

**TENAFLY BOARD OF ADJUSTMENT  
REGULAR PUBLIC MEETING  
7:30 P.M. April 2, 2012  
MINUTES**

**ROLL CALL**

Present: Mr. Babcock, Mr. Brensilber (arr 7:40PM.), Mr. Farrell, Mr. Fox, Mrs. Gilbert (arr 7:35PM.), Mr. Kominsky, Mr. Levene, Mr. Lieberman, Mr. Grossman.  
Absent: None.  
Also present: Mr. Kates.

**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 30, 2011, posted on the bulletin board in the lobby of the Municipal Center and posted on the municipal web site."

**COMMUNICATIONS**

1. NJ Planner, January/February 2012.

**APPROVAL OF MINUTES**

Motion by Mr. Fox second by Mr. Farrell to approve the minutes of March 5, 2012. All members on a voice vote were in favor. The minutes were approved.

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

**UNFINISHED BUSINESS**

Resolutions to be memorialized

Approved: Cohen, 8 Glenwood Rd – 2507/40  
FAR, multiple bulk. ZB2012-02. (Rec'd 2/21/12 decision by 6/20/12.)

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

Mrs. Gilbert arrived 7:35PM.

Revised zoning denial & vote:

Emmi, 26 Sisson Terr – 1602/8  
FAR, multiple bulk. ZB2012-03. (Rec'd 2/24/12 decision by 6/23/12.)

Present for the application were Mr. Blake the architect and the homeowner Peter Emmi; both were advised by Mr. Kates they were still under oath. Mr. Blake gave a brief outline of what was now proposed, the main change being the pool had been removed from the plan; in his opinion he felt the outside stairs were still needed as a safety issue in getting outside as quickly as possible, as the interior staircase is winding.

Mr. Brensilber arrived 7:40PM.

Mr. Blake said the FAR is already over and the proposed additions are not expanding the footprint of the house or garage; the impervious increase is due to the exterior staircase. The proposed additions will enhance the property and they will fit in with the lot and neighborhood, the property is well screened and there would be no diminution of light or air to the neighboring properties. Mr. Blake concluded this was exactly the same plan as presented at the previous hearing, except the pool had been removed.

There were no questions from the board or public; nor were there any comments from the public on the application. Mr. Blake gave a brief summary of the application.

Motion by Mr. Lieberman second by Mr. Farrell to go into deliberative session, all members on a voice vote were in favor.

Mr. Lieberman said now the pool had been removed from the plans he would vote in favor of the application.

Motion by Mr. Lieberman second by Mr. Babcock to approve the application as presented.

Roll call vote:

In favor: Mr. Lieberman, Mr. Babcock, Mr. Farrell, Mr. Fox, Mrs. Gilbert, Mr. Levene, Mr. Grossman.

Opposed: None.

Variances for lot coverage and FAR approved 7-0.

**NEW BUSINESS**

Yeh, 16 Woodmere La; 309/14

Side yard setback for a generator. ZB2012-04. (Rec'd 3/22/12 decision by 7/20/12)

Present were the homeowners Steven and Patricia Yeh, they were sworn in and advised to speak one at a time. Mr. Yeh said they are asking for a side yard variance for a generator; he explained that he travels a lot and having bought the house in 2004, it seems as though every time he is away on business there is a power outage, he would like his family to feel safer by installing a generator. He added the generator could go in the rear yard between the deck and the play-set, but this would make the rear yard unusable for the children.

Mrs. Yeh offered three photographs on one page she had taken the previous week, this was marked A-1, they showed a view from the street for the proposed generator; the proposed location of the generator and a view from the deck on the right side of the house.

Mr. Yeh said contractors have told him this generator would be less noisy than a portable one, the part of the neighbor's structure nearest the generator is their garage which would muffle some of the noise of the generator.

In response to questions from the board the estimated distance to the garage is 15', the generator would be about 3' from their home as per manufacturer's instructions, there are shrubs and landscaping on that side of the property, they did not feel it would be safe to have this piece of equipment in the rear yard with children playing in the same area; the main reason for installing the generator in this location is the cost involved in running a gas line.

Eleanor Vollinger, 22 Sisson Terrace questioned the noise level, the hours of operation, the color of the unit, and her property value being diminished. In response was told this would be used in an emergency situation only for as long as the power was out, the colors offered by the manufacturer were beige or grey, the board cannot comment on property values, if the noise is above 55 decibels at the property line code

Minutes approved: 04-23-2012.

enforcement could be called to test the noise level. The Yehs said they would do their best to minimize the noise level with plantings or an insulated fence.

Mr. Yeh said the portable generators are much noisier and only run for 8 – 10 hours then have to be filled again; he did not feel this was a good solution.

Eleanor Vollinger, 22 Sisson Terrace was sworn in, and spoke against the application citing noise and aesthetics.

Mr. Yeh gave a summary of the application.

Motion by Mr. Fox second by Mr. Farrell to go into deliberative session. All members on a voice vote were in favor.

Mr. Brensilber said this is a financial issue but the proposed location will impact others and it could be put near the A/C condensers, the variance runs with the land.

Mr. Kominsky agreed, adding it is no different than any other family without power.

Mr. Fox said the board could see many of these applications there are safety concerns and where is the least inconvenient place, it must be shielded and screened and he would be in favor.

Mr. Farrell said there is another location for the generator and would not affect anyone, aesthetics and noise seem to be the key issues, he would be in favor.

Mrs. Gilbert said she felt the noise would affect the homeowner more than the neighbor.

Mr. Brensilber added it could be put in a conforming location.

Motion by Mr. Fox second by Mr. Farrell to approve the side yard variance for the generator.

Roll call vote:

In favor: Mr. Fox, Mr. Farrell, Mrs. Gilbert.

Opposed: Mr. Brensilber, Mr. Kominsky, Mr. Lieberman, Mr. Grossman.

Side yard variance for generator denied 4-3.

Masterov, 132 Newcomb Rd; 124/16.

Side yard setback for generator. ZB2012-05. (Rec'd 3/22/12 decision by 7/20/12)

Present were the homeowners Boris and Bella Masterov they were sworn in and advised to speak one at a time. Mrs. Masterov said the application is to install a generator in the side yard near the A/C condensers, estimates she had received were for about \$2,000 to run electric and gas lines to the rear of the property; it is an older home and the setbacks do not conform to today's code; her husband is not well, on that side there is a small retaining wall, several pine trees and no neighbor windows, just a wall of the neighbor's house.

Two photographs taken by Mrs. Masterov were marked as A-1, a photograph from the front corner of the house showing the A/C unit and screening along the property line; and A-2; a photograph from the fence towards the street.

In response to board questions, Mrs. Masterov said a retaining wall and 5 or 6 pine trees are along the property line; their living room and kitchen are on that side of the house, in the rear is a window, this lot is smaller than many.

There were no questions or comments from the public.

Mrs. Masterov gave a brief summary of the application.

Motion by Mrs. Gilbert second by Mr. Brensilber to go into deliberative session. All members on a voice vote were in favor.

Mr. Babcock was concerned that it would be close to the neighbor.

Mr. Fox agreed, but added the Board can decide there is enough screening and shielding by trees and the wall, there is a financial hardship and felt it would be a safety issue to have a gasoline generator.

Mr. Farrell said he felt a 50' wide lot is a hardship and challenge.

Mr. Brensilber said this application was more compelling as the A/C condenser was there already, and there is nowhere else to put it.

Motion by Mrs. Gilbert second by Mr. Farrell to approve the side yard variance for the placement of a generator with sufficient screening to be checked by the Construction Official.

Roll call vote:

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

Opposed: Mr. Kominsky.

Application for a side yard variance for a generator approved 6-1.

Gross, 240 Highwood Ave; 2507/15

Lot coverage, impervious coverage. ZB2012-08. (Rec'd 3/22/12 decision by 7/20/12)

Present for the applicant was Mr. Urdang, the attorney who said his witness would be the architect Mr. Adamo. Robert Adamo gave his business address, a summary of his education and experience, was sworn in and deemed an expert in the field of architecture. Mr. Adamo described the existing conditions on the property, adding the property is well screened as can be seen from the photographs. He offered seven photographs that were marked A1a through A1g. Mr. Adamo described each photograph. A-2 was introduced: a Site Plan with an overlay showing what will be added. Mr. Adamo said the house was built in 1969, the large deck needs to be rehabilitated and there are places with various spaces that have plantings and are not covered by impervious materials, the proposal to re-do the deck will enhance the rear of the property and give better access to the pool area; also being added is a small balcony at the front of the house for aesthetics. The height of the house deck will be lowered one to two feet, there would be no diminution of light or air and no impact on the neighbors, a positive of this modest proposal is the house deck will be lowered and not visible from the neighboring properties. The increase in impervious coverage is 698SF, 295SF is for the house.

Mr. Levene had no questions, but commented that he felt the lot was overbuilt and the lot coverage numbers were significant.

Mr. Brensilber asked why more impervious was being added.

Mr. Adamo said the difficulty is transitioning down 9' from the house, and they have lowered the existing deck and propose making other changes to make it flow better.

Mr. Fox said he did not feel this was a modest proposal.

Minutes approved: 04-23-2012.

Mr. Urdang replied it is relative to what exists, the changes that are proposed will not be perceptible to any neighbor, and will be better than what is there now.

Mr. Fox asked if what the applicant wanted could be accomplished with this design.

Mr. Adamo replied they could make the numbers smaller, but it would not better the site.

Mr. Farrell asked about the balcony in front and its size.

Mr. Adamo replied it adds 20SF and is more a design feature for the aesthetics of the front of the house.

Mr. Brensilber had questions on fencing.

Mr. Adamo said there is a code mandated safety fence from the front of the house around the rear and sides because of the pool.

Mr. Grossman said they are adding 1700SF of impervious coverage and wondered about run off and any potential impact on neighboring properties.

Mr. Adamo said he is not an engineer, so could not answer, he did add the property does slope from the front to the rear and the stream.

There were no questions or comments from the public.

Mr. Urdang gave a summary of the application.

Motion by Mr. Farrell second by Mrs. Gilbert to go into deliberative session. All members on a voice vote were in favor.

Mr. Fox said the argument was persuasive that there would be no impact on the neighboring properties; he felt it would add to the aesthetics of the property and would be in favor.

Mr. Farrell expressed concern that the coverage was already over, and felt it was not okay to build 'a little more.'

Mr. Babcock agreed.

Mr. Kominsky said he was troubled, this is a checkerboard and various blank spaces are being filled in, but he was still torn in making a decision one way or the other.

Mr. Levene also expressed concern with just adding a little more.

Mr. Lieberman said it is a tough call with the numbers, but the design is nice and he would be in favor.

Mr. Brensilber said you cannot look at the numbers, this design aesthetically benefits the applicant and will not impact anyone, it is all in the rear.

Mrs. Gilbert agreed with Mr. Farrell about the 'little bit more,' adding the impervious coverage does affect the town even though it is not visible.

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

Roll call vote:

In favor: Mr. Brensilber, Mr. Kominsky, Mr. Fox, Mr. Lieberman.

Opposed: Mr. Farrell, Mrs. Gilbert, Mr. Grossman.

Lot coverage and total impervious coverage variances approved 4-3.

KRU, 17-19 Washington St; 1010/6.

Use – martial arts studio. ZB2012-06. (Rec'd 3/22/12 decision by 7/20/12)

Present for the applicant was Christopher T. Karounos, of the firm Archer & Greiner, 21 Main St, Ste 353, Hackensack, New Jersey. Mr. Karounos said his witness would be Master Ace Ramirez of KRU, LLC. Mr. Karounos said the application is for a Use variance to have a martial arts studio on the second floor and the basement; several months ago this Board approved a Yoga Studio on the second floor, and the Martial Arts Studio will be on the same floor. .

Master Ace Ramirez gave his business address as 112 S Washington Street, Bergenfield and was sworn in. Master Ramirez said he had been in the Bergenfield location for some years and was looking for a new location for his Martial Arts Studio as his lease in Bergenfield will soon be up; he has been teaching martial arts for about 15 years. Students come from the area not only Bergenfield, and many calls he gets inquiring about his studio are from residents of Tenafly and Alpine; this location would be most suitable. Classes start at 4:15PM and run until 8:45pm.; it is a drop off and pick up system, sometimes if a new student is beginning the parent will wait, but usually it is drop off and pick up, classes last about 30 minutes, class sizes are between 8 – 10 students; the classes are age specific, with different time slots for different ages, for example the youngest students may only have a 30 minute class but older students could have a 45 minute class. He felt the building does have its own parking lot, which could handle parking, and there is a Borough lot nearby, but did not see any problem as it is a drop off and pick up system. Physical and mental activities are involved in the classes, similar to the yoga studio.

In response to questions from the board, Master Ramirez said there are three employees and two are always present for classes; he has received a high number of inquiries from Tenafly and Alpine; they did test the floor, which is concrete and they also put pads down; the space is large and it will all be used.

There were no questions or comments from the public. Mr. Karounos gave a summary of the application.

Norman Dorf President of the BID said he felt this would be an excellent business for the town and also bring new visitors to the downtown area.

Motion by Mrs. Gilbert second by Mr. Fox to go into deliberative session. All members on a voice vote were in favor.

Mrs. Gilbert said this use would be consistent with the businesses in the area, there would be an increase in traffic but did not feel this would be a problem, but rather help the downtown area.

Motion by Mrs. Gilbert second by Mr. Fox to approve the Use variance.

Roll call vote:

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

Opposed: None.

Application for a Use variance carried 7-0.

**OTHER BUSINESS**

Minutes approved: 04-23-2012.

Mr. Grossman said the Mayor had asked for a suitable date for the Planning Board and Zoning Board to have a joint meeting, as has been done in the past. After some discussion it was agreed that a Monday evening would be most suitable, and Mr. Grossman confirmed there would be a Public Notice placed in the newspaper giving the date, location and time of said meeting.

#### **ADJOURNMENT**

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

Respectfully submitted,

Lindsay Graham  
Board Secretary