

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. December 7, 2015  
MINUTES**

**ROLL CALL:**

Present: Mr. Brensilber (arr 7.44PM), Mr. Callahan, Mr. Cytryn, Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.  
Absent: Mr. Farrell, Mrs. Gilbert.  
Also present: Mr. Ritvo, Mr. D. Hals.

**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 2, 2015, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

**COMMUNICATIONS**

1. Proposed dates for 2016 BOA meetings.

After some discussion a motion was made by Mr. Kominsky second by Mr. Cytryn to approve the dates for 2016 as noted and corrected.

2. Report dated Nov 18, 2015 from Police Chief re: Lubavitch application.
3. Traffic Impact letter dated Oct 26, 2015 from Stonefield Engineering re: the Lubavitch application.

**APPROVAL OF MINUTES**

Motion by Mr. Levene second by Mr. Lieberman to approve the minutes of November 2<sup>nd</sup> as presented. All members on a voice vote were in favor.

**UNFINISHED BUSINESS**

Resolution to be memorialized:

Approved: Vesga/Bobadilla, 77 Sherwood Rd – 1909/2.  
Steep Slopes. ZB2015-19. (Rec'd 10/20/2015 decision by 2/17/2016.)

Motion by Mr. Kominsky second by Lieberman to memorialize the resolution. All members on a voice vote were in favor, the resolution was memorialized.

**NEW BUSINESS**

Romanov, 27 Jewett Ave – 301/13  
Side yard setback for new dwelling. ZB2015-17.  
(Rec'd 11/17/2015 decision by 3/16/2016.)

Present for the applicant was the architect Mr. Mederos. After some discussion, the Secretary said this application had been given this date as the dates for 2016 had not been approved. Motion by Mr. Cytryn second by Mr. Kominsky to carry this application to January 4<sup>th</sup> 2016, to be heard in these Chambers at 7:30PM or as soon thereafter as the matter can be reached. All members on a voice vote were in favor.

Yanofsky, 54 Sunderland Rd – 2804/2

Steep slopes, impervious coverage, accessory structure height, FAR. ZB2015-20.

*(Rec'd 11/23/2015 decision by 3/22/2016.)*

Present for the applicant was Ms. D'Arminio of the firm Elliot W. Urdang, who said the engineer and architect were also present. Ms. D'Arminio said to construct a sun shelter and pool the following variances are required: FAR, accessory structure height, steep slopes and impervious coverage, as per the Board Engineer letter dated October 5<sup>th</sup>, the applicant also requires a variance for wall height of up to 10ft.

Chris Lantelme, the surveyor was sworn in and accepted as an expert in the field of architecture. Mr. Lantelme described the lot, its location adding there is no landscaping beyond the trees in the rear of the property. Mr. Lantelme offered two photographs into evidence – they were marked A-1. The photographs showed two views from the rear of the property looking toward the house; showing the slope of the property and the trees. Mr. Lantelme explained that area of the property will be flattened, two retaining walls will be constructed to create a flat area for the pool, patio and sun shelter; about 500 linear feet of walls are proposed of which about 50feet will be 5-10ft high, this will be near the sun shelter. Mr. Lantelme explained that there would be too many walls if they had to maintain the 3ft height due to the topography of the lot.

Marked as A-2 was a proposed Landscape Plan dated 12/18/2014 done by Christopher L. Karach, a Landscape Architect in Cresskill. In his opinion, Mr. Lantelme felt there would be no effect on the neighbors as there is less run off once landscaping is done. With regard to the impervious coverage, they are allowed 25%, existing is 22.9% and they will be adding about 950SF after removing some square footage from the patio behind the house. A 1,000 gallon seepage pit will be added, flattening the slopes allows a slower run off to occur as more water has the chance to seep into the ground; the pool and spa are about 700SF, the pool will hold some water, but he did not foresee any problems as the nearest house is at least 100ft away.

In response to questions from the Board Mr. Lantelme said the pool dimensions are 35x18, plus the spa; there will only be lawn connecting the house to the pool area; he did not feel there were any conditions that would make drainage worse, as there will be landscaping done to prevent soil erosion and by flattening the ground run off is improved; they will do soil tests, but mainly they will be filling in with soil and are not worried about the water table or rock, and do not foresee blasting; they did not really look or discuss other options for the pool and spa; the location of the pool is based on the landscape plan.

Mr. Hals, the Board Engineer pointed out the steep slope is the grass area.

Roland Scharfspitz the architect gave his business address, was sworn in and deemed an expert in the field of architecture. He described the sun shelter which will be open on three sides and not have a bathroom; the lower level will be for storage only and there will only be a door into it, no windows or other access. A height variance is required for the sub shelter, an accessory structure can be 20ft, they are asking for 27ft; the FAR allowed is 18.75% (7611SF), they need an additional 372SF for the sun shelter which he designed and will provide protection from the sun, in his opinion is was not really visible and does not add to the bulk of the house; in fact the FAR variance is for 19.66%.

There were no questions from the Board for the architect.

David Hals, the Board Engineer was sworn in. Mr. Hals explained that when this house was built the existing steep slope was filled in, they will be removing trees, there is a small stream behind this lot and there are flooding issues with Trafalgar Road and Berkeley Drive; in his opinion they could redesign the pool and spa in the grassy area. New trees can be planted, but tree root systems take time to develop, this plan does not show what will be removed, the Borough has a standard in place for tree removal; the wall height can be lowered, and generally in this area there is some rock.

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Jason Yanofsky the homeowner was sworn in. He said they removed five or six trees about two years ago.

Stephanie Pasternak, 71 Berkeley Drive was sworn in. Mrs. Pasternak thanked the board for their hard work and the homeowner, she said there is a horrible water problem in that area there is a lot of rock and underground water, and she is concerned about drainage. A lot of the landscaping in that area has died as the ground is too swampy and wet. At this time of year she can look through the trees and see the house at 54 Sunderland Road; her main concern was drainage and she felt it should not get worse than it is.

There were no other questions or comments, Ms. D'Arminio gave a summary of the application.

The board went into executive session.

Mr. Lieberman expressed concern about drainage- this was for him most important; the sun shelter will be 27ft high not 17ft.

Mr. Cytryn said he felt they could improve it with better landscaping.

Mr. Callahan said there has been testimony about the property now,

Mr. Grossman said there had been no testimony to mitigating this plan and the variances being requested, the pool patio does seem large.

Mr. Brensilber said the drainage issue was pointed out by the Board Engineer, there has been no offer to mitigate, he felt the home could support the pool and sun shelter but wondered how that could be mitigated.

Mr. Levene said he felt soil testing should be done.

Motion by Mr. Brensilber second by Mr. Cytryn to approve the FAR of 19.66%.

Roll call vote:

In favor: Mr. Brensilber, Mr. Cytryn, Mr. Lieberman, Mr. Callahan.

Opposed: Mr. Kominsky, Mr. Levene, Mr. Grossman.

FAR denied 4-3.

Motion by Mr. Brensilber second by Mr. Lieberman to approve the other variances.

Roll call vote:

In favor: Mr. Brensilber, Mr. Lieberman, Mr. Levene, Mr. Cytryn, Mr. Callahan.

Opposed: Mr. Kominsky, Mr. Grossman.

Impervious coverage, steep slopes, accessory structure height approved 5-2

Lubavitch on Palisades, 11 Harold St – 1105/26.01

Expansion of a non-conforming use, building height -55.45ft. ZB2015-15.

*(Rec'd 10/22/2015 decision by 2/19/2016)*

Present for the applicant was Mr. Urdang who gave an outline of the witnesses he would be presenting at the hearing; this evening the Rabbi, the engineer, the architect and planner are present, he added he did not expect them all to testify tonight. He said his first witness would be Rabbi Shain.

Rabbi Shain affirmed and was accepted. The Rabbi said he has been the executive director for 22 years, the educational component of the Lubavitch is from 6 months to 6<sup>th</sup> grade, there is no gym, and this proposed addition would allow the Lubavitch to go to 8<sup>th</sup> grade, a gym is also included in the addition; many

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parents have requested a gym be added. Currently the drop off and pick up times are staggered from 8:00AM to 4:30PM. The eight classrooms being added will include divided into 4 classrooms to accommodate the existing students, and four for 7<sup>th</sup> and 8<sup>th</sup> grade students. They expect to add 15 more teachers, some will be part time and some full time, teacher parking can be accommodated on site.

In response to questions from the Board, Rabbi Shain said they have not decided how many staff would be added for the gym; he had not thought about renting out the gym space after school as the gym is really for the children attending school; day camp will be only to a certain age, and he felt there would be enough parking; they will add about 64 more children, who will come to school by car pools or busses; one more principal will be added; exercise is currently done in the social room; the need for 7<sup>th</sup> and 8<sup>th</sup> grade is necessary as those grades are included in Elementary education; attendance has gone up as the parents have gained trust in the Lubavitch; there are now 24 students in 2<sup>nd</sup> grade, a few years ago there were only 10 in second grade. Meetings with staff and parents are scheduled and parents sign up for a particular day and time.

There were no questions for the Rabbi from the public.

William Dahn, of the firm Dahn & Krieger Architects and Planners, gave his business address, a brief outline of his experience and was sworn in, and accepted as an expert in the field of architecture.

Mr. Dahn said the building will be 40 feet above grade and the gym will be 55.4ft above grade; he said he was not sure the proposed addition could be seen from County Manor, the closest street would be Piermont Road, but due to the wide rights-of-way on Piermont Road, the CSX tracks, and West Railroad Ave there would be no diminution of light and air, in his opinion there would be no substantial negative impact as there are no residences near the Lubavitch; they had considered building over the parking lot, but felt there could be security issues and spaces would be lost due to the columns that would have to be installed to hold up the building. The building would be finished in stucco similar to the finish on the building now; the gym is a standard middle school size gym.

In response to questions from the Board, Mr. Dahn said there will be no additional catering/kitchen facilities; the roof is as low as it can be, the gym needs 22ft of clearance under the roof; there will be an elevator; the bleachers can seat about 85 persons; there will be heat and cold in the classrooms and gym; he did not know if this would be the tallest building in town.

There were no questions from the public.

Motion by Mr. Brensilber second by Mr. Cytryn to carry this application to January 4<sup>th</sup>. All members on a voice vote were in favor.

After some discussion, motion by Mr. Brensilber second by Mr. Cytryn for the Board to retain a traffic expert; all members voted in favor.

## **ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Cytryn to adjourn the meeting. All members voted in favor, the meeting was adjourned at 10:20PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary