

**Tenaflly Board of Adjustment**

**Regular Meeting**

**7:30 P.M. June 7, 2021**

**Minutes**

**Roll Call**

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

Also present: Mr. Capizzi, Ms. Chalarca, Mr. Cho, Mr. Epstein, Mr. and Mrs. Feldman, Mr. Fenelo, Mr. Hubschman, Ms. Lee, Mr. Menon, Ms. Toro, Mr. Robert, Mr. Zenn, Mr. Yen

Absent: Mr. Lieberman

**Open Public Meeting Act Statement**

**Approval of Minutes- June 7, 2021**

A motion was made by Mr. Cytryn and seconded by Mr. Friedman to approve the minutes of June 7, 2021. A voice vote carried the motion. All voted in favor; none were opposed.

**Approved Resolutions**

**1- Helft, 11 Whitewood Road– Inground pool**

A motion was made by Mr. Steinhagen and seconded by Mr. Cytryn to approve the resolution for 11 Whitewood road. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cytryn, Mr. Steinhagen, Voting NO: No one. The motion was passed 4-0.

**2- Weingast, 32 Dogwood Lane – Inground poll and pool deck**

A motion was made by Mr. Brensilber and seconded by Mr. Steinhagen to approve the resolution for 32 Dogwood Lane. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Steinhagen, Mr. Kominsky. Voting NO: No one. The motion was passed 4-0.

**3- Jerome, 247 Engle Street – Circular driveway**

A motion was made by Mr. Steinhagen and seconded by Mr. Friedman to approve the resolution for 247 Engle Street. The roll was called, and the motion was carried. Voting YES: Mr. Brensilber, Mr. Callahan, Mr. Cho, Mr. Friedman, Mr. Steinhagen, Mr. Kominsky. Voting NO: No one. The motion was passed 6-0.

## **New Business**

### **1. Feldman, 52 Churchill Road- Inground pool, slate patio & paver patio**

Mr. and Mrs. Feldman were present with attorney Mr. Matthew Capizzi and engineer Mr. Michael Hubschman to present the application for 52 Churchill Road. The application is requesting a pool and patio. Mr. Capizzi stated is requesting variance for the pool and patio. Engineer Mr. Michael Hubschman was sworn in as a witness for this application.

Mr. Hubschman presented the plan, Revision 1 dated May 4, 2021.

Mr. Hubschman stated there is no impact on the neighbors and drainage is being managed. Mr. Hubschman discussed the reasoning for the pool not being located in the rear half of the lot.

In response to questions from the board, Mr. Hubschman clarified the shape and topography of the lot such as the steep slope creates the hardship.

### **Executive Session: Feldman– 52 Churchill Road**

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

Mr. Steinhagen stated he is in support of the application.

Mr. Friedman stated he agreed with Mr. Steinhagen and sees no reason not to approve the application.

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

### **2. Epstein, 35 Sunderland Road - Inground pool & patio**

Mr. Epstein was present to present the application for 35 Sunderland Road. The application requested impervious coverage, 25% allowed and 29% proposed. Engineer Mr. Michael Hubschman was sworn in as a witness for this application.

Mr. Hubschman presented the plan dated December 15, 2020 consisting of three sheets. Mr. Capizzi stated there were previous site plans; however, the pool and patio were never built. Mr. Capizzi stated the pool and patio proposed this evening are the same as the previous site plans. Mr. Capizzi stated the ordinance changed hence the variance requested.

Mr. Hubschman explained the exhibits presented to the board including photographs.

In response to questions from the board, Mr. Hubschman clarified where the impervious coverage lies in regard to the application. Mr. Hubschman and Mr. Capizzi stated they are amending the application for a new variance request of 27.7%.

### **Executive Session: Epstein– 35 Sunderland Road**

A motion was made by Mr. Cytryn 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 expressed his concern regarding the application being over the impervious coverage on a large property.

Mr. Brensilber stated he believes the lot can support what is being asked for.

Mr. Cytryn stated he agreed with Mr. Friedman and Mr. Brensilber stating the request is modest and he supports the application.

Mr. Cho stated he supports the application and agrees with previous comments.

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. Steinhagen, Mr. Cho Voting NO: Mr. Kominsky. The motion was passed 6-1.

### **3. Lee, 216 Jefferson Avenue – Front yard driveway**

Ms. Lee was present to present the application for 216 Jefferson Avenue. The application requested to variance for the front yard driveway.

Mr. Cho recused himself from the application due to residing within 200 feet of the applicant.

Ms. Lee presented the application and stated both her and husband concluded that the driveway was only partially paved and narrow. Ms. Lee expressed there is also difficulty pulling into the driveway from the street. Ms. Lee stated there is existing 29.2% where 30% is required. Ms. Lee stated she is requested an increase in driveway area to 40%.

In response to questions from members of the board, Ms. Lee clarified the usage of the garage and driveway. Ms. Lee stated the driveway is too short to park the cars one behind the other.

Mr. Frank Fenelo was sworn in to provide comments as a member of the public. Mr. Fenelo stated he resides at 259 Tenafly Road and his parents reside at 170 Hickory Avenue. Mr. Fenelo expressed his concerns with expanding the driveway affecting the drainage. Mr. Fenelo stated he is against the application.

### **Executive session: Lee – 216 Jefferson Avenue**

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

Mr. Callahan stated he understands the neighbors concern, but he does not think it is a big ask if it is going to improve the safety of their home.

Mr. Steinhagen stated he agrees with Mr. Callahan and believes it will also improve the visual aesthetic of the house.

Members of the board discussed approving the application with respect to a wider curb cut to what is permitted under the zoning ordinance.

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

### **Adjournment**

A motion was made by Mr. Brensilber and seconded by Mr. Friedman to adjourn the meeting at 9:26pm. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Monica Chalarca

Board Secretary