

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. May 5, 2014  
MINUTES**

**ROLL CALL**

Present: Mr. Brensilber, Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Levene, Mr. Li, Mr. Lieberman, Mr. Grossman.  
Absent: Mr. Li.  
Also present: Mr. 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 7, 2014, 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 April 7, 2014. All members on a voice vote were in favor.

**MOTIONS FOR ADJOURNMENT**

**UNFINISHED BUSINESS**

Resolutions to be memorialized:

- Approved: Schwarz, 22 Ravine Rd – 1703/23.  
Impervious coverage. ZB2014-02.
- Approved: Ophir, 41 Kenwood Rd – 1710/23  
Side yard, front yard setbacks. ZB2014-03.
- Approved: Mermelstein, 25 Esmond Pl – 205/7.  
Side yard and front yard setbacks. ZB2014-04.
- Approved: Lubathkin, 28 Louise La – 805/31.  
Total impervious coverage. ZB2014-05.
- Approved: Copur, 14 Virginia St – 212/4.  
Impervious coverage. ZB2014-01.
- Approved: Ng, 141 Newcomb Rd – 118/22.  
FAR. ZB2014-06.  
Denied: Side yard.
- Approved: 11 Park, LLC., 11 Park St – 1604/15.  
Piers. ZB2014-07.
- Approved: Baris, 59 Hamilton Pl – 809/42  
Side yard. ZB2014-08.

Motion by Mr. Farrell second by Mr. Lieberman to memorialize the resolutions. All members on a voice vote were in favor.

## **NEW BUSINESS**

Weir, 55 E Clinton Ave – 1709/18.

Side yard setback 7.83'. ZB 2014-12. (*Rec'd 4/22/14 decision by 8/20/14.*)

Present for the applicant was his attorney Mr. Kenneth Gallo. Mr. William Weir the homeowner and applicant was sworn in. Mr. Weir said he is asking for a side yard setback variance of 7.83', this is the existing setback and they would like to bump out a single story addition to increase the size of the kitchen, move a powder room and add a mud room. Currently the house has a full bath on the first floor and a very outdated and old half bath on the first floor, by proposing this small rear addition the powder room can be moved, updated and made a little larger. The mud room will be a place to put wet gear rather than tracking the wet gear in through the kitchen or living room; the kitchen is small they love to cook and the kitchen is small for two to cook, it is outdated from the 1970's and they would like to update, there is no seating in the kitchen and they want to add a breakfast bar. They are also hoping to flip the door to the basement so that it does not open into the kitchen. The proposed addition will not be visible from the street there would be no impact on the light and air of the neighbors.

In response to questions from the Board Mr. Weir confirmed the proposed addition will follow the existing line of the house which is set back at 7.83'; the Bilco door in the middle of the back of the house presents challenges in doing an addition; they do need a back door, and will have to dig out as the property does slope up away from the house; the proposed addition is about 9ft by 10ft; there would be some landscaping changes as the patio and stairs into the kitchen will have to be moved.

There were no questions or comments from the public.

Mr. Gallo gave a summary of the application.

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

Mrs. Gilbert said the applicant had obviously explored his options, the addition is modest and consistent with the neighborhood.

Motion by Mrs. Gilbert second by Mr. Cytryn to approve the application.

### Roll call vote:

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

Opposed: None.

Side yard setback variance of 7.83' approved.

Miller/Musso, 50 Lylewood Dr – 308/1

Side yard 4.7'. ZB2014-11. (*Rec'd 4/22/14 decision by 8/21/14.*)

Present was the homeowner Louis Musso who was sworn in. Mr. Musso said they would like to put an addition on to the kitchen, , the code allows a 15' side yard setback, but this proposed addition necessitates a side yard variance of 10 .73'; it will add to the value of the house and it would make the kitchen more functional; Mr. Musso expressed concern with the basement door in the kitchen which allowed only 36" space, he felt the minor expansion of the kitchen would make this door and access to the basement safer and there would be an easier flow in the kitchen.

Stephanie De Carlo Pantale, gave her business address, a brief summary of her experience was sworn in and deemed an expert in the field of architecture. Mrs. Pantale said the existing house is a modest ranch, the kitchen addition will add value and better flow in the kitchen, the proposed setback will be 10'; the adjacent property facing this addition is the garage; in her opinion there would be no diminution of light or air, the proposed addition of 5' by 14' is in proportion with the house.

In response to questions from the board, Mrs. Pantale clarified the setback would be 10.3', not 4.7'; the proposed additional space would allow for a nook for a small table and two chairs; the house on Mello that is adjacent, the garage is the closest part to the proposed addition..

There were no questions or comments from the public.

Mr. Musso gave a brief summary of the application.

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

Mr. Cytryn said he felt this was a rational and practical use of the proposed addition to the kitchen.

Mr. Brensilber said no neighbors were present, and he felt this was a reasonable request for a variance.

Motion by Mr. Mr. Brensilber second by Mrs. Gilbert to approve the side yard variance.

Roll Call Vote:

In favor: Mr. Brensilber, Mrs. Gilbert, Mr. Farrell, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.

Opposed: None.

Side yard setback variance approved 7-0.

Konel, 4. N. Summit St – 1402/11

Imp coverage, lot coverage, pool setback. ZB2014-09. (Rec'd 4/25/14 decision by 8/24/14.)

Present for the applicant was Elliot W. Urdang. Mr. Urdang said this application is for a pool in the rear yard with a patio and spa. Three variances are required: total impervious coverage, lot coverage and pool not in the rear yard. His witnesses would be the Engineer and a licensed Landscape Architect.

Richard A Burns of the firm Azzolina & Feury Engineering, Inc., 30 Madison Avenue, Paramus was sworn in and accepted as an expert in the field of engineering. Mr. Burns described

the lot and its location and described what is proposed; the shape of the lot prohibits putting the pool in the rear half of the property; lot coverage will be exceeded by 2.9% - this includes open patios and decks which exceed 5% of the lot area, and total impervious coverage will exceed what is allowed by a little over 1,350SF; existing square footage is 5,549SF of impervious coverage. In his opinion Mr. Burns felt the property was heavily landscaped on the perimeter, he did not feel drainage and water overflow would be an issue as a drain will be installed around the edge of the patio of the pool that will take excess water into the existing seepage pits to the west of the pool. In response to questions from the board Mr. Burns confirmed he was an Engineer; he was not certain if a different shaped pool would be more conforming with the code; and possibly the walk/patio surrounding the pool could be smaller; calculations for a 50 or 100 year storm were not provided as the Borough Engineer did not suggest it; Mr. Burns drew a line on the Site Plan that was marked as A-1 denoting the rear half of the property; he explained lot coverage to the board.

There were no questions from the public.

Michael J. Hartnett a licensed Landscape Architect was sworn and accepted as an expert. Mr. Hartnett explained this part of the property is the most level the land slopes away towards the south-west and Hudson Avenue, which makes it the most suitable location, the lot is already over on coverage, there are more trees further towards the rear of the property, more trees could be planted for additional screening; to possibly reduce the coverage numbers, a portion of the existing patio approximately 150SF could be removed and plantings done, the surrounding walk/patio around the pool could be reduced to 4 feet wide, the total impervious coverage square feet could be reduced; he did not feel a different shaped pool would make a difference.

Mr. Urdang asked for a few minutes to discuss with his clients possible reductions. Mr. Grossman was firm and said there would be no negotiations now, the applicant should revise the plan and come to the next meeting with revised plans and a new denial letter.

Motion by Mr. Lieberman second by Mr. Farrell to carry this application to the next scheduled meeting on June 2<sup>nd</sup>, to be heard in the Council Chambers 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, the matter was carried.

9:15PM: There was a five minute break.

Sachs, 96 Buckingham Rd – 3101/2  
Imp coverage. ZB2014-10. (Rec'd 4/25/14 decision by 8/24/14.)

Present for the applicant was Jaclyn D'Arminio of the firm Elliot W. Urdang who said her witness would be Michael Hubschman of the firm Hubschman Engineering, P.A. Ms. D'Arminio said the application is for a pool, spa and paver patio in the rear yard.

Mr. Hubschman was sworn in and accepted as an expert in the field of engineering. Mr. Hubschman described the existing lot, conditions and location; marked as A-1 was a colorized Site Plan used to show the proposed improvements to the property. The house was a new dwelling completed in 2008, existing coverage on the lot is now over as the ordinance was changed in the last two years; they propose a new patio with spa and pool, three feet will be removed from the driveway, the pool size is 18' x 38', plus a spa, there are also troughs which will act as a water feature and allow water to fall over them; additional seepage pits will be installed to handle a 100

year storm, the additional square footage is approximately 788SF and total impervious coverage will be at 29.9%.

In response to questions from the board, Mr. Hubschman said the troughs will act as a waterfall, additional plantings will be done for additional screening, the owners of this property bought the home in 2013, and the change in the ordinance for impervious coverage makes it difficult to conform to the code which is 25% on this size lot.

Marked into evidence were: A-2: Landscape rendering of the lot.  
A-3: google aerial view of the area.

Mr. Hubschman did not feel there would be any negative impact on the neighbors.

There were no questions or comments from the public.

Ms. D'Arminio gave a summary of the application.

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

Mr. Lieberman said they had reduced some of the coverage and it was a good summation.

Mr. Cytryn said he liked the additional drainage system that would be installed to handle any extra water run off.

Mr. Farrell said he felt there could have been more reduction in impervious coverage.

Mr. Kominsky said he felt additional seepage pits could not handle the additional impervious coverage.

Motion by Mr. Lieberman second by Mr. Levene to approve the application.

Roll Call Vote:

In favor: Mr. Lieberman, Mr. Levene, Mrs. Gilbert. .

Opposed: Mr. Brensilber, Mr. Farrell, Mr. Kominsky, Mr. Grossman.

Total impervious coverage variance denied 3-4.

**ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Farrell to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 9:54PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary