

**Tenaflly Board of Adjustment  
Regular Meeting  
May 1, 2023 7:30 pm  
MINUTES**

**OPEN PUBLIC MEETINGS ACT STATEMENT:**

Chairperson Kominsky read the Open Public Meetings Act Statement:

“In accordance with the provisions of the Open Public Meetings Act P.L. 1975, chapter 231, adequate notice has been made of this meeting by sending the same to The Record and The Star Ledger. Posting said notice on the public bulletin board in the lobby of the Municipal Center, posted to the Municipal Web-Site, and filing said notice with the Tenaflly Municipal Clerk, all which occurred within 10 days for the calendar year of 2023. Additionally, Amended and Restated Notice of Annual Meetings of the Zoning Board of Adjustment notice has been made of this meeting by sending the same to The Record and The Star Ledger. Posting said notice on the public bulletin board in the lobby of the Municipal Center, posted to the Municipal Web-Site, and filing said notice with the Tenaflly Municipal Clerk, all which occurred on December 23, 2022.”

**ROLL CALL:**

**Present:** Mr. Callahan, Mr. Cho, Mr. Cytryn, Mr. Friedman, Ms. Toro, Mr. Rustin, Mr. Kominsky

**Absent:** Mr. Brensilber, Mr. Lieberman

**Also Present:** Mr. Menon, Mr. Zenn, Mr. Hals, Ms. Peterson, Mr. Capizzi, Mr. Hubschman, Mr. Keyes, Mr. Gleis, Mr. Semeraro, Mr. Lazarus, Mr. Hogan, Mr. Auciello, Mr. Duffy, Mrs. Levinson, Ms. Wolfe

**APPROVAL OF MINUTES:**

**April 3, 2023**

A motion was made by Mr. Cho and seconded by Mr. Friedman to approve the minutes for April 3, 2023. A voice vote carried the motion. All were in favor; none were opposed.

**UNFINISHED BUSINESS:**

**Eli & Sophie Naftalovich, 78 Woodmere Lane (ZB-2023-7)**

Construct a one story addition to the front of the existing dwelling. Maximum building coverage: 20% permitted; 24.2% proposed (*Received 2/17/2023 decision by 06/17/2023*)

A motion was made by Mr. Friedman and seconded by Mr. Cho to approve the resolution.

In Favor	Opposed
Mr. Friedman	
Mr. Cho	
Mr. Cytryn	
Ms. Toro	
Mr. Kominsky	

Roll Call Vote: Motion approved, 5-0

**NEW BUSINESS:**

**Lidia Cerda Real Estate Trust, 100 Churchill Road (ZB-2023-10)**

Construct 6’ black metal fence with driveway gates in front yard. Four foot 75% open fence permitted in front yard – six foot proposed (*Received 3/29/2023 decision by 07/29/2023*)

The applicant’s lawyer, Mr. Capizzi, stated that the property is located at 100 Churchill Rd in an R-40 Zone. There is an existing two story single family dwelling with a circular driveway on the property. The applicant is proposing to install a six foot tall metal fence along the front of the property with two motorized gates at the driveway entrances. This is being done for security reasons and also to deter gawkers.

Mr. Hubschman was sworn in as an expert in the field of engineering and planning. He presented the site plan for the proposed fence and gates. He stated the property is on 1.76 acres and is on the westerly side of Churchill Road. The applicant is proposing a 6’ tall jarrett style aluminum fence, which is 80% open. The fence consists of 1 inch pickets with 4 inch spacing between each picket. He stated the gates to the driveway will be motorized and will open inward toward the dwelling.

The fence will be placed along the front of the property. Mr. Hubschman stated they have read the Board Engineer, David Hals’ review letter and they will move the fence back 20’ from the roadway to provide space for a vehicle between the street and the gates without the vehicle obstructing the street.

Mr. Hubschman stated the entire fence will be hidden by green giants and other plantings that are already on the property. Only the gates will be visible from the street. The gates will be accessed via call boxes and will open inward toward the dwelling. The fence will continue down each side of the yard and will connect to the front of the house.

The fence will have no visual impact on the neighborhood as you will not be able to see the fence with all the plantings that will be in front of it.

Questions from the board for Mr. Hubschman:

Mr. Friedman questioned if there was existing fencing around the rest of property.

Mr. Hubschman stated the yard is mostly fenced in. There are some high walls and also a fairly large slope on one side of the property.

Mr. Kominsky questioned if the extra 2' in height is needed to stop gawkers if the fence is going to be hidden by the plantings.

Mr. Hubschman stated the plantings are being placed there to stop the gawkers.

Questions from the public for Mr. Hubschman: None.

Mr. Keyes was sworn in as an expert in the field of landscape architecture. Mr. Keyes presented a landscape plan with a revision date of 4/25/23. Which was marked as exhibit A1. He stated the house sits pretty close to the street. The street itself is very large scale, because of this the house already has a lot of landscape plantings to buffer the house from the road. He explained that they will be using all the existing landscaping on site as well as adding an additional twelve arborvitae bushes, that will be between 12 to 14 feet in height each. This will help close in some of the gaps so you can't see into the property.

They are going with a picket style fence with plantings in front, so as not to create a boxed in look. The fence will be black, which will allow it to disappear into the landscape. The posts that the gates are attached to are not the typical style posts, which are usually columns. The gate posts being used have been specifically designed to be minimal in appearance. They will be 12x12 black metal posts.

Mr. Keyes next presented a color rendering of what the fence and landscaping will look like. This was marked as exhibit A2.

Mr. Kominsky questioned if the landscape design is part of the application.

Mr. Capizzi state that it is.

Questions from the board for Mr. Keyes:

Mr. Rustin questioned what the visual effect to the neighbors on either side will be.

Mr. Keyes stated that he does not feel that there will be any impact on any of the surrounding properties.

Mr. Freidman questioned if there is something in the town code against filling in the 75% open fence area with plantings.

It was determined that Mr. Hals would answer this question when he gave his review.

Questions for Mr. Keyes from the public: None.

Mr. Gleis was sworn in as an expert in the field of security. He stated he reviewed the plans that were prepared by Mr. Hubschman and Mr. Keyes. He stated the higher the fence the harder it is to climb. The minimal height standard of a security fence starts at 6'. The fence that is being proposed looks like a wrought iron fence. This type of fence is more difficult to climb than a chain link fence. The plantings will create a barrier to create privacy to the homeowner, while also providing something aesthetically pleasing to the public.

Mr. Gleis stated that he read the memo that was provided by the Chief of Police, Robert Chamberlain, dated April 18, 2023. He stated he agrees with the Chief of Police, that the fence and landscaping will help the police department by potentially reducing the number of calls and complaints to the area, while also providing safety, security and privacy to the homeowner.

Questions from the Board for Mr. Gleis:

Mr. Cho questioned if there were other types of plantings that would be denser.

Mr. Gleis replied there are other types but the green giants blend into what the other homes in the neighborhood have. He stated that no matter how dense the planting, it would still be penetrable. You would still need the fence as a deterrent.

Questions from the public for Mr. Gleis: None

Mr. Hals was sworn in as the Board Engineer. He stated that there is no section of the code that talks about landscaping being a barrier.

Questions from the Board for Mr. Hals: None

Questions from the public for Mr. Hals: None

Comments from the public: None

Motion by Mr. Friedman and seconded by Mr. Cytryn to move to executive session. A voice vote carried the motion, all were in favor none were opposed.

Mr. Cho feels a 4' tall fence with dense plantings on each side would be enough.

Mr. Cytryn feels it is a reasonable request.

Mr. Rustin feels the memo from the Police Chief carries a lot of weight.

Mr. Callahan stated he has no issue with the application, but feels that the board is being influenced based on the celebrity status.

Ms. Toro feels the applicant has met their burden.

Mr. Kominsky feels the Police Chief's memo is talking about a possible burden in the future.

Motion by Mr. Callahan and seconded by Ms. Toro to approve the application.

<b>In Favor</b>	<b>Opposed</b>
Mr. Callahan	
Ms. Toro	
	Mr. Cho
Mr. Cytryn	
Mr. Friedman	
Ms. Rustin	

Mr. Kominsky	
--------------	--

Roll Call Vote: Motion approved 6-1

The meeting was recessed at 8:33 for a short break and Reconvened at 8:40.

**Michael Cangelosi, 274 Woodland Street (ZB-2023-9)**

Construct an addition on the existing house, create a circular driveway with additional parking. The proposed addition does not comply with the Borough's bulk regulations in respect to the front yard setback requirements and impervious coverage. *(Received 02/08/23 decision by 06/08/23)*

Mr. Semeraro, the lawyer for the applicant at 274 Woodland Street, stated the property is in the R-40 zone. It is a single family residence. The houses in the immediate vicinity have three or four car garages, where the applicant's house only has a two car garage. The applicant is seeking a 643 Sq. Ft. addition. They want to expand the living room and garage to give the home a larger living area for the family as well as modernize the appearance of the home.

Mr. Semeraro stated that the proposal is triggering three variances. Front yard setback where 45' is required and 40.3' is being proposed, impervious coverage where maximum coverage is 25% and 29.5% is being proposed and front yard driveway coverage where the maximum is 30% and 40.1% is being proposed.

He stated a circular driveway is proposed that would allow for greater ease with traffic circulation.

Mr. Kominsky questioned about the front yard setback.

Mr. Semeraro stated the existing front yard setback is 50.5' where 45' is required and they are proposing 40.3'.

Mr. Lazarus was sworn in as an expert in the field of architecture. He stated the house currently has a two car garage. The proposal of a three car garage will bring the house to be consistent with adjacent neighbors. The existing den will be extended over the proposed garage.

Mr. Lazarus also stated that the plans call for the existing front steps, which are on an angle, to be straightened and placed at a right angle to the house. This will make the steps more functional and elegant.

The proposed addition is on the front right side of the house. The way the contours and topography in the rear of the house are, it is easier to extend the garage to the front. This will also eliminate the need for a longer driveway. The garage is 5 to 6' below street level. Mr. Lazarus stated that in his opinion they are keeping with the look of the neighborhood. Passersby will not be able to see the addition to the house due to the curvature of the road.

Mr. Semeraro displayed the plans marked A-4.0 – Front Façade. Mr. Lazarus explained there are three changes to the front that are being proposed. The first being the front step reconfiguration, the second going north is the proposed extension of the living room, and lastly moving further north the garage extension with the proposed extension of the den over the new garage.

Questions for Mr. Lazarus from the Board:

Mr. Rustin questioned what materials will be used on the new gables.

Mr. Lazarus replied the homeowner is still deciding but possibly stucco or stone.

Questions for Mr. Lazarus from the public:

Ms. Levinson of 282 Woodland St. questioned how close the proposed garage will be to her property.

Mr. Lazarus replied it will be no closer than it is now because of the angle of the house and property line.

Mr. Semeraro stated that their engineer has plans that will show where the proposed garage will sit on the property.

Mr. Hogan was sworn in as an expert in the field of engineering. He shared the soil and erosion sediment control plan that was revised on 4/11/2023. This was marked as exhibit A-1. The plans show the proposed and existing driveway and the changes that were made due to the suggestions of Mr. Hals, the Board Engineer.

Mr. Hogan stated that because of the angle of the northern property line and the angle of the existing structure the proposed garage will actually be further away from the northern property line than the existing garage. He added that just the corner of the garage and living room additions will be encroaching on the front yard setback.

Mr. Hogan explained that the proposed total impervious coverage is 29.4%, where 25% is allowed. He stated they are taking the appropriate measure to catch the excess storm water runoff. They are proposing the addition of a couple of inlets in the driveway and also using roof leaders from the addition to catch the extra runoff and channel it into four proposed seepage pits in the front yard.

Mr. Hogan stated that currently there is a trench drain at the top of the driveway and a couple of inlets at the bottom of the driveway to catch the storm water.

Mr. Semeraro asked where the storm water currently travels to.

Mr. Hogan replied the two inlets have a storm water control structure inside of them so as they fill up, the water will first drain into the rear of the yard into a drainage area. As they catch more water and the water flow gets greater the water goes into an overflow that is connected to a municipal drainage system that runs through the property.

He stated there will not be any changes to the existing drainage system. They are proposing to add a trench drain in the existing leg of the driveway about 25' from the front property line. This drain will capture runoff and channel it into the four proposed seepage pits, alleviating all the runoff from traveling down the length of the driveway into the existing catch basins in the back. They are also proposing to install an inlet in the proposed parking area of the driveway.

Mr. Hogan stated that the proposed revisions are sufficient to handle any additional runoff that the proposed addition may cause. He stated that the runoff rate would be reduced with this proposal, and would only help alleviate the existing flood issues to this property.

Mr. Hogan stated the proposed driveway will be a circular driveway with the second entrance towards the south side of the property. They are also proposing a small additional parking area off the southern entrance. This parking area is needed as the lower portion of the existing driveway is prone to flooding.

The proposed driveway coverage is 41.3% of front yard where 30% of front yard is the maximum allowed.

Questions from the Board for Mr. Hogan:

Mr. Cytryn questioned what the design structure is for the water run-off.

Mr. Hogan replied that it is designed based on a 3" rainfall event.

Mr. Friedman questioned what the impervious coverage of the addition alone is without the proposed driveway.

Mr. Hogan replied the addition is 638 SF and the proposed driveway is 2,146 SF. He stated that even if only the addition was being proposed there would still be the need for the impervious coverage variance, as the impervious coverage for just the addition is 25.2%.

Mr. Kominsky questioned if the circular driveway is needed as two variances are impacted by its proposal.

A discussion followed on possible options for the driveway proposal to eliminate variances.

Mr. Semeraro asked for a short recess allow him time to speak with his client.

Meeting was recessed at 10:01.

Meeting reconvened at 10:05.

Mr. Semeraro asked the board for a continuation of the application to the June 5<sup>th</sup> meeting so the driveway plans can be revised.

The Board and Mr. Zenn agreed to the continuation of the application to June 5, 2023.

Mr. Hals suggested that Mr. Hogan meet with him to discuss the flooding issues and to come up with a reasonable plan.

**ADJOURNMENT:**

Motion made by Mr. Cho and seconded by Mr. Friedman to adjourn the meeting. A voice vote carried the motion, and the meeting adjourned at 10:10pm.

Respectfully submitted,

Sharon Peterson

Board Secretary