

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. August 23, 2010
MINUTES**

ROLL CALL

Present: Mr. Brensilber, Mrs. Crook, Mr. Farrell, Mr. Fox, Ms. Gilbert, Mr. Grossman, Mr. Lofberg, Mr. Lorenzo.
Absent: Mr. Kominsky.
Also present: Mr. Mottola, Mr. George Christopoulos (an associate of Mr. Ritvo.)

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

1. NJ Planner, July-August 2010.

APPROVAL OF MINUTES

Motion by Ms. Gilbert second by Mr. Farrell to approve the minutes of August 2, 2010. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT

Asulin, 41 Farview Rd – 2901/16. Side and rear setbacks for accessory structure. ZB2010-18. (Rec'd 8/12/10 decision by 12/10/10.) E mail request received August 23rd from Matthew Capizzi attorney for the applicant requesting an adjournment until September 13th as his client is not available.

Motion by Ms. Gilbert second by Mr. Grossman to adjourn the matter to September 13th at 7:30PM or as soon thereafter as the matter can be reached, with no further notice required by the applicant. All members on a voice vote were in favor.

UNFINISHED BUSINESS

The resolutions of approval from the meeting of August 2nd were not ready.

Carried from 7-12-10:

Dod, 171 Highwood Ave – 1505/23

Average front yd setback @ Glenwood Rd 12.8' at Trellis, 16.8' at house; front yd @ Highwood Ave 11.9' at trellis, 12.2' at patio, 14.8' at house; FAR 31.6%; rear yard setback 16' and 17.8' at A/C Condensers. ZB2010-14. (Rec'd 7/1/10 decision by 10/29/10.) (Revised Zoning Denial; revised plans received 8/11/10.)

Present was Mr. Dod Gedes who said the witness would be Robert Adamo the architect. Mr. Adamo was reminded he was still under oath.

Mr. Adamo explained this application was carried from the meeting of July 12th, and in that time after listening to comments from the Board the plans had been revised and a new zoning denial obtained. The changes that have been made include demolition of the existing two car garage on the north side of

Minutes approved: 9-13-10.

the property, and a new two car garage has been incorporated into the west side of the house; the FAR has been lowered to 31.6%; and no variance is required for lot coverage; the front door has been moved to the Glenwood Road side which still needs two front yard setback variances – one for the house which is already in the front yard, and another for the pergola which he felt would lighten the appearance of the front door and create a focal point so that people know where the front is; on the Highwood Avenue side, front yard setback variances are required for the house and the trellis which will be constructed to soften that side of the house.

Mr. Adamo explained that the existing housed was built many years before the ordinances were adopted, and the building envelope of the house, is shown on the Site Plan (CS-1) as a dashed line, adding the building envelope is quite small.

Mr. Brensilber said he felt the rear of the house was a little bulky; Mr. Adamo replied there are existing trees and bushes and additional plantings will be done to soften that view.

Mr. Grossman said he likes the trellis, but felt it was a little too close to the road; Mr. Adamo said the trellis will soften the elevation and low plantings will be done to screen the patio and to give the owners some privacy.

In response to a question from Mr. Fox about tree removal, Mr. Adamo said they have removed the tree that is growing in the house, what is on the plan is marked on the site plan that was submitted; there is a concern about what damage the root system had done to the foundation.

Mr. Farrell asked about the driveway; Mr. Adamo said whenever they design a home they try to not have the owners back out onto a main road, as this is a main intersection in Tenaflly they will use the existing blacktop in front of the old two car garage that is going to be demolished, and create a back up area so that all vehicles can exit the property face first; plantings will also be done in that north area.

There were no questions or comments from the public.

Mr. Adamo gave a summary of the application.

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

Ms. Gilbert said she was impressed by the changes that had been made, and felt the hardship was the location of the house on the lot, but on balance and subject to other Board members comments will be in favor.

Mr. Grossman said this is an interesting application, usually he is bothered by numbers, but does not find the numbers troubling, as moving the doorway from one side to the other and changing the side yard to rear yard are most of it; and they have tried to make the house fit on the property; he did ask for more screening on the Highwood Road side.

Mr. Brensilber said this was a tough lot, but was troubled by the now rear yard that was a side yard; and felt the rear yard was pretty close to the neighbors.

Mr. Fox also appreciated how far the application had come, feeling it was a close call as to whether to tear down or not, keeping the house centered on foundation, optimized fairly well; he felt more landscaping was needed on Highwood Avenue side, and the north side could also be improved with landscaping.

Mrs. Crook said the building envelope is small, and even if a new house were to be built there would be variances and difficulty in getting the house to fit on the lot; they have done a great job with the property.

Minutes approved: 9-13-10.

Mr. Farrell said he was in favor and wanted screening/buffering on the north side of the property and Highwood Avenue side to be included in the resolution.

Mrs. Gilbert said when many of these older lots were carved out, there was no zoning of front yards etc and to use the existing foundation is difficult as those foundations were built under different times.

Motion by Mr. Farrell second by Mr. Grossman to approve the application as a whole with the conditions to include landscaping/buffering on Highwood Avenue and the north side of the property; the landscaping/buffering would be checked by the Borough Engineer.

Roll call vote:

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

Opposed: None.

FAR and all bulk variances carried 7-0.

NEW BUSINESS

Cutro, 47 Jewett Ave – 301/4.

Side and rear yard setbacks for garage expansion and rebuild. ZB2010-22. (Rec'd 8/13/10 decision by 12/11/10.)

Ronald Cutro the applicant and homeowner was sworn in by Mr. Christopoulos. Mr. Cutro said the garage had been severely damaged during the storm in mid March; they have lived in the house since the 1950s; the survey says the existing garage is 3.5' off the west property line and 3.8' off the south property line. Mr. Cutro said he had measured from the garage to the property line and it is a little more than 4', the survey is dated 1993 and it does state at the top of the survey that the offsets are not to be used for construction purposes; adding he did not want to spend another \$900 to \$1,000 and have a new survey done. Mr. Cutro said he felt he could take advantage of the tree damaging the garage and make the garage a little larger on the north side so that it is easier to get the car in and out of the garage and there is also a place to put his mower and other outside equipment.

Mr. Lorenzo said the variance runs with the land, and asked what benefit granting the variances would be to the town.

Mr. Cutro said the car could get into and out of the garage more easily and his outside equipment could be in the garage. Mr. Lorenzo said a benefit to the town does not involve personal needs, a benefit would be that a car is off the driveway and there could be safety issues also.

Mr. Grossman confirmed with the Zoning Officer that a garage is required by Code.

Mr. Cutro said there are no detriments, it would look a little nicer and be exactly like the old garage.

Mr. Brensilber asked if the existing foundation is being used.

Mr. Cutro confirmed this and said a new foundation would be dug on the north side for the expansion.

Mrs. Crook asked what is to the left of the garage on the neighbor's property.

Mr. Cutro said there are bushes and trees, no structures.

Minutes approved: 9-13-10.

There were no questions or comments from the public.

Mr. Cutro gave a brief summary of the application.

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

Mr. Brensilber said he does not have any issues with the application, the garage is basically going in the same location; the lot is large enough to handle the expansion.

Motion by Mr. Brensilber second by Mrs. Gilbert to approve the application as presented.

Roll call vote:

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

Opposed: None.

Rear yard and side yard variances approved 7-0.

Lustig, 9 Woodland Pk Dr – 1911/19.

Side yard. ZB2010-21. (Rec'd 8/12/10 decision by 12/10/10.)

Present for the applicant was Michael Kates. Mr. Kates said the application is for a side yard setback variance, and he asked for the architect and homeowner to be sworn in.

Chris Blake gave his address as 130 County Road, Tenafly, was sworn in and after giving a brief summary of his education and experience was deemed an expert in the field of architecture.

Penny Lustig the homeowner was also sworn in.

Mr. Kates gave a brief outline of the prior application to the Board in 2002, in which the owner asked for a side yard variance of about six feet; there were two neighbors who opposed to the application and the Board subsequently denied the variance.

Mr. Blake said the prior application was for a six foot side yard variance; this application is for a 10' setback; the garage will be expanded to about 21', so that both cars will be able to fit into the garage, no additional space will be added above the garage, there are mature plantings of trees and bushes along the east property line.

Ms. Lustig offered several photos she had taken of the site:

Exhibit A: photo taken from the side of the applicant's garage along the property line;

Exhibit B: facing north taken from the curb at the property line showing the distance between the houses and change in grade;

Mr. Blake offered as Exhibit C: a photo he had taken late last year looking north at the existing garage and the front of the house.

Exhibit D: a copy of the Tax map of the Borough, of Woodland Park Drive (between Engle St and Thatcher Rd), shown in green are homes with two car garages and in red single car garage, the property in question is marked in black.

Ms. Lustig pointed out 15 of 17 properties have two car garages.

Mr. Blake said in his opinion there would be no imposition on the neighbor, it is about 35' house to house, the applicant did want a bigger garage to house their bikes and outdoor equipment; prior

Minutes approved: 9-13-10.

applications on this street that had made similar application to the board numbered four since 2004 and all were approved with setbacks between 8' and 10'.

Mrs. Crook questioned the FAR calculations on the application; to which Mr. Blake replied there is a roof over a rear porch, which was initially not included and was added as it should be included. Mr. Mottola said in doing his review his FAR calculation was 3652SF which is less than the 3,749SF shown on the plan; and confirmed the side yard variance being requested was for 10.28'.

In response to a question from Mr. Farrell, Mr. Blake said he was not sure how many of the two car garages were front facing. Mr. Blake continued, this house is a traditional brick box, with a flat façade, they propose keeping the same brick to that period, it is not a fancy house and they cannot do bump outs; the garage doors will have the details to break up the brick, two garage doors with dental moldings, the roof will not be as steep as the prior application, and the garage will not be as wide as the driveway is now. The patio in the rear will be reduced by 66SF to conform to the 5% requirement; the applicants recently did work to the front entry and matching brick was found, they expect to find and use the same matching brick.

Maryann Michelis, 16 Woodland Park Drive was sworn in by Mr. Christopoulos. Mrs. Michelis asked if the neighbor at #15 had been noticed as she only received her letter yesterday. Mr. Kates confirmed the mailing for the 200 list in the required time, and his client had spoken to the new neighbor at #15 informing her of their plans.

Mrs. Michelis asked Mr. Blake if the house was a colonial type and what about the slope of the garage roof.

Mr. Blake confirmed it was a colonial type house and the pitch of the garage roof would not be as steep as the roof on the house.

Ms. Lustig confirmed the shed in the rear of the property would be removed.

Roy Davidovitch, 5 Woodland Park Drive spoke in favor of the application.

Anthony Bosco, 22 Woodland Park Drive spoke in favor of the application.

Mr. Kates gave a summary of the application.

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

Mrs. Crook asked if the Board should determine that this application is significantly different from the 2002 application, before taking a vote. After some discussion, there was a motion by Mr. Brensilber second by Ms. Gilbert that this application is significantly different from the previous application.

Roll call vote:

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

Opposed: Mr. Farrell.

Application deemed significantly different 6-1.

Mrs. Crook said she was in favor of the application, the benefit is of cars being off the driveway, and the appearance will be nicer.

Mr. Farrell was not worried about the numbers, his concern was the aesthetics.

Mr. Fox said he felt the benefits outweigh the detriments, and was in favor.

Minutes approved: 9-13-10.

Ms. Gilbert said she felt the house would be consistent with the block, a two car garage may be a long structure but it will be consistent and the benefits outweigh the detriments.

Mr. Grossman expressed concern about the aesthetics.

Mr. Brensilber said he felt the attorney should be cautioned about using prior applications on the street, as he may not fully know what matters the Board took into account at those hearings.

Motion by Mrs. Crook second by Mr. Fox to approve the application as presented.

Roll call vote:

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

Opposed: Mr. Farrell.

Side yard setback variance of 10.28' granted 6-1.

ADJOURNMENT

Motion by Mr. Brensilber second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 9:25PM.

Respectfully submitted,

Lindsay Graham
Board Secretary