

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

ROLL CALL

Present: Mrs. Crook, Mr. Fox, Ms. Gilbert, Mr. Grossman, Mr. Kominsky, Mr. Lorenzo.
Absent: Mr. Brensilber, Mr. Farrell.
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."

New 2nd Alternate member Kirk Lofberg was sworn in by Mr. Ritvo. Mr. Kominsky moves up to fill the unexpired term of Mrs. Kon Gursky, and Mr. Farrell moves to 1st Alternate member.

COMMUNICATIONS

1. Letter dated May 26, 2010 from Lieberman and Blecher re: Appellate Division decision on Verizon Cell Tower application, 353 E Clinton Ave, Block 2902, Lot 13.

APPROVAL OF MINUTES

Motion by Mr. Fox second by Mrs. Gilbert to approve the minutes of May 17, 2010 as corrected. All members who had been present voted in favor.

MOTIONS FOR ADJOURNMENT – none scheduled.

UNFINISHED BUSINESS

Approved: Krevitt, 25 Woodland Park Dr – 1911/17
Average front yard setback. ZB2010-08. *(Rec'd 5/6/10 decision by 9/3/10.)*

Motion by Mrs. Gilbert second by Mr. Fox to memorialize the resolution. All members who had been present voted in favor.

NEW BUSINESS

Wanderman, 55 Farview Rd – 2507/21
Rear yard, rear yard coverage- existing tennis court. ZB2010-13. *(Rec'd 5/27/10 decision by 9/24/10.)*

Present for the applicant was Mr. Capizzi who said the applicant plans to build a new house on the lot, but would like to keep the existing non-conforming tennis court in place, which needs two variances, one for rear yard coverage and one for rear yard setback. His witness would be the engineer Mr. Hubschman.

Michael Hubschman gave his business address as 263A Washington Ave, Bergenfield, New Jersey, was sworn in and accepted as an expert in the fields of engineering and planning. Mr. Hubschman described the lot and existing conditions; the tennis court is at an angle to the property line at one end it is

20' from the rear yard and another end is 3.6', where 15' is required; a rear yard coverage variance is also needed, coverage is 33.5% where 25% is required in the zone.

Mr. Ritvo marked the following exhibits:

A-1: sheet 2 (of the submitted plans) entitled Existing Conditions colorized version.

A-2: sheet 1 (of the submitted plans) entitled Preliminary Site Plan.

Mr. Hubschman said the rear yard coverage would be 30.8%; everything else meets the zoning code; currently there is no drainage on the property, everything runs off the property which slopes from the rear to the front, and goes into the catch basins in the street; they plan on installing a French drain that will run across the property, from left to right and will then be connected to four seepage pits near the front of the property, any excess would run off to the storm drains in the street.

Mr. Hubschman said he felt it would be a hardship to remove the tennis court as it is an existing feature on the property, more soil would have to be moved, the court is lower than the properties in the rear on Ridge Road and is not visible; when the court was constructed a lot of soil was moved to make the court level.

Mr. Ritvo marked as A-3: an aerial view dated 6/7/10.

Mr. Hubschman said in response to board questions, his office has the ability to produce these aerial views from the computer and scale them, the distances to the surrounding properties varies between 90 to 140'; the rear yard coverage is different as with the old house, the rear yard was smaller. Further questions were asked about the possibility of constructing a pool; Mr. Hubschman said he did not know if the owner had considered that possibility; board members said the court looked as if it had not been used for many years to which Mr. Hubschman responded all it needs is re surfacing.

Mr. Lorenzo said it would be great if the Board could review a complete plan including a pool. Mr. Capizzi asked for a few minutes to discuss this with his client. The case was put on hold at 8:10PM.

Dvir, 29 Sunset Terr – 121/19.

FAR, side yard, new dwelling in 2 zones. ZB2010-11. (Rec'd 5/27/10 decision by 9/24/10.)

Ilan Cohen said he was representing the owner, his father-in-law Mr. Dvir; Mr. Cohen was sworn in by Mr. Ritvo.

Mr. Cohen said the old house would be demolished and a new one constructed; the lot is small but in two different zones.

Mr. Mottola explained to the Board that the R10 zone extends from Knickerbocker Road 200' on each side of the road, and this lot happens to have the zone line through it; about 28% of this lot is in the R10 zone, and the balance of the lot is in the R9 zone; he calculates the requirements for each zone using the square footage for each zone to get proportional amounts, adding if the lot was entirely in the R9 zone an FAR variance would still be required.

Uri Rapaport the architect gave his address as 9 Knoll Road, Tenafly and was sworn in by Mr. Ritvo and deemed an expert in the field of architecture.

Mr. Ritvo marked the following exhibits into evidence:

A-1: A colorized Site Map last revised 3/20/10.

A-2: Tax Map 1 shaded, showing the block from Sunset to Cambridge Roads.

A-3: Zoning Map shaded.

Mr. Rapaport said by looking at A-3 the east side of Knickerbocker Road the limit of the R10 zone followed the lot lines, but on the west side it is just a straight line, as though no one cared or maybe they were tired; it makes sense to have the entire lot in one zone.

In response to questions from the board, Mr. Rapaport said they could conform to the code, but would lose 160SF, which is one room, adding, Mr. Mottola's calculations are very strict; and the change of grade up to one foot around the house is allowed under the Code.

There were no further questions from the Board and no questions from the public.

Chair Lorenzo asked if there were any comments from the public on this application.

Elizabeth Gallay, 25 Sunset Terrace was sworn in by Mr. Ritvo. Ms. Gallay said she was concerned there was no mention of FAR in the legal advertisement, and gave her copy of the notification to Mr. Ritvo. Mr. Ritvo marked as G-1 the notice sent to the neighbors and checked the notice and legal ad. Chair Lorenzo polled the board to see if the notice was adequate and determine whether the hearing should continue. Board members were in agreement that the notice requirements were deficient and the applicant should have used the Zoning Denial to get all necessary information for the legal ad.

Motion by Mrs. Gilbert second by Mr. Grossman to close the hearing as the notice was deficient.

Roll call vote:

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

Opposed: None.

All members voted in favor, the hearing was closed.

Wanderman, 55 Farview Rd – 2507/21

Rear yard, rear yard coverage- existing tennis court. ZB2010-13. (Rec'd 5/27/10 decision by 9/24/10.).

Mr. Capizzi said after consultation with his client they would like to continue the hearing to July 12, 2010 and they would submit a plan that includes a pool.

Motion by Mr. Fox second by Mrs. Gilbert to carry the hearing to July 12, 2010 at 7:30PM or as soon as the matter could be reached with no further notice required by the applicant. All members on a voice vote were in favor.

Rinaldi, 99 Columbus Dr – 124/15

FAR, side and rear yards, building height. ZB2010-10. (Rec'd 5/27/10 decision by 9/24/10.).

Present for the applicant was Matthew Capizzi, who said the application is to add a second floor to an existing garage which is an existing non-conforming structure, which requires four variances: height, FAR and rear and side yard setbacks. His witness would be the architect Mr. Swift.

Thomas Swift gave his business address as 19 Engle Street, Tenafly, was sworn in by Mr. Ritvo and deemed an expert in the field of architecture. Mr. Swift said the lot is 5,000SF which makes it 4,000SF deficient for the R9 zone; the garage measures 16' x 18' and is in need of repair and the applicant proposes adding a second floor to be used for storage, an exterior stair case would be added so that larger items could be brought upstairs to the second floor for storage, there would only be electric run for lights, no other utilizes would be installed.

Mr. Ritvo marked the following exhibits:

A-1: shaded Plan of P1 (dated 3/22/10) that was submitted with the application.

A-2: shaded Plan of P2 (dated 6/4/10) that was submitted with the application.

A-3: consisted of seven pictures on a board showing various views of the existing garage.

Mr. Swift said they would build up into the trees, the total square footage being added is 260SF and in his opinion it would better the neighborhood and add charm and appeal and be aesthetically pleasing. Mr. Swift stressed the garage would not be used for residential purposes, only storage on the second floor and a shop area and garage below.

In response to questions from the Board Mr. Swift said the garage is currently a little over 12' high, the ceiling height in the storage space will be 8'; there are two or three similar structures in the neighborhood that are a similar height to what is proposed, some need some TLC; and confirmed the colors on the garage would match the house as though it is a carriage house, the location of the garage as you walk by would give a glimpse of the structure which would attract interest ; Mr. Swift confirmed this structure would be garage and storage only, not a second dwelling unit.

Chair Lorenzo asked if there questions from the public.

Mark Docktor, 195 Jefferson Ave, Tenafly asked how much higher the garage would be.

Mr. Swift said about 6' higher.

Chair Lorenzo asked if there were any comments on the application from the public.

Mr. Docktor, 195 Jefferson Avenue was sworn in by Mr. Ritvo. Mr. Docktor said in his opinion the height of the garage would be out of character for the neighborhood.

Mr. Capizzi gave a summary of the application.

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

Mr. Fox said he felt the design was tasteful and would add character, but he was concerned the accessory structure seems disproportionately large compared to the house and wondered if there was another way to accommodate items for storage.

Mrs. Crook agreed the garage would look better if improved, and felt as there is nowhere else to store lawn furniture etc, given the size of the lot and house, this is the best solution.

Mrs. Gilbert was undecided, and felt the applicant was trying to shoe horn more into a small space, but the plans as submitted seem to make the lot and buildings more interesting and enhancing.

Mr. Grossman said size does matter, there is a 50% increase in height and it will be visible from Jefferson Avenue, especially in the winter when the trees are leafless; he felt the lot could not accommodate this garage expansion, there are no two story garages on the north side, but this is aesthetically pleasing.

Mr. Lofberg was in favor and felt the trees would shield the garage, and felt the positives outweigh the negatives

Mr. Kominsky said this was a nice application and would be consistent with and have a positive affect on the neighborhood.

Motion by Mrs. Crook second by Mr. Kominsky to approve the variances.

Roll call vote:

In favor: Mrs. Crook, Mr. Kominsky, Mrs. Gilbert, Mr. Lofberg, Mr. Lorenzo.

Opposed: Mr. Fox, Mr. Grossman.

Variances approved 5-2.

CLOSED SESSION

At 9:20PM Board Attorney Ritvo read the following resolution:

Motion by Mrs. 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 on going litigation concerning New York SMSA Limited Partnership d/b/a Verizon.

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

The Zoning Board returned to open session at 9:35PM.

ADJOURNMENT

Motion by Mrs. Gilbert second by Mr. Grossman to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 9:37PM.

Respectfully submitted,

Lindsay Graham
Board Secretary