

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. March 5, 2012
MINUTES**

ROLL CALL

Present: Mr. Babcock, Mr. Brensilber, Mr. Farrell, Mr. Fox, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.
Absent: Mr. Kominsky.
Also present: Mr. Lenner.

OPEN PUBLIC MEETINGS ACT STATEMENT

Chair Grossman 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 Record on December 30, 2011, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

REORGANIZATION:

SWEAR IN RE-APPOINTED MEMBERS:

Mitch Lieberman – full member
Jeffrey Levene – 1st Alternate

Both members were sworn in by Mr. Lenner.

COMMUNICATIONS

1. NJ Planner, November 2011.
2. Complaint filed by Bozzo v. Tenafly Zoning Board, dated February 9, 2012.
3. Letter dated February 22, 2012 from Mr. Ritvo re: request to handle Bozzo complaint.

APPROVAL OF MINUTES

Motion by Mr. Fox second by Mrs. Gilbert to approve the minutes of January 9, 2012. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT – there are none.

UNFINISHED BUSINESS

Resolution to be memorialized

Approved: LePera, 48 Depeyster Ave – 2505/11
FAR. ZB2012-01.

Motion by Mr. Lieberman second by Mr. Fox to memorialize the resolution. All members on a voice vote were in favor.

Carried from 12-5-2011:

Farley, 89 Highwood Ave 1602-14.

Accessory building use. ZB2011-26. (Rec'd (Rec'd 7/21/11 decision by 11/18/1, extension of time to 12/5/11 given via email rec'd 11/9/11, additional extension of time to 3-5-12.)

E mail received from Marc Leibman, attorney to carry the application to May 7th and that applicant will re-notice for that date. All members on a roll call vote were in favor.

NEW BUSINESS

Emmi, 26 Sisson Terr – 1602/8

FAR, multiple bulk. ZB2012-03. (Rec'd 2/24/12 decision by 6/23/12.)

Present for the applicant was the homeowner Peter Emmi and his architect Chris Blake. Both were sworn in by Mr. Lenner.

Mr. Emmi said they propose adding an open stairway to the basement, presently the stairway is narrow and winding to the basement, and better access via the stairway would make it easier and safer going up and down or outside in the event of an emergency situation; they also propose expanding the master bedroom with a master bath; the front porch will be closed in, and a proposed addition above the garage to make a study; a pool is also proposed. He offered his architect Chris Blake as his witness.

Mr. Blake said the property is almost trapezoid in shape and on a corner both of which have their issues with the proposed improvements; the proposed additions and improvements will enhance the property; he said he did not consider the stairway as living space; the proposed additions he felt were reasonable and the house would not extend beyond the existing footprint, other than the new stairway; the existing garage is low and the proposed addition above the garage would add a study; and bring the garage to a more realistic height to fit in with the house; the property is on the corner of Sisson terrace and Engle Street; he felt the property could handle the increase in FAR which is a little over 300SF. The property is well-shielded by plantings and mature landscaping, the patios are slate and brick and the property feels comfortable. Mr. Blake said the open decks and patios exceed the 5% rule, which puts the house over on lot coverage; there are other pools in the area, so to install a pool would not be out of place, due to the shape of the property a variance is required for the pool to be in the front yard, the proposed pool would not be seen from Engle Street. Mr. Blake said he felt the variances for the house additions are minimal, this is not a macmansion; the additional lot coverage is for the decking around the pool.

Mr. Emmi offered three photographs into evidence:

- A-1 – an aerial view of the property from Google;
- A-2 – rear view of the house;
- A-3 - front view of the property (NE corner).

Mr. Emmi said A-2 shows where the outside stairway would go; and in A-3 the small garage can be seen, the addition would make the garage bigger but it would not overwhelm the lot, he concluded that there are many mature shrubs and fencing on the property lines.

In response to questions from the board, Mr. Blake said the impervious coverage total includes the pool decking and pool; he agreed it was a loaded property relating to coverage, and said the pool decking would account for 438SF; the addition to the garage would be about 550SF and the roof line would be 5 – 6' higher.

In response to board questions Mr. Emmi said he was not sure of the date of the Google photograph, adding the mature trees that are shown in the exhibit are still there; in going through the Zoning letter of denial, he said the pool equipment would be put under the proposed stairway; they have not had any problems with flooding or water issues as the prior homeowner had installed several drains that take the water away from the property into the storm drains.

There were no questions or comments from the audience.

Mr. Blake said the FAR increase was all house, the lot coverage variances are for the pool and decking and the exterior stairway. After some discussion by the board as to whether the

variances could be separated, Mr. Blake after discussion with the homeowner said the pool is not a must have, they will eliminate to pool and decking, and re-apply.

Motion by Mr. Brensilber second by Mr. Farrell to carry this application to April 2nd with no further notice required by the applicant, to offer new calculations after a revised submittal to the Zoning Officer. All members on a voice vote were in favor, the matter was carried to April 2, 2012.

Cohen, 8 Glenwood Rd – 2507/40

FAR, building height, multiple bulk. ZB2012-02. (Rec'd 2/21/12 decision by 6/20/12.)

Mr. Lieberman recused himself from the hearing and left the dais.

Present for the applicant was Mr. Urdang, who said his witnesses would be the architect and engineer; adding the homeowners are present if the board should have any questions for them.

Ray Hartwick the architect gave his address, was sworn in and deemed an expert in the field of architecture. Mr. Hartwick described the existing house, and used a colorized rendering of the front elevation, which was marked A-1; described the proposed addition. What is proposed is a two story addition that will fill in the space between the existing detached garage and the house; this would include a kitchen, breakfast area, dining room, family room, mud room and entry foyer on the first floor and a master bedroom suite and an additional bedroom would be added on the second floor. The existing garage would be attached to the house which now creates the need for a setback variance on the left side of the property for the garage and the proposed generator; proposed lot coverage would be 69SF over which to the naked eye would be imperceptible; the increase in FAR would be 280SF over two floors; the height of the building variance is due to the slope on the land but it would not be higher than currently exists in the original house, the original peak is at 32'. In his opinion there would be no impact on the neighborhood.

There were no questions from the audience.

Michael Hubschman the engineer gave his address, was sworn in and deemed an expert in the field of engineering. Marked as A-2 was a colorized Site Plan (same as Page 1 of 2 as submitted to the Board). Mr. Hubschman said because there is a stream in the rear of the property they will get a Permit by Rule letter from the DEP, there will be no grading on site nor any disturbance of the property near the stream, only some expansion of the basement for the new covered front entry. He offered A-3 a colorized version of page 2 as submitted to the board. This showed the existing conditions on the property. In his opinion the property could handle to the increase in FAR, and the bulk variances, there would be no adverse impact on the neighbors, and the proposed addition is consistent with the original house, he felt this would be a good fit and addition to the neighborhood.

In response to questions from the Board Mr. Hubschman said he did know the noise of the generator, and if necessary would flip the generator and A/C condensers so that the generator meets the code. Mr. Brensilber asked for confirmation that nothing would be in the side yard setback other than the existing garage. Mr. Hubschman confirmed this.

The following members of the audience, all Tenaflly residents were sworn in spoke in favor of the application: Steven Rogers, 11 Glenwood Road, Jennifer Shultz, 46 Forest Road, Terri Benvenuti, 7 Glenwood Rd and Lisa Bergqvist, 70 Surrey Lane.

Mr. Urdang gave a brief summary of the application.

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

Mr. Brensilber said the house could be bulky but the architect has done a good job of the proposed addition. He would be in favor of the application.

Motion by Mr. Brensilber to approve the FAR and building height, second by Mrs. Gilbert.

Roll call vote:

In favor: Mr. Brensilber, Mrs. Gilbert, Mr. Farrell, Mr. Fox, Mr. Levene, Mr. Babcock, Mr. Grossman.

Opposed: None.

Building height and FAR variances approved 7-0.

Motion by Mr. Brensilber second by Mr. Farrell to approve the bulk variances.

Roll call vote:

In favor: Mr. Brensilber, Mr. Farrell, Mr. Fox, Mrs. Gilbert, Mr. Levene, Mr. Babcock, Mr. Grossman.

Opposed: None.

Bulk variances approved 7-0.

CLOSED SESSION

At 9:30PM a motion by Mrs. Gilbert second by Mr. Fox, BE IT RESOLVED in compliance with NJSA 10:4-12, the Zoning Board of Adjustment of the Borough of Tenafly are going into Closed Executive Session to discuss the following matter:

- A. Attorney-Client Privilege
 - 1. Legal Representation for Zoning Board

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

Motion by Mrs. Gilbert second by Mr. Babcock to close the closed session and return to the public meeting. All members on a voice vote were in favor. The Board returned to public meeting at 9:40PM.

Motion by Mrs. Gilbert second by Mr. Levene to authorize Mr. Ritvo to represent the Board in the Bozzo Appeal. All members on a roll call vote were in favor.

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 9:45PM.

Respectfully submitted,

Lindsay Graham
Board Secretary