

**Tenaflly Board of Adjustment
Special Meeting
January 20, 2026, 7:30pm
MINUTES**

OPEN PUBLIC MEETINGS ACT STATEMENT:

Acting 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 Website, and filing said notice with the Tenaflly Municipal Clerk, all which occurred within 10 days of the calendar year of 2026. Additionally, the 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 Website, and filing said notice with the Tenaflly Municipal Clerk, all which occurred on December 22, 2025.”

ROLL CALL:

Present: Mr. Callahan, Mr. Cytryn, Mr. Friedman, Dr. Paskhover, Mr. Kominsky

Absent: Mr. Brensilber, Mr. Lieberman, Ms. Toro, Ms. Farkas

Also Present: Mr. Coder, Mr. Hals, Mr. Capizzi, Mr. Novak, Mr. Hubschman, Mr. Martin, Mr. Spatz, Mr. Dorf, Mr. Tremble, Mr. Lee, Mr. Teall, Mr. Tritter

SWEAR IN OF RE-APPOINTED MEMBERS:

Mr. Kominsky was sworn in as a re-appointed Board member.

Mr. Cytryn was sworn in as a re-appointed Board member.

Ms. Toro will be sworn in at the February 2, 2026, meeting.

NOMINATION OF TEMPORARY ACTING-CHAIRPERSON:

Motion by Mr. Friedman and seconded by Mr. Cytryn to nominate Mr. Kominsky as temporary Acting Chairperson. A voice vote carried the motion. All were in favor, none were opposed.

APPOINTMENT OF OFFICERS FOR 2026:

Mr. Kominsky discussed waiting for the appointment of officers until the February 2, 2026, regular board meeting, when more board members will be present. All were in favor, none were opposed.

As Mr. Hals will be giving testimony at tonight’s meeting, Mr. Friedman made a motion which was seconded by Mr. Cytryn to nominate Mr. Hals from the firm Schwanawede Hals & Vince as temporary Acting Board Engineer. A voice vote carried the motion. All were in favor; none were opposed.

BOARD SECRETARY: Motion by Mr. Friedman and seconded by Mr. Cytryn to nominate Ms. Peterson for the full position of Board Secretary. A voice vote carried the motion. All were in favor; none were opposed.

CORRESPONDENCE:

COMMUNICATION:

UNFINISHED BUSINESS:

NEW BUSINESS:

- **D & C Honda** – 45 Magnolia Avenue – **ZB-2025-09** (*Continued from November 3, 2025*)

Proposing to subdivide the rear of 45 Magnolia Ave (lot 6) and add it to 28 County Road (lot 16) for the expansion of the parking area of the Honda of Tenaflly car dealership. 45 Magnolia (lot 6) is located in both the R-9 residential and B-2 Business District Zones.

- 1) A portion of the parking lot is proposed for the R-9 zone, which is a non-conforming use and a d(1) use variance is needed.
- 2) The existing car dealership is located in the B-2 zone and is a non-conforming use for that zone. The proposed parking lot is an expansion of the non-conforming use and a d(2) use variance is required.
- 3) Residential garage – one required for each single -family home. None proposed for lot 6.01 (the new lot created by the subdivision)

(Received 7/22/25, Decision by 12/19/25) extended to 01/31/26

Mr. Kominsky stated that there are five (5) board members present and questioned Mr. Capizzi if he is willing to move forward with the application.

It was decided the application will be presented and a decision will be made tonight.

Mr. Capizzi refreshed the board members on the application that was presented Nov. 3, 2025. He stated that D & C Chevrolet is doing business as D & C Honda and are one entity.

Mr. Martin was sworn in as an expert in the field of Historic Preservation. Mr. Martin stated he reviewed the site plans prepared by Mr. Hubschman, the Historic Preservation element on the Master Plan dated 9/25/2019, the Tenaflly Guidlelines for Historic Districts dated May 2021, the Historic Preservation Ordinance, and the review letter and recommendation prepared by the HPC on 10/20/2025 and the Notice of unsafe structure dated 8/26/2025.

He stated that he prepared a report that is dated Dec. 22, 2025, for review by the board. He states he does not believe the statement by the Tenaflly HPC that the removal of the outbuilding (barn) and the moving of the lot line will destroy the character of the Magnolia Ave Historic District. He stated that historic integrity is determined by the location, design, setting, materials, workmanship, in association with the history of the structure. He believes the outbuilding (barn) fails on all of these aspects. Only the location helps support its historic integrity, and location alone is not sufficient to establish its historic value. Mr. Martin stated the house at 45 Magnolia Ave is a contributing residential structure within the Magnolia Ave Historic District. The outbuilding (barn) in the rear of

the property is downhill from the house. It is not visible from Magnolia Ave and is not listed as a contributing structure in the district inventory.

In its current form the outbuilding contains two small garage bays with a dilapidated apartment above. There are also some storage structures. The outbuilding appears to be the result of multiple additions and alterations of different styles over many decades.

On August 26, 2025, Tenaflly issued a notice of unsafe structure of the outbuilding.

The application is seeking a lot line adjustment between lot 6 and lot 16, the demolition of the outbuilding and the construction of a parking lot for new vehicles, that will free up parking on the site of D & C Honda for employees and other purposes. The land will remain in the Magnolia Ave Historic District as the Historic District boundary line will not change.

Mr. Kominsky questioned if the town has condemned the outbuilding, is it of any issue to the board with respect to a variance.

Mr. Capizzi stated the notice of unsafe structure in his opinion negated the need of Board approval to demolish it.

Mr. Kominsky questioned is the main concern of the application then, is the use and the parking lot.

Mr. Martin continued his testimony regarding the utilization of the 3,000 sf out of 7,000 sq ft for the parking lot and the impact it would have on the Magnolia Ave Historic District. He stated in his opinion the change in grading that would be needed to accommodate a growing business will not destroy the character of the Historic District. The view to the west is retained from the viewpoint of the Historical District. The HPC states the lot will be drastically reshaped, while in reality the main house remains untouched as well as the streetscape remains untouched.

Mr. Martin stated he does not feel that having a parking lot in the historic district on the downhill side will have any impact on the Magnolia Ave Historic District. It will allow a local business to thrive.

Questions from the Board for Mr. Martin:

Mr. Cytryn questioned if there is anything that impedes the current property owner from demolishing the outbuilding.

Mr. Martin stated it is all procedural with the building department.

Mr. Freidman stated the HPC letter notes the homeowner needs to apply for a certificate of appropriateness before work can commence on the demolition of a landmark or any improvements within any landmark district. He questioned if this still needs to be done because of the notice of unsafe structure.

Mr. Capizzi stated sometimes regulations are at odds with one another. If the applicant did not have the notice of unsafe structure, then they would have to go to the HPC for a Certificate of Appropriateness for the removal of the outbuilding.

Mr. Friedman questioned if the applicant would need to go to the HPC for a Certificate of Appropriateness when they go to build the new garage in the future.

Mr. Capizzi replied yes.

Mr. Kominsky questioned how building a parking lot in the Historic District enhances the nature of the Historic District.

Mr. Martin replied they are removing a non-safe, non-contributing structure and adding the parking lot which is a non-contributing structure, but it is safely constructed so it is an improvement. The parking area is below the angle of view from Magnolia Ave as you look at the contributing structure, so the view that was talked about when creating the Historic District, of the valley to the west is still very easily visible. There is no destruction to the district by having the parking lot even though it is in the Historic District.

Questions from the public for Mr. Martin:

Mr. Tremble questioned Mr. Martin if he looked at any maps from the 19th century in regard to outbuilding placement.

Mr. Martin stated he did not look at any maps but can state that from driving through the district and observing that there are outbuildings on some properties and other properties do not have outbuildings. He does not know if they previously had outbuildings. It is not out of character with the district to have an outbuilding. In many cases the outbuildings are consistent with the architecture of the homes. That is not the case with outbuilding at 45 Magnolia Ave.

Mr. Tremble questioned the testimony where it was stated a non-contributing building doesn't need a Certificate of Appropriateness for demolition.

Mr. Capizzi stated that testimony was because there is a notice of unsafe structure issued by the building department, because of this they do not need to go to the HPC to obtain permission to remove the outbuilding.

Mr. Tremble questioned if this would be in the interest of the Historic District that it be referred to the commission for a review of the demolition.

Mr. Capizzi stated the commission has already done that. That is how the HPC drafted their letter on 10/20/2025 giving their opinion on the demolition of the outbuilding.

Mr. Kominsky stated the 10/20/2025 letter from the HPC does not reference the notice of unsafe structure. He wondered if the notice and HPC letter might have crossed paths.

Mr. Capizzi stated the HPC made notes they wanted the outbuilding restored and not demolished.

Mr. Tremble questioned Mr. Martin if he had seen any other outbuildings serve as an accessory dwelling unit.

Mr. Martin stated it would not surprise him to see a carriage house with a guest house above it, but in this case the structure was not originally constructed with that intention. The structure is stuck to the side of a slope, and he does not believe the structure was originally meant as an accessory dwelling. He believes it might have been built just for storage.

Mr. Spatz was sworn in as an expert in the field of planning. He stated that at the 11/3/2025 meeting he testified that there are public benefits to the parking lot as it relates to the auto dealership and that because of the topographic changes as well as the notice of unsafe structure regarding the outbuilding, the work they are proposing does not impact on the Historic District. He believes Mr. Martin's testimony supports his belief.

Questions from the board for Mr. Spatz: None

Questions from the public for Mr. Spatz: None

Mr. Tritter was sworn in as the chairman of the Tenafly Historic Preservation Committee (HPC). He stated he thinks there is some confusion on the authority of the HPC. He stated that Mr. Capizzi stated the HPC only has authority over the structure viewed from Magnolia Ave. Whereas Mr. Martin stated the HPC's authority is only over contributing structures. Mr. Tritter stated neither of these statements are accurate. Municipal Code 35-807.8 stated the owners of any landmark structure or any property within the historic district are required to get approval from the HPC for among other things the demolition of any improvement within the landmark district, and any sub-division or re-sub-division of any landmark in any landmark district. Mr. Tritter stated that Mr. Byrnes, the construction official, did not present any information or have any discussion with the HPC before the demolition order was ordered. They did not receive a copy of the order until the 11/03/2025 meeting.

The HPC understands why the applicant has applied for the variance and appreciates that they could use additional parking. The HPC also recognizes that the applicant requested and was granted the right to make a similar change to the adjacent lot at 41 Magnolia Ave in 1994, which was before the Magnolia Ave Historic District was created. The Mayor and Council approved the creation of the district in 2000.

Mr. Tritter stated the applicant purchased the property fully aware of its historic designation and the limits that come with it. The HPC feels the applicant has no interest in preserving the lot for future generations but instead wants to gain the land for parking for D & C Honda.

The HPC feels that if this application is approved this will set a precedent for other property owners in the Historic District to go to the BOA to avoid having to go to the HPC.

The HPC asks if the application does get approved that three conditions are placed on the approval.

1. The applicant be required to plant a wall of evergreen trees as a natural curtain between D & C Honda and the properties on Magnolia Ave. at the top of the retaining wall.
2. The applicant be required to put shades on any lighting that is installed to prevent the light from spreading into the rear of the properties on Magnolia Ave.
3. The portion of land conveyed from lot 6 to lot 16 be removed from the Magnolia Ave Historic District as the proposed parking lot has no characteristics that merit the attention of the HPC.

Questions for Mr. Tritter from the board:

Mr. Kominsky questioned if the HPC had received the notice of unsafe structure would they have discussed it in their report.

Mr. Tritter replied yes, they would have addressed it.

Mr. Hals, the Board Engineer, clarified some of the statements that have been made. He stated this application was referred to the HPC because according to borough code when you have a development of property that is in a historic district the Zoning Board is required to submit the application to the HPC for comments and recommendations. The HPC did send a letter back to the board with comments but no specific recommendations other than to deny the application.

The Zoning Board is hearing this application because the applicant is proposing commercial use for the parking of cars in the historic district. The area they plan to develop also has an existing garage. The new lot line will be about where the face of the garage is now. The applicant is proposing 10 parking spaces, with an additional five in the R-9 residential zone of lot 6. If the Board approves the application the applicant is still required to go to the HPC for a Certificate of Appropriateness to remove the structure. They will also need to get a certificate of appropriateness from the HPC to construct a new garage somewhere else on the property at a future date to comply with Borough code that residential homes need to have a garage. Nothing the Board does is precluding the applicant from going to the HPC.

Mr. Capizzi stated he does not agree with the statement regarding the applicant needing to go to the HPC for a certificate of Appropriateness for the demo of the structure. If the HPC says no, then it would negate the approval from the BOA.

Mr. Hals stated the code does state the applicant needs to go to the HPC for approval of the demo. He does not believe the HPC can deny the application if it has been approved by the BOA.

Questions for the public for Mr. Tritter: None

Mr. Hals was sworn in as the temporary acting Board Engineer. He stated he remembers when the Magnolia Ave Historic District was created. The actual district lines follow the lines of the individual lots. 45 Magnolia Ave is located in both the R-9 residential and B-2 Business District zones, as well as the Historic District.

In regard to this application there is an existing parking lot to the North of the D & C dealership. The parking lot runs from County Rd and ends at a concrete wall which is the lot line of the property. 45 Magnolia Ave is the property located on the other side of the concrete wall. The property rises up from the wall and there is a small steep slope between the outbuilding and the retaining wall. The applicant is proposing to disturb this slope. Beyond the outbuilding is the remaining lot of 45 Magnolia Ave.

Mr. Hals stated in his opinion the disturbance of this slope will not have any environmental significance because of the size of the slope.

The applicant is proposing 30 parking spaces in the Magnolia Ave Historic District, they are adding drainage improvements, lighting improvements and retaining walls.

Mr. Hals stated in terms of impacts, the HPC has requested a landscaped buffer to be planted at the top of the retaining wall, he feels this is something the applicant should consider. The HPC also asked for shading on the lights, he believes the applicant has already stated they will provide shielding for the lights.

Mr. Kominsky questioned the removal of the parking lot from the Historic District.

Mr. Hals believes that they would need to go to the Planning Board for approval, if approved they would then need to modify the boundary line and that would then need to be approved by the Mayor and Council.

Mr. Kominsky questioned if there had been instances where parking lots have been given approval in residential sections of town.

Mr. Hals replied yes there are other sections where there is parking in residential zones in town. He stated each case though, is on a case-by-case basis. In general parking is the least intrusive improvement or expansion of a business into a residential zone.

Mr. Callahan questioned if this is a traditional parking lot or is it mainly for storage of new vehicles. He is concerned about noise if a car alarm goes off during the night as this lot will constantly have vehicles stored in it.

Mr. Hals stated this is for the storage of new vehicles. He believes there is less of an impact with a lot used for storage because you will not have cars and people constantly coming and going.

Mr. Cytryn questioned if the applicant will be limited with the use of the lot, if approved.

Mr. Hals replied they will be limited to the use they applied for, which is a parking lot. If they decide they want to add a shed or a tank for fuel they will need to go before the BOA for approval

Questions from the public for Mr. Hals:

Mr. Tritter questioned how much land of 45 Magnolia Ave is in the Historic District.

Mr. Hals stated the entire lot in in the Historic District, but the lot is a split zoned lot for residential and Business District.

Mr. Friedman questioned the height of the retaining wall.

Mr. Hals stated it is 15' at its highest point.

Mr. Capizzi stated that if the application is approved the applicant is willing to plant evergreens to the top of the retaining wall as well as provide shielding for the lights.

Comments from the public:

Mr. Tremble was sworn in as a resident of Westervelt Ave. He stated he feels the HPC is at a disadvantage because they do not have legal counsel. He stated his concern is not so much the building itself but what it represents in the District. It represents part of the character, not the disheveled character of the state it is in now, but the vision of what it could be. He feels there are some solutions and it is worth while to look into some of the solutions.

Mr. Teall was sworn in as a resident of Downey Drive but is speaking as a representative of the Presbyterian Church. The Church was concerned for the Minister's privacy. He stated Mr. Dorf has been very accommodating and is willing to plant evergreens, trees and sprinklers to provide privacy. Because of this the Church is in support of the application.

Mr. Lee was sworn in as a resident of 41 Magnolia Ave. He stated he lives next door to 45 Magnolia Ave. He can understand a business wanting to expand. He and his wife are concerned about the number of trees that will be removed. He stated Mr. Dorf has approached them and he is willing to plant trees on their property as well to add to the privacy and shade. He is also in support of the application.

Motion by Mr. Cytryn and seconded by Mr. Friedman to move to Executive Session. A voice vote carried the motion. All were in favor; none were opposed.

Mr. Cytryn stated the applicant is a businessman whose business has been in Tenafly for over 90 years. The applicant is willing to plant trees and provide shielding for the lighting. He is also going to restore the house at 45 Magnolia Ave as well as build a new garage to replace the one that is being demolished. He would be inclined to approve the application.

Mr. Callahan loves and appreciates the Historic District. He did not like the testimony that the parking lot would not change the character of the historic district. He feels the testimony showed that demolishing the outbuilding would not make that big of an impact on the historic district.

Mr. Freidman feels the impact is minor on the Historic District. He would support the application.

Dr. Paskhover is concerned about taking land away from a residential zone and adding it to a commercial zone.

Mr. Friedman stated he might agree if there was a substantial piece of land being moved into the commercial zone.

Mr. Kominsky thought Mr. Tritter’s presentation was great. His biggest concern is the construction of a parking lot in a historic district. Given the fact that the applicant is willing to agree to all the conditions for approval and the testimony that this parking lot would make it safer for the employees of D & C Honda, he would support the application.

A motion was made by Mr. Cytryn and seconded by Mr. Friedman to approve the application with all the conditions that were discussed and requested during the meeting

| In Favor | Opposed |
|-----------------|----------------|
| Mr. Cytryn | |
| Mr. Friedman | |
| Mr. Callahan | |
| Dr. Paskhover | |
| Mr. Kominsky | |
| | |
| | |

Roll Call Vote: Motion Approved 5-0

APPROVAL OF MINUTES: Minutes of January 5, 2026

A motion was made by Mr. Friedman and seconded by Mr. Callahan to approve the minutes of January 5, 2026, with the addition of adding Mr. Kominsky and Mr. Cytryn to those present.

ADJOURNMENT:

As there was no further business to come before the Board, a motion was made by Mr. Cytryn and seconded by Dr. Paskhover to adjourn the special meeting. A voice vote carried the motion; the meeting adjourned at 10:16 pm.

Respectfully submitted,

Sharon Peterson

Sharon Peterson
Board Secretary