

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. May 6, 2013
MINUTES**

ROLL CALL

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

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."

COMMUNICATIONS

1. Local Govt. Ethics Law – Instructions for electronic filing enclosed.

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Mr. Levene to approve the minutes of April 8, 2013. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT - there were none.

UNFINISHED BUSINESS

Resolutions to be memorialized

Farley, 89 Highwood Ave – 1602/14.
Upheld: Interpretation. ZB2011-26.
Denied: Use.

Approved: Weingarten, 77 Norman Pl – 407/35
Side yard setback 11.71'. ZB2013-07.

The two above resolutions will be memorialized at the June meeting.

Approved: Bassen 140 Devon Rd – 2204/13
Driveway expansion, side yard setback 6'. ZB2013-05.

Approved: BMW, Madison Ave – 1307/3 & 4
Use, bulk variances. . ZB2013-03.

Approved: ERMM, LLC./17 S Summit St – 1009/5
Use. ZB2013-06.

Motion by Mr. Farrell second by Mr. Cytryn to memorialize the above resolutions (ZB2013-05, ZB2013-03, ZB2013-06). All members on a voice vote were in favor.

NEW BUSINESS

Allen, 16 Knoll Rd – 1404/28

Side yard setback for generator 7'. ZB2013-08. (Rec'd 4/25/13 decision by 8/23/13.)

Present was the homeowner Kenneth Allen who was sworn in. Mr. Allen said his property is on the corner of Knoll and Royden Roads, on the east side of his property is a 20' shared driveway for 12 Knoll Road and 10 Knoll Road, he would like to have the generator installed on that side of the house towards the front of the house, there is only 15.2' on that side and he is asking for a variance to allow 7'. Mr. Allen said this was the best location for the generator.

In response to questions from the board, Mr. Allen said they had looked at the rear near the garage and felt this would encroach in to the rear yard which is small to begin with; the shared driveway is for his two neighbors, one of the houses is set quite far back from the street.

Tanne Tal, 12 Knoll Road said she would be the most affected neighbor; and asked about the noise that would be emitted from the generator and its location as her daughter's bedroom is near the front of her house.

Mr. Allen showed the location of the generator near the front of his house, and said they would be installing a Generac 17KW unit which at 23' the decibel level is 66. Mrs. Tal had no problem with the explanation adding that would be fine with her.

There were no other questions or comments for Mr. Allen who had no other witnesses. Mr. Allen gave a brief summary of his application.

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

Mr. Farrell said this seems to be a reasonable request and he would approve the application.

Motion by Mr. Kominsky second by Mr. Cytryn to approve the variance.

Roll call vote:

In favor: Mr. Kominsky, Mr. Cytryn, Mr. Farrell, Mr. Levene, Mr. Li, Mr. Grossman.

Opposed: None.

Side yard setback of 7' for the placement of a generator approved 7-0.

Amsalem, 54 Norman Pl – 902/2

Left, right side yards, pool setback, driveway setback. ZB2013-11. (Rec'd 4/26/13 decision by 8/24/13.)

Present for the applicant was Mr. Urdang who said his witness would be the architect. Raul G. Mederos, gave his address, a brief history of his prior experience in front of the Board, was sworn and accepted as an expert in the field of architecture.

Mr. Mederos described the existing lot, its shape and the existing structures on the lot; the house is about 100 years old and is a non-conforming structure, due to the narrowness of the lot several side yard setback variances are required. Offered into evidence was one page with two photographs: the top photograph was taken from the left side of the driveway showing the driveway and garage; the photograph on the bottom was from the right side of the house; this was marked as A-1.

Mr. Mederos outlined what is proposed for the house, a second floor addition in the front, the garage will be added to the front right side of the house; a rear two story addition that will conform on the right side of the property; the height of the existing building is 32' the roof will be lowered so that it conforms to the

Minutes approved 06-03-2013.

30' requirement. An in ground pool measuring 14x28' is proposed, in his experience this pool is smaller than the usual ones and will be in proportion to the character of the lot; the proposed pool house conforms to the code; the variances required are all bulk variances due to the narrowness and length of the lot. In his opinion he did not feel there would be a negative impact on the neighborhood; the positive would be the house would be rejuvenated and enhance the street.

In response to questions from the board, Mr. Mederos said the proposed driveway would be adjacent to the driveway of the property to the right; the projection on the right side is a covered porch and projections of 3' x 4' are permitted under the code; the house was last occupied in February 2013; the Code requires that every lot has at least a one car garage, they propose incorporating the garage to the front of the house to make it more useable; he did not know if the application was one whole package; the Code requires a pool be 20' from the side yard and 15' from the rear property line; there would be a pool fence as required by the Code, but at this time the style was not decided as the neighbor has rose bushes along the property line where the fence would be installed; the driveway will be wide enough to park two cars next to each other.

Mr. Mederos continued the pool equipment had not been shown on the plan, and felt that the proposed location of the pool flowed better from the house and its location allowed for part of the rear yard to be useable rather than centering the pool and not having an area for play on either side of the pool.

There followed some discussion on the items that needed to be addressed on the plan this included: location of the pool equipment, fencing, proposed seepage pit/s, and proposed A/C units.

There were no questions or comments from the public on the application.

After consultation with his clients, Mr. Urdang asked if the application could be carried to the next meeting when revised plans would be submitted showing the items that are missing.

Motion by Mr. Cytryn second by Mr. Farrell to carry the application to June 3rd at 7:30PM or as soon thereafter as the matter can be reached with no further notice required by the applicant. All members on a voice vote were in favor application ZB2013-11 was carried.

ADJOURNMENT

Motion by Mr. Li second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 8:55PM.

Respectfully submitted,

Lindsay Graham
Board Secretary