

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. April 12, 2010
MINUTES**

ROLL CALL

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

OPEN PUBLIC MEETINGS ACT STATEMENT

Chairman Lorenzo 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

APPROVAL OF MINUTES

Motion by Mr. Fox second by Mrs. Crook to approve the minutes of March 22, 2010. All members on a voice vote were in favor; the minutes were approved.

MOTIONS FOR ADJOURNMENT – none scheduled.

UNFINISHED BUSINESS

Denied: Martinez, 75 Hillside Ave – 1703/13
Expansion of a non- conforming two family, FAR 41.3%, lot coverage, left side yard.
ZB2010-05. (*Rec'd 2/17/10 decision by 6/17/10.*)

Approved: Ollendorff, 14 Leslie Pl – 2507/5
FAR, lot coverage. ZB2010-04. (*Rec'd 3/2/10 decision by 6/30/10*)

Approved: 343 Tenafly Rd – 1008/4. ZB2009-20
Site Plan.

Motion by Mr. Fox second by Mrs. Crook to memorialize the resolutions. All members who had been present at the meetings voted in favor. The resolutions were memorialized.

NEW BUSINESS

Golden, 31 Cypress St – 2302/18.
Front yard setback. ZB2010-06. (*Rec'd 3/2/10 decision by 6/30/10*)

Present for the applicant was Elliot Urdang who said the application is for an average front yard setback; his witness would be the architect.

Ray Hartwick gave his business address as 769 Elm Avenue, River Edge, New Jersey was sworn in and accepted as an expert in the field of architecture. Mr. Hartwick described the lot, house and small interior layout of the house, this proposed addition is to expand the existing kitchen, add a mudroom, add a work out area behind the garage and expand the garage to house two vehicles; an open porch will also be added to the front corner of the house. Mr. Hartwick said to do the addition in the rear the lot would

Minutes approved 5-3-10.

have to be re-graded and the interior of the house would need to be reconfigured due to the main staircase which is in the center of the house; the topography reduces the utility of the lot; the flag lot to the south is set back about 72' and it is this distance that creates the need for the variance. In his opinion there would be a positive visual aesthetic affect of the open porch on the north side of the house.

In response to questions from the board Mr. Hartwick said the increase in foot print is about 2.5% or a little under 800SF; this house is a little closer to the street than the property to the north, but felt the bend in the road and the setback of the house to the south would not make the house seem closer to the street; he did not feel it was practical to relocate the kitchen away from its current location in the house, together with the main staircase location he felt the proposed additions could not go anywhere else in the house, and were in the best location for the existing house with minimal disruption.

There were no questions from the public, nor were there any comments

Mr. Urdang gave a summary of the application.

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

Mrs. Crook said the proposed addition would improve the look of the house and make it more attractive.

Mr. Fox said it was tasteful and aesthetically pleasing adding value to the streetscape, there was minimal encroachment and the open porch would break up the façade.

Ms. Gilbert expressed concern about the house coming closer to the street and crowding the streetscape.

Mr. Grossman said he did not feel there was anything that was a hardship.

Mr. Brensilber suggested the new house across the street penalizes this one, but this house will look better.

Mr. Kominsky agreed, and said he felt the hardship was the flag lot to the south.

Motion by Mrs. Crook second by Mr. Fox to approve the variance.

Roll call vote:

In favor: Mrs. Crook, Mrs. Fox, Mr. Brensilber, Mr. Grossman, Mr. Kominsky, Chair Lorenzo.

Opposed: Ms. Gilbert.

Front yard setback variance approved 6-1.

Miller, 22 Oak St – 706/2

Right side yard, FAR. ZB2010-07. (Rec'd 3/30/10 decision by 7/28/10.)

Present was the homeowner Karen Miller, who was sworn in by Mr. Ritvo. Mrs. Miller said they would like to add a family room on the first floor in the rear of the house and add an upstairs bedroom for parents who visit. Mrs. Miller said the house is small; they have two children, they love the town and wish to stay in Tenafly, but need the additional space. Mrs. Miller offered Mr. Valente the architect as a witness.

Frank Valente gave his address as 166 Hillcrest Drive, Denville, New Jersey, was sworn in by Mr. Ritvo and deemed an expert in the field of architecture. Mr. Valente described the lot, its size and

Minutes approved 5-3-10.

location; the applicant proposes adding a family room on the rear of the house, which involves expanding the kitchen by 8', a side yard variance is needed as the proposed family room addition will be in line with the existing house which is 8' off the property line; a small deck will also be constructed and this will be set back the required 10' from the property line. Mr. Valente said this is a small house on a small lot.

In response to questions from the board Mr. Valente said there is no other way to add the extra space for a growing family, there is no office, they realize they would have to install a seepage pit; there would be no addition to the front of the house. Ms. Gilbert commented that variances run with the land and personal reasons cannot be considered by the board, this is a small lot, but this addition is too large for the lot.

There were no questions from the audience.

Mr. Lorenzo asked what is in the attic. Mrs. Miller said it is mainly used as storage space and has a sloping roof. Mrs. Miller introduced a photograph she had taken of the rear of the house showing the brick façade and windows, she felt the proposed addition would break up the bland view of brick and windows. The photograph was marked as A-1.

Michael Feuerstein, 18 Oak Street was sworn in and spoke in favor of the application.

Mrs. Miller gave a summary of the application.

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

Mr. Kominsky suggested the applicant consider using the attic space for expansion.

Mr. Brensilber said the house is already over on FAR and now the applicant wants to expand; he felt it over intensified the lot.

Mr. Grossman said it is a great plan, but the lot is small.

Mrs. Crook sympathizes with the applicant, but felt this was too much for the lot and the structure would be imposing.

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

Roll call vote:

In favor: Mr. Kominsky, Mr. Grossman, Mr. Brensilber, Mrs. Crook, Mr. Fox, Ms. Gilbert, Mr. Lorenzo.

Opposed: None.

FAR variance denied 7-0.

CLOSED SESSION

At 8:30PM Board Attorney Ritvo read the following resolution:

Motion by Ms. Gilbert second by Mr. Grossman to go into closed session. All members on a voice vote were in favor.

RESOLVED that in accordance with N.J.S.A. 10:4-12 the Zoning Board will go into Closed Session for the purpose of discussing a damage claim for a violation of Civil Rights.

Minutes will be taken of the meeting and as to the closed session released to the public at the time the matter is resolved.

Minutes approved 5-3-10.

Motion by Ms. Gilbert second by Mr. Grossman to close the closed session. All members on a voice vote were in favor, the closed session was adjourned at 8:45PM.

Motion by Ms. Gilbert second by Mr. Grossman to go back into the public meeting. All members on a voice vote were in favor.

The Board returned to open session at 8:45PM.

ADJOURNMENT

Motion by Ms. Gilbert second by Mr. Brensilber to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 8:50PM.

Respectfully submitted,

Lindsay Graham
Board Secretary