

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. October 3, 2011
MINUTES**

ROLL CALL

Present: Mrs. Crook, Mr. Farrell, Mr. Fox, Mr. Levene, Mr. Lieberman, Mr. Grossman.
Absent: Mr. Brensilber, Mrs. Gilbert, 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 published in the Press Journal on December 31, 2010, faxed to the Record on January 28, 2011 and posted on the bulletin board in the lobby of the Municipal Center and the Borough Web page."

COMMUNICATIONS

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Mr. Levene to approve the minutes of September 12, 2011. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT - there were none.

UNFINISHED BUSINESS

Resolutions to be memorialized

Approved: Scartozzi, 79 Homestead Rd – 2604/11
FAR, 3.5 stories, front yard setback. ZB2011-16.

Approved: Community Synagogue of Tenafly & Englewood, 2 Engle St – 2008/15.
Non conforming conditional use, bulk. ZB2011-19.

Approved: Hirsch, 24 Westervelt Ave – 1901/9.
Side yard setback – 11.8'. ZB2011-23.

Approved: Baines, 49 Evergreen Pl – 712/3
Rear yard setback for deck. ZB2011-28.

The resolutions were not ready.

NEW BUSINESS

Hall, 10 Virginia St – 212/6

Side yard setback, FAR. ZB2011-30. (Rec'd 9/20/11 decision by 1/18/12.)

Present for the homeowners, Christine and Bob Hall and their architect Chris Blake; all were sworn in and Mr. Blake was deemed an expert in the field of architecture.

Mr. Blake said the house is a two and a half story colonial style house consisting of about 1809SF; he described the current first and second floor layouts. Mr. Blake said what is proposed is a rear addition of about 8' deep which will expand the family room, and in a bump out on the west side of the house will add a mudroom, closet, powder room and laundry room, the east side of the house currently is 4.47' off the property line, and the proposed addition will follow this existing building line hence the need for a side yard variance; the proposed second floor will add a master bedroom suite; proposed for the front of the house is enclosing the front porch; Mr. Blake said they had discussed and prepared plans for a larger addition, but

Minutes approved: 10-17-11.

have now scaled back the plans to what has been presented. Mr. Blake said these plans were drawn up in March and the new ordinance giving a 400SF credit for garages only came into affect in mid-July so even though the Zoning Permit shows an FAR variance, he believes part of the 400SF credit can be taken and an FAR variance is not required; the garage is 220SF, and the proposed number of square feet over what is required is about 106SF.

In response to a question Mr. Hall said the structure is used for storage for lawn equipment, bikes, etc.

Mr. Blake added most of the addition is to the rear of the house, there is no encroachment into the rear yard which will be 50' to the property line, he felt the proposed addition is in keeping with the neighborhood, there will be no affect on light and air, and it will be an improvement to the street.

Mrs. Hall said they appreciate the charm of the area and are looking forward to improving the house into a craftsman type house; they have lived there 17 years, are both teachers in the area and have two children in the Tenafly school system; they plan on living there a long time.

Mr. Hall added they have large families and enjoy the visits, and look forward to not always being the ones visiting.

Mrs. Crook asked what part of the neighbor's house is closest to theirs on the 4.47' setback side.

Mrs. Hall said the neighbor's bedroom is on the east side, there are small high windows, the neighbor's driveway is also on that side, and she estimated the distance on that side is about 8 – 12ft.

Mr. Blake explained the additional square footage and new roof lines for Mr. Fox. Mr. Grossman had a concern with the garage in the rear of the property, and wondered if there was enough access to it with the proposed addition and walkway on that side of the house. Mr. Blake said there would be 15ft of clear space on that side, which would be enough for a driveway and the 3ft of green-space required by the code.

There were no questions or comments from the audience.

Mr. Blake gave a summary of the application.

Motion by Mr. Fox second by Mr. Lieberman to go into deliberative session. All members on a voice vote were in favor.

Mr. Fox said this was a good proposal, the block would benefit as this is the most charming house on the block, he was concerned with the look, but Mr. Blake explained clearly the look and roof lines; he concluded that the 106SF over what the code requires is tolerable.

Mr. Farrell felt the FAR was almost de minimus and the proposed addition is in keeping with the neighborhood.

Mr. Grossman wanted to be sure there was future access to the 'garage' for future families, and said the variance does run with the land; and personal wishes and the size of families are not considered in variance applications; this will be a nice improvement to the property.

Motion by Mr. Fox second by Mr. Farrell to approve the application.

Roll call vote:

In favor: Mr. Fox, Mr. Farrell, Mrs. Crook, Mr. Levene, Mr. Lieberman, Mr. Grossman.

Opposed: None.

Side yard setback variance approved 6-0.

Minutes approved: 10-17-11.

Lupfer, 180 Newcomb Rd – 121/11.

Front yd & rear yd setbacks, lot coverage. ZB2011-32. (Rec'd 9/21/11 decision by 1/19/12.)

Present for the applicants was Mr. Blake the architect; the homeowners Jim and Lynne Lupfer, the homeowners and Mr. Blake were sworn. As explanation Mr. Blake said these plans were drawn up in April 2011 and if an FAR credit under the new zoning code is taken, an FAR variance is not required. The board agreed.

Mr. Blake said the hardship of the property is that it is on a corner and has two front yards; three additions are proposed, one on both sides of the family room which faces Hillcrest Road, and a small one story addition on the south side of the house which will make the kitchen a little larger, and a new portico at the front door on the north side facing Newcomb Road. Mr. Blake explained the various setback variances that are required for front yard on both Hillcrest and Newcomb and rear yard; no second floor addition is proposed; with regard to the rear yard setback variance, the neighbor in the rear would not be impacted as his driveway and garage are the buffer; the family room will be widened on both sides and due to the curve of the street one side of the addition will be less than the other side, visually he felt the difference would be negligible; the front portico is proposed for safety and shelter from inclement weather and as a focal entry for the house, it will be a small 3ft roof with two columns and be an open structure, but needs a front yard setback. Mr. Blake concluded the proposed additions are all single story, the lot is undersized and felt there would be no impact on any other property as the house is on a corner, he added the percentages increase quickly on the smaller sized lots and the lot coverage overage he felt was minimal and there would be no visual perception of the increase; and the lot can handle the increase.

In response to questions from the board, Mr. Blake said the fence would be repaired or replaced, additional runoff would be addressed through the Borough Engineer review and a seepage pit installed if required.

There were no questions or comments from the audience.

Mrs. Lupfer said the property has been in the family for many years.

Mr. Blake said he had nothing to add in summation.

Motion by Mrs. Crook second by Mr. Farrell to go into deliberative session. All members o a voice vote were in favor.

Mr. Levene said he felt the addition would be an improvement to the house and would approve the application.

Motion by Mr. Levene second by Mrs. Crook to approve the application.

Roll call vote:

In favor: Mr. Levene, Mrs. Crook, Mr. Fox, Mr. Farrell, Mr. Lieberman, Mr. Grossman.

Opposed: None.

Setback and lot coverage variances approved 6-0.

CLOSED SESSION

ADJOURNMENT

Motion by Mrs. Crook second by Mr. Farrell to adjourn the meeting at 8:35PM. All members on a voice vote were in favor, the meeting adjourned.

Respectfully submitted,

Lindsay Graham, Board Secretary