

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

**ROLL CALL**

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

Absent: None.

Also present: Mr. Ritvo, Mr. Hals, Mr. Dean.

**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 Mr. Kominsky, second by Mr. Lieberman to approve the minutes of February 22, 2016. All members on a voice vote were in favor.

**MOTIONS FOR ADJOURNMENT** – there were none.

**UNFINISHED BUSINESS:**

Resolutions to be memorialized:

Approved: Anamisis, 4 Lawrence Pkwy – 1804/2  
Side yard, front yard, FAR. ZB2016-05. (Rec'd 2/4/16 decision by 6/3/16.)

Approved: Lee, 172 Serpentine Rd – 1804/18  
Impervious coverage, side yard. ZB2016-08. (Rec'd 2/4/16 decision by 6/3/16.)

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

Carried from February 22, 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; extension of time to 2/22/2016, 3/7/2016.)*

Traffic report response to Dolan & Dean report of 2/11/16 received 3/4/16 (7:05PM)

Present for the applicant was Mr. Urdang who said his witness would be Mr. Seckler the Traffic Engineer and Mr. Spatz the Planner. Mr. Seckler had responded to the questions raised by Mr. Dean in his letter dated February 11.

Mr. Dean said he had received the email after 7PM on Friday, and was still reviewing the responses. Mr. Seckler was advised that he was still under oath.

Mr. Seckler said they provided the video and re-did counts on February 23 and 24<sup>th</sup>. The original counts were done in October 2015, the count done on February 24<sup>th</sup> showed approximately 100 vehicles with 319 students leaving, which an estimate would be 3.2 students per vehicle; a 20% increase in students would be an increase of 20 cars, backing up nearly to Piermont Road, on Friday when dismissal is at 1PM for everyone, the traffic backs up onto Piermont Road; Piermont Road is wide enough for stacking and safe passage for vehicles going north; the parking spaces on Piermont Road could be marked better, they are used by staff.

In response to questions from the Board Mr. Seckler said signs could be put up indicating staff parking on Piermont Road; he did not see any students being discharged into those spaces; there are enough members of staff to help in getting students out of the vehicles; he outlined the proposed construction; and other parking spaces in the area; he had not done an evaluation of more than 20% increase; he personally had done the count, and felt the number of students per vehicle is above 3; he is a traffic engineer as safety is involved; critical flow depends on the area, one side of the street can be stacked with enough room for other traffic to go past; Harold Street can be used as a drop off; he was aware of 4-5 mini busses and 1 large bus that dropped off about 20 students, multiple large 7 seater SUV's dropped students off. He was not aware of any early activities, did not observe any walkers, the main drop off time window is 8:15AM to 9:00AM. He continued that drop off is more staggered; he was not sure if the bus use was pre-arranged; the other numbers as to class size, number of classrooms was provided to him by the Rabbi, the spaces at the Mikvah can be used for parking.

Rabbi Shain testified that the Mikvah hours are 7PM to 11PM; and the spaces there can be used during school hours.

Mr. Dean of Dolan & Dean was reminded he was still under oath. Mr. Dean said there was an error with the original video resulting in a miscount; a second video was done which showed the traffic doubled; the prior resolution said there were 66 staff members, adding classrooms will increase staff and students and have an impact on parking and traffic; the board might consider a cap on enrollment and if off-site parking is taken away the applicant should have to come back to the board; his concern with using Harold Street for drop off is it is narrow and cannot accommodate parking on one side and stacking; in his opinion the traffic count was an increase in 30%.

In response to questions from the Board Mr. Dean said in the peak hour he counted 151 vehicles entering and 92 exiting, the measure for the Board is 64 new students; drop off extends to the end of the driveway, stacking on Piermont Road is one car at a time, north going traffic can proceed with enough space, Friday dismissal is heavy and pick up is usually slower than drop off, as children are not always ready; the four way stop at Central Avenue is a great traffic control measure and there is also a crossing guard.

In response to a question from a member of the public about Sunday school, Mr. Seckler said only Hebrew Sunday School is held which consists of about 100 students.

Rabbi Shain confirmed there are 100 students who attend Hebrew school on Sunday and this number may go up to 10 more.

There were no further questions from the public or board for the traffic engineers.

David Spatz, gave his business address, was sworn in and accepted as an expert. Mr. Spatz gave an overview of what is on site now and what is proposed, a temple and educational facility is an inherently beneficial use, and he went through the Sica requirements. In his opinion there would be no negative impact, only on parking and traffic, but with striping and signage on Piermont Road, the positives outweigh the negatives.

In response to questions from the board Mr. Spatz said he is not an expert in safety or security; the height of the gym will be 55.45ft, there are no other buildings around it, there would be no impact on the

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surrounding area as there is nothing adjacent to this lot. With regard to a fence on top of the gym roof, Rabbi Shain there would not be a playground on top of the gym. Mr. Spatz said he felt the addition would have a positive impact on the Borough, traffic and parking can be maintained, there are no buildings within 200ft that are this height; the use is beneficial and he did not see any impact on light and air; he did not have a professional opinion as to the tipping point for traffic and parking, the traffic engineer testified traffic would be okay.

There were no questions or comments from the public.

David Hals, P.E., P.P., gave his business address, was sworn in and deemed an expert. Mr. Hals said this is the fifth time this applicant has been in front of the board, and traffic has always been a concern, Harold Street cannot be used for drop off the road is not wide enough; two applications prior there was no stacking on Piermont Road, there is an impact not only on traffic using the area streets but runners and cyclists, there is also No Parking on Piermont Road, the 15 minute window for drop off will get worse with a 20% increase in vehicles and students; the Plaza is the tallest building in town at 60ft, but this was a court ordered settlement; this addition will be visible in the winter to residents on Magnolia Avenue who have a view of the entire valley; parking is almost at capacity, this is a fully developed site, the addition could have been done over the parking lot, but this would have been very expensive, Mr. Hals disagreed that there would be a safety issue with vehicles under the building; he felt it unlikely that a cell tower or antennas would be installed on top of the building.

There were no questions or comments from the public for this witness. There were no further questions or comments from the Board or members of the public on this application.

Mr. Urdang gave a summary of the application.

The board went into deliberative session. Mr. Ritvo explained the traffic and safety issues adding that having a gym has not been addressed in the case law; he outlined the conditions he had made a note of during discussions: a cap on the number of students, safety is it a compelling government interest, marking the parking spaces on Piermont Road, limit the uses of the roof.

There followed discussion among the board members on problems of putting a cap on the number of students, number of vehicles, uncertainty as to who said security was an issue, uncertainty about the tipping point for traffic, stripping a crosswalk on Piermont Road, and labelling the parking spaces on Piermont Road.

Motion by Mr. Brensilber second by Mr. Cytryn to approve the application with the following conditions: any traffic safety issues to be dealt with by the Police, signage on Piermont Road parking spaces, stripe a crosswalk, security guard, parking to be maintained as it is now, no fence on top of the building and all prior conditions apply.

Roll call vote:

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

Opposed: None.

Variances for expansion of a non-conforming use, and building height approved 7-0.

**NEW BUSINESS**

Limbaro, 103 Palmer Ave – 503/11

Side yard setback – 12.3ft. ZB2016-07. (Rec'd 2/25/16 decision by 6/24/16.)

Mr. Farrell and Mr. Callahan both left the meeting at 10:35PM.

Present for the applicant was Mr. Urdang who said this is an application for a side yard setback and his witness would be Mr. Scharfspitz the architect.

Roland Scharfspitz gave his business address, was sworn in and accepted as an expert in the field of architecture. Mr. Scharfspitz said a second floor addition is proposed that will add two bedrooms; the house was built in the 1940's and has three bedrooms upstairs, the addition will add a bedroom, two bathrooms, a laundry room and storage space. Marked as A-1 was a diagram done by Mr. Scharfspitz showing how due to the angle of the street the adjacent neighbor's house does not abut next to the proposed addition, but is forward of it. He added there would be no impact on the light or air; to give the house and proposed addition would be cantilevered to add to the character and aesthetic appeal of the house.

In response to questions from the board Mr. Scharfspitz gave the bedroom sizes with the variance and without.

There were no questions or comments from the public.

Mr. Urdang gave a summary of the application.

The board went in to deliberative session.

Ms. Gilbert said she felt this was a minor application and would be in favor.

Mr. Grossman said he felt most applicants would meet the setback; this would be a nicer look than a square box.

Mr. Brensilber said this would be nice addition and not stand out due to the angle of the street.

Mr. Kominsky felt it would be a nice upgrade to the house.

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

Roll call vote:

In favor: Ms. Gilbert, Mr. Kominsky, Mr. Brensilber, Mr. Cytryn, Mr. Lieberman, Mr. Menon.

Opposed: Mr. Grossman.

Side yard setback variance approved 6-1.

**ADJOURNMENT**

Motion by Mr. Brensilber second by Mr. Cytryn to adjourn the meeting. All members on a voice vote were in favor the meeting adjourned at 11:10PM.

Respectfully submitted,

Lindsay Graham  
Board Secretary