

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. January 4, 2016  
MINUTES**

**ROLL CALL**

Present: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Farrell, Mrs. Gilbert, Mr. Kominsky, Mr. Lieberman, Mr. Grossman, Mr. Menon.

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 published in the Record on December 24, 2015, posted on the bulletin board in the lobby of the Municipal Center and posted to the municipal web site."

**REORGANIZATION:**

**SWEAR IN RE-APPOINTED AND NEW MEMBERS:**

Mr. Grossman, Mr. Lieberman, Mr. Cytryn, Mr. Callahan were sworn in to their re-appointed terms. Mr. Menon was sworn in as the new 2<sup>nd</sup> Alternate member.

**APPOINTMENT OF OFFICERS FOR 2016:-**

CHAIR: Motion by Mr. Brensilber second by Mr. Cytryn to nominate Mr. Grossman as Chair. All members on a voice vote were in favor.

VICE CHAIR: Motion by Mr. Lieberman second by Mr. Farrell to nominate Mr. Brensilber. All members on a voice vote were in favor.

BOARD ATTORNEY: Motion by Mr. Grossman second by Mr. Farrell to nominate Mr. Ritvo. All members on a voice vote were in favor.

BOARD ENGINEER: Motion by Mr. Brensilber second by Mrs. Gilbert to nominate David Hals of the firm Schwanewede/ Hals. All members on a voice vote were in favor.

BOARD SECRETARY: Motion by Mr. Grossman second by Mr. Cytryn to nominate Lindsay Graham. All members on a voice vote were in favor.

SECOND VICE CHAIR: Motion by Mr. Farrell second by Mr. Brensilber to nominate Mr. Kominsky. All members on a voice vote were in favor.

**COMMUNICATIONS**

1. NJ Planner Sept/Oct 2015

**APPROVAL OF MINUTES –**

Motion by Mr. Kominsky second by Mr. Brensilber to approve the minutes of December 7, 2015. All members on a voice vote were in favor.

**UNFINISHED BUSINESS:** *Carried from December 7<sup>th</sup>:*

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)*

E mail received 12/22/15 to adjourn to January 25<sup>th</sup>.

There was some discussion amongst board members regarding the traffic expert and the possibility of a Planner. It was agreed that Mr. Hals, the Zoning Board Engineer who is a licensed Planner be asked to be the Board Planner for this application.

Motion by Mr. Kominsky second by Mrs. Gilbert to carry the application to January 25<sup>th</sup> with no further notice required by the applicant. All members on a voice vote were in favor.

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 Mr. Mederos the architect who was sworn in; Mr. Mederos was accepted as an expert in the field of architecture.

Mr. Mederos described the lot, its location and what structures are existing, adding the side yard is non-conforming at 5ft; a new dwelling will be built on the existing footprint and this request is for a 5ft side yard setback variance. Mr. Mederos said the hardship is that the lot is 40ft wide, and if the applicant wanted to proceed without seeking a variance, he could build a long, deep narrow house, which would be out of sync with the existing houses and layout of the neighborhood. There is a definite pattern to the houses and their separation from each neighbor, each house is close to the setback on one side and there is more space on the other side for the driveway, this pattern and layout is the rhythm of the street, the second floor will be extended by 2ft for a little more room upstairs; there is a hydrant in front of the lot, they had discussed putting the house on the rear portion, but the house would be too large for that portion, they are aware there is a high water table in the rear and that is another factor in not building the house there, there would be no cellar, this is not technically a flag lot, as the front portion is too wide.

In response to questions from the Board Mr. Mederos said these are the same plans that were previously submitted, the applicant is here because the board asked him to re-notice for a new dwelling, not an addition/renovation; the only variance being requested is a side yard setback of 5ft, Mr. Mederos said he had spoken to Mr. Hals who had told him that on 40ft wide lots the side yard setback used to be 5ft many years ago; the rear lines of the houses seem to line up, with regard to #21 Jewett Ave the garage in the rear meets the setback for an accessory structure; the garage will be 15ft high, and serve a secondary use as a covered porch for the pool; there will also be an outside shower to rinse off; with regard to 29 Jewett Ave if the garage were to be attached to the house the rear of this house would be extended and increase the depth of the house and break the pattern on the street; Mr. Mederos confirmed the generator and A/C units would be moved to a conforming location.

Chi Kin Leung, 23 Jewett Ave asked Mr. Mederos about the garage, 2ft overhang of the second floor and a fence. In response Mr. Mederos said the garage meets the code and will be 4ft from the property line, the 2ft overhang is permitted by code, and the applicant has to install a fence because of the pool.

Chun Zhou, 25 Jewett Ave asked about the driveway, and plumbing and electric in the garage; Mr. Mederos said the driveway will be removed and replaced and will meet the requirements of the Code, there will be electric for lights and water for a shower in the garage.

Minutes approved: 01-25-2016

There followed some discussion by the board about the 2ft overhang, and if any soil tests had been done; Mr. Mederos said the 2ft overhang is permitted under the Code, and no soil tests had been done as the application has not been approved yet.

Public comments: Chi Kin Leung, 23 Jewett Ave was sworn in and spoke against the application.

Chun Zhou, 25 Jewett Ave was sworn in and spoke against the application and read from a letter he submitted.

Mr. Mederos gave a summary of the application. Prior to going in to deliberative session there was some discussion with Mr. Mederos about building a house on the rear portion.

The Board went in to deliberative session.

Mrs. Gilbert said she was torn as the concerns of the neighbors do not relate to the variance, the code allows a 2ft cantilever no variance is needed.

Mr. Cytryn agreed, adding the neighbors' concerns are not about the variance.

Mr. Kominsky agreed saying he is empathetic with the neighbor's concerns, he does not see the hardship.

Mr. Farrell said he can see both sides, he felt the house should be in front, if it was in the back the neighbors would complain, this is a side yard setback request for 5ft.

Mr. Lieberman said they are rebuilding on the existing foundation and only need a 5ft setback variance, the pool and garage can be done as a right without variances, he felt this was the best scenario.

Mr. Brensilber said this is a large lot with new construction, we heard the neighbors' concerns, but this board can only decide on variances, one is needed, and he felt this was the best fit with the neighborhood.

Mr. Callahan had no problems with the application.

Mr. Grossman suggested the board focus on the side yard setback variance.

Motion by Mrs. Gilbert second by Mr. Cytryn to approve the 5ft setback variance.

Roll call Vote:

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

Opposed: None.

Side yard setback variance of 5ft carried 7-0.

**NEW BUSINESS** – there was none.

**ADJOURNMENT**

Motion by Mr. Cytryn second by Mr. Lieberman to adjourn the meeting. All members voted in favor, the meeting adjourned at 9:25PM.

Respectfully submitted,

Lindsay Graham, Board Secretary