

Tenafly Board of Adjustment

Regular Meeting

7:30 P.M. April 5, 2021

Minutes

Roll Call

Present: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Friedman, Mr. Kominsky, Mr. Lieberman, Mr. Steinhagen

Also present: Mr. Bern, Mr. Blak, Ms. Chalarca, Mr. Delaney, Mr. and Mrs. Kahn, Ms. Lam, Mr. Leibman, Mr. Menon, Mr. O'Sullivan, Ms. Rodgers, Mr. Rogers, Mr. Sadiqulla, Mr. and Mrs. Salaski, Mr. Shoshani, Ms. Toro, Mr. Zenn

Open Public Meeting Act Statement

Approval of Previous Minutes- February 1, 2021

A motion was made by Mr. Cytryn and seconded by Mr. Steinhagen to approve the revised minutes of February 1, 2021. A voice vote carried the motion. All voted in favor; none were opposed.

Approval of Minutes- March 1, 2021

A motion was made by Mr. Cytryn and seconded by Mr. Lieberman to approve the minutes of March 1, 2021. A voice vote carried the motion. All voted in favor; none were opposed.

Approved Resolutions

1- Yellin, 46 Knoll Road- Expand the existing garage by nine (9) feet

A motion was made by Mr. Cytryn and seconded by Mr. Lieberman to approve resolution for 46 Knoll Road. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Lieberman, Mr. Steinhagen and Mr. Kominsky. Voting NO: No one. The motion was passed 6-0.

2- Choi, 70 Woodland Park Drive- 1st and 2nd floor addition / renovation after fire

A motion was made by Mr. Cytryn and seconded by Mr. Steinhagen to approve resolution for 70 Woodland Park Drive. The roll was called, and the motion was carried. Mr. Brensilber was ineligible to vote. Mr. Lieberman previously voted no. Voting YES: Mr. Callahan, Mr. Cytryn, Mr. Steinhagen, and Mr. Kominsky. The motion was passed.

3- Tsang & Tse- 25 Thatcher Road- Addition replacing the existing rear deck

A motion was made by Mr. Cytryn and seconded by Mr. Lieberman to approve resolution for 25 Thatcher Road. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Lieberman, Mr. Steinhagen, and Mr. Kominsky. Voting NO: No one. The motion was passed 6-0.

Additional Comment

Mr. Zenn stated that Mr. Friedman has joined the meeting to which Mr. Kominsky confirmed for the record. Mr. Friedman announced his presence for the record.

Approval of Denied Resolutions

1- Kashkash, 526 Knickerbocker Road- 6 foot fence in the front yard

A motion was made by Mr. Cytryn and seconded by Mr. Lieberman to approve resolution to deny for 526 Knickerbocker Road. The roll was called, and the motion was carried. Mr. Brensilber was ineligible to vote. Mr. Steinhagen abstained to vote. Voting YES: Mr. Callahan, Mr. Cytryn, Mr. Friedman, Mr. Lieberman, and Mr. Kominsky. The motion was passed.

New Business

1- JND, LLC, 141 Piermont Road- Self Storage Unit

Mr. Leibman, attorney for JND, LLC requested to cancel the hearing due to concerns regarding a letter and the public notice. Mr. Leibman stated he will re-notice them and requested an adjournment for one month. Mr. Zenn accepted and asked Mr. Leibman to sign the consent form to be able to carry this application to next hearing on May 3, 2021.

Mr. Kominsky asked board secretary Ms. Chalarca to confirm how many applications were confirmed for the next meeting on May 3, 2021. Ms. Chalarca said two are confirmed, she is waiting for two more to confirm and she also added 141 Piermont Road to the next calendar.

Mr. Steinhagen stated for the record that he is recusing himself on the application for 141 Piermont Road.

Mr. Delaney stated he was covering for Mr. Rob Simon in regard to the letter because Mr. Simon could not be present tonight. Mr. Delaney stated he is representing the firm JEVI, LLC, property owner of 22 Jersey Avenue, Tenafly, New Jersey.

Mr. Kominsky informed members of the public that the application for 141 Piermont Road would not be heard these evening and has been postponed.

Additional Comments

Ms. Cytryn stated that Ms. Toro has joined the meeting. Ms. Toro announced her presence for the record.

2. 15 Lawrence Park Drive - Mr. Kahn

Mr. and Mrs. Kahn were present with attorney Mr. Bern who is representing the applicant. Mr. Bern stated that he was connected via telephone for audio due to having problems to connect through Webex. Mr. Bern said they provided public notice and certified notices that Ms. Chalarca reviewed. This application went for variance to install a generator on side yard that permitted 15 feet and 9.8 feet was proposed. Mr. Bern stated the electrical contractor was available if needed. Mr. Kahn and Mr. Bern presented the application to the board.

Mr. Kahn stated that he has lived in Tenafly since 1985 and they would like to have a backup generator to support the functions of the house in the event of future power issues. Mr. Kahn stated they are planning to install a Generac 22 KW Automatic Standby Generator powered by natural gas through PSE&G for emergency use. Mr. Kahn explained the reasoning for the location proposed for the generator. Mr. Kahn explained coverage of the generator, preservation of landscaping, and maintain the visual aesthetic of the home.

Mr. Friedman asked questions regarding the location of the generator. Mr. Steinhagen inquired about ensuring the generator does not run at inappropriate times. Mr. Steinhagen inquired about coverage of the generator. Mr. Kahn confirmed there is a fence and shrubbery. Mr. Kahn confirmed this generator has a quiet testing cycle.

Mr. and Mrs. Salaski were present and identified themselves as the applicant's neighbors residing at 9 Lawrence Parkway. Mr. Salaski stated he supported the application including location and coverage of the generator.

Executive Session: Mr. Kahn - 15 Lawrence Park Drive

A motion was made by Mr. Friedman and seconded by Mr. Steinhagen to go into executive session. A voice vote carried the motion. All voted in favor; none were opposed.

Mr. Friedman stated that generators are used only during emergency situations and are less intrusive. Mr. Friedman stated most people in a neighborhood are grateful for a generator. Mr. Friedman stated he supported the application. Mr. Steinhagen stated he would be in favor of the application subject that the generator was only tested during the day.

A motion was made by Mr. Brensilber and seconded by Mr. Cytryn to approve the application. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Friedman, Mr. Lieberman, Mr. Steinhagen and Mr. Kominsky. Voting NO: No one. The motion was passed 7-0.

3. 15 Moller Street- Mr. Sadiqulla

Mr. Sadiqulla was present with architect Mr. Blak. The application is for a new single family home, front yard variance, 25 feet permitted, and 11.83 feet proposed, and side yard variance, 10 feet permitted, and 7.32 feet proposed. Mr. Blak and Mr. Sadiqulla presented the application.

Mr. Blak stated they are proposing to build a modest house with a driveway, garage, kitchen, family and dining rooms, 4 bedrooms and bathrooms. Mr. Blak stated they are maintaining the

lot coverage, the previous coverage, the 25 foot back yard and the 5 foot side yard setback required by Tenafly Zoning Ordinance. Mr. Blak explained what changes would be made to the home/property.

Neighbors of the applicant including Mr. O'Sullivan and Ms. Rodgers were present and expressed their concerns for the application. Mr. O'Sullivan expressed his concerns in regard to the trees in the yard being affected by construction of the new home. Ms. Rodgers expressed concerns in regard to whether there will be less space between the two homes. To this concern Mr. Blak confirmed there will not be less space between the homes.

Executive session: Mr. Sadiqulla- 15 Moller Street

A motion was made by Mr. Steinhagen and seconded by Mr. Cytryn to go into executive session. A voice vote carried the motion. All voted in favor; none were opposed.

Mr. Brensilber said that he considered this application fair and what the applicant is asking for reasonable.

Mr. Steinhagen agreed with Mr. Brensilber. Mr. Steinhagen stated the lot is under sized in area and width. Mr. Steinhagen stated if the house had conforming width, they would have been approved by the zoning officer and obtained a building permit. Mr. Steinhagen stated he does not see any issues with approving the application.

A motion was made by Mr. Steinhagen and seconded by Mr. Lieberman to approve the application. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Friedman, Mr. Lieberman, Mr. Steinhagen and Mr. Kominsky. Voting NO: No one. The motion was passed 7-0.

4. 7 Glenwood Road - Mr. Shoshani

Mr. Shoshani represented himself for the application. The application is for the installation of a water unit (hot tub).

Mr. Lieberman stated for the record he recuses the application.

Mr. Shoshani stated they are re-doing their deck and in addition installing a hot tub. Mr. Shoshani stated the renovated deck would be single level. Mr. Shoshani discussed the reasoning for the location of the hot tub including ensuring safety. Mr. Shoshani discussed wanting the hot tub for use and medical reasons. Mr. Shoshani stated he spoke to Mr. Byrnes about ensuring it will not be too close to the neighbor.

Mr. Kominsky, Mr. Cytryn and Mr. Steinhagen inquired about other options for location of the hot tub. Mr. Cytryn asked why the location of the hot tub is not moved to where it would not require a variance.

Ms. Yau-lan Lam who stated she goes by "Judy" confirmed that she is Mr. Shoshani's neighbor residing at 45 Forest Road. Ms. Lam stated she received the plan and reviewed it in detail with Mr. Shoshani approximately one month ago. Ms. Lam stated she had no objections to the appli-

cation. Mr. Steven Rogers stated he is Mr. Shoshani's neighbor residing at 11 Glenwood Road. Mr. Rogers stated he had no objections to the application and support Mr. Shoshani's requests.

Executive Session:

A motion was made by Mr. Cytryn and seconded by Mr. Steinhagen to go into executive session. A voice vote carried the motion. All voted in favor; none were opposed.

Mr. Steinhagen discussed his concerns regarding the placement of the water unit. Mr. Kominsky stated that although the neighbors provided their testimonies, he did not see the benefit to the community. Mr. Friedman discussed the irregular lot line of the property. Mr. Cytryn stated he agreed with Mr. Steinhagen in which it is a small ask that the neighbors support, but also an unnecessary ask. Mr. Cytryn stated that there is nothing beneficial about one location for the water unit verses another. Mr. Brensilber stated that this is Mr. Shoshani's second request. Mr. Brensilber stated although there are more reasons that not to deny the application, one should step back and note that no one is being impacted. Mr. Toro stated she agrees with additional members of the board and the neighbor's testimonies suede her.

A motion was made by Mr. Steinhagen and was seconded by Mr. Friedman to approve the application. The roll was called, and the motor was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Friedman, Mr. Steinhagen, Ms. Toro, and Mr. Kominsky. Voting NO: Mr. Cytryn. The motion was passed 6-1.

Additional Comments

Mr. Brensilber requested for members of the board to be allowed to view the resolution of an application in advance of the meeting despite voting no.

Mr. Friedman requested the link for the meeting be re-sent on Friday before the meetings or Monday, the day of the meeting. Mr. Brensilber stated the meeting is a calendar invitation.

Mr. Friedman wanted to ensure notices in the newspaper do not state the meetings are on Zoom as they are on Webex. Mr. Kominsky requested Ms. Chalarca advise applicants that meetings are held on Webex.

Adjournment

A motion was made by Mr. Brensilber and seconded by Mr. Callahan to adjourn the meeting at 9:33pm. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,
Monica Chalarca
Board Secretary