

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. July 11, 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, Mr. Lenner.

**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**

Motion by Mr. Lieberman second by Mr. Cytryn to approve the minutes of June 6, 2016. All members on a voice vote were in favor, the minutes were approved.

**MOTIONS FOR ADJOURNMENT**

E mail received (7/1/16) from the office of Elliot Urdang requesting the application of 16 Marcotte La (ZB2016-17) be carried without further notice to August 1<sup>st</sup> 2016.

Motion by Mrs. Gilbert second by Mr. Cytryn to carry the application of 16 Marcotte La, ZB2016-17 to August 1<sup>st</sup> 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.

**UNFINISHED BUSINESS:**

Carried from June 6th:

11 Grandview, LLC., 11 Grandview Terr – 1503/35. ZB2016-12  
Front yard setback, lot coverage, FAR. (Rec'd 3/23/16 decision by 7/21/16)  
Revised application received 5/25/16.

**NEW BUSINESS**

Skulnik, 44 Old Smith Rd – 2507/32  
Accessory use in front yard. ZB2016-15. (Rec'd 6/23/16 decision by 10/21/16.)

Present was the homeowner Richard Skulnik who was sworn in. Mr. Skulnik described the site, its location on the corner of Old Smith Road and Forest Road and the topography of the site. Marked into evidence was a poster board with three photos, a Site Plan and a colorized Site Plan; this was marked A-1.

Mr. Skulnik described the proposed play set and the colors which they had requested be natural to try to blend in, the play set will measure approximately 17' x 17' x 11'; the lot is steep and behind the house is basically natural growth and vegetation, there is a rock drain that runs through a portion of the property to handle water run-off.

Mrs. Gilbert suggested the resolution give the dimensions of the play set as 20' x 20' x 15'.

Paul Keyes, Landscape Architect gave his address, a brief summary of his education, experience, was accepted as an expert in his field and sworn in. Mr. Keyes said they had done some landscaping on the property, removed an overgrown hedge in the front yard, and installed a new fence in the front yard. In response to questions, Mr. Keyes said in his opinion the hardship is the lot and topography, there is large frontage and they have tucked the playset into a corner of the property, he did not feel there would be any negative impact on the neighborhood.

There were no questions from the public.

Abigail Farber, 26 Mountain Road was sworn in and spoke in favor of the application.

Mr. Skulnik gave a summary of the application.

Motion by Mrs. Gilbert to grant the variance with wording in the resolution that the playset not be closed in and not to measure more than 20' x 20' x 15'; second by Mr. Brensilber.

Roll call vote:

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

Opposed: None.

Front yard variance for an accessory use approved 7-0.

Mr. Lenner arrived and Mr. Ritvo stepped down as board counsel.

11 Grandview, LLC., 11 Grandview Terr – 1503/35. ZB2016-12  
Front yard setback, lot coverage, FAR. (Rec'd 3/23/16 decision by 7/21/16)  
Revised application received 5/25/16.

Present was Mr. Capizzi the attorney for the applicant. Mr. Capizzi said the plans had been revised and the FAR and lot coverage had been reduced and front yard setback to 32ft. The new proposed FAR is 26.5%, and the proposed lot coverage is 18.6%, adding the hardship is the size of the property 9750SF in a zone that has a minimum lot size of 20,000SF.

Mr. Dito was advised he was still under oath. On the easel were several exhibits, Mr. Dito explained each exhibit individually.

A-6 – a colorized revised basement plan showing a flush wall in the rear and the front yard setback.

A-7 – colorized 1<sup>st</sup> Floor plan showing the garage that had been moved back (P-2 on the submitted plans)

A-8 – color 2<sup>nd</sup> Floor (P-3 on submitted plans.) Mr. Dito said the bedroom and bathroom that were originally proposed over the garage had been removed.

A-9 – color front elevation.

Mr. Dito said the house is small for the area, aesthetically it works on a small lot this is a modest house and there is enough open space around the house to not make it appear too large for the lot.

There were no questions from the public.

Mr. Brensilber said they had done an admirable job in cutting back the size of the house, and forget the lot size.

Mr. Cytryn said the lot size is an issue, and how does this fit with densification and spot zoning.

Mr. Lenner said spot zoning clouds the issue; the decision of the board is based on can the lot handle this size house and fit in with the density of use.

Steven Adler, 1 Grandview Terrace was sworn in. He expressed concern about the front yard setback and wondered why the garage is not on the other side of the house.

In response Mr. Dito said the 40ft setback applies to the street, the other side of the street the setback is met, but on this side of the street, Mr. Adler's house is at 19ft, and the other side of this property is the rear yard of a house that fronts Engle Street; they cannot move the house any further back as it will go into the rear yard setback of 30ft and make any green space or rear yard much smaller for the homeowner. The property is much steeper on the other side of the house, which is why they opted to keep the garage where it is.

David Spatz the Planner was reminded he was still under oath. Mr. Spatz said he did not feel there would be a negative impact on the neighborhood; each zone wants houses of similar sizes, this house is sized for the R10 zone. He did not feel it was too dense and is only 391SF over what is required for the R10 zone.

There were no public comments.

Mr. Capizzi gave a summary of the application.

Mr. Kominsky felt the testimony was good, and it was a well-planned house, he would be in favor.

Mr. Lieberman felt it should comply with the zone; he is concerned with the streetscape, the FAR and is torn and undecided.

Mr. Callahan said the setbacks are different in different zones.

Mr. Brensilber said he was undecided.

Mr. Menon agreed with Mr. Lieberman, the applicant was not compelled to buy the property and the FAR should be reduced.

Mr. Cytryn said he was undecided, he agreed with Mr. Kominsky, and wondered what is the smallest house for the area.

Mr. Farrell felt it was not cut and dried, this would be new construction that will be an improvement, but at 20% over, he was not sure.

Mrs. Gilbert said it is a three bedroom house with a fourth bedroom in the basement, which is not a big deal, a new home compared with what is there, the front yard setback was not an issue for her, but she did have mixed feelings.

Mr. Grossman said he was on the fence, it was a good design, the FAR is 15% over, it is a tough call.

Mr. Farrell was eligible to vote as he has listened to a recording of the prior hearing.

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

Roll call vote:

In favor: Mr. Cytryn, Mr. Kominsky, Mrs. Gilbert.  
Opposed: Mr. Brensilber, Mr. Farrell, Mr. Lieberman, Mr. Grossman.  
FAR variance denied 3-4.

Motion by Mrs. Gilbert second by Mr. Lieberman to deny the bulk variances.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Lieberman, Mr. Kominsky.  
Opposed: Mr. Brensilber, Mr. Farrell, Mr. Cytryn, Mr. Grossman.  
Bulk variances denied 4-3.

Mr. Lenner left the meeting and Mr. Ritvo returned to the dais.

Arish, 16 Malcolm Ct – 602/27

Pool in front half of property, lot coverage 15.48%. ZB2016-16. (Rec'd 6/27/16 decision by 10/25/16.)

Present for the applicant was Chris Blake Architect, he gave his business address, was sworn in and accepted as an expert in his field. Mr. Blake explained the owners want to install a pool enclosure over a pool, this will increase the lot coverage by 108SF; the second variance is for a pool not in the rear half of the property; the proposed pool will be on a rear patio attached to the house; there is a rear deck that will be preserved and a small patio on either side; there is a large open rear yard and the owners would like to preserve that and he did not feel there would be any negative impact on the neighbors. The height of the greenhouse type structure will be 11ft, the greenhouse will be all glass and be retractable.

In response to questions from the board Mr. Blake said the pool could conform to the zoning requirement, but felt the ordinance is enhanced by putting the pool in the front yard; any fencing requirements would be handled by the State pool codes; there is landscaping on the property, the dimensions of the large hot tub are 216" x 93", the deck will be modified for the hot tub.

There was some discussion on how many gallons the unit will hold, and it was explained that the ordinance defines a pool as anything with more than 50SF of surface water area.

There were no questions or comments from the public.

Mr. Blake gave a summary of the application.

Mrs. Gilbert said she would be in favor, the pool is behind the house and less intrusive to the neighbors and it will serve the needs of the family, and if the lot was smaller it might be in the rear half of the property.

Mr. Cytryn agreed, but was not comfortable with the 108SF overage.

Motion by Mrs. Gilbert second by Mr. Lieberman to approve the two variances.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Lieberman, Mr. Brensilber, Mr. Farrell, Mr. Grossman.  
Opposed: Mr. Cytryn, Mr. Kominsky.  
Pool in front half of property and 15.48% approved 5-2.

Mr. Ritvo left the meeting.

Seligson, 11 Poplar St – 102/6

Lot coverage 30.31%, front yard setback on Poplar St 14ft; new two car garage. ZB2016-10.

*(Rec'd 6/27/16 decision by 10/25/16.)*

Mr. Callahan recused himself from hearing this application and left the dais.

Present was the homeowner Mitchell Seligson, he was sworn in by Mr. Grossman. Mr. Seligson said they want to install a two car detached garage, the property is on a corner and is narrow, they have two front yards, and will require two variances – one for front yard setback on Poplar Street and one for lot coverage. They want the garage to shelter the cars and also as their house is small there really is nowhere to store things like bicycles, a mower and small snow blower; most of the existing driveway will be removed, and a path built to the new garage.

In response to questions from the board Mr. Seligson said a detached garage is cheaper than adding on to the house, and the size of the garage allows for storage, putting the garage in this location at least allows a grass area for the yard.

Thomas Skrable, Engineer gave his address, education, experience, was sworn in by Mr. Grossman and deemed an expert in his field. Mr. Skrable explained the impervious coverage calculations as noted on the table on the Site Plan he had prepared.

There were no questions from the public.

Mr. Callahan, 120 Christie St was sworn in and spoke in favor of the application.

Mr. Seligson gave a summary of the application.

Motion by Mr. Cytryn second by Mr. Farrell to approve the two variances.

Roll call vote:

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

Opposed: None.

Front yard setback on Poplar St -14ft, lot coverage of 30.31% approved 7-0.

**ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 9:55PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary