

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. March 4, 2013
MINUTES**

ROLL CALL

Present: Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Levene, Mr. Li, Mr. Grossman.
Absent: Mr. Brensilber, Mr. Kominsky, Mr. Lieberman.

Also present: Mr. Harold Ritvo.

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."

COMMUNICATIONS

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Mr. Levene to approve the minutes of February 4, 2013. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT

E mail received from Mr. Urdang re: postponement of BMW, Madison Ave ZB2013-03 to April 8th as only six Board members will be present.

Letter from Hubschman Engineering re: Bassen 140 Devon Rd ZB2013-05 to April 8th due to a scheduling conflict.

UNFINISHED BUSINESS

Resolutions to be memorialized

Farley, 89 Highwood Ave – 1602/14.
Upheld: Interpretation. ZB2011-26. (*Rec'd 4/27/12 decision by 01/07/2013.*)
Denied: Use.

Approved: Blatt, 25 Knoll Rd – 1403/3.
Generator in side yard. ZB2013-01. (*Rec'd 12/27/12 decision by 4/26/13.*)

Approved: Bloom, 83 Country Club Rd – 503/17.
FAR, lot coverage, side yard. ZB2013-04. (*Rec'd 1/25/13 decision by 5/25/13.*)

The resolutions had not been distributed and would be memorialized at the April 8th meeting.

NEW BUSINESS

Bassen 140 Devon Rd – 2204/13
Driveway expansion, side yard setback. ZB2013-05. (*Rec'd 2/21/13 decision by 6/21/13.*) Adjourned to 4/8/13.

BMW, Madison Ave – 1307/3 & 4

Motion by Mrs. Gilbert second by to carry the two above applications (ZB2013-05 and ZB2013-03) to April 8th in the Council Chambers at 7:30PM or as soon thereafter the matters can be reached with no further notice required by the applicant. All members on a voice vote were in favor.

Weingarten, 77 Norman Pl – 407/35.

Side yard setback. ZB2013-03. (Rec'd 2/21/13 decision by 6/21/13.)

Present was the homeowner Nancy Weingarten who was sworn in by Mr. Ritvo. Mrs. Weingarten said she had received a variance of 12.12' in September for an addition to the rear of her property. Mrs. Weingarten said construction started just before super storm Sandy, they had moved into a rental ; her understanding was the contractor was eager to get going and did not call the surveyor to mark the approved setback, the foundation was poured, inspected by the Building Inspector and work continued to where it now is. She did not know until a few weeks ago that the foundation was wrong; after discussion with her professionals – surveyor, architect and builder, it was determined there were two options; remove what was already built, or somehow dig part of the foundation out which would make the room smaller and hope the altered foundation would withstand the load. The rear addition is 34' and about 12' of it towards the rear of the property is in violation of the approved 12.12'.

In response to questions from the board, Mrs. Weingarten said the contractor did not give her an estimate to remove what was done and rebuild in the approved location; she went through the inspection process; she dealt with each professional separately and the contractor was the GC, whose name is Ed Scholl, he did keep her apprised of the inspections, her mistake was that she did not know that a foundation location survey was required before framing started.

There were no members of the public present; therefore there were no questions or comments.

Mr. Ritvo reminded the board to look at the variance running with the land, and what if any impact there would be on the neighborhood and surrounding properties.

Mrs. Weingarten gave a summary of the application adding the curb appeal of the house is improved the value of the property and neighborhood, and the addition is all in the rear.

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

Mrs. Gilbert said the addition is in the rear of the house and set back behind the 8.2' of the existing house, it is not a straight line back of an addition, she would be in favor.

Mr. Farrell said he felt 5" was a big miss, and even though the applicant had explained the steps and stages he felt the homeowner was responsible, but was not sure.

Mr. Ritvo reminded board members to look at the property and the negative and positive aspects of the encroachment.

Mr. Cytryn said he felt there was no encroachment or effect on the neighbor on that side.

Mr. Grossman agreed the addition is all in the rear.

Mr. Li wondered what happens if this happens again.

Mr. Grossman explained that each case is judged on its own merits; in some cases the board has had the applicant remove what was already done and not approved.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Cytryn, Mr. Farrell, Mr. Levene, Mr. Li, Mr. Grossman.

Opposed: None.

Side yard setback variance of 11.71' approved 6-0.

OTHER BUSINESS

There being no further business in front of the board, Mr. Ritvo took the time to outline to the board a brief history of his illness over the last 14 months, and asked the board to be aware of the job he is doing and if they had any concerns about his performance to make sure they discussed them with him.

ADJOURNMENT

Motion by Mr. Farrell second by Mr. Levene to adjourn the meeting. All members on a voice vote were in favor; the meeting was adjourned at 8:20PM.

Respectfully submitted,

Lindsay Graham
Board Secretary