

Approved 3/27/13

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
February 27, 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 Warme
	Mary Beth Wilmit	Kevin Tremble
	Gus Allen	Jeffrey Toonkel
	Eugene Marcantonio	Ted Kagy
	Sheryl Gaines	

Voting members absent:	Marc Harrison	John Kim
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Others present:	Jeffrey Zenn, Esq.
	Joseph Vince, P.E. (for David Hals)
	Dee Lorberbaum, MLUL Officer
	Debra Dworkis, Land Use/Housing Assistant

Mrs. Lorberbaum introduced Ms. Debra Dworkis, Land Use/Housing Assistant to the board members.

A motion was made by Mr. Tremble and seconded by Mr. Marcantonio to approve the minutes of the Re-Organization Meeting of January 9, 2013, and the Regular Public Meeting of January 23, 2013. A voice vote carried the motion. All voted in favor; none were opposed.

Mr. Matthew Capizzi is the attorney for the Applicant Norman Dorf, Block 1505/2604, Lot 10/1.01 & 1.02, 232, 236 & 240 Hudson Avenue. The application calls for a minor subdivision and variance. This application had been placed on the agenda for this evening and was to be heard only if three previously scheduled applications would not be heard this evening. All hearings are proceeding this evening. Mr. Capizzi requested that the application for Norman Dorf be carried to the March 27, 2013, meeting at 8:00 p.m. The board agreed to his request. There will no further notice required.

Mrs. Wilmit read a thank you card from Dee Lorberbaum, MLUL Officer, into the record. The Planning Board had hosted a retirement dinner for her on February 13, 2013. Mrs. Lorberbaum is retiring as of March 1, 2013.

SITE PLAN WAIVER – Change of Permitted Use

PB#1-13-03, Applicant: Joseph Garner
Block 1010, Lot 4 – 16A W. Railroad Avenue

Joseph Gartner is the owner of the property. Ms. Susan Kennedy is the property manager for Mr. Gartner and is appearing on his behalf. She presented the application to the Board. The applicant proposes a change of use for one of the stores located at the above address. She noted that the proposed 165 square feet of space was formerly occupied by Julyet Dress; and the applicant proposes to use the space as a beauty supply store.

The proposed use being retail is a permitted use as was the former retail use. There is no differentiation for parking under the LDR between the old and proposed uses. The applicant testified that there would be one employee at the site. There are no exterior renovations proposed, just interior fit-out for the beauty supply store.

A motion was made by Mr. Marcantonio and seconded by Mr. Allen to approve this site plan waiver 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
- C. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance
- D. Applicant shall apply for employee parking permits for all of its employees through the Office of the Borough Administrator

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

PUBLIC HEARINGS

There are three (3) hearings scheduled for this evening. The attorney for Friends of Grace Senior, Inc. (d/b/a Korean Cultural Community Center), Saverio Cereste, was given the option of requesting that his application be heard at an upcoming meeting or staying this evening and proceeding at a very late hour. He advised the board that he would consult with his client.

PB#1-12- 17A – Shelter Development, LLC and Alfonso and Sandra Diasparra
Block 1306, Lots 1-5 Hudson Avenue between Atwood and Madison Avenue

Mr. Elliot Urdang is the attorney for the above application. He is requesting that the Planning Board amend its Resolution for the Shelter Development, LLC and Alfonso and Sandra Diasparra application approved on January 9, 2013 to permit up to 110 beds in the same number of units.

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Mr. Urdang called upon Mr. David Holland, Vice President of Development of Shelter Development, LLC. He was previously sworn in at a previous hearing and remains under oath. He testified that it was an oversight to not include the request for two beds in some of the rooms.

He described scenarios of where two beds in a unit would be preferred—couples who would share a bedroom, siblings or friends may request to live together in a bedroom unit with two beds as well.

There was much concern on the part of the board members about first responders and ambulance services. Mr. Urdang advised the board that the applicant would be responsive to the Borough and would consider hiring a private service to lessen the load on borough emergency services. This was also a stipulation in the memorialized resolution.

Many board members were concerned that this request was being made now. The original, informal meeting called for 94 rooms with beds. The applicant was approved for 96 rooms with beds. Now the applicant wishes to add more beds to bring the total to 110 beds in the same number of units. There is a concern for the safety of the residents there—being that there will be more people due to the increase in the number of beds. The board would like to have input again from the Fire Official, Police Chief and Board Engineer. Mr. Urdang stressed that the building will need to be built according to fire/building codes

Mr. Urdang stressed that the facility will be licensed with the State Department of Health and everything will fully meet all state/borough codes. Mr. Holland apologized for the oversight of not including the 110 beds in the original application.

The meeting was open to the public for questions of Mr. Holland. There being no one present with questions, this portion of the meeting was closed to the public.

The board wants to have reports from the Fire Official, Police Chief and the Board Engineer on this change to the original resolution. Ms. Dworkis will forward Mr. Urdang's letter request of January 23, 2013, as well as any prior memos on this application to those officials. Reports will be distributed before the next Planning Board meeting.

The next meeting on March 13, 2013, is a Work Session and will need to be converted to a Special Public Meeting in order to accommodate continuing with this application. A motion was made by Mr. Allen and seconded by Mr. Kagy to convert the Work Session of March 13, 2013, to a Special Public Meeting to continue the application for Shelter Development, LLC. at 8:00 p.m. There will be no further notice required. A voice vote carried the motion. All voted in favor: none were opposed. Ms. Dworkis will publish a notice to amend the annual meeting schedule to change the Work Session into a Special Public Meeting.

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Mr. Cereste advised the board that his client, Friends of Grace Senior, Inc. (d/b/a Korean Cultural Community Center), wished to remain at the meeting to be heard later on in the evening.

Mrs. Wilmit acknowledged the upcoming retirement of Mrs. Dee Lorberbaum, MLUL Officer. She conveyed the board's thanks for her many years of service to the Borough. She will be missed and was an invaluable resource for Tenaflly planning history. Mr. Tremble thanked her on behalf of the Historic Preservation Commission. There was a standing ovation for Mrs. Lorberbaum.

PB#1-12-14 (amends PB#1-11-02) Site Plan/Variance

Applicant: Dafnia, Inc. (for Tenaflly Diner)
Block 1010, Lot 4, 16 W. Railroad Avenue

Joe Vince is an engineer and is in attendance at this meeting at the request of David Hals, the Board's engineer. Mr. Hals could not attend the meeting. Mr. Vince was sworn in for the evening and may testify for the board.

Mr. Urdang explained the application for the Tenaflly Diner. The applicant proposes to construct an addition to the front of the Tenaflly Diner. The addition is to extend into the right-of-way of West Railroad Avenue. The addition is 306 s.f. and will increase the seating capacity of the diner by 20 seats. The proposed expansion will require 7 additional parking spaces. There is on street parking available.

A letter dated February 27, 2013, was received from David Watkins, Esq. He represents Shakarjian Realty Co., Inc., the owner of 9-11 Washington Street. The letter indicates that the mode of ingress and egress from the Tenaflly Diner crosses over his client's property, which leads to the municipal parking lot. Under no circumstances will his client agree to any easement, whether reciprocal or not, regarding the Tenaflly Diner's use of his client's property to effectuate the flow of traffic off of the diner's property.

Mr. Urdang advised the board that the circulation pattern of traffic and Mr. Watkins' objection letter should not hold up the hearing of this application tonight. It was noted that Mr. Watkins was not in attendance at the meeting. Mr. Urdang reminded the board that in the past there was an attempt to get reciprocal easements between all property owners adjacent to the municipal parking lot. Attempts were unsuccessful in the past.

Mr. Chris Blake was sworn in for his testimony. Having appearing many times before the Tenaflly Planning Board, Mr. Blake was accepted as an expert in the field of architecture. He reviewed his submitted plans dated March 16, 2012, with the board, noting that the building will be a glass structure with removable windows. It will be an open-air mezzanine-look building. There will be no storage underneath the building addition. There will be six (6) 12" concrete

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piers driven to three (3) feet below grade. There will be structural support for the addition at each column.

Mr. Vince commented that the culvert in front of the building is approximately 100 years old and starting to show age. There is a major concern about the weight of this addition. There should be no weight placed on the sidewalk. The culvert may be compromised by this addition.

Mr. Hals had submitted a letter to the board dated November 28, 2012, reviewing this application. His comments are as follows:

“6. The proposed addition is to be constructed over the existing drainage culvert located under the sidewalk in front of the diner. The drainage culvert is a rectangular structure with rubble walls, a concrete cover and an earth bottom. The Site Plan incorrectly labels the culvert as a concrete box culvert. The architectural plan incorrectly depicts the culvert as a round pipe.”

“7. Any construction near the culvert poses a risk to the integrity of the culvert. Constructing a building over the culvert restricts the ability to access it for repairs or replacement. The culvert should be relocated outside the limits of the proposed building addition.”

Police Chief Bruno had also submitted a memo dated October 12, 2012, regarding the site plan for the application. He noted that the proposed addition has no measurable negative impact on the overall safety of people using the sidewalk area. He was mildly concerned that the reduced width of the sidewalk combined with the raised Belgian block around the trees could present a tripping hazard. Mr. Urdang noted that the applicant is prepared to remove the Belgian block and replace same with pavers to address this issue.

The meeting was open to the public to question Mr. Blake. There being no one from the public with questions for him, this portion of the meeting was closed.

Mr. Michael Hubschman was sworn in for his testimony. Having appearing many times before the Tenaflly Planning Board, Mr. Hubschman was accepted as an expert in the field of engineering. He recorded the following exhibits:

- Exhibit A-1, 2/27/13, Colorized version of Site Plan, Proposed Addition Tenaflly Diner, last revised 3/8/12.
- Exhibit A-2, 2/27/13, Photos of culvert taken by Mr. Hubschman

Mr. Hubschman continued with his testimony. The culvert is in fair condition and can be accessed through a manhole. The piers are located sufficiently away from the culvert. He discussed the traffic pattern. Cars enter into the diner's lot which is one-way access. To leave that parking lot, cars continue through to the municipal lot and out onto Riveredge Road.

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Messrs. Hubschman and Urdang reviewed the comments in Mr. Hals' letter of November 28, 2012. The applicant agrees that the proposed addition is to extend into the West Railroad Avenue right-of way by 7.6 feet. The addition will reduce the sidewalk 5 feet across the frontage of the diner. The applicant understands that approval of the addition into the right-of-way will require approval from the Mayor & Council. Messrs. Urdang and Hubschman disagreed with Mr. Hal's comment that "Any construction near the culvert poses a risk to the integrity of the culvert. Constructing a building over the culvert restricts the ability to access it for repairs or replacement." They responded that repairs can be made through the manhole. Piers can be inserted without compromising the integrity of the culvert. Mr. Urdang advised the board that the applicant is prepared to fix the culvert should it be damaged during the construction of this addition.

Mr. Hals' noted that approval is needed from the Bergen County Planning Board in his letter. Mr. Vince commented that perhaps the culvert is part of the county drainage system; hence the request for approval. The applicant will comply with submitting the plans to the Bergen County Planning Board.

There was discussion again about the trees in the front of the diner and the Belgian block surrounding the trees. They will be removed and replaced with pavers.

The meeting was open to the public to question Mr. Hubschman. There being no one from the public with questions for him, this portion of the meeting was closed.

The board is extremely concerned about the culvert issue and needs more information before a decision can be made. It was decided that both engineers, Messrs. Hals and Hubschman, should meet at the site to come up with a solution regarding the culvert. A report with recommendations should be submitted to the board prior to the next board meeting.

The application for the Tenaflly Diner will be carried to the Special Public Meeting of March 13, 2013, at 8:00 p.m. No further notice is required.

The board took a brief recess.

PB#1-12-16 – Site Plan/Variance

Applicant: Friends of Grace Seniors, Inc. (d/b/a Korean Cultural Community Center)
Block 1104, Lot(s) 13, 14 & 15, 96, 100 & 106 Grove Street

Mr. Saverio Cereste is the attorney for Friends of Grace Seniors, Inc. (d/b/a Korean Cultural Community Center). Mr. Zenn noted that all documentation is in order for the application and the hearing can proceed this evening.

Mr. Cereste gave a brief overview of the application. The applicant proposes to develop the site as a cultural/community center. The property is in the C-Commercial Zone district and is located

on the easterly side of Grove Street at the Columbus Drive intersection. The site is bordered by the Grove Street at Tenaflly development on the north and east and a commercial property to the south. The property is currently developed with a one-story masonry building. The entire site is paved or surfaced with stone. The applicant proposes to remove the existing building, pavement and stone surface and construct a new 3-story building with 43 on-site parking spaces.

There are numerous variances and waivers required for this application including rear yard coverage, side yard with residential zone, rear buffer with residential zone, side buffer with residential zone, parking, parking in front yard, parking space size, and driveway aisle width.

Mr. Cereste stressed that Friends of Grace Seniors is not just a Korean Cultural Community Center. It is a community-oriented organization. There are many, many programs, including several programs for the youth. Grant money is secured from the State of New Jersey, County of Bergen and the Robert Woods Foundation as well.

Mr. Michael Hubschman was sworn in for his testimony. Having appearing many times before the Tenaflly Planning Board, Mr. Hubschman was accepted as an expert in the field of engineering. He recorded the following exhibit:

- Exhibit A-1, 2/27/13, Colorized version of Site Plan, 100 Grove Street, last revised 1/10/13

He noted again that the building on the property will be razed. There is a 20' sewer easement along the north property line. There will be two (2) seepage pits and trench drains in the front of the property. All water will be collected on site. The applicant agreed to look at new pervious surfacing products to help with drainage.

Mr. Hubschman advised the board that the applicant would comply with all recommendations by both Board Engineer David Hals and Board Planner Joe Burgis, in their letters dated January 15, 2013, and January 23, 2013, respectively including, but not limited to all landscaping recommendations, the location of the dumpster on the property and fencing requirements.

Mr. Allen pointed out that the key map references Cedar Street, which was vacated, as Columbus Drive. The plans will be revised for consistency.

Mr. Hubschman noted that the root system of trees should not pose a problem during construction. The board would like to have Bob Beutel, DPW Director, review all landscaping plans.

There was a lengthy discussion regarding parking on the site and on-street. There is one hour parking in front of residential homes but no parking permitted in front of the DPW.

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Chief Michael Bruno sent a review memo dated January 11, 2013, expressing traffic safety concerns due to the site's location at Grove Street. The exit driveway from the facility is located diagonally across from the intersection of Columbus Drive and Grove, Street, which always experiences very heavy traffic during the weekday rush hours, especially when school is in session. Board members concurred with the Chief's observations.

The meeting was open to the public to question Mr. Hubschman. There being no one from the public with questions for him, this portion of the meeting was closed.

Mr. Judd Rocciola of Rocciola Engineering was called as a witness. He gave his qualifications to the board and was accepted as an expert in the field of traffic engineering. He briefly reviewed his report dated February 11, 2013, with the board members. Mr. Rocciola did not do any studies on the corner of Columbus Avenue and Grove Street.

He advised the board that he has recommended to the applicant that they apply for employee parking hangtags with the Borough and also access the calendar and event scheduling to assure that parking is not an issue at different times of the day. He would defer to the Police Chief with regard to the ingress and egress of the site.

Board members voiced their concerns with the amount of traffic a community center of this magnitude will generate in an area already plagued by traffic issues when school is in session.

The meeting was open to the public to question Mr. Rocciola. There being no one from the public with questions for him, this portion of the meeting was closed.

Mr. Cereste advised the board that he will be calling upon Dr. Ma, the director of the community center, at the next hearing to testify about programming/scheduling at the center and the types of programs held throughout the day.

The application for the Friends of Grace Seniors, Inc. will be carried to the Regular Public Meeting of March 27, 2013, at 8:00 p.m. No further notice is required.

Mrs. Wilmit read a statement from Mrs. Lorberbaum to end the meeting:

Goodbye to the wonderful Planning Board members and the professionals serving on the Board. I wish you good health a happy life! God Bless. Dee

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A motion was made by Mr. Marcantonio and seconded by Mrs. Gaines to adjourn the meeting at 11:10 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary