

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

**ROLL CALL**

Present: Mr. Fox, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.  
Absent: Mr. Brensilber, Mrs. Crook, Mr. Farrell,  
Also present: Mr. Donald Lander.

**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**

1. NJ Planner, issue of September 2011.
2. Letter dated Nov 2, from Marc Leibman as new attorney for Farley, 89 Highwood Ave, ZB2011-26.
3. Letter dated Nov 7, from Marc Leibman for Farley, 89 Highwood Ave, ZB2011-26, requesting an adjournment to December 5<sup>th</sup>, as their Planner is not available.

**APPROVAL OF MINUTES**

Motion by Mr. Levene second by Mr. Fox to approve the minutes of October 17, 2011. All members on a voice vote were in favor.

**MOTIONS FOR ADJOURNMENT**

**UNFINISHED BUSINESS**

Resolution to be memorialized:

Scartozzi, 79 Homestead Rd – 2604/11.

FAR, 3.5 stories, front yard setback. ZB2011-16.

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

Carried from 8/1/11:

Farley, 89 Highwood Ave – 1505/33

Use of accessory structure. ZB2011-26. (Rec'd 7/21/11 decision by 11/18/11.)

Motion by Mrs. Gilbert second by Mr. Fox to carry this application to December 5<sup>th</sup>. to December 5<sup>th</sup> at 7:30PM or as soon thereafter as the matter can be reached with no further notice required by the applicant with an extension of time to be provided by the attorney. All members on a voice vote were in favor.

**NEW BUSINESS**

Thek, 103 Prospect Terr – 1501/7.

Lot coverage. ZB2011-33. (Rec'd 10/27/11 decision by 2/24/12.)

Present for the homeowners was Kevin Brodie of Mistry Design, LLC., 17 Main Street, Ste 100, Netcong, New Jersey, he gave a summary of his education and experience, was deemed an expert in the field of architecture and sworn in by Mr. Lander.

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Mr. Brodie said the application requires one variance, namely a lot coverage variance, the code allows 20% and the applicant is asking for 25%. Mr. Brodie said the existing property lot coverage is at 24.3% which makes the increase to 25% not that much; the open decks and patios exceed 5% of the lot area and this puts any overage into coverage by the principal structure; an existing sunroom and covered porch will be removed as will an at grade deck and patio; a new one story addition is proposed in the rear. Mr. Brodie offered three pages of ten photographs of different views of the property; these were marked A-1 (a), (b) and (c).

Mr. Brodie said the front entry will be moved to the center of the house, with a new entry vestibule and covered portico which would be more aesthetically pleasing, a more traditional Cape Cod style and more symmetrical; a new roof and windows will be put on the garage. The total square footage over will be 107 SF over what exists now, the addition is in the rear and he did not feel there would be a negative impact and the changes would enhance the neighborhood.

There followed some discussion on the patios and decks and exactly what is being proposed, and the Bocci court and shed in the rear. Mr. Brodie said the Bocci court is mainly grass and has not been maintained, it is sand which is fully impervious, and the homeowner would be agreeable to removing it.

Wesley Thek the homeowner was sworn in. In response to questions from the board Mr. Thek said the garage in the rear is used for storage, there is an existing garage attached to the house, the bocci court and shed are not used.

In response to possible removal of some patio/deck space, Mr. Brodie said the decking around the pool would be difficult to remove as retaining walls are involved, a small patio off the proposed addition will be used for bar-b-cuing, the homeowner would be willing to remove the bocci court and related shed; which would be about 513SF less of impervious coverage, still not in compliance, but a reduction.

There were no questions or comments from the audience. Mr. Brodie gave a summary of the application.

Motion by Mrs. Gilbert second by Mr. Levene to go into deliberative session. All members on a voice vote were in favor.

Mrs. Gilbert said she felt the improvements would benefit the neighborhood, the willingness of the applicant to remove the bocci court and associated shed was appreciated; the variance would be for less lot coverage and she would vote in favor.

Mr. Kominsky appreciated the removal of unused lot coverage items in the amount of 513SF and would also vote in favor.

Motion by Mrs. Gilbert second by Mr. Fox to approve the lot coverage variance less 513SF than was requested.

Roll call vote:

In favor: Ms. Gilbert, Mr. Fox, Mr. Kominsky, Mr. Lieberman, Mr. Levene, Mr. Grossman.

Opposed: None.

Lot coverage variance approved 6-0.

Casillo, 28 N Brae Ct – 2601/16.

Rear yard setback for shed. ZB2011-34. (Rec'd 10/27/11 decision by 2/24/12.)

The homeowner Angelo Casillo was sworn in. Mr. Casillo said he had a property survey done which shows the existing shed to be 2' from the rear property line. The shed is nestled between three large trees, and to the rear is a berm which prevents run off from what was Tammy Brook Country Club to the north. If he had to move the shed at least one maybe two trees would have to be removed, the rear of the property is

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dense with growth and he estimated to nearest house was about 100' away from the property line; he did not feel the shed had any impact on the neighbor to the rear.

In response to board questions Mr. Casillo said the side yard setback is more than 10', the shed was deconstructed and rebuilt within a few weeks, he had intended to repair the shed, but when he realized the state of the shed he basically rebuilt it, the ramp is not fixed and after board comments at the last hearing, he has made sure that he has hung the ramp on the side of the shed.

There were no questions from the audience. Audience comments;

Lisa Oshman, 53 McGrath Drive, Cresskill was sworn in. Mrs. Oshman said she lives in the rear and spoke against the application as it is too close to her property which is level with the applicant, adding some years ago another neighbor had to move a cabana as it was too close to the property line.

In response Mr. Casillo used Exhibit A-1 (marked at the first hearing), and now remarked A-2 a tax map of that section of Cresskill and Tenafly showing the adjacent properties of North Brae Court and McGrath Drive, Cresskill; he showed the property line of the Oshman property which did not abut his. In response to a question from Mrs. Gilbert Mr. Casillo said her property line is at least 20' away from his.

There being no further comments; Mr. Casillo gave a summary of the application.

Motion by Mr. Kominsky second by Mrs. Gilbert to go into deliberative session. All members on a voice vote were in favor.

Mr. Lieberman said he had no problem with the shed location, there is no change in size and the complainant is not from a contiguous property.

Mrs. Gilbert thanked the applicant for the survey and felt the densely wooded area around the shed made it less intrusive.

Mr. Grossman confirmed a scale survey was in the file.

Motion by Mr. Levene second by Mr. Lieberman to approve the rear yard setback variance of 2' for the shed.

Roll call vote:

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

Opposed: None.

Rear yard variance of 2' for shed approved 6-0.

**CLOSED SESSION** – there was none.

**ADJOURNMENT**

Motion by Mrs. Gilbert second by Mr. Lieberman to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 9:00PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary