

**Tenafly Board of Adjustment**

**Regular Meeting**

**7:30 P.M. May 3, 2021**

**Minutes**

**Roll Call**

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

Also present: Mr. Brynes, Mr. Capizzi, Ms. Chalarca, Mr. Cho, Mr. McClellan, Mr. and Mrs. Drazen, Ms. Fossati, Mr. Hubschman, Mr. Jerome, Ms. Major, Mr. Menon, Ms. Spector, Mr. Stovall, Ms. Toro, Mr. and Mrs. Weingast, Mr. Zenn

**Open Public Meeting Act Statement**

**Communications:**

Letter of consent for continuation for June 7<sup>th</sup>, 2021 hearing of 141 Piermont Road was received on 04/06/2021.

Mr. Daniel Steinhagen has recused himself from the hearing of the application on 141 Piermont Road.

**Approval of Minutes- April 5, 2021**

A motion was made by Mr. Friedman and seconded by Mr. Cytryn to approve the minutes of April 5, 2021. A voice vote carried the motion. All voted in favor; none were opposed.

**Correspondence:** None

**Mr. Kominsky:** Mr. Kominsky stated for the record that board member Mitch Lieberman was now in attendance of the meeting.

**Approved Resolutions**

**1- Kahn, 15 Lawrence Park Drive – Generator side yard variance**

A motion was made by Mr. Friedman and seconded by Mr. Cytryn to approve the resolution for 15 Lawrence Park Drive. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Friedman, Mr. Lieberman, Mr. Steinhagen, Mr. Kominsky Voting NO: No one. The motion was passed 7-0.

## **2- Sequdilla, 15 Moller Street – New single family**

A motion was made by Mr. Friedman and seconded by Mr. Lieberman to approve the resolution for 15 Moller Street. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Friedman, Mr. Lieberman, Mr. Steinhagen, Mr. Kominsky. Voting NO: No one. The motion was passed 7-0.

## **3- Shoshani - 7 Glenwood Road – Above ground water unit**

A motion was made by Mr. Friedman and seconded by Mr. Steinhagen to approve resolution for 7 Glenwood Road. Mr. Cytryn and Mr. Lieberman were ineligible to vote. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Friedman, Mr. Steinhagen, Ms. Toro, Mr. Kominsky. Voting NO: No one. The motion was passed 6-0.

## **New Business**

### **1- Helft – 11 Whitewood Road**

Homeowners were present with attorney Mr. Matthew Capizzi and engineer Mr. Sean McClellan to present the application for 11 Whitewood Road. The application requested side yard setback variance to construct a 15ft by 32ft in ground pool. Engineer Mr. Sean McClellan was sworn in as a witness for this application.

Mr. Steinhagen confirmed the revised plans of 01/04/2021 were available for the public through the Borough's website.

A motion was made by Mr. Brensilber and seconded by Mr. Callahan for the board to be prepared to proceed with the application using the exhibits authenticated by the witness during his testimony. A voice vote carried the motion. All were in favor; none were opposed.

Mr. McClellan stated there is drainage for the pool and landscaping available for screening.

In response to questions from the board, Mr. McClellan stated the pool was moved 2ft from the left to the right to be away from the steps for safety purposes. Mr. McClellan stated the pool is fairly small in size. Mr. McClellan stated the stairs on the deck were not considered to be relocated. Mr. McClellan stated a deck has not been considered due to not having the impervious coverage.

Mr. Capizzi stated the client is willing to make it 15 feet rather than 13 feet and the pool will remain the same size.

Ms. Debra Shecter was sworn in and stated she resides two houses down from the applicant. Ms. Shecter stated she hopes the application will be approved.

### **Executive Session: Helft – 11 Whitewood Road**

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

Mr. Callahan stated the application is not a big ask.

Mr. Steinhagen there is no impact with the application.

Mr. Brensilber stated he agrees with Mr. Callahan and believes there is no material impact.

Mr. Cytryn stated he would like to re-open the meeting to hear the neighbor. Mr. Friedman and Mr. Steinhagen stated they agreed with Mr. Cytryn as well. A voice vote was carried to re-open the meeting. All were in favor; none were opposed.

**Mr. Kominsky stated the meeting was now reverting back to public comment.**

Ms. Janette Fossati stated she is a neighbor to the applicant. Mr. Steinhagen confirmed the neighbor resides in lot 10/11. Ms. Fossati stated she is not opposed to a pool, but she does not want damage to occur to her property or retaining wall.

Mr. Cytryn asked the engineer regarding the wall and issues mentioned. Mr. McClellan stated preventative measures could be taken.

Mr. Brensilber stated there are two issues being discussed; one being the variance and one being the repair work.

Mr. Capizzi stated during construction meeting, the wall situation can be addressed.

**Executive Session: Helft – 11 Whitewood Road**

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

Mr. Friedman stated he does not believe the applicant demonstrated the need for a variance.

Mr. Kominsky stated the motion for the application would include a requirement of landscaping along the variance line.

A motion was made by Mr. Brensilber and seconded by Mr. Callahan to approve the application. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Lieberman, Mr. Steinhagen. Voting NO: Mr. Friedman, Mr. Kominsky. The motion was passed 5-2.

**2. Weingast – 32 Dogwood Lane**

Mr. and Mrs. Weingast were present with attorney Mr. Matthew Capizzi and engineer/planner Mr. Michael Hubschman to present the application for 32 Dogwood Lane. The application is for a property proposing a 20ft by 40ft in ground pool with a patio on two sides.

Mr. Capizzi stated the application is for a side yard setback variance and impervious coverage. Mr. Capizzi confirmed that the Cresskill residents within 200ft and municipal clerk have been notified.

Engineer Mr. Michael Hubschman was sworn in as a witness to the application.

Mr. Hubschman stated the plan was prepared since 02/17/2021 with no revisions of the plan. Mr. Hubschman discussed the existing conditions of the property and modifications that have been done.

Mr. Hubschman presented seven pictures of the property. Mr. Capizzi stated the photos were taken by Mr. Hubschman the previous Thursday and have not been altered.

Mr. Hubschman stated that the proposal is to construct the pool and pool patio in the rear yard where an existing slight patio and steps are planning to remain. An additional two steps and two small walls are being added as well. Mr. Hubschman stated there is a proposed pool cover and deck.

In response to questions from the board, Mr. Hubschman stated the pool equipment is within parameters and will not impact neighboring property. Mr. Hubschman stated within the vicinity there are additional properties that have pools and tennis courts. Mr. Hubschman stated enhanced drainage will be added. Mr. Hubschman discussed the topography of the site as it relates to the impervious coverage.

Mr. Capizzi and Mr. Hubschman discussed with their client regarding removing 180 square feet bringing it down to 35.1%.

### **Executive Session: Weingast – 32 Dogwood Lane**

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

Mr. Lieberman stated the application should be approved as it stands. Mr. Lieberman stated there is no impact on neighbors and instead is a benefit. Mr. Lieberman stated he sees no reason to take a 100 square feet because now applicant feels they have to negotiate to get an approval.

Mr. Brensilber said that the topography presents unique problems. Mr. Brensilber he believes the lot can accommodate what the application is requesting.

Mr. Friedman stated the pool equipment could be moved. Mr. Friedman stated he does not believe the application falls under the classification of hardship.

Mr. Kominsky stated the application has been changed by removing 180 square feet of impervious and 35.1%.

A motion was made by Mr. Brensilber 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. Lieberman, Mr. Steinhagen and Mr. Kominsky. Voting NO: Mr. Cytryn, Mr. Friedman. The motion was passed 5-2.

### **3. Jerome – 247 Engle Street**

Mr. William Jerome was present with contractor Ms. Corey Major to present the application for 247 Engle Street. The application requested to build a roundabout driveway in the front of the property. Mr. Jerome discussed safety concerns with current driveway.

Mr. Cytryn stated he is recusing himself from the application.

Ms. Corey Major was sworn in as a witness to the application to address questions from the board.

In response to questions from members of the board, Mr. Jerome confirmed he has experienced close calls. Mr. Jerome discussed there are visibility concerns, both constant and seasonal, and explained there is no way to turn around or back into the driveway. Mr. Jerome discussed there is no way to turn around nor back into the driveway. Mr. Jerome explained they are not trying to change the appearance of the home or block. Mr. Jerome confirmed there are neighbors in the area who also have roundabout driveways.

Mr. Cytryn was sworn in and stated he supports the application. Mr. Cytryn stated the concerns of the home are legitimate and the aesthetic is within the quality and standards of the community.

**Executive session: Jerome – 247 Engle Street**

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

Mr. Friedman stated he is in favor of the variance, but his only concern is regarding the front yard coverage.

Mr. Steinhagen questioned whether or not a variance could be granted without the exact percentage. Mr. Zenn confirmed the variance could not be granted.

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

**Adjournment**

A motion was made by Mr. Brensilber and seconded by Mr. Friedman to adjourn the meeting at 10:20pm. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Monica Chalarca

Board Secretary