

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. February 1, 2010
MINUTES**

ROLL CALL

Present: Mr. Brensilber (arr 7:35PM.), Mrs. Crook., Mr. Farrell, Mr. Fox, Ms. Gilbert, Mr. Grossman, Mr. Kominsky, Mrs. Kon Gursky (arr 7:35PM.).
Absent: Mr. Lorenzo, Mr. Mottola.
Also present: Mr. Ritvo, Mr. Barzelatto.

OPEN PUBLIC MEETINGS ACT STATEMENT

Vice Chair Gilbert 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 24, 2009, and the Record on January 6, 2010 and posted on the bulletin board in the lobby of the Municipal Center."

COMMUNICATIONS

1. NJ Planner December 2009/January 2010 issue.

APPROVAL OF MINUTES

Motion by Mr. Fox second by Mr. Grossman to approve the minutes of January 4, 2010. All members on a roll call vote were in favor.

MOTIONS FOR ADJOURNMENT – there were none.

UNFINISHED BUSINESS

Resolution to be memorialized:

Approved: Tanne, 12 Knoll Rd – 1404/27
Front yard coverage by driveway. ZB2010-01. (Rec'd 12/18/09, decision by 4/17/10.)

Motion by Mr. Fox second by Mrs. Crook to memorialize the resolution. All members on a voice vote were in favor the resolution was memorialized.

Carried from December 7, 2009:

343 Tenafly Rd – 1008/4. ZB2009-20
Revised Site Plan attached for Board review and acceptance.

Present for the applicant was Mr. Capizzi who said this hearing is for Site Plan, and he went through the conditions in the Borough Engineer letter dated February 1, 2010.

The Engineer Margita Batistic, 50 States Engineering, 140 Phelps Ave, Cresskill, New Jersey was sworn in and accepted as an expert in the field of Engineering. Ms. Batistic said with regard to the Borough Engineer letter dated February 1, 2010, they would comply with item nos. B, C, D, and E which would be added as notes on the Site Plan; items F and G would be addressed and despite there only being a very small space as mentioned in item H, the owner would pots in plants in that area; and item I – the property line is 12' from the curb and a further 12' from the street line.

There were no questions from the board or the public.

Minutes approved:3-1-10.

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

Mr. Kominsky felt the Borough Engineer's letter was rather late in getting to everyone concerned and suggested correspondence be sent in a timelier manner.

Motion by Mrs. Kon Gursky to approve Final Site Plan subject to the items in the Borough Engineer letter of February 1, 2010; second by Mr. Grossman.

Roll call vote:

In favor: Mrs. Kon Gursky, Mr. Grossman, Mr. Brensilber, Mrs. Crook, Mr. Fox.

Opposed: None.

Final Site Plan approved 5-0.

NEW BUSINESS

Yvonne Ghaw, LLC. 10 Washington St – 1011/9

Expansion of an existing non-conforming use. Use & Site Plan. ZB2010-02. (Rec'd 1/14/10, decision by 5/15/10.)

Present for the applicant was Elliot Urdang, who said he would have the architect, a planner and one of the owners present to testify. Mr. Urdang explained this application is to change the peak of the roof, change the façade and windows and reconfigure the interior and there is no increase in the footprint of the building.

Chris Blake the architect gave his business address as 130 County Road, Tenafly, was sworn in by Mr. Ritvo and accepted as an expert in the field of architecture. Mr. Blake described the location of the building in the downtown area, he said what is proposed is to square off the building by extending a portion of the second floor towards the front of the building and filling in the roof on the third floor; the roof will be raised about one and a half feet but will be below the 40' allowed in the zone; the building will look more commercial and fit in with the street rather than the 'house' look. The second floor will be reconfigured to a three bedroom apartment, and the third floor will have two apartments. The macadam behind the building is difficult to stripe and layout for parking.

In response to questions from the Board Mr. Blake said the fire stairs at the side of the building are narrow, they would add brick to the frontage of Chez Cheese, the awning would be removed, stored in a safe place, there would be scaffolding in front of the building, but access to Chez Cheese would not be impeded; there is currently one apartment now and they will be going to three apartments; he has seen five to six cars parked in the rear.

Mr. Urdang said the increase is one bedroom only, and he would address the Zoning denial which says 15 spaces are required.

There were no questions from the audience for the architect.

Ting Chung Ghaw gave his address as 57 Glen Goin Drive, Alpine, and was sworn in by Mr. Ritvo. Mr. Ghaw said he and his wife have owned the property since 1995, the apartment is lived in by the bakers for Café Savoy and the second floor apartment has been empty for the past few years; with regard to the rear of the property, the bakers have two cars and he could ask them to park behind Café Savoy and walk to this location.

In response to questions from the Board, Mr. Ghaw said the new tenants could park behind the building, or they could try to get tenants who do not have cars; Chez Cheese has two spaces, he is

dividing the space into three apartments in order to make use of all the space that is there and the apartments will be rented to people who are not related to other companies that he owns.

There were no questions for Mr. Ghaw from the audience.

David Spatz gave his business address as 185 Bridge Plaza North, Fort Lee, New Jersey, was sworn in by Mr. Ritvo and accepted as an expert in the field of Planning.

Mr. Spatz said this is a d (2) variance for a mixed non-conforming use to which only one bedroom is being added; the addition is 500SF and the building is being squared off; the exterior will bring it into conformity with the area and be a more traditional look for the central business district; bedrooms are a function of intensity a certain number of people means a certain number of cars. Parking under RSIS standards is based on the number of bedrooms; he did not feel there would be any impact on the zone plan or ordinance nor a substantial detriment to the zone.

In response to questions from the Board Mr. Spatz said there is no overnight parking in the lots in Tenafly; this building will be three spaces short of what is required; a bedroom is not always used as a bedroom; he did not know how many cars are parked at other downtown apartments, and he felt the public benefit would be the improvements to the building and downtown area. The Board expressed concern over parking.

There were no questions for Mr. Spatz from the audience.

Peter Quinn and Pat Lamson were sworn in by Mr. Ritvo. Mr. Quinn said they were the owners of Chez Cheese and were concerned about the construction process. Mr. Ritvo advised them to talk to their landlord about this. Mr. Quinn said they were in favor of the proposed addition but expressed concern at construction vehicles making deliveries behind the building as it was sometimes difficult for their delivery trucks.

Mr. Urdang gave a summary of the application. Mrs. Crook asked what was in the masonry garage, and asked if the applicant could empty it out and have it be used for parking. After consultation with his client, Mr. Urdang said the garage is used for storage of items for Café Savoy and the applicant would not give it up, as he has no other place to store the items.

Mr. Ritvo explained RSIS and parking.

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

Mr. Fox said the discussion had been useful and helpful, he felt the investment in the downtown was a good idea, but the applicant should offer one space for each apartment.

Mrs. Crook agreed with Mr. Fox, but was bothered by the current storage use of the garage.

Mr. Farrell felt this was a bold idea, but was concerned with the actual flow of traffic.

Mr. Kominsky expressed concern at the use of the garage.

Mr. Grossman was not sure about dwelling units v. bedrooms, in his opinion they are dwelling units, there are three spaces for Chez Cheese and added the variance goes with the land, not the owner of the property.

Minutes approved:3-1-10.

Mr. Brensilber said originally he did not like this idea, other changes will come and he felt it would be an improvement over what is there now.

Ms. Gilbert said there was no clear sense of parking for the residences and for her parking is an issue.

Motion by Mrs. Crook second by Mr. Brensilber to approve the application with the garage as garage space.

Roll call vote:

In favor: Mrs. Crook, Mr. Brensilber, Mr. Fox.

Opposed: Mr. Grossman, Mr. Kominsky, Mrs. Kon Gursky, Ms. Gilbert.

Motion failed 3-4.

Motion by Mr. Kominsky second by Mr. Grossman to deny the application.

Roll call vote:

In favor: Mr. Kominsky, Mr. Grossman, Mrs. Kon Gursky, Ms. Gilbert.

Opposed: Mr. Brensilber, Mrs. Crook, Mr. Fox.

Application failed 4-3.

ADJOURNMENT

Motion by Mr. Brensilber second by Mrs. Crook to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 10:15PM.

Respectfully submitted,

Lindsay Graham
Board Secretary