

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. January 7, 2013
MINUTES**

ROLL CALL

Present: Mr. Brensilber (arr 7:46PM.), Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.

Absent: Mr. Farrell, Mr. Li.

Also present: Mr. Donald Lenner.

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 faxed to the Record on January 3, 2013, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

REORGANIZATION:

SWEAR IN RE-APPOINTED MEMBERS AND NEW MEMBER:

Mr. Lenner swore in Mr. Cytryn and Mrs. Gilbert; Mr. Farrell will be sworn in at the February meeting.

APPOINTMENT OF OFFICERS FOR 2013:-

CHAIR: Motion by Mr. Levene second by Mrs. Gilbert to nominate Mr. Grossman as Chair. All members on a voice vote were in favor.

Mr. Brensilber arrived 7:46PM.

VICE CHAIR: Motion by Mr. Lieberman second by Mr. Levene to nominate Mr. Brensilber as Vice-Chair. All members on a voice vote were in favor.

BOARD ATTORNEY: Motion by Mrs. Gilbert second by Mr. Brensilber to nominate Mr. Ritvo as Board Attorney. All members on a voice vote were in favor.

BOARD ENGINEER: Motion by Mr. Brensilber second by Mr. Lieberman to nominate David Hals of Schwanewede/Hals Engineering as Board Engineer. All members on a voice vote were in favor.

BOARD SECRETARY: Motion by Mrs. Gilbert second by Mr. Lieberman to nominate Lindsay Graham as Board Secretary. All members on a voice vote were in favor.

SECOND VICE CHAIR: Mrs. Gilbert declined the nomination, and it was agreed to hold this position until Mr. Farrell is present.

COMMUNICATIONS

Mr. Grossman signed the Contract with Harold Ritvo, Esq.

APPROVAL OF MINUTES

Motion by Mr. Levene second by Mr. Brensilber to approve the minutes of October 25, and December 3, 2012. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT

Fax request received from Mr. Leibman, attorney for Farley, 89 Highwood Ave to adjourn this hearing to February 4, 2013; Mr. Leibman gave an extension of time to February 4, 2013.

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.*)
- Denied: Hojo, 68 Norman Pl – 412/9
Impervious coverage, building height. ZB2012-27. (*Rec'd 11/26/12 decision by 3/26/13.*)
- Approved: D & K Management, LLC., 20 Washington St – 1011/6
Second floor residential. ZB2012-23. (*Rec'd 9/14/12 decision by 1/12/13.*)

No resolutions were ready.

Carried from December 3, 2013

Farley, 89 Highwood Ave – 1602/14.

Interpretation. ZB2011-26. (*Rec'd 4/27/12 decision by 01/07/2013.*)

E mail received (1/7/13) with a request to adjourn to February 4, 2013.

NEW BUSINESS

~~Blatt, 25 Knoll Rd – 1403/3.~~

~~Generator in side yard. ZB2013-01. (*Rec'd 12/27/12 decision by 4/26/13.*)~~

Carried to February 4, 2013.

Hojo, 68 Norman Pl – 412/9

Height variance. ZB2013-02. (*Rec'd 12/19/12 decision by 4/18/13.*)

Present for the applicant was Mr. Urdang, who described the changes that had been made to the application since the prior hearing. The architect Mr. Hartwick was present.

Ray Hartwick gave his business address, was sworn in and deemed an expert in the field of architecture. Mr. Hartwick said the application is different, only one variance is required, lot coverage has been reduced by 610SF; mainly the driveways have been reduced to 9ft width; Mr. Hartwick added there is no standard regarding the width of a driveway, but the owners felt the 9ft width would be manageable. The height of the structure has been reduced by 6", the lot slopes diagonally from front to rear, the height of the structure would not be perceptible from the street, and in his opinion there would be no visual impact from the sides or rear.

In response to questions from the board, Mr. Hartwick said the house will conform to the streetscape setback, and fit in with the street, the left side of the house is 31.4" from grade to peak, and further explained

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the center of the house conforms to the 30' requirement, the property on the left side of the house slopes away thus the need for a height variance of 32.6".

Mr. Kenneth Tanner, 153 Westervelt Ave, said the water pours across this property and onto his, and asked what measures would be taken to stop this flow of water which can be like a waterfall.

Mr. Hartwick said the curb on Norman Place is very low, they will be replacing the curb in front of the house and installing seepage pits which will improve the drainage, which does not exist on site now.

Mrs. Gilbert asked if the water flow would increase. Mr. Hartwick said no with the improvements they are making, the situation will be 100% better.

Mr. Tanner pointed out that he has a ground water problem with water seeping up through his basement floor.

Mr. David Siegel, 151 Westervelt Avenue asked if the old driveway that extends along the property line will be removed, adding the rate of flow of water is heavy.

Mr. Hartwick confirmed that old driveway would be removed, and said the site will be designed by the applicant's engineer and approved by the Borough Engineer.

Audience comments:

Mr. Tanner, 153 Westervelt Avenue was sworn in. Mr. Tanner said something needs to be done to slow the heavy flow of water from Norman Place, the curbs should be higher and he hopes that the situation improves and does not get worse than it currently is.

Mr. Urdang gave a summary of the application.

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

Mr. Kominsky said he thought the height variance was within the code, and if the drainage requirements are met, the situation should be alleviated; he would vote in favor.

Mrs. Gilbert was concerned with pushing the limits and there being a future "oops", there is already a variance on the property.

Mr. Grossman appreciated the neighbors comments, he did not feel there would be a significant increase, and felt the applicant listened to the board's comments.

Motion by Mr. Kominsky second by Mrs. Gilbert to approve the height variance.

Roll call vote:

In Favor: Mr. Kominsky, Mrs. Gilbert, Mr. Brensilber, Mr. Levene, Mr. Lieberman, Mr. Cytryn, Mr. Grossman.

Opposed: None.

Height variance approved 7-0.

ADJOURNMENT

Motion by Mr. Brensilber second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 8:35PM.

Respectfully submitted,

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Lindsay Graham
Board Secretary