

Approved 9/25/13

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
August 28, 2013**

Chairperson Wilmit called the meeting to order at 8:00 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mayor Peter Rustin	Councilman Jon Warmes
	Mary Beth Wilmit	Kevin Tremble
	Gus Allen	Jeffrey Toonkel
	Eugene Marcantonio	Marc Harrison
	Ted Kagy	Sheryl Gaines

Voting members absent: John Kim

Others present: Jeffrey Zenn, Esq.  
David Hals, P.E.

Mrs. Wilmit noted for the public that both Mayor Rustin and Councilman Warmes will be joining the meeting shortly. There is a Special Mayor & Council meeting this evening.

A motion was made by Mr. Allen and seconded by Mr. Tremble to approve the minutes of the Regular Public Meeting of July 24, 2013. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Tremble and seconded by Mr. Marcantonio to approve Resolution of Approval for PB#1-13-05, Site Plan Waiver, Robert Muggeo, Block 1301, Lot 005, 49 Atwood. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Harrison and Mr. Marcantonio.

**SITE PLAN WAIVER APPLICATION**

**PB #1-13-11**, Applicant: 15 Franklin Street Assoc. LLC  
Block 0904, Lot 006  
15 Franklin Street  
(change of use from real estate office to psychologist office)

Mr. Toonkel recused himself for this application. Prior to presenting the application for this site plan waiver, Ms. Robin Odabash told the board that she is a member of the Business Improvement District (BID) board and voiced her displeasure with the process for the filing said application. Mrs. Wilmit explained that this application was streamlined to be heard at the next available Planning Board meeting and also that the Mayor & Council have an ordinance before them, recommended by the Planning Board, to reduce the amount of escrow money required for a site plan waiver application.

Ms. Odabash continued with her presentation of the application. She explained that the proposed use for the Premises is for a psychologist office with a single practitioner. The space was formerly occupied by a real estate office. The applicant had submitted a site plan waiver application dated July 22, 2013 with a list of tenants in the building (the proposed space being Suite B), a survey prepared by Boswell Engineering dated June 3, 1985 and portions of architectural plans of the Building, unsigned and undated. The proposed use is permitted in the B-2 zoning district of the LDR and conforms to the LDR. The tenancy will not change the appearance of the building nor change the existing configuration of the layout at the Building or Premises.

There is no designated parking on-site for any of the tenants in the Building although there are ten (10) parking spaces on-site. Ms. Odabash again represented that the proposal is for a single psychologist to operate in this office with no secretary.

A motion was made by Mr. Harrison and seconded by Mr. Allen to approve this site plan waiver application with the following conditions:

- A. Applicant shall file for zoning and building permits, as applicable, with the Zoning Officer and Construction Official and shall file building plans in strict accordance with the site plan review by the Planning Board;
- B. This approval is conditioned upon applicant obtaining all other necessary governmental permits and approvals; and
- C. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance

The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Harrison, Mr. Marcantonio, Mr. Kagy and Mrs. Gaines.

**PUBLIC HEARINGS SCHEDULED FOR THIS EVENING**

**PB#1-02-13** – Site Plan/Variance

Block 1302, Lot 1

101 North Summit

Applicant: Charnow Associates, LLC.

Mr. Elliot Urdang is the attorney for the applicant. Mr. Zenn noted that all documentation is in order for this application to proceed this evening. It was noted that Mayor Rustin, Councilman Warms and Mr. Toonkel all were in attendance at this point of the meeting.

Mr. Urdang briefly explained that the existing 12,512 s.f. warehouse space is to be converted to a health club/rock climbing facility and an office. The building will contain three (3) uses—an existing health club facility, the proposed health club/rock climbing facility and an office. The site currently has sixty (60) parking spaces and the proposal is to expand the on-site parking to eighty-eight (88) spaces. The rear and side parking areas are proposed to be striped for seventy-seven (77) spaces and the front parking area is to be expanded to eleven (11) spaces.

Mr. Urdang indicated there was no definitive proposal for a health club/rock climbing facility in the 12,512 square foot warehouse space. The applicant sought approval for a generic proposed use. The review letter of the Board's engineer indicated a parking demand study of similar health clubs/rock climbing facility should be prepared and submitted to the Board. Further, there was no architectural plan to show the proposed layout of the proposed facility so the Board did not know what the facility might have in terms of party rooms, exercise classes, dressing rooms and the like.

The Board expressed its difficulty in evaluating the application which required a parking variance for the conversion of the large warehouse space. In response to the Board's questions and concerns, the applicant amended the application so that it requested no change of use approval. It only sought approval of the site plan amendment and variance for the plans submitted. That is, the 12,512 square foot space would remain warehouse space and if the use is to change in that warehouse space in the future, an application to this Board or other applicable board will be required.

Mr. Steven J. Collazuol was sworn in and gave his credentials to the board. Having appeared before the Planning Board many times, he was qualified as an expert in the field of engineering.

He reviewed the plans he had previously submitted to the board as they related to the parking spaces presently at the site and those proposed. He noted that three (3) loading docks will be removed from the site and the dumpster will be relocated. Some areas on the site are preserved due to a stream running through the area. He commented that it is his opinion that the plans submitted represent the best plan for parking on the site without disturbing the stream. There is adequate aisle width. He noted that there is a variance for parking space size as 9.5' x 18' is required and 9' x 18' is proposed. There is a slight change in impervious coverage.

It was noted that no report was received from the Fire Department; however, Mr. Urdang commented that the applicant is required to meet fire code requirements. The spillage of light falls into a grassy swale and a warehouse parking lot in Cresskill. There is a drainage easement at the rear of the property.

There are several trees which will need to be removed, but the applicant agreed to do more plantings. The applicant will meet with DPW Director Bob Beutel to discuss landscaping on the site.

The board reviewed David Hals' letter dated August 23, 2013. The applicant agreed with Mr. Hals' findings that the following variances and waivers are required:

- a. Required Parking—196 spaces are required, 88 spaces are proposed
- b. Parking in the Front Yard—None Permitted, Spaces 84-88 are proposed on North Summit, Spaces 41, 33, 34 are proposed on Atwood Avenue
- c. Loading Spaces, 1 loading space is required, none are proposed
- d. Maximum Impervious Coverage, 70% maximum is permitted, 89.4% is proposed
- e. Parking Space Size, 9.5' x 18' is required, 9' x 18' is proposed.

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It was noted previously that the trash enclosure is to be relocated to the northeast portion of the property. Mr. Hals' noted that the trash area would be blocked by spaces 58 and 59. Mr. Urdang testified that the trash will be picked up prior to operation of the businesses.

The applicant will get appropriate approvals from the Bergen County Planning Board and the Bergen County Utility Authority for the increase in sewer flow, if applicable.

Board members were concerned with trash near the stream. Mr. Urdang assured the board that there would be no issue with trash. It was requested that pervious asphalt be used in the front of the site. The applicant will comply. The "Do Not Enter" pavement markings in the drive aisle shown on the plans between spaces 17, 18 and 40 should be labeled as proposed striping. It was suggested that a landscape island be constructed there as well to prevent cars from parking in that area. There were no further questions for the applicant's engineer. The meeting was open to the public for questions of Mr. Collazuol. There being no one with questions, this portion of the meeting was closed to the public.

A motion was made by Mr. Marcantonio and seconded by Mr. Toonkel to approve this amended application which only addressed the parking expansion with the recommended stipulations/conditions:

1. Applicant will provide a delineation of the drive aisle adjacent to parking spaces 17 and 40 to be approved by the Board Engineer in order to prevent parking in that area which would interfere with traffic circulation.
2. Applicant's plantings of trees in the right-of-way along North Summit Street shall be made in consultation with and approved by the Tenaflly Director of DPW.
3. Applicant to investigate and consider installing pervious asphalt in the front parking lot along North Summit Street.
4. Trash pick-up shall be arranged to be done prior to the start of business operations on the Premises.

The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Councilman Warms and Mayor Rustin.

#### OLD BUSINESS

Mrs. Nicolosi explained that several of the recommendations made to the Mayor & Council by the Planning Board are set to be introduced as ordinances on September 3, 2013. The public hearing will be October 22, 2013 and will be in effect as of October 25, 2013. There will be two (2) ordinances. One will cover the permitted uses and the other will cover Technical Review Charges, Publication of Decision and Site Plan Waiver Fee escrow reduction.

Mr. Capizzi has submitted the Subdivision Deed to be signed by the Planning Board for the recently approved Dorf subdivision. A Developer's Agreement has not been signed or received for this approved application. Mr. Zenn noted that the Planning Board had approved a prior

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subdivision on this property presented by another owner: and a Developer's Agreement was never received. The development of this property never happened. The Planning Board will hold off on the signing of the subdivision deed presented until a fully executed Developer's Agreement has been received by the Borough. Mr. Zenn will contact Mr. Capizzi with the board's determination.

#### COMMITTEE REPORTS

The agreement with Special Counsel Ed Buzak has been duly executed. A joint meeting of the Planning Board Affordable Housing Committee and the soon to be formed Mayor & Council Affordable Housing Committee will be scheduled shortly to discuss Tenaflly's status as far as COAH is concerned.

Mayor Rustin noted that the Mayor & Council are set to vote on September 3<sup>rd</sup> to transfer ownership of 311 Tenaflly Road to the United Way. The United Way will get financing after the property is donated to them. At some point, an application and plans will be submitted to the Planning Board.

Mayor Rustin also noted that Congressman Pascrell had asked for a meeting tomorrow at 10:00 a.m. in Teteboro to discuss funding on a bicycle study. Assemblywoman Valerie Vainieri Huttel, the mayors of Tenaflly, Alpine, Englewood Cliffs and representatives of the Department of Transportation as well as the Palisades Interstate Park Commission will be in attendance. Mr. Tremble was invited to the meeting as well in his capacity as Chairman of the Citizens' Advisory Council for the Palisades Interstate Park in New Jersey.

Mr. Toonkel noted that the Environmental Commission is promoting its participation in the Sustainable Jersey program in the State.

The board reviewed the following items of correspondence:

- Letter dated July 29, 2013, from David Wall, Chair of the Historic Preservation Commission re: Malcolm Mackay property on Knickerbocker Road
- Memo dated August 7, 2013 from David Wall, Chair of the Historic Preservation Commission re: Possible Sale and/or Development of Mackay Estate at 53 Knickerbocker Road

Mr. Tremble advised the board that the Historic Preservation Commission is working on a recommendation to the Mayor & Council regarding the property on Knickerbocker Road. Several board members mentioned that they had heard that a developer has met the asking price for the property; however, nothing is confirmed.

Mr. Allen noted that he will be attending the next BID meeting and will report his findings at the next meeting. Mr. Zenn noted that the Developer's Agreement is in the final preparation stages for Shelter Development, LLC.

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Mrs. Wilmit offered the board's congratulations to Mrs. Nicolosi on her new position as MLUL Officer for the Borough. She is also the Assistant to the Administrator, Municipal Housing Liaison, Planning Board Secretary and Board of Health Secretary.

The meeting was open to the public for comments on agenda/non-agenda items. Mrs. Sylvia Myerson inquired about the assistive listening devices. Mrs. Nicolosi advised her to call the day of the meeting and she will arrange to have the headsets available for her use at the meeting. Mrs. Myerson had concerns about the agenda item "Discussion on matters before the Mayor & Council" and whether there would be discussion about the Tenaflly Nature Center. There will be no discussion tonight about the Nature Center. Mrs. Nicolosi reiterated what she had reported previously about the two (2) ordinances presently before the Mayor & Council. Mrs. Myerson questioned why Mayor Rustin and Councilman Warms were not at the meeting at its start. Mayor Rustin explained that there was a special Mayor & Council meeting tonight to approve a resolution for an open space grant for improvements for ADA work at Griffin Park and approve the bill list.

Mr. Jim Elias approached the board. He is a member of the BID board. He inquired about the procedures for a site plan waiver and had questions about permitted uses. He was directed to go to the Building Department for his specific questions.

A motion was made by Mr. Allen and seconded by Mr. Kagy adjourn the meeting at 10:01 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary