

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. June 3, 2013  
MINUTES**

**ROLL CALL**

Present: Mr. Cytryn, Mr. Farrell, Mrs. Gilbert (arr 7:40PM.), Mr. Kominsky, Mr. Levene, Mr. Lieberman (arr 7.55PM.), Mr. Li.  
Absent: Mr. Brensilber, Mr. Grossman.  
Also present: Harold Ritvo.

As the senior member present it was agreed Mr. Kominsky should act as Chair for the meeting.

**OPEN PUBLIC MEETINGS ACT STATEMENT**

Acting Chair Kominsky 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** – there were none.

**APPROVAL OF MINUTES**

Motion by Mr. Levene second by Mr. Cytryn to approve the minutes of May 6, 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.

Resolution should be presented at the July meeting.

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

Approved: Allen, 16 Knoll Rd – 1404/28  
Side yard setback for generator 7'. ZB2013-08.

Motion by Mr. Farrell second by Mr. Levene to memorialize the above resolutions ZB2013-07 and ZB2013-08. All members on a voice vote were in favor.

**Carried from May 6, 2013:**

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.)  
[Plans revised 5/23/13.]

Minutes approved: 07-01-2013.

Present for the applicant was Mr. Urdang and the architect Mr. Mederos. Mr. Urdang said the applicant has revised the plans after comments from the board at the hearing on May 6<sup>th</sup>, specifically with respect to central air, generator and pool equipment location. Mr. Mederos was advised that he was still under oath.

Mr. Mederos said the plans were revised May 23, 2013, and he went through the changes that had been made to the plans: the pool equipment will be on a slab behind the pool house, a 6' fence will be installed along the east property line from the edge of the proposed rear addition to the rear of the pool house, there would be a 4' fence proposed for the remainder of the property; the proposed generator and central air condensers will be in a sunken area under the proposed covered porch. Mr. Mederos confirmed that he has confirmed with the two manufacturers that the placement of these two items would conform to the manufacturer specifications, after consultation with the building department placement would meet the zoning regulations.

Mr. Mederos confirmed there would be no additional variances required and the number of bulk variances has not changed; four are required and he explained the need for bulk variances is due to the narrowness of the lot, he then gave a brief outline of each variance being requested.

The benefit of the granting of the variances would be an older home will be rejuvenated and brought up to date, a long driveway on the east side of the property and a detached garage will be removed, the garage will be incorporated into the house. Mr. Mederos added the existing peak of the house is above what 30' required by the code, and this too will be lowered during construction and will conform.

In response to questions from the board, Mr. Mederos said he had confirmed with the generator and central air manufacturers that the proposed placement of the two units would comply with their specifications; the concrete pad for the pool equipment would be about the same height as the patio around the pool; the proposed width of the driveway would allow one car to be in the garage and one car on the driveway.

Mr. Lieberman arrived 7:55PM.

There were no questions from the public.

Mr. Francis Westfield, 56 Norman Place was sworn in. Mr. Westfield said Mr. Amsalem had spoken to the neighbors about the proposed addition and renovation of the property, and he had no problem with what is proposed adding it is a good plan and he hoped the board would approve it.

There were no other public comments, and no further questions from the board.

Mrs. Gilbert thanked the architect for his testimony stating it was clear and concise and to the point.

Mr. Urdang gave a summary of the application.

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

Mr. Farrell said an old house is being modernized which is a good thing for streetscape view, his concern was the pool, the neighbor's comments did help him lean more towards approving the pool, but he wanted to hear his colleagues thoughts.

Mr. Levene said he had a prejudice for pools, but felt it was not the board's responsibility it was the homeowner's choice to have a pool.

Minutes approved: 07-01-2013.

Mr. Cytryn said he feels the pool is a positive and adds to the property and the family experiences, a pool could not be put on this property without a variance.

Mr. Lieberman said he felt the pool did not go with the size of the property.

Mr. Kominsky said he had problems with the pool, the code is 20' from the side yard and the pool setback of 8' he felt was a big encroachment into the side yard; he did not have any issue with the other bulk variances.

There followed some discussion as to whether to vote on the application as a whole or separate out the bulk variances. It was agreed to vote on pool variances separately from non-pool variances.

Motion by Mr. Farrell second by Mr. Cytryn to approve the bulk variances for the addition and driveway.

Roll call vote:

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

Opposed: None.

Left side yard 13.20', right side yard 7.70' and driveway setback 1.0' variances approved 5-0.

Motion by Mr. Farrell second by Mr. Li to approve the setback variance of the pool.

Roll call vote:

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

Opposed: Mr. Kominsky.

Pool setback of 8.70' approved 4-1.

**NEW BUSINESS**

None scheduled.

**ADJOURNMENT**

Motion by Mr. Lieberman second by Mrs. Gilbert to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 8:15PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary