

BOARD OF ADJUSTMENT

BOROUGH OF TENAFLY

IN THE MATTER OF THE APPLICATION OF
ANIL AND DANA RANAWAT
BLOCK 2306, LOT 11
248 DEVON ROAD

R-40 ZONE

APPEAL NO.
ZB-2021-15

WHEREAS, an application was filed by Anil and Dana Ranawat for relief from the Tenafly Land Development Regulations (“LDR”) to permit the construction of a pool, fire pit, patio, and cabana necessitating variance relief at the premises located at 248 Devon Road also known and designated as Block 2306, Lot 11 as shown on the current tax assessment map of the Borough of Tenafly; and

WHEREAS, hearings were held on July 12, 2021, August 2, 2021, October 4, 2021, and December 6, 2021 after appropriate notice was made to the public; and

WHEREAS, the following documents were submitted in connection with the application and deemed a part of the record:

1. Application to the Tenafly Board of Adjustment dated May 10, 2021;
2. Plans titled “Pool Plan, Soil Erosion, Sediment Control Plan, Notes & Details for Ranawat Located in the Borough of Tenafly Bergen County, New Jersey Block 2306, Lot 11” prepared by Paul Gdanski, P.E., PLLC dated March 11, 2021 consisting of 1 sheet;
3. Plans titled “Landscape Concepts 248 Devon Rd Tenafly, NJ” prepared by Contour Landscape Architecture dated January 19, 2020 last revised December 7, 2020 consisting of 2 sheets;

4. A memorandum regarding the site plan and variances prepared by Community Housing & Planning Associates, Inc. dated June 30, 2021;

5. Exhibit A-1 which is a colorized version of the site plan;

6. Exhibit A-2 which is an 'as-built' survey of the Ranawat property dated August 2, 2012;

7. Exhibit A-3 which is a color rendering of the cabana by Adam Howell;

8. Exhibit A-4 which is a color rendering of the cabana closer up by Adam Howell;

9. Exhibit A-5 which is a color rendering of the pool facing the house by Adam Howell;

10. Exhibit A-6 which is a photo exhibit of 4 photos prepared by David Spatz of the subject property;

11. Exhibit A-7 which is a rendering of the pool with reduced coverage prepared by Adam Howell;

12. Exhibit A-8 which is a revised conceptual view of the pool prepared by Adam Howell;

13. Exhibit A-9 which is revised view of the pool and pergola prepared by Adam Howell; and

WHEREAS, the Board received and reviewed the letter of denial from the Tenafly Zoning Official dated April 12, 2021; and

WHEREAS, the Board heard the testimony of Paul Gdanski, a licensed professional engineer in the State of New Jersey. He testified that applicant seeks to install new pool (already installed) with paver patio, fire pit, pergola with outdoor kitchen and cabana in the rear of the house located at 248 Devon Road. He explained that the pool was lawfully constructed but adding the

other items creates the need for variances. Applicant requests variances for (i) floor area ratio (“FAR”) coverage because the cabana adds to the floor area, (ii) impervious coverage due to the patio and (iii) building coverage due to the cabana. As originally presented the applicant sought a side yard setback variance for pool equipment but the pool equipment was relocated so that variance request was withdrawn. The floor area of the cabana is 582 square feet of which only 168 square feet is enclosed. Permitted building coverage is 12.5% and applicant seeks 13.6%. The overage in building coverage is due to the cabana. Impervious coverage is currently 26.1% where 25% is permitted and applicant seeks 33%. He also testified that when this house was built that Tenafly limited impervious coverage in the rear yard and front yard separately. Today, the Tenafly ordinance has been amended to measure impervious coverage on the entire property. That creates a problem for a house such as this where the bulk of the impervious coverage is in the front of the lot and much lower amount in the rear. He also explained that additional drainage facilities were being installed to mitigate any additional runoff. Mr. Gdanski revised the plan to decrease the size of the patio and decrease impervious coverage by 1,666 square feet which reduced impervious coverage to 30.3%; and

WHEREAS, the Board heard the testimony of Adam Howell, a licensed landscape architect in the State of New Jersey. Mr. Howell discussed the proposed plan, including the walkway from the driveway to the backyard, the patio, the pool, the cabana, the pergola, and the outside kitchen. Mr. Howell testified as to a revised set of conceptual plans showing a smaller sized pool resulting in reduced coverage; and

WHEREAS, the Board heard testimony from David Spatz, a licensed professional planner in the State of New Jersey. Mr. Spatz testified about the surrounding properties in the neighborhood. He also testified that the Tenafly building code changed in 2012 creating a hardship

for the applicant. Mr. Spatz prepared a Memorandum which was submitted to the Board explaining that the subject property is well suited for the proposal since there is sufficient open space in the rear yard to allow for all the construction activities proposed. For the FAR variance the Board should focus on whether the site can accommodate a floor area larger than that permitted not whether the proposed use is compatible with other uses or that the site is particularly suited for more intense development. Here the site is large and the engineer testified that all drainage can be contained on site so there will not be an impact on adjacent properties so the site can accommodate the increase FAR. He also opined that the location of the swimming pool in the rear yard is typical in this neighborhood with many residences having pools and/or tennis courts; and

WHEREAS, an opportunity was given to the public to ask questions of the witnesses and to make statements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Tenafly, County of Bergen and State of New Jersey, that it makes the following findings of fact:

1. Notice and publication pursuant to the Municipal Land Use Law have been appropriately made.
2. Opportunity was provided to the applicants, as well as the public, to be heard.
3. The property is located at 248 Devon Road located in the R-40 Zone District. The property is approximately 43,438 square feet and has a two story, brick single family dwelling.
4. Applicants propose to construct a pool, fire pit, patio, and cabana (pool house) in the rear yard of their dwelling.
5. The dwelling was constructed before 2012 in accordance with then applicable regulations. The LDR previously had separate front and rear yard coverage limitations. Applicants'

plan would have complied with the LDR provisions in effect at the time the house was built. As a result, applicants now seek variance relief.

6. Applicant seeks variances for (i) building coverage of 13.6% where the maximum existing permitted is 12.5%; (ii) maximum impervious coverage of 30.3% where 25% is permitted (note applicant reduced the request by 3% during the course of the hearings); and (iii) FAR of 19.6% where 18.75% is permitted. Applicant withdrew a fourth variance request during the hearings.

7. The Board finds that pools predominate in this area. The drainage has been adequately addressed by proposing additional drainage facilities. The existing house is a lawfully built structure which creates the hardship under c(1) in this case. In this case there is a large circular driveway and a long driveway to reach the garage which utilizes significant impervious coverage. The additional floor area equates to 361 sf and is made up of the cabana (pool house) which is in the rear and does not impact any neighbors. Most of the cabana is without walls with a roof over the patio. Only a small portion of the cabana is enclosed with a bathroom, changing area and storage area.

8. The Board finds that there is no substantial detrimental impact on the neighbors or neighborhood. The setbacks are conforming and this is a large property that can easily accommodate the proposed improvements. Moreover, there are similar pools on adjacent properties. Accordingly, relief is appropriate based upon the conditions set forth below.

BE IT FURTHER RESOLVED that the Board of Adjustment of the Borough of Tenafly, County of Bergen, State of New Jersey hereby GRANTS the following relief:

- A. Variance from the requirements of the LDR for maximum building coverage of 13.6%, where only 12.5% is permitted.

- B. Variance from the requirements of the LDR for maximum impervious coverage of 30.3%, where only 25% is permitted.
- C. Variance from the requirements of the LDR for maximum FAR of 19.6%, where only 18.75% is permitted.

All subject to the following terms and conditions:

- 1. Applicants to construct improvements in accordance with the plans submitted.
- 2. The providing of an as-built survey prior to the issuance of a certificate of occupancy.
- 3. Compliance with all required codes of the Borough as well as compliance with all ordinances and regulations of the Borough of Tenafly and any and all other requirements of governmental authorities having jurisdiction over same.
- 4. Continuing supervision by the Construction Code Official and the Borough Engineer.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Secretary to be a true copy be forwarded to the following officials of the Borough and governmental agencies, Construction Official, Borough Engineer, Board Engineer, Tax Assessor, Administrative Officer of the Municipal Land Use Law, Zoning Officer and a copy to the attorneys for the applicant.

MOVED BY:

SECONDED BY:

FOR:

AGAINST:

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Zoning Board of the Borough of Tenafly upon a roll call vote at its regular meeting held on January ____, 2022.

ALLAN CYTRYN, Vice-Chair