

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. August 1st, 2016
MINUTES**

ROLL CALL

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

New Jersey Planner, May/June 2016

APPROVAL OF MINUTES

Motion by Mrs. Gilbert second by Mr. Menon to approve the minutes of July 11, 2016. All members on a voice were in favor the minutes were approved.

MOTIONS FOR ADJOURNMENT – none.

UNFINISHED BUSINESS:

Resolutions to be memorialized:

Denied: 11 Grandview, LLC., 11 Grandview Terr – 1503/35. ZB2016-12
Front yard setback, lot coverage, FAR.

Approved: Skulnik, 44 Old Smith Rd – 2507/32
Accessory use in front yard. ZB2016-15.

Approved: Arish, 16 Malcolm Ct – 602/27
Pool in front half of property, lot coverage 15.48%. ZB2016-16.

Approved: Seligson, 11 Poplar St – 102/6
Lot coverage 30.31%, front yard setback on Poplar St 14ft; new two car garage. ZB2016-10.

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

Minutes approved: 9-19-2016

NEW BUSINESS

Carried from July 11, 2016:

Vaynshenker, 16 Marcotte La – 501/4

Rear yard setback – 24’; driveway setback – 3’; front yard coverage by driveway – 37%; impervious coverage – 5503SF. ZB2016-17.

(Rec’d 6/27/16 decision by 10/25/16.)

Present for the applicant was Mr. Urdang of the firm Elliot W. Urdang; Mr. Urdang raised two questions, one regarding the history of the lot and he felt the applicant failed to demonstrate the benefits outweigh the detriments. It was pointed out that there had been discussion on the lot, its history and its legality, the Board were in agreement that they had no problem with the lot and its legality as a lot, adding there would be no need the address the flag lot issue as the board accepts it is a flag lot.

Mr. Almkhtar the architect gave his business address, and was sworn in. Marked as A-1 was a table by the architect of the changes that have been made from the last application which was denied to this one, basically the house was made smaller, and it has been pushed back towards the Country Club, both of which were suggestions made by the objectors and the board.

Marked as A-2 was a photograph looking at the Heller residence (14 Marcotte Lane) from the fence with the applicant. The architect said the distance is about 90 – 100ft.

Motion by Mr. Kominsky second by Mr. Cytryn to hear the application as it is substantially different from the prior application. All members were in favor.

Mr. Almkhtar outlined the variances that are required. In response to questions from the board, Mr. Almkhtar said the driveway has been moved away from the property line adjoining 14 Marcotte Lane; the size of the house has been reduced, no FAR variance is needed; the house has also been moved back towards the Country Club; the patio around the pool is reduced; there will be grass in the middle of the driveway; the size and shape of the lot contributes to the variances being requested, the pole portion of the lot is 210ft in length. He confirmed there had not been a pool on the property; in his opinion this would be an improvement over what was there, the house is at an angle, there is less impervious coverage than previously, the house is 2- story, is a little smaller than what was there and will be an improvement over the prior dwelling. He reiterated the variances that are being requested are: rear yard setback 24ft; impervious coverage of 5,503SF, and front yard coverage of 37%.

Rita Heller, 14 Marcotte Lane was sworn. Mrs. Heller spoke against the application, her main objection being that it will be a full two story house.

Stanley Heller, 14 Marcotte Lane was sworn. Mr. Heller requested plantings along the shared property line be required.

Mr. Urdang gave a summary of the application.

The Board went into deliberative session.

Mr. Kominsky said the flag lot is properly zoned and he did not feel there would be any negative impact on the neighborhood; the applicant had done a nice job of designing the improvements; he did not feel the homeowner should have to plant along the property line. He was in favor of the application.

Mr. Menon said it is a challenging property with a large house, overall he is in favor.

Mrs. Gilbert appreciated the changes that had been made, there is a hardship, but not with a pool; visually there was no impact from the Golf Course, but this is a tight lot that raises concerns.

Minutes approved: 9-19-2016

Mr. Brensilber understands about the pool, the driveway with grass was not the intent, the rear yard setback is not an issue; he felt the applicant had done a good job and would be in favor.

Mr. Cytryn commended the applicant on the changes, especially as no FAR variance is needed; he too was concerned about the pool even though it is a small one. He would be in favor.

Mr. Grossman gave credit to the applicant for listening to suggestions that were made, and thanked everyone for their respectfulness in communications.

Motion by Mr. Cytryn second by Mr. Menon to approve the application and include the gate to the Golf Course be removed and replaced with a fence.

Roll call vote:

In favor: Mr. Cytryn, Mr. Menon, Mr. Brensilber, Mr. Kominsky, Mr. Grossman.

Opposed: Mrs. Gilbert.

Application approved 5-1.

ADJOURNMENT

Motion by Mr. Cytryn second by Mr. Brensilber to adjourn the meeting. All members on a voice vote were in favor, the meeting was adjourned at 8:55PM.

Respectfully submitted,

Lindsay Graham
Board Secretary