

# Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, APRIL 8, 2014

At 7:37 p.m. Mayor Rustin 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. Meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley News."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:38 p.m.), Maxim Basch, Nadia LaMastra, Daniel Park (arrived at 7:41 p.m.), Jon Warms (arrived at 7:40 p.m.) , Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None

## **PUBLIC COMMENT:**

Mayor Rustin read the following statement:

Public Comments: A total of 15 minutes has been allocated for this purpose. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda below. Citizens must give their names and addresses when recognized to speak. Large groups are urged to select someone to represent them. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

Ernie Kollitides – commented that the Building Department approved generators without looking at noise requirements and that the department should not give permits for anything that doesn't comply with noise ordinance for health reasons. Mr. Kollitides referenced an advertisement in the Suburbanite from a generator company as misleading.

Steven Capaso – BMW of Tenafly – referenced the correspondence on the agenda for a temporary parking permit. He explained that this winter's snow caused a parking shortage at the lot. He apologized for parking difficulties on North Summit Street and noted that BMW is looking for long term solution.

Martha Koven – North Summit Street – referenced a resolution from the Planning Board that includes the stipulation at BMW of Tenafly is not permitted to allow employee parking on Hudson Avenue. She stated that BMW employees should park on lots, not the street and that they should not use the old Ford lot to store vehicles. Ms. Koven recommended that the 2 hour parking restriction should be amended to no parking at all times.

Rita Heller – Marcotte Lane – HPC Member – stated that she is hopeful that 2014 is the year the the Mackay Estate is preserved.

Kevin Tremble – informed Council that the Palisades Park Conservancy is holding a half-marathon on May 4<sup>th</sup> and interest parties can register at [www.escapetopalisades.com](http://www.escapetopalisades.com). He requested that Council adopt a resolution supporting conservation of the Palisades and to request that height of the LG project in Englewood Cliffs be lowered

Simeon Sahaydachny - 425 Hudson Avenue – offered to meet with councilmembers individually to discuss the LG project and its impact on the Palisades.

Joyce Kapovitz – 11 Knoll Road – commented on the traffic safety issues and the cheapening of neighborhood because of the BMW parking situation along North Summit Street.

Marc Greenberg, Esq. – Law Office of David Watkins – advised that his clients are the property owners of 53 Knickerbocker Road. While his clients are still opposed to the proposal, they wish to meet with the Historic Preservation Commission to review the designation request. Mayor Rustin noted that two scheduled meetings between the property owner and the HPC have already been cancelled. Mayor Rustin asked Mr. Wall, HPC Chair, who was in the audience if the HPC is willing to meeting with the property owners. Mr. Wall confirmed that he will schedule such a meeting.

Olga Barbera – 25 Chestnut Street – explained that one side of Chestnut Street is residential and the other is commercial. Ms. Barbera complained that cars are parking on the residential side of the street, making it difficult to get out of the driveway. She stated that the painted yellow lines are not effective in remedying the situation.

Rocco Barbera – 25 Chestnut Street – commented that 2 hour parking is not effective and requested a no parking at any time restriction for the residential side of the street.

David Perskie – 29 Knickerbocker Road – noted that as a property owner, he would be affected if 53 Knickerbocker Road becomes a historic site or if the land is subdivided. He requested to be invited to any meeting between the HPC and property owner of 53 Knickerbocker Road.

David Schussel – 67 Erledon Road – inquired if there will be any further discussions regarding the SRO. He supports the concept and believes the Borough and Board of Education should move forward.

## **TO BE CONSIDERED**

### **Planning Board Comments on Landmark Designation – 53 Knickerbocker Road**

Council determined to table the discussion on this matter to the first work session in May to give the 2 parties an opportunity to meet and discuss.

### **Noise Control Ordinance**

With regard to Mr. Kollitides' letter, he has complained about his neighbor's generator and the amount of noise it produces. Construction Official, Mr. Byrnes confirmed that the generator complies with the zoning code with regards to the setback and the Uniform Construction Code and to test the noise of the generator, property owner has to turn it on, but the property owner is refusing.

Mr. McClure explained that there is a complex method to measure noise. The Borough ordinance is the model ordinance approved by the DEP and NJ Noise Control Council. If a municipality wants to adopt an ordinance that is different than the model, it must be submitted for approval by the DEP and NJ Noise Control Council before it can be effective. All enforcement action must comply with the state statute. He advised that the NJ Noise Control Council met last year and are considering exempting residential generators from all noise regulations because these units are only used in times of emergency.

C. Basch recommended that in order to receive permit for a generator, it must be tested for noise. Mr. McClure opined that such as change may be done by amending the zoning ordinance because amending the noise ordinance requires approval.

C. Barzelatto informed Council that all generators are installed in accordance with UCC and zoning requirement. He recommended that all generators should be exempted from noise ordinance during times of emergency. This item will be discussed in the next work session. Mayor Rustin requested that Mr. Byrnes confirm if there are mufflers available for natural gas generators in the interim.

## **CORRESPONDENCE**

V. Sousa/BMW of Tenafly RE: Temporary Parking at 269 County Road and  
5 Atwood Avenue

Council discussed the temporary parking request and considered approving the request subject to the amount of vehicles to be determined by Mr. Byrnes and that the spaces be lined with drive aisles. This request will be further evaluated during the April 29<sup>th</sup> work session.

D. Carmel/Infinity of Englewood RE: Temporary Parking at 123 Dean Drive  
Council reviewed the letter and denied the request. The Borough Clerk was directed to advise Mr. Carmel of Council's decision and that the vehicles currently parked there must be removed within 10 business days or else summonses will be issued.

R. Levin RE: Objection to Lock Box  
Fire Official, Mr. Blackwell explained the purpose of the lock box, which is required under the International Fire Code and Uniform Fire Code. Mr. Blackwell explained the security procedures in place for the lockbox. Council directed the Borough Clerk to notify Mr. Levin that they shared his

concerns with the Fire Official and if he has any issues regarding the security, he should contact Fire Official Blackwell.

### **TO BE CONSIDERED (continued)**

#### **Planning Board Comments on Site Plan Waiver Ordinance – 14-04**

Mr. McClure explained that the Planning Board is requesting change to a different section in the land development regulations. Council determined to adopt Ordinance 14-04 at the April 17<sup>th</sup> regular meeting and introduce a new ordinance that evening which addresses the Planning Board's comments. That ordinance would be considered for adoption on May 13<sup>th</sup>.

#### **Proposed Referendum Language from Drafting Committee**

Council reviewed the proposed referendum language and advised C. Zinna that the draft must be revised as there are references in the interpretive statement that are not permitted under state statute. C. Zinna will advise the committee.

*At 9:37 p.m. Council recessed and the meeting resumed at 9:42 p.m.*

#### **Event Approvals**

Mrs. Thompson-Chin reviewed the current applications for special events that have been reviewed by the Media & Events Committee. Council approved the event applications for the Knickerbocker Country Club Centennial Celebration on July 26<sup>th</sup> and the Garden Club Mother's Day plant sale on May 10<sup>th</sup>.

#### **Proposed Handicapped Parking Revisions**

Mrs. Thompson-Chin advised that the purpose of the ordinance is to list the handicapped parking locations in the Borough. The ordinance will be introduced at the April 17<sup>th</sup> meeting.

### **ADMINISTRATOR'S REPORT**

Mrs. Thompson-Chin reported that the Riverside Co-op members were invited to attend a Joint Shared Services Administrators' Meeting sponsored by Bergen County on April 3<sup>rd</sup>. The concept of the meeting was good as discussion items were reviewed, which includes creating a Bergen County Cooperative. A follow-up meeting has been scheduled for April 24<sup>th</sup> and the County has requested attendance by the Mayor, Administrator and DPW Director.

The bid opening for the municipal complex security cameras was held on April 1<sup>st</sup>. Maser reviewed the bid specs and references of the respondents. They recommended awarding a contract to the lowest bidder.

The Board of Education is awarding contracts for the bids they received to improve Geissing Field. Quality Electric will receive a contract for the electrical work in the amount of \$329,775 and Dakota Excavating Contractors, Inc. will receive a contract for the artificial turf in the amount of \$933,000.

### **CORRESPONDENCE (continued)**

E. Kollitides RE: Report Regarding Emergency Generators  
This item was addressed in the To Be Considered discussion of the noise ordinance.

Barbera Family RE: Request for "No Parking Any Time"  
Council reviewed the letter and determined not to grant the request as they had previously advised the residents.

P. Cohen/Bethel Management RE: Temporary Parking at 30 Highwood Avenue  
Mr. Cohen was present. Council approved the temporary parking request for 6 months, instead of the full year. The number of vehicles permitted in the lot will be determined by Mr. Byrnes.

### **RESOLUTIONS** for meeting of April 17, 2014:

- A. Approve Expenditures as of April 9, 2014
- B. Authorize Submission for Tenaflly Municipal Alliance Grant for FY2014
- C. Authorize Change Order No. 1 – Tenaflly Road Section 2 Project
- D. Amend Temporary Budget
- E. Authorize Recreation Department Refunds
- F. Authorize Refund – Fingerprint Reimbursement
- G. Authorize Execution of Collective Bargaining Agreement – Tenaflly Crossing Guards
- H. Authorize Refund – Overpayment of Taxes
- I. Authorize Submission of Safe Routes to School Program Grant Application
- J. Authorize Submission of Transportation Alternatives Program Grant Application
- K. Approve Additional Engineering Services – Stormwater Outfalls Inspection
- L. Approve Ice Cream Peddler License – Corbo

- M. Adopt Complete Streets Policy
- N. Authorize Execution of 2014 Public Safety Answering Point Contract with the Borough of Paramus
- O. Approve Outdoor Seating Application – Tavlin Restaurant
- P. Authorize Increase of Maximum Loan Amount for the Tenafly Housing Rehabilitation Program (THRP)
- Q. Adopt Affordable Sales and Rental Operating Manuals

#### **OLD BUSINESS**

##### **Downtown Traffic Circulation and Pedestrian Mobility Study**

Due to the late hour, this item was held for the April 29<sup>th</sup> work session

##### **Closter Resolution Encouraging Protection of NJ Palisades Watershed**

The consensus of Council was not to move forward with a resolution regarding this matter.

#### **NEW BUSINESS**

Mayor Rustin commented that the Red & Tan bus lines are discontinuing 4 bus routes on May 5<sup>th</sup>. 3 of those routes come through Tenafly. The only bus route for the Borough would be NJ Transit's 166 line. Mayor Rustin noted that he spoke with County Executive Donovan, Senator Weinberg, and Assemblywoman Huttler. He reached out to a liaison at Governor Christie's office, as well.

Council requested the Borough Administrator and Borough Clerk to draft a resolution to NJ Transit to extend their services to pick up these routes. Council also requested that the Borough Administrator write a letter to Red & Tan bus lines to request a 60 day extension from discontinuing the routes.

#### **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Warms, second by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:46 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC, CMC  
Borough Clerk