

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. March 21, 2016  
MINUTES**

**ROLL CALL**

Present: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Lieberman, Mr. Menon, Mr. Grossman.  
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 published in the Record on December 24, 2015, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

**COMMUNICATIONS**

**APPROVAL OF MINUTES**

The minutes of March 7<sup>th</sup> will be approved at the April meeting as clarification was needed by the board on a question raised about use of the roof area for the expansion at the Lubavitch.

**MOTIONS FOR ADJOURNMENT**

**UNFINISHED BUSINESS:**

*Resolutions to be memorialized:*

Approved Lubavitch on Palisades, 11 Harold St – 1105/26.01  
Expansion of a non-conforming use, building height - 55.45ft. ZB2015-15.  
(Rec'd 10/22/2015 decision by 2/19/2016; extension of time to 2/22/2016, 3/7/2016.)

Resolution will be ready at the next meeting – April 4<sup>th</sup>.

Approved: Limbaro, 103 Palmer Ave – 503/11  
Side yard setback – 12.3ft. ZB2016-07. (Rec'd 2/25/16 decision by 6/24/16.)

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

**NEW BUSINESS**

Shoshani, 7 Glenwood Rd – 2505/7  
Side yard, lot coverage, FAR. ZB2016-09. (Rec'd 3/9/16 decision by 7/7/16.)

Present for the applicant was Mr. Urdang who said his two witnesses would be the homeowner and the architect.

Shai Shoshani the homeowner was sworn in. Dr. Shoshani said the house as built about 35 years ago, he and his wife have two children with another on the way; the addition is proposed to accommodate their expanding family and extended visits from elderly handicapped parents; he described the proposed

Minutes approved: 04-04-2016.

addition to the house. Mr. Urdang offered 10 photographs he had taken of the house, these were marked A1a through A1j. Dr. Shoshani described the photographs which showed different views of the existing house, and he pointed out where the proposed addition would extend in the rear. In response to a question Dr. Shoshani said the 16 foot entry space is what they loved when they purchased the home, there is no foyer but an open feeling as you walk in to the living room, they had not considered altering this space at all.

There were no questions from the public for the homeowner.

Raul Mederos of the firm Imagen Architecture gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Mederos said he had prepared the plans, and gave an outline of what is included in the proposed addition; the variances being requested are side yard setback, building coverage and FAR, adding this is an undersized lot in the R 20 zone and would be better suited for the R10 zone. He described the proposed additions one to the rear of the house which would incorporate 77SF of the garage, and a second floor addition that would add another bedroom and Jack and Jill bathroom; the exterior will blend in with what is there now.

Marked in to evidence were the following:

A-2: color portion of the Borough Tax Map;

A-3: aerial page from google maps of the area.

Mr. Mederos explained the google aerial map A-3 showed the size of the houses, and exhibit A-2 showed the size of the lots; confirming that 7 Glenwood is the smallest lot in the 200 foot area.

Also marked in to evidence were:

A-4: a table of neighborhood stats;

A-6: a bar graph of A-4.

Mr. Mederos said he did not prepare these exhibits. The homeowners who had prepared these exhibits were not able to explain which department they had received the numbers for A-4, or why they had shaded different addresses different colors.

Mr. Mederos said the existing side yard setback is 14.5ft the Code requires 15ft; the neighbor to the north is also at 14.5ft; and in his opinion if the setback had to be met, the addition would be more noticeable from the street and the room sizes would be a little smaller. Building coverage refers to the size of the house and garage, existing coverage is over at 15.74% (1,866SF) the code allows 15%, what is proposed is 17.67% (2,094SF). He confirmed through a question from a board member that each zone has different requirements; and explained the numbers for the R10 and R20 zones. Mr. Mederos said he did not feel there was a negative impact to the area and there would be minimal affect in the rear yard.

In response to questions from the board the two story space once you enter the house brings you into the living room, there were no plans to change this space in any way; he did not feel 3,000SF was a big house; considerations will be taken in to account for elderly handicapped relatives, but this is not a commercial building and the handicapped rules do not apply; the living room space is 354SF. Mrs. Gilbert thanked Mr. Mederos for his clear and specific work.

There were no questions from the public.

Catherine Honneus, 56 Depeyster Ave who lives in the rear was sworn in and spoke in favor of the application.

Steven Rogers, 11 Glenwood Rd is the neighbor to the north, was sworn in and spoke in favor of the application.

Miles Williams, 45 Forest Rd is the neighbor to the south, was sworn in and spoke in favor of the application.

Mr. Urdang gave a summary of the application.

Mr. Ritvo advised the board they have to balance the positives and negatives for this property only, not the neighborhood or other zones.

Mr. Farrell said there are different numbers on the plan for the side yard setback, but they would have to conform to 14.5ft.

Mr. Cytryn said he walks in this area and said the house is not over large for the area, the addition is in the rear and would not be fully visible from the street, he did not feel the rooms were oversized.

Mr. Brensilber said the house was reasonable no, this is a block that is over built; some areas are easier to decide than others; there is a lot of charm in the area, the streets are not a grid.

Mr. Ritvo clarified for Mr. Callahan that a hardship deals with the property not the use of it.

Mr. Menon agreed with Mr. Brensilber, the lot is small the house is large, he was torn by the practicality and could see the positive and negative.

Mr. Kominsky said an exception is needed for this lot, it is small which is a unique problem, the neighbors came in and were in favor, and he would have no trouble approving the application, he felt the addition should be flush with the existing house, and would not be as visible.

Mrs. Gilbert said she felt overwhelmed by all the paperwork that had been distributed, she was torn in deciding if the lot can handle the added construction, different zones have different percentages, will this be consistent with the neighborhood; 30% is a big FAR but it cannot be seen from the street.

Mr. Grossman thanked the neighbors for coming to the meeting and making their comments, he felt there would be a visible impact, even smaller properties are more affordable adding to the different housing stock in the Borough and this property is not in the R10 zone.

Motion by Mr. Cytryn second by Mr. Kominsky to approve the FAR.

Roll call vote:

In favor: Mr. Cytryn, Mr. Kominsky, Mr. Farrell, Mrs. Gilbert, Mr. Callahan.

Opposed: Mr. Brensilber, Mr. Grossman.

FAR approved 5-2.

Motion by Mr. Gilbert second by Mr. Cytryn to approve the bulk variances.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Cytryn, Mr. Farrell, Mr. Kominsky, Mr. Callahan.

Opposed: Mr. Brensilber, Mr. Grossman.

Variance for building coverage and side yard setback approved 5-2.

Lubavitch on Palisades, 11 Harold St – 1105/26.01

Expansion of a non-conforming use, building height - 55.45ft. ZB2015-15

Minutes approved: 04-04-2016.

There followed discussion on the use of the roof on the addition to finalize the resolution. Mr. Urdang said a play area is required, and he was not certain what the board decided on at the last meeting.

The board were in agreement that the roof, that was going to be raised could be used as a playground as it is now, but not the gym roof.

Motion by Mr. Brensilber second by Mr. Kominsky to approve the roof as a play area but not the gym roof.

Mr. Callahan and Mr. Menon were not eligible to vote.

Roll call vote:

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

Opposed: Mr. Farrell.

Motion to use the roof carried 5-1.

**ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Cytryn to adjourn. All members on a voice vote were in favor, the meeting was adjourned at 9:30PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary