

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. February 8, 2016  
MINUTES**

**ROLL CALL**

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

**APPROVAL OF MINUTES**

Motion by Mrs. Gilbert second by Mr. Brensilber to approve the minutes of January 25, 2016. All members on a voice vote were in favor, the minutes were approved.

**MOTIONS FOR ADJOURNMENT**

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)  
Email from Mr. Urdang giving an extension of time to February 22, 2016.

Motion by Mrs. Gilbert second by Mr. Cytryn to carry the application to February 22, with no further notice required by the applicant. All members on a voice vote were in favor.

**UNFINISHED BUSINESS:**

Resolutions to be memorialized:

Approved: Miller, 25 Howard Park Dr – 1904/8  
6ft fence in front yard (Farnham Rd). ZB2016-01.  
  
Yanofsky, 54 Sunderland Rd – 2804/2. ZB2015-20.  
Approved: Steep slopes, impervious coverage, accessory structure height.  
Denied: FAR.

Motion by Mr. Lieberman second by Mr. Brensilber to memorialize the resolutions. All members on a voice vote the resolutions were memorialized

Approved: Romanov, 27 Jewett Ave – 301/13  
5ft side yard setback for new dwelling. ZB2015-17

Motion by Mr. Brensilber second by Mr. Callahan to memorialize the resolution. All members on a voice vote were in favor.

## **NEW BUSINESS**

Feuer, 16 Leroy St – 2102/30.

Impervious coverage for pool. ZB2016-03. (Rec'd 1/26/16 decision by 5/25/16)

Present for the applicant was Thomas Skrable the engineer; he described the lot, its size and location, adding it is a little over in impervious coverage now, and the pool that is being proposed adds to impervious coverage only and at 432SF it is small; the pool is the shape it is to conform to the code and no other variances are being requested. The existing steps coming off the patio would be moved to the side of the patio; there is no patio proposed around the pool; there will be a perimeter drain around the pool that will take all excess water into a cultec chamber. In his opinion there would be no visual impact on the neighbors, and there was no negative impact, drainage he felt would be improved.

In response to questions from the board Mr. Skrable said they would perform soil tests to check the percolation of the soil prior to installing the cultec chamber, which would have a bed of crushed stone that the water would drain through; he described the perimeter drain and confirmed the pool equipment would be in the rear of the house as the code does not allow it in the side yard; he said they would be over on impervious coverage by about 19%.

Steven Simring, 72 Churchill Road said he lives above this property and asked what foliage would be planted to hide the pool from his view.

Mr. Skrable said the distance house to house is about 400ft, and felt there was enough foliage to shield the pool from his view.

Robin Feuer the homeowner was sworn in. In response to Mr. Simring stated she did not see how there could be a negative impact when his house is 400ft away, and there are houses and mature trees in between.

There were no comments from the Board.

Steven Simring, 72 Churchill Road was sworn in and spoke against the application.

Mr. Skrable gave a summary of the application.

The Board went into deliberative session.

Mr. Cytryn confirmed that the impervious coverage is a formula and not a flat percentage for this size lot.

Mrs. Gilbert said she struggles with pools, and that the increase in impervious coverage is not a necessity like widening a driveway for safety reasons.

Mr. Lieberman said he feels pools are to be enjoyed by the family and in his opinion pools act like containers for any excess water during heavy rain, and reduce run off.

Mr. Grossman said the lot is already over and the additional just adds to that.

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

Minutes approved: 2-22-2016.

Roll call vote:

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

Opposed: Mrs. Gilbert, Mr. Cytryn, Mr. Menon, Mr. Grossman.

Application denied 3-4.

Corio/Grazutis, 105 Magnolia Ave – 1601/14.

Front yard setback. ZB2016-06. (Rec'd 1/28/16 decision by 5/27/16.)

Present were the homeowners, Kirsten Corio and Chen Grazutis who were sworn in. Ms. Corio explained they need a front yard setback variance, the setback is 35ft, the front of the house is at 31.9ft and they are proposing a setback of 26.4ft.

Offered in to evidence was one page with three photographs taken by the homeowner showing the adjacent properties this was marked A-1. Ms. Corio explained the steps are there, they want to add a roof and enclose the steps to make entry in to the house easier and safer especially in bad weather; and the front of the house would be nicer looking. The time frame for now is that they knew they would need a variance for this part of the project, and were willing to wait until a hearing could be set and the work on the renovation was well under way.

Mr. Brensilber pointed out that the setback on this block is not uniform.

There were no comments or questions from the public.

Ms. Corio gave a brief summary of the application.

The Board went into deliberative session.

Mr. Cytryn said there was no uniform setback on this side of the street, the front entry would make access into the house safer and beneficial.

Motion by Mrs. Gilbert second by Mr. Cytryn to approve the front yard setback variance.

Roll call vote:

In favor: Mrs. Gilbert, Mr. Cytryn, Mr. Brensilber, Mr. Lieberman, Mr. Callahan, Mr. Menon, Mr. Grossman.

Opposed: None.

Front yard setback variance granted 7-0.

Vaynshenker, 16 Marcotte La – 501/4

FAR, impervious coverage, front yard coverage, driveway setback. ZB2016-02.

(Rec'd 1/28/16 decision by 5/27/16.)

Present for the applicant was Paul Scalia of the firm Scalia Law Group, Jersey City, who said his witnesses would be the architect and a planner.

Nassir Almukhtar, of the firm Heritage Madison Architecture, LLC., was sworn in as a registered architect in the State of New Jersey. He described the lot, which is a flag lot, adding there was a fire several weeks ago, and outlined the proposed improvements to the lot. Mr. Almukhtar went through the architectural drawings that had been submitted and described each page, concluding that the variances were being driven because this is a flag lot.

Minutes approved: 2-22-2016.

In response to questions from the Board, Mr. Almukhtar said he has not worked in Tenafly, only Englewood, this is not the only plan, there are other plans, and said the variances are being driven as one portion of the lot is a ten foot strip that is 200ft long.

Public questions for the architect:

Mr. Kates said he was representing the neighbors, Dr. and Mrs. Heller, he asked how much of the house is being kept.

Mr. Almukhtar showed on page D-01 the two sections of walls that would remain.

Mr. Barteluce a VP of Knickerbocker Country Club asked if fencing along the rear of the property that borders the Club had been discussed; if not he asked that the gate in that fence be removed, and asked why such a small pool was being built. Mr. Almukhtar agreed the gate would be removed and he anticipated landscaping, the homeowner wants the small pool for the children.

Michael Hubschman, gave his business address and was sworn in and accepted as a Planner. He offered into evidence an aerial view of the area – this was marked A-1, and gave a brief history of the lot up to a small minor subdivision on the west of the lot for easier driveway access; there is no engineering on the plan yet, but this property drains to the rear of the lot. With respect to the FAR Mr. Hubschman said most of it is the room over the garage, and he felt if the garage ridge could be lowered and in his opinion the lot could handle the additional FAR, there would be no effect on the light and air and open space.

Mr. Cytryn asked if the square footage of the driveway is not counted, could the lot handle the FAR.

Mr. Hubschman said yes.

Mrs. Gilbert asked if the plans had been revised since the fire to be more conforming.

Mr. Almukhtar said no.

Mr. Kates said he had many questions, but it sounded to him as though the plans might be changed, adding the driveway does not impact the house, and wondered if Mr. Hubschman had a history on the property, his understanding was it used to be a stable.

Mr. Hubschman said he had history from the 1960's, but was not sure what the house used to be.  
8:55PM.:

Mr. Scalia asked the board for a brief recess for discussion with his client. The Board approved this request and Mr. Scalia, their professionals, homeowner and members of the public proceeded outside the chambers.

9:04PM.:

The Board reconvened and Mr. Scalia said his client would not proceed at this time. Mr. Scalia was advised that revised plans should be submitted for Zoning Approval and then new hearing date will be given. Mr. Scalia agreed, the hearing was closed.

## **ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 9:10PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary