

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
8:00 P.M. September 19, 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 faxed to the Record on September 9, 2016, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

**COMMUNICATIONS**

NJ Planner, July/August 2016.

**APPROVAL OF MINUTES**

Motion by Mr. Cytryn second by Mr. Menon to approve the minutes of August 1, 2016. All members on a voice vote were in favor the minutes were approved.

**MOTIONS FOR ADJOURNMENT**

**UNFINISHED BUSINESS:**

*Resolution to be memorialized:*

Vaynshenker, 16 Marcotte La – 501/4

Rear yard setback – 24’; driveway setback – 3’; front yard coverage by driveway – 37%; impervious coverage – 5503SF. ZB2016-17.

Motion by Mr. Cytryn second by Mr. Callahan to memorialize the resolution. Mr. Grossman said there was missing language about the fence between the subject property and the Knickerbocker Country Club and he said he wanted that language inserted before he signs off on the resolution. Mr. Ritvo would make the necessary change and the resolution would be signed at the October meeting.

**NEW BUSINESS**

Ratzon, 252 Jefferson Ave – 1201/1. ZB2016-20.

Front yard on Davenport 19.83’; side yard setback – 7.5’. (Rec’d 8/25/16 decision by 12/23/16)

Present was the homeowner Mr. Adir Ratzon who was sworn in. He said they want to put an addition on their house. His architect Uri Rapaport gave his business address, his experience, was sworn in and accepted as an expert in the field of architecture.

Mr. Rapaport explained the house is on the corner of Davenport and Jefferson Avenues, and the applicant would like to expand the house and make it more livable; they have tried to make the house

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conform without variances, but cannot; a front yard setback variance is required for Davenport Avenue and a side yard setback is required for the adjacent property on Jefferson Avenue, the existing house is at 7.5ft from the property line; it is physically impossible to build a 15ft wide house, it is not practical. Mr. Rapaport offered into evidence a plan showing the allowable building envelope, this was marked A-1 and distributed to the Board members. Mr. Rapaport explained the exhibit.

In response to questions from the Board, Mr. Rapaport said vehicles coming around the corner do have a good sight line, the driveway will be moved and he was not certain how close the new proposed driveway would be to the large tree on the Davenport side, he could not guarantee the tree would remain or have to be removed; the driveway is allowed a 12% slope and the garages will be below grade as per the ordinance.

Offered into evidence was a colored rendering of the proposed elevations on each street, this was marked A-2. Mr. Rapaport said the house is modest, he did not know if there were windows in the neighbors' garage, but did not feel there would be any impact on the neighbor.

There were no questions or comments from the public.

Mr. Rapaport gave a brief summary of the application.

The board went into deliberative session.

Mr. Lieberman said the request was not unreasonable and the house would be modest, he was in favor.

Mr. Cytryn agreed and if there was any impact on the neighbor it would be on the garage, good exhibits used to explain what was needed.

Motion by Mr. Lieberman second by Mr. Cytryn to approve the application.

Roll call vote:

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

Opposed: None.

Bulk variances for front yard setback on Davenport and side yard setback approved 7-0.

Amicucci, 36 Prospect Terr – 1311/4

Front yard coverage 61%. ZB2016-21. (Rec'd 9/2/16 decision by 12/31/16.)

Present for the applicant was Mr. Thomas Izzard his attorney. The owner Mr. Amicucci gave his home address and was sworn in. Mr. Amicucci gave a history of his ownership of the property since 1962; the lot is 50x100, zoned a two-family side by side; the driveway on each side is 9.5ft wide and two cars deep. His son and family live here, three years ago they put gravel down to accommodate his grandchildren who now drive and have vehicles. The street is no parking overnight and they did try extending the driveway along the length of the property, but this was too inconvenient for the family and he felt it was a safety issue.

Offered into evidence were 12 photographs taken from his property, these were marked individually A-1 through A-12, and Mr. Amicucci described each photograph, adding they describe the street and what businesses are in the area of his house.

In response to questions from the Board, Mr. Amicucci said they have asked the Tennis Court if they could park overnight in their lot, but it is too expensive; there is not enough room in the rear of the lot as his

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son has a tiki-bar; there never was a garage on this lot; this is a two family dwelling, his son and his family have four cars, the other family has two cars; no permit was issued for the driveway expansion and there are no drainage issues; the existing concrete curb will remain, they drive over the curb and park on the gravel, they do not anticipate this additional driveway being here forever, only a few years until the grandchildren are done with college and move on and the gravel can be removed; he confirmed 6 spaces for 6 cars and no commercial vehicles are associated with this property.

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

Mr. Blake the architect gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Blake said he is familiar with the site and described the surrounding area as a mixed use of commercial properties, residential as in The Plaza, a restaurant, and tennis courts; they are seeking a front yard coverage by driveway of 61%, the ordinance allows 30%, the current asphalt is at 38%, it is difficult to park in the rear, as there is a retaining wall along the property line and the house is in the way.

In response to questions Mr. Blake said the retaining wall is about 2ft high and 18" wide it holds up the rear yard of the neighbor, 10ft is enough for a car to get through, under the astro-turf is dirt that goes the length of the house.

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

Tony Barzelatto, 65 Day Avenue was sworn in and spoke in favor of the application.

Mr. Lieberman asked if there was a photograph showing all four cars parked at the property in question. Mr. Izzard said no.

Mr. Callahan asked if someone can pull in front of the curb and park there. Mr. Izzard said yes.

Mr. Izzard gave a summary of the application.

The board went into deliberative session.

Mr. Farrell said he felt six cars is too much, and to cover 61% of the front yard is not going towards the Master Plan of garages for all, he did not feel the property could handle this amount of coverage, and variances are not given for a few years.

Mr. Callahan said practically it is not a driveway when cars can park in front of the gravel behind the curb.

Mr. Kominsky said it was a well thought out presentation, and a reasonable solution driving over the curb to park on the gravel.

Mr. Menon said it is a difficult issue and a temporary one, but the variance goes with the land, this is not pretty but this street may be the best solution.

Mrs. Gilbert said no one has complained for three years, she expressed concern if the other tenant wants more space in the future.

Mr. Lieberman said the numbers are big.

Mr. Grossman was concerned about future tenants.

Mr. Farrell said the neighborhood will remain the same; maybe they should make a curb cut.

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

Roll call vote:

In favor: Mr. Kominsky, Mr. Farrell.

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

Front yard coverage by driveway denied 5-2.

Feuer, 16 Leroy St – 2102/30.

Total impervious coverage. ZB2016-18. (Rec'd 9/8/16 decision by 1/7/17.)

Present for the applicant was Neda Mohebbi of the firm Greg Mueller Law. Ms. Mohebbi said her witness would be Mr. Skrable the Engineer. Ms. Mohebbi said this application is for less impervious coverage than the prior application which was denied, the prior application was for 4,533SF, this application is for 4,413SF; and they have reduced the impervious coverage.

Mr. Skrable gave his business address, was sworn in and deemed an expert in his field. Mr. Skrable explained that removal of a pre-existing nonconformity is important as it brings the lot more into conformance with the code, the existing impervious coverage on the lot is 4,127SF where 3,807SF is allowed.

After some discussion the board was in agreement that they did not feel the application had changed substantially.

Motion by Mr. Kominsky second by Mr. Cytryn to carry the application to October 17<sup>th</sup> at 8:00PM 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.

**ADJOURNMENT**

Motion by Mrs. Gilbert second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 10:00PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary