

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

**ROLL CALL**

Present: Mrs. Crook, Mr. Farrell, Mr. Fox, Ms. Gilbert, Mr. Grossman, Mr. Lofberg, Mr. Lorenzo.  
Absent: Mr. Brensilber, Mr. Kominsky.  
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. Gilbert to approve the minutes of June 7, 2010. All members who had been present voted in favor; the minutes were approved.

**MOTIONS FOR ADJOURNMENT** – none scheduled.

**UNFINISHED BUSINESS**

Continued from June 7, 2010:

Wanderman, 55 Farview Rd – 2507/21

Revised plan showing pool location enclosed. ZB2010-13. (Rec'd 5/27/10 decision by 9/24/10.)

Motion by Mrs. Gilbert second by Mr. Grossman to adjourn the application to August 2<sup>nd</sup> with no further notice required by the applicant. All members present voted in favor.

Resolution to be memorialized:

Approved: Rinaldi, 99 Columbus Dr – 124/15

FAR, side and rear yards, building height. ZB2010-10.

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

**NEW BUSINESS**

Hamersma, 14 Spruce St -109/15.

Front yard & side yard setbacks. ZB2010-15. (Rec'd 7/1/10 decision by 10/29/10.)

Present was the homeowner Steve Hamersma who was sworn in by Mr. Ritvo. Mr. Hamersma said the deck was severely damaged by the storm in mid-March, and offered a series of photographs he had taken of the damage the day after the storm. There were 21 photographs Mr. Ritvo marked as A 1-21.

Mr. Hamersma explained that two variances are required, one for front yard setback facing Last Road, and another for side yard setback as the front yard setback encroaches into the side yard as the lot is

Minutes approved 8-2-10.

so narrow; the front yard setback required is 42.5'. Mr. Hamersma continued they want to replace the now demolished deck with pavers; a three foot landing is required at the back doors to meet the code.

Chair Lorenzo asked what the benefit of granting the variance would be to the Borough.

Tammy Hamersma was sworn in by Mr. Ritvo. Mrs. Hamersma said the paver patio will beautify the property, be aesthetically pleasing and provide a safety issue so the two back doors could now be used, by installing the necessary landings.

In response to a question from Mrs. Crook Mr. Mottola explained the formula as outlined in the Borough Code for calculating the front yard setback of a street with less than a 50' right of way. Mrs. Crook said that also creates a hardship on the property.

There were no questions or comments from the public.

Mr. Hamersma gave a summary of the application.

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

Mrs. Gilbert said she felt that Last Road was like a driveway to the one house on that road, and this creates a hardship for the applicant's property; she would approve the application.

Motion by Mrs. Gilbert second by Mrs. Crook to approve the variances.

Roll call vote:

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

Opposed: None.

All members voted in favor, the front yard and side yard variances were approved 7-0.

Porper, 12 Maple St – 2005/1.

Rear yard setback for deck re-build. ZB2010-12. (Rec'd 7/1/10 decision by 10/29/10.)

Present were the homeowners Karen and Robert Porper, they were sworn in by Mr. Ritvo. Mr. Porper explained the existing deck is in bad shape and they have it cordoned off with yellow tape so it is not used; there has been flooding in previous years and the location of the property near the drainage easement makes water an issue; the deck was there when they purchased the house, and it is a project they have saved up to do; a variance is required to remove and reconstruct the deck as the rear yard from the house to the rear property line is 31.5', and the deck extends 12' from the house; the size of the deck will remain the same, but they would like to add an additional set of stairs at the other end of the deck.

In response to Board member questions, Mr. Porper said the bottom of the new stairs would be flush with the ground, and they are not sure if they will be planting a vegetable garden; and the deck is not being used as there is a safety issue.

There were no questions from the public nor were there any questions.

Mr. Porper gave a summary of the application.

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

Mr. Farrell said he would vote in favor due to the safety issue, and the deck is in the rear of the house.

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Motion by Mr. Farrell second by Mr. Fox to approve the rear yard setback variance.

Roll call vote:

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

Opposed: None.

All members voted in favor, the rear yard variance was approved 7-0.

Dod, 171 Highwood Ave – 1505/23

Average front yd setback @ Glenwood Rd 12.25'; front yd @ Highwood Ave 12' and 12.3'; FAR 35%; lot coverage 23.5%. ZB2010-14. (Rec'd 7/1/10 decision by 10/29/10.)

Present was the applicant Mr. Dod Geges and his architect Mr. Adamo. Robert Adamo gave his business address as 48 Bi-State Plaza, Suite 256, Old Tappan, New Jersey 07675, a brief summary of his education and experience, and was deemed an expert in the field of architecture; Mr. Ritvo swore in Mr. Geges and Mr. Adamo.

Mr. Adamo went through the variances that are required (two front yard setbacks, FAR and lot coverage) explaining there are existing non-conformities on the property, namely the front yard setbacks on Glenwood Road and Highwood Avenue; there is no flow through the house; the front door facing Highwood has been moved to the Glenwood Road side and a chimney is now facing Highwood Avenue; there is a two car garage detached to the north end of the property; a single car garage has been added to the house, so that during inclement weather and for safety reasons access can be made right into the house, above the garage will be the master bathroom and closet.

Mr. Ritvo marked as A-1 a page of shaded elevations last revised 7/12/10.

In response to questions from the board, Mr. Adamo said the existing two car garage finish will match the house; the trellis he had felt would lighten the design of the house and provide some screening from the street; they had not considered demolition of the two car garage due to the costs of demolition and debris removal; and to remove the existing garage would leave a yard with a large space and cram a new two car garage onto the west side of the house and leave the yard without flow and be disjointed; the garage is high, he confirmed the only utility is electric for lights and the second floor is a storage area; there is less square footage on the second floor of the proposed dwelling as there is an atrium type two story entry; the chimney will be about 12' back from Highwood Ave and the patio is about 14' by 28'.

Mr. Lorenzo asked if there were any ideas for making the dwelling conforming.

Mr. Adamo said his main concern was to be heard and felt the main focus of the house is on two streets; he would be willing to discuss further with his client about the layout of the house and also take into consideration the comments of the Board.

After some discussion, motion by Mrs. Gilbert second by Mrs. Crook to adjourn this matter to August 23<sup>rd</sup> at 7:30PM or as soon there after as the matter can be reached with no further notice needed by the applicant. All members on a voice vote were in favor, the matter was adjourned.

**CLOSED SESSION**

At 8:25PM Board Attorney Ritvo read the following resolution:

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

Minutes approved 8-2-10.

**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 litigation with Rodsan v. Tenafly Board of Adjustment.

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

The Zoning Board returned to open session at 8:50PM.

## **ADJOURNMENT**

Motion by Mrs. Gilbert second by Mr. Grossman to adjourn the meeting. All members voted in favor the meeting was adjourned at 8:51PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary