

# Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, APRIL 5, 2011

The meeting was called to order at 8:30 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Barry Honig, Martha Kerge,  
Nadia LaMastra, Michael Lattif, Jon Warms

Borough Administrator: Jewel Thompson-Chin  
Borough Attorney: William R. McClure, Esq.

Absent: None

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."

Peter Fidler, 6 Downey Drive, thanked Mrs. Thompson-Chin for seeking input from the residents of Downey Drive pertaining to the pedestrian and traffic circulation study, but expressed his disappointment that it was sought after the RFP had already been sent to the various firms. He also expressed his concern that the purpose of this study is simply to support the installation of the sidewalk.

## **TO BE CONSIDERED**

- A. BCUA Presentation - Sanitary Sewer Inflow and Infiltration Reduction Program -  
Presentation by Leonard Faiola P.E., P.P., C.M.E. & BCUA Representatives

Leonard Faiola discussed the proposed removal of rainwater from the sewer system through a Rain-Derived Infiltration and Inflow Reduction (RDI&I) and Sanitary Sewer Overflow (SSO) Elimination Program. He explained RDI&I and SSO and the problems that they can cause. As an example, he explained how the major Nor'easter in 2007 caused sewer backups into basements, manhole overflows, and pump station overload. He advised that it is necessary to remove RDI&I in order to receive wastewater management plan approval as it is required to allow for future land development projects. He explained that the goal is to reduce RDI&I by 30% and produce a cost savings for the town. He advised that the program would also help to reduce the need to expand the plant and keep operating costs down which would also translate into cost savings for the town.

Mr. Faiola explained the process of instituting this program. He advised that they are looking to receive approval from the Borough of Tenafly to undertake corrective work within the municipality and execute an agreement with the municipality

for said work. They are also looking to receive approval and enter into agreements with impacted property owners for access to perform property/basement assessment and when necessary, install corrective measures. Steven Sinisi, Special Counsel to the BCUA, explained that they would ensure that all representatives would be properly identified, letters would be sent to residents ahead of time, and these assessments would be performed on an elective basis. Mr. Faiola advised that the proposed repairs would be done at no cost to the Borough of Tenafly or property owners. Mr. Sinisi advised that they would be asking that any building permit fees be waived and if necessary, they would also be requesting coordination from the Police Department to manage traffic flow at no charge.

Mayor Rustin inquired as to whether this program would help with the necessary sewer repairs on Tenafly Road. Mr. Faiola responded that that they would be sitting down with the DPW to see where they find the most I&I problems and if Tenafly Road is one of those areas, it would be a candidate for this program. Mayor Rustin also asked for a timeline for said project. Mr. Faiola stated that it is their hope to enter into an agreement in April or May, sit down with the DPW and property owners in May to June to begin fieldwork, and conduct sewer and door-to-door home field inspections from May through December.

After some discussion as to whether residents would be open to this program and the benefits that it may provide to the town, Council agreed that this program may create significant savings. Council decided to have Mr. McClure review the proposed agreement and asked that Mr. Faiola provide references.

B. Presentation for April 12<sup>th</sup> – Frank Forcier Retirement from DPW after 40 years of Service

Mayor Rustin advised that Frank Forcier is retiring from the DPW after 40 years of service and he will be honored at the April 12<sup>th</sup> Public Meeting.

C. Land Development Ordinance Review –  
i. Proposed Ordinance Revisions from January

C. LaMastra suggested having a special meeting to discuss the proposed Land Development Ordinance revisions. C. Lattif asked that if anyone has specific comments, they be allowed to express them. Mayor Rustin recommended that specific comments or questions be placed in writing to the Borough Administrator and she can relay them to the Engineer or Zoning Officer so that they may provide answers at the meeting. C. Honig asked for an understanding of the implications that the proposed revisions would have on the vision of Tenafly. Mayor Rustin advised that the building height and combined side-yard revisions are a response to ways that developers have attempted to get around our ordinances. C. Kerge expressed her concern that these revisions are going to affect property values and many houses. Council decided to schedule a special meeting on May 17<sup>th</sup> and to have the Borough Engineer and Zoning Official attend said meeting.

ii. Consider Amending Schedule A, Schedule of Permitted Uses, to Prohibit Nail Salons & Massage Parlors

C. Lattif suggested that Mr. McClure draft an amended ordinance that carves out nail salons and massage parlors only. This draft ordinance would then be provided to Council for their review and comment. He then suggested that the draft ordinance be reviewed by the BID before final passage. C. LaMastra stated that the BID had a meeting on Monday and there were mixed comments as to regulating any type of business. She expressed her opinion that it would be inappropriate to ask them for their comment at this time as they still need to become more educated. Mr. McClure expressed his concern about prohibiting nail salons and stated that he would need to consider very carefully how to go about it. C. Lattif expressed his opinion that there are too many absentee landlords who are only concerned about having a revenue stream and the governing body needs to break that chain. C. Kerge expressed her opinion that nail salons are paying very fair and competitive rents and they are there because they are being used. She added that the BID Board is very concerned about vacant buildings.



B. American Diabetes Assoc. Re: Tour de Cure/6-5-11

Council decided to approve this request but concern was raised that 5K run is also scheduled for this date, causing Emergency Services to be taxed. Council asked that Emergency Services be made aware that two events will take place on that date and be advised that coordination will be necessary.

C. Harrison/26 Lawrence Parkway Re: Downey Drive Sidewalk

Council asked that Ms. Harrison be sent a letter to acknowledge and thank her for her comments.

D. Giordano/48 Downey Drive Re: Downey Drive Sidewalk

Mrs. Thompson-Chin advised that the Borough Engineer's response to Ms. Giordano's letter has been sent to her. C. Lattif commented that this response is coming from the same Borough Engineer that had not anticipated the drainage issues that would be caused by the development of the 140 acres to the east and west of Engle Street. Council asked that a response be sent from the Borough Clerk to thank Ms. Giordano for her letter and for being actively involved. Council also asked that Ms. Giordano be advised that the Downey Drive residents will be included in the study.

E. Hughes/78 Westervelt Ave Re: Tenafly Farmer's Market

Council decided to allow the Farmer's Market to continue. C. LaMastra advised that she is going to have Paula Cozarelli, BID Director, reach out to Mr. Hughes. Mrs. Thompson-Chin advised that she is having Bob Beutel look into the issue of the banner.

F. Galvin/North Rose, NY Re: 9/11 National Remembrance Flag

Council decided that C. Honig is to bring this letter to the 9/11 Committee to see if there is any interest.

G. Black/27 Sunset Terrace Re: 29 Sunset Terrace

H. Black/27 Sunset Terrace Re: Condition of Road & Curbs/Sunset Terrace

C. Lattif suggested looking into amending the zoning ordinance to make it stricter when it comes to a construction site not being properly maintained. Council agreed that a letter should be sent to Mr. Black to apologize and inform him that Code Enforcement is being asked to review the entire site and report to the Administrator what needs to be done. Mrs. Thompson-Chin added that with the Code Enforcer having been reduced to part-time, he may need to become much more stringent with enforcement of our ordinances.

I. Nadler/Jewish Family Service Re: Request/Place Portable Toilets/  
Tenafly Bicycle Workshop/5-1-11

Council asked that Mr. Nadler be directed to obtain the proper permits from the Building Department.

J. BC Board of Chosen Freeholders Re: World Autism Day/4-2-11

As the date had already passed, Council was unable to proclaim Saturday, April 2<sup>nd</sup> as World Autism Day in the Borough of Tenafly.



**FOR THE GOOD OF THE ORDER**

None.

**ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:21 p.m.

Respectfully submitted,

Jewel Thompson-Chin  
Acting Borough Clerk