

**TENAFLY BOARD OF ADJUSTMENT
REGULAR PUBLIC MEETING
7:30 P.M. August 6, 2012
MINUTES**

ROLL CALL

Present: Mr. Farrell Mr. Fox, Mr. Kominsky, Mr. Levene, Mr. Grossman.
Absent: Mr. Babcock, Mr. Brensilber, Mrs. Gilbert. Mr. Lieberman
Also present: Mr. M. Kates, Mr. B. Byrnes.

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. Appeal filed by Kollitides re: Zoning Approval for driveway at 160 E Clinton Ave.
2. NJ Planner, May/June 2012.
3. Letter dated July 26, 2012 received via email from Marc Leibman, attorney for Farley, 89 Highwood Ave – 1602/14 (ZB2011-26.)

APPROVAL OF MINUTES

Motion by Mr. Leven second by Mr. Farrell to approve the minutes of July 2, 2012. All members on a voice vote were in favor.

MOTIONS FOR ADJOURNMENT – there are none.

UNFINISHED BUSINESS

Resolutions to be memorialized:

- Approved: Weiss, 54 Bliss Ave – 2009/4.
Circular driveway. ZB2012-18
- Approved: Taketa, 27 Wight Pl – 204/7.
Front yard setback. ZB2012-10. (*Rec'd 5/24/12 decision by 9/21/12.*)
- Approved: Laug, 262 Hudson Ave – 2605/10.01.
Impervious coverage. ZB2012-13.
- Approved: BYY of Oakland, 6-8 Washington St – 1011/10.
Use. ZB2012-16. (*Rec'd 6/6/12 decision by 10/04/12.*)
- Approved: Quentzel, 29 Innes Rd – 1905/15.
Front yard setbacks. ZB2012-19.
- Approved: Choksi, 18 Lindley Ave - 702/13.
FAR, multiple bulk. ZB2012-12.

Minutes approved 09-10-2012

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

Carried from June 4th, 2012:

Farley, 89 Highwood Ave – 1602/14.

Interpretation. ZB2011-26. (Rec'd 4/27/12 decision by 8/25/12.)

Mr. Leibman requested the application be carried as there were only five board members present. Motion by Mr. Farrell second by Mr. Fox to carry the application to October 15, 2012 with no further notice required by the applicant. All members on a voice vote were in favor.

Carried from June 18, 2012:

Campbell, 268 Hudson Ave – 2605/10.02

FAR, lot coverage, total impervious coverage. ZB2012-17. (Rec'd 6/6/12 decision by 10/04/12.)

Present for the applicant was the architect Mr. Severino, who requested the application be carried as there were only five board members present. Motion by Mr. Fox second by Mr. Farrell to carry the application to September 10, 2012 with no further notice required by the applicant. All members on a voice vote were in favor.

NEW BUSINESS

Lustig, 19 Woodland Pk Dr – 1911/19

Side yard setback. ZB2012-21. (Rec'd 7/23/12 decision by 11/20/12.)

Mr. Kates recused himself from hearing this application as the applicants have been clients of his, left the dais and Alysia Proko-Smickley, Esq, an associate of Mr. Kates sat at the dais as Board Attorney. Present were the homeowners Penny and Mario Lustig, they were sworn in and asked to speak one at a time.

Mrs. Lustig said they had been granted a side yard variance in August 2010 when they enlarged the garage, the variance was for 10.28'. It was discovered after construction on the final as built that was submitted the side yard was 9.85'; Mrs. Lustig said she felt the contractor forgot to allow for the layer of brick, and the garage is already constructed. Mrs. Lustig apologized to the board for the error.

There were no questions or comments from the audience.

Mrs. Lustig gave a summary of the application.

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

Mr. Levene said he had looked at the garage and felt there would be no imposition on the neighbor as there was enough space on the side, and the difference was not visible, and there are no negatives.

Motion by Mr. Levene second by Mr. Farrell to approve the side yard setback.

Roll call vote:

In favor: Mr. Levene, Mr. Farrell, Mr. Fox, Mr. Kominsky, Mr. Grossman.

Opposed: None.

Side yard setback of 9.85' approved 5-0.

Katsiaunis, 96 Woodland Pk Dr – 2202/12.
6' fence in front yard. ZB2012-20. (Rec'd 7/26/12 decision by 11/23/12.)

Present was the homeowner George Katsiaunis; Adam Klyszcz gave his address as 92 Morrissey Ave, Wallington, New Jersey; both were sworn in and advised to speak one at a time.

Mr. Katsiaunis said they would like to replace the existing fence that is in a bad state of repair, and is an eyesore; the fence has been there for 18 years, is 6' high, but the fence is in the Borough right-of-way, the property slopes down from the street quite steeply and a variance is needed for the height.

In response to questions from Mr. Kates, Mr. Katsiaunis said the height is needed as a privacy issue, and to keep the noise of traffic down, plus the elementary school is behind the house; Dimick Fence would install the fence, they had installed the prior fence; he did not have any sight problem backing out of his driveway, the fence would be a solid fence and natural wood in color. Mr. Kates marked on A-1 the fence location

In response to board questions, he said the fence is about 110ft long, there really were no alternatives as landscaping would be very expensive and not dense enough to block the noise of traffic, they are going to do plantings in front of the fence so that it is not quite so stark. Mr. Katsiaunis was advised to check with the Mayor and Council before planting as this is the Borough right-of-way. The fence does not go all the way across the south property line with Smith School as there is a stone wall along that property line.

There were no questions or comments from the audience.

Mr. Katsiaunis gave a summary of the application.

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

Mr. Fox said there are pros and cons to the application, this is a bust road due to the school, and the topography of the property is tough, he felt something should be done to improve the aesthetics of a plain wooden "wall".

Mr. Kominsky said he was in favor, adding it is close to the school and a busy unique street.

Motion by Mr. Kominsky second by Mr. Farrell to approve a 6' fence in the front yard.

Roll call vote:

In favor: Mr. Kominsky, Mr. Farrell, Mr. Fox, Mr. Levene, Mr. Grossman.

Opposed: None.

Six foot fence in the front yard approved 5-0.

ADJOURNMENT

Motion by Mr. Kominsky second by Mr. Levene to adjourn the meeting. All members on a voice vote were in favor the meeting was adjourned at 8:30PM.

Respectfully submitted,

Lindsay Graham
Board Secretary