM: Mrs. Gilbert arrived. It was decided that Mrs. Gilbert could read the letter and catch up and be eligible to vote.

Mrs. Harel finished reading the letter concluding it was a safety issue especially backing up the driveway onto Engle Street.

In response to a question Mrs. Harel said nothing on the lot has changed other than it being more difficult than anticipated, Mr. Spadaro will testify about alternatives.

There were no questions from the public for Mrs. Harel.

Mr. Spadaro said he was not sure why the ordinance had a 75ft separation between openings, he explained that some commercial lots there is a similar requirement, but he could not explain the 75ft separation on a residential lot or speak to the intent of the ordinance.

A binder that had been submitted to the board was marked as A-1. Mr. Spadaro described the location and topography of the lot; a circular driveway is safer for the homeowners and anyone driving on Engle Street; the driveway opening would be pulled away from the intersection. Marked in to evidence was a page entitled Neighboring Properties with circular driveways, this was marked A-2. Mr. Spadaro said some complied and some did not comply and he had not researched with had approval. Also marked in to evidence was an exhibit entitled Alternatives, this was marked A-3. Mr. Spadaro explained the two alternatives, adding there is a utility pole, there are two inlets and a tulip tree that would have to be removed, plus an additional variance of impervious coverage would be needed. In his opinion the plan they have chosen is the best, this is the flattest part of the property, three trees would have to be removed, and he used truck software in designing the driveway as any future deliveries might be done by a small Fed Ex or UPS truck; Belgian block curbing will be installed on the edges and the aprons of the driveway; a boulder retaining wall, and blue stones will be used for the walkway; LED lighting will be used and the driveway will be aesthetically pleasing; there will be two catch basins in the driveway that will lead to a dry well. In his opinion this was the best proposal and it would be the most visually pleasing.

Several board members congratulated Mr. Spadaro on his presentation, adding this is one occasion when asked about alternatives the board were presented with alternatives. In response to questions from the board, Mr. Spadaro said they did not look at leveling the existing lot, there would be too many walls, the driveway will be 25 feet away from the intersection, they briefly considered a k-turn but did not want the front of the house to look like a parking lot, with this plan two cars can park on the north side of the

driveway, and still have room for other vehicles to enter and leave the driveway; the existing driveway will be removed from the north side of the house.

There were no questions from the public for Mr. Spadaro.

Allan Cytryn, 234 Engle St was sworn in, Jean-Bernard Girault, 247 Engle St was sworn in. Both gentlemen spoke in favor of the application.

There were no other questions or concerns from the Board. Mr. Spadaro gave a brief summary of the application.

Mr. Levene said when he made his site visit he could not park.

Mr. Kominsky said the case is compelling and good alternative plans were offered, he did not see any detriments. Mr. Lieberman said the cars can be put in the garage on Ravine Road, and felt cars in front of the house was not pleasing.

Mr. Farrell said in his opinion safety overwhelms cars in front of the house, and this is the better option. He wondered about plantings, and was advised that whomever proposed approval could offer plantings at that time.

Motion by Mr. Kominsky second by Mrs. Gilbert to approve the circular driveway as presented.

Roll call vote:

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

Opposed: None.

Circular driveway application carried 7-0.

Anamisis, 4 Lawrence Parkway – 1804/2

Building coverage, front yard coverage by driveway, front yard setback, rear yard setback, side yard setback, FAR. ZB2015-13. (Rec'd 9/2/2015 decision by 12/31/2015.)

Present for the applicants was Greig Anderson Architect , who gave his address, a brief summary of his education and experience, was accepted as an expert in the field of architecture and sworn in. Mr. Anderson described the lot, its location, size, and existing conditions. They propose an addition on the garage and the second floor; the existing garage is un-useable due to its size; the architectural features on the house give it character; six variances are required, two are pre-existing and the additional garage only adds 4%to building coverage, the ordinance allows up to 400SF credit on the garage so the FAR increase is minimal.

Mr. Kominsky said six variances is a lot.

Mr. Farrell confirmed a second floor addition in the side yard.

Anthony Anamisis, the homeowner was sworn in. He said the kitchen is small and they wanted to add a breakfast area and mud room, upstairs they want to add a master bedroom suite; the additional garage is needed, they only have space for two cars on the driveway and need space for four cars, so the two car garage is necessary; he felt that doing an addition without another garage is not worth it, and he felt restrained by the breezeway which is the main architectural feature of the house.

There were no questions from the public.

The board had no concerns, but did advise the applicant that if this application was to be denied they would have to substantially change what is proposed now.

Mark Peress, 197 Serpentine Rd was sworn in. Mr. Peress spoke in favor of the application.

Mr. Anderson and the homeowner gave a summary of the application. The board went into deliberative session.

Mr. Cytryn was glad the character of the house was being maintained, but felt six variances of significant size was a lot to ask; he wondered if this was the right house.

Mr. Farrell said this is a tough sell; the lot is being maximized maybe too much for this lot.

Mrs. Gilbert said she understands the small lot, and you cannot change the criteria for the lot just because it is a small lot; trying to keep a consistent feel in the neighborhood, expressed in percentages the amount over that is difficult.

Mr. Cytryn said part of the community is the diversity in housing stock; starter homes like this one are needed, then the next size up and so on.

Mr. Grossman said he was not sure if the lot could accommodate the increase.

Mr. Kominsky expressed concern that there seemed to be no feeling of impropriety for the Codes, the FAR was high.

Mr. Callahan said space is at a premium, the applicant should adjust their expectations and think about their living space and then decide what they want to do.

Motion by Mrs. Gilbert second by Mr. Cytryn to deny the FAR.

Roll call vote:

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

Opposed: None.

FAR variance denied 7-0.

Motion by Mr. Lieberman second by Mr. Cytryn to deny the bulk variances.

Roll call vote:

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

Opposed: None.

Bulk variances denied 7-0.

ADJOURNMENT

Motion by Mr. Kominsky second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 9:31PM.

Respectfully submitted,

Lindsay Graham
Board Secretary