

BOARD OF ADJUSTMENT

BOROUGH OF TENAFLY

IN THE MATTER OF THE APPLICATION OF
JENNIFER PRIOLEAU
BLOCK 1703, LOT 1
233 ENGLE STREET R-10 ZONE

APPEAL NO.
ZB-2021-17

WHEREAS, an application was filed by Jennifer Prioleau for relief from the Tenafly Land Development Regulations (“LDR”) to permit construction of an inground pool necessitating variance relief for the pool in a front yard of the property at the premises located at 233 Engle Street also known and designated as Block 1703, Lot 1 as shown on the current tax assessment map of the Borough of Tenafly; and

WHEREAS, a hearing was held on July 12, 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 14, 2021;
2. Site Plan entitled “Pool Plan, Soil Erosion, Sediment Control Plan, Notes and Details for Prioleau” prepared by Paul Gdanski, P.E., PLLC, dated April 2, 2021 consisting of one (1) sheet;
3. Six (6) color photos of the subject premises;
4. Survey of the subject property prepared by Paparozzi Associates, Inc. dated June 1, 2020; and

WHEREAS, the Board received and reviewed the letter of denial from the Tenafly Zoning Official dated April 25, 2021; and

WHEREAS, the Board heard the testimony of Paul Gdanski, a licensed professional engineer in the State of New Jersey who was qualified as such. He testified that the proposal is to construct an in-ground pool on the subject property. He explained that the property is located on the corner of Engle Street and Ravine Road. The house fronts on Engle Street and the “rear yard” is actually the front yard on Ravine Road. Therefore, there is no rear yard and applicant seeks a hardship variance because there is no rear yard to locate the pool in conformity with the LDR which requires the pool to be in the rear yard. He testified that the pool is located behind the house. He also testified that the proposed pool is setback 16 feet from the adjacent property which is Lot 2 in Block 1703. Finally, he explained that the pool must be in its current location because it cannot be moved due to the existing walls on the property due to the existing topography; and

WHEREAS, an opportunity was given to the public to ask question of the witness 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 applicant, as well as the public, to be heard.
3. The property is located at 233 Engle Street in the R-10 Zone District. The property is highly irregular in shape as it is essential a half moon. The property is formed by the intersection of Engle Street and Ravine Road. The lot is approximately 14,230 square feet. There is a two and

one-half story stucco house which fronts on Engle Street. The rear of the house actually fronts on Ravine Road. In this case, the pool is to be located in the rear of the dwelling which would normally be the rear yard in accordance with LDR Section 35-808.1. However, the “rear yard” of this property actually fronts on Ravine Road and is considered a front yard. Thus, the proposed pool would not be in a ‘rear yard’.

4. The Board finds that this a hardship relating to the shape of the property having multiple frontages. The Board notes the location of the pool is appropriate given the existing walls due to the topographic conditions on the property. The Board finds that there are no detriments with this pool as the applicant is adding drainage for the additional coverage and it will not interfere with any neighbors light and air.

4. The Board finds that relief is appropriate in this case due to the unusual shape of the lot. There are no substantial negative impacts associated with this plan that adversely affect the community, zone plan or Master Plan. Accordingly, the relief is appropriate based upon the conditions set forth below; and

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 for the location of a pool in a front yard where LDR section 35-808.1 requires it to be in a rear yard; and
- B. Any other variance necessary or required for the construction of the pool in the location as shown on the plans submitted to and approved by the Board in connection with this application.

All subject to the following terms and conditions:

- 1. Applicant 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 August ____, 2021.

ADAM KOMINSKY, Chair

