

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. December 3, 2012  
MINUTES**

**ROLL CALL**

Present: Mr. Brensilber, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Li, Mr. Lieberman, Mr. Levene, Mr. Grossman.  
Absent: None.

**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 on the municipal web site."

**COMMUNICATIONS**

1. Copies of Developers Agreement for Community Synagogue of Tenafly and Englewood to be signed by Chair Grossman.
2. NJ Planner Sept/Oct 2012.
3. Resignation of Randy Babcock as of November 26, 2012. Prospective member to be sworn in on January 7, 2013.

**APPROVAL OF MINUTES** - not approved as no one had read the minutes of October 15, 2012.

**DATES FOR 2013**

Motion by Mrs. Gilbert second by Mr. Farrell to approve the meeting dates for 2013. All members on a voice vote were in favor.

**MOTIONS FOR ADJOURNMENT**

Carried from October 15, 2012.

Farley, 89 Highwood Ave – 1602/14.  
Interpretation. ZB2011-26. (Rec'd 4/27/12 decision by 8/25/12.)  
12/3/12; 3:30PM. Fax received from Mr. Leibman to carry this application to January 7, 2013 with no further notice required by the applicant. All members on a voice vote were in favor.

**UNFINISHED BUSINESS**

Resolutions to be memorialized:

Denied: Quirk, 19 Jewett Ave – 301/17  
No garage. ZB2012-26. (Rec'd 10/3/12 decision by 1/31/13.)  
Approved: Weingarten, 77 Norman Pl – 407/35  
Side yard setback. ZB2012-25. (Rec'd 9/13/12 decision by 1/11/13.)

Neither resolution was presented for memorialization by the Board.

Carried from September 24, 2012:

Minutes approved Jan 7, 2013.

D & K Management, LLC., 20 Washington St – 1011/6  
Second floor residential. ZB2012-23. (Rec'd 9/14/12 decision by 1/12/13.)  
-Revised second floor drawings received 11/26/2012.

Mr. Levene recused himself from hearing the application and left the dais.

Present for the applicant was Mr. Capizzi, who said the applicant had heard the Board's comments at the previous hearing and had revised the plans to show three one-bedroom units on the second floor, the entry had been expanded and a laundry room proposed.

Chris Blake architect was reminded by Mr. Grossman he was still under oath. Mr. Blake said the second floor had been reconfigured for three one-bedroom apartments, the same staircase will be used to access the second floor to the hallway which would have four doors – one for each apartment, and a laundry room had been added; each apartment will have exterior facing windows; the exterior of the building will not be altered; each apartment would be between 600 – 800 SF in size.

Mrs. Gilbert asked for clarification on access to the bathroom. In response Mr. Blake said access would be through the kitchen.

There were no questions from the public.

David Spatz the Planner was advised he was still under oath; in response to a question on parking, he said under RSIS Standards each one bedroom apartment is allowed 1.8 parking spaces for a total of 5.4 spaces, and they are allowed to round this number down 5 spaces would be required, leaving one space available; Mr. Spatz added there is street parking and municipal lots in the area, and he did not see any parking issues.

There were no questions from the public, not were there any comments on the application from the public.

Mr. Capizzi gave a summary of the application.

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

Mr. Brensilber said he did not have a problem with the application, and felt it would be good for the downtown and maybe spur a renaissance to a very quiet downtown.

Mrs. Gilbert said the applicant had heard the board's concerns about density and changed the plans; many towns do have a mixed use in the downtown area as retail is not usually on the second floor.

Mr. Grossman agreed with his colleagues comments.

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

Roll call vote:

In favor: Mr. Brensilber, Mrs. Gilbert, Mr. Farrell, Mr. Kominsky, Mr. Lieberman, Mr. Li, Mr. Grossman.

Opposed: None.

Application approved 7-0.

**NEW BUSINESS**

Hojo, 68 Norman Pl – 412/9

Impervious coverage, building height. ZB2012-27. (Rec'd 11/26/12 decision by 3/26/13.)

Present for the applicant was Mr. Urdang, who said his witnesses would be the architect Ray Hartwick, the planner David Spatz and the owners of the property are also present. He explained this application is for the rebuilding of an existing two family dwelling that currently does not conform to the side yard and front yard setback requirements. The property is on the south side of Norman Place, it is a deep and wide; it is an existing two family dwelling built in 1911. The applicant will remove the existing house and rebuild it in a conforming location; variances will be required for height and total impervious coverage.

Ray Hartwick gave his business address, was deemed an expert in the field of architecture and sworn in by Mr. Grossman. Mr. Hartwick said the lot is over sized for the zone at 19,417SF, the topography slopes from the street to the rear of the property.

Marked as A-1: enlarged site plan with colorized section showing existing non-conformities.

Mr. Hartwick said the existing house would be removed and rebuilt in a conforming location, there would be no expansion or change in the number of rooms, the new two family would consist of a four bedroom house with a two bedroom apartment attached at the side; the house would be on the east side and the apartment to the west; he described the layout of the proposed two family dwelling.

With regard to the height variance, Mr. Hartwick explained the topography of the property slopes towards the rear of the property; the height variance is needed so the garage floor remains above grade, once the height of the house is lowered to meet the code, part of the garage will be below grade and there will be water issues; the height of the building will not create any diminution of light or air for the neighbors. In his opinion the proposed dwelling would fit in with the neighborhood and character of the street; the positive aspects of the project are seepage pits will be installed to handle water run-off, there are no seepage pits presently on the property; the house will be brought up to code and consistent with the street, it will not look like a two family, the house is being put on the center of the lot and will be aesthetically pleasing.

In response to questions from the board, Mr. Hartwick said the impervious coverage is over what is allowed as a garage is being added in the rear, that will take cars off the driveway; the second driveway is for the apartment, this unit will not have a garage, they will plant to shield the effect of two driveways; the height variance is due to the topography which slopes from front to back of the lot and if the garage is lowered, they will have issues with drainage and water flowing into the garage and ultimately the basement; he confirmed the two units are different sizes, but there is no difference in the bedroom total which will be six; they opted to have a second driveway close to the apartment so there are no parking problems and cars using one driveway and also parking all over the grass behind the house.

There were no questions from the public.

David Spatz, the Planner gave his business address, was sworn in and deemed an expert in the field of planning. Mr. Spatz said the lot is deep and oversized for the street, which consists mainly of single family dwellings.

Marked as A-2 was a poster board with five photographs; the two top photographs were of the existing house, the three photographs on the bottom were across the street. With regard to the height variance, Mr. Spatz said the height could be supported and is considered a hardship due to the topography of the property, there would be no impact on the neighbors light and air. The impervious coverage variance is also supportable by the lot as much of what is there will be removed, and what is proposed will be more of an improvement over what is now on site; two existing non-conformities will be eliminated and the new dwelling will be a benefit to the neighborhood, including seepage pits, landscaping and the other

Minutes approved Jan 7, 2013.

improvements that come with a new house; adding the house does not exceed the FAR requirements and he did not feel there would be any detriment to the public good.

In response to questions from the board, Mr. Spatz said the driveway coverage is under what the ordinance requires for the front yard; he was not sure if there were other properties with two driveways; in his opinion Tenafly requires garages as it makes for a neater cleaner appearance of the streetscape; they will plant landscaping to buffer this house from the neighbors.

There were no questions from the public. There were no comments on the application from the public. Mr. Urdang gave a summary of the application.

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

Mr. Levene said he could not understand how a new dwelling should require variances, and suggested the applicant revise their plans.

Mr. Brensilber said any new house would look better than the existing, a new house would be consistent with the street, he felt the variance for lot coverage was because the homeowner wants it.

Mr. Kominsky said the height is due to the topography and two driveways makes sense.

Mr. Lieberman said what they are offering as improvements are what you usually get with new construction.

Mr. Li wondered if there was a garage there now.

Mr. Grossman said there is a shed in the rear corner that is not used as a garage.

Mr. Brensilber said this is not the usual type of two family set-up.

Mr. Grossman said he was not sure about the two curb cuts.

Mr. Farrell said he feels the applicant has thought it through, the apartment is separate from the house, and there will be the usual site requirements.

Motion by Mr. Kominsky second by Mr. Farrell to approve the application.

Roll call vote:

In favor: Mr. Kominsky, Mr. Farrell, Mrs. Gilbert.

Opposed: Mr. Brensilber, Mr. Levene, Mr. Lieberman, Mr. Grossman.

Variances denied 4-3.

**CLOSED SESSION** – there was no closed session as the attorney was not present.

**ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Li to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 9:26PM.

Respectfully submitted,

Lindsay Graham, Board Secretary