

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. January 25, 2016
MINUTES**

ROLL CALL

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

COMMUNICATIONS

1. NJ Planner Nov/Dec 2015

APPROVAL OF MINUTES

Motion by Mr. Farrell second by Mr. Brensilber to approve the minutes of January 4, 2016. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT

UNFINISHED BUSINESS:

Resolutions to be memorialized:

Yanofsky, 54 Sunderland Rd – 2804/2

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

Motion by Mr. Lieberman second by Mr. Brensilber to memorialize the resolution with one change the architect first name to be corrected to Roland, not Ronald. All members on a voice vote were in favor.

Romanov, 27 Jewett Ave – 301/13

Side yard setback for new dwelling. ZB2015-17.

Motion by Mr. Farrell second by Mr. Kominsky to memorialize the approval and amend on page 2 paragraph 7 the shower to be outside the garage. All members on a voice vote were in favor.

Carried from January 4, 2016:

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)

Request received via email to carry the application to February 8, 2016 as the Board does not have a report from a traffic expert yet.

Motion by Mr. Farrell second by Mr. Lieberman to carry the application to February 8th to be heard 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 hearing was carried.

NEW BUSINESS

Miller, 25 Howard Park Dr – 1904/8
6ft fence in front yard (Farnham Rd). ZB2016-01. (Rec'd 1/14/16 decision by 5/13/16.)

Robin Miller the homeowner was sworn in. Mrs. Miller distributed a package to each board member which contained: a blown up portion of the Tax Map, photographs showing the old fence and the new fence. This was marked into evidence as A-1.

Mrs. Miller said the old dilapidated fence was about 40 years old, they have lived in this house for 20 years and the fence was there when they moved in; for many years they tried repairing and replacing parts of the fence and finally when the fence company came the last time they realized the fence was past it's repair time and a new one would be needed. Mrs. Miller said she was the point person for the fence, doing the leg work and letting the neighbors know the status of installation and the choice of fence.

Her driveway is on Farnham Court, there is no intersection within 100ft, no line of sight hazards, she is the only one who uses the road, apart from Landscapers who might park there while working. The way the ordinance is worded her property is on a corner and has two front yards; in describing the tax map and Item A, B and C, Mrs. Miller explained that item C is not on her property, it is part of 90 Coppell Drive.

Some Board members felt the board could not approve a fence or gates that are not on this applicants' property, and wondered if the board would have jurisdiction on another homeowners' property.

Mr. Ritvo asked if the owner of that property was present. Chris Arp gave his home address as 90 Coppell Drive and was sworn in.

Mr. Arp said he was the owner of the property with the gates, he had agreed to let Mrs. Miller do the leg work on the repair and replacement of the fence; adding he approves of the gates and fence on his property as it is privacy for his property and safety for his children who play outside; this is not a highly used street and this fence has been there for the 4 years he has lived there.

Mr. Ritvo advised the board they could proceed as this property owner has consented.

In response to questions from the Board Mr. Arp said he supports Mrs. Miller's application, he was not aware he had to file his own permit and is willing to sign the application and felt this would be sufficient for future owners of the property to not have a claim. Mr. Arp signed page one of ZB2016-01 in favor of the application.

There were no questions or comments from the board, or the public.

Mrs. Miller gave a brief summary of the application.

The Board went in to deliberative session.

Mr. Brensilber said he would be in favor, this is a pre-existing non-conforming fence on a dead-end street, and include the Arp property.

Mr. Kominsky said the pictures tell the story and asked for a wood fence to be in the resolution.

Motion by Mr. Lieberman second by Mr. Kominsky to approve the 6ft fence and include the following: the fence be wood, and include 90 Coppell Drive in the approval.

Minutes approved: 02-08-2016

Roll call vote:

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

Opposed: None.

Application for a 6ft fence and gates in the front yard approved 7-0.

ADJOURNMENT

Prior to adjournment it was confirmed the next meeting date is February 8th.

Motion by Mr. Brensilber second by Mr. Callahan to adjourn the meeting. All members on a voice vote were in favor the meeting adjourned at 8:15PM.

Respectfully submitted,

Lindsay Graham
Board Secretary