

Approved 2/27/13

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
January 23, 2013**

Vice-Chairperson Allen 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:	Gus Allen	Kevin Tremble
	John Kim	Marc Harrison
	Eugene Marcantonio	Ted Kagy
	Sheryl Gaines	

Voting members absent:	Mayor Peter Rustin	Councilman Jon Warms
	Mary Beth Wilmit	Jeffrey Toonkel

Others present:	Jeffrey Zenn, Esq.
	Dee Lorberbaum, MLUL Officer

Attorney Zenn administered the Oath of Office to Byron “Gus” Allen, Member of the Planning Board.

APPOINTMENTS: Board Planner

Planning Board Planner:

A motion was made by Mr. Marcantonio seconded by Mr. Kagy to approve the resolution to appoint the planning firm of Burgis Associates, Inc. specifically Joseph Burgis, as Planner to the Planning Board. A voice vote carried the motion unanimously. Joseph Burgis is the planner for the Tenafly Planning Board for the calendar year 2013.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the Professional Service Contract for Mr. Burgis. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the resolution of award through a non-competitive process for the Board Planner. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the Resolution of Approval for GT Car Wash, Inc., t/a/ Tenafly Car Wash, Block 1308, Lot 2, 277 County Road. Voting YES: Mr. Tremble, Mr. Harrison, Mr. Marcantonio, Mr. Kagy and Mrs. Gaines.

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A motion was made by Mr. Harrison and seconded by Mr. Kim to approve the minutes of the Regular Public Meetings of November 18, 2012, and December 12, 2012. A voice vote carried the motion. All voted in favor; none were opposed.

A letter was received hand-delivered from Elliot W. Urdang, Esq. representing Shelter Development, LLC, dated January 23, 2013, requesting that the board adopt an amendatory resolution for the applicant. His letter states "The application to the board was for 96 beds in 90 units. Shelter would like the resolution to be amended to permit up to 110 beds in the same number of units. This will give Shelter the flexibility to accommodate sharing of a unit by two occupants. Please note that the proposed 100 bed limitation is well below the 120 beds permitted by the ordinance. In addition, there would be no increase in the parking requirement because the RSIS parking standard is based upon units, not beds." Further, "Your prompt consideration of this request would be appreciated since it affects the licensing process with the State."

Mr. Zenn advised the board that Shelter Development, LLC, needs to appear before the Planning Board to make a presentation for this request. Testimony regarding this matter was not heard at the hearing on this application. Mr. Urdang will be contacted and directed to make a formal request for this amendment at the February 27, 2013, meeting. The applicant will need to renotice surrounding property owners of this resolution amendment.

PUBLIC HEARINGS

Mr. Zenn announced that the application for PB#1-12-16, Friends of Grace Senior, Inc. (d/b/a Korean Cultural Community Center), Block 1104, Lot(s) 13, 14 & 15, 96, 100 & 106 Grove Street, has requested a postponement for this evening to the meeting of February 27, 2013, at 8:00 p.m.. The board agreed to this continuation without further notice.

Attorney Zenn noted that Elliot Urdang, attorney for PB# 1-12-14, Dafnia, Inc. (for Tenaflly Diner, Block 1010, Lot 4, 16 W. Railroad Avenue, contacted his office to request that the application be continued to the February 27, 2013, meeting. The board had no objection to this request. The meeting will commence at 8:00 p.m. without further notice from the applicant.

As there were several people in the audience this evening, the meeting was opened to the public. Sylvia Myerson, 133 Kent Road, had questions regarding the Tenaflly Nature Center and zoning. She was directed to the Mayor & Council and also to the Zoning Official for answers to her questions/concerns. This portion of the meeting was closed to the public.

A motion was made by Mr. Harrison and seconded by Mr. Kagy to close the public meeting to go into a Closed Session to discuss pending litigation. The board reconvened the public meeting.

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There was some discussion regarding conflict of interest on an upcoming application for Norman Dorf. Mr. Zenn noted that his firm in the past had represented several entities owned by Mr. Dorf; however there was no work done for any Dorf entity in more than 2 ½ years and Mr. Zenn will sit on the matter that evening. Mr. Allen noted that he bought a car from Mr. Dorf. Mr. Zenn does not believe this is a conflict of interest. Mrs. Gaines noted that she socializes with Mr. Dorf and his family. Mr. Zenn advised her to recuse herself from the hearing.

A motion was made by Mr. Kim and seconded by Mrs. Gaines to approve the 2013 Planning Board Directory. A voice vote carried the motion. All voted in favor; none were opposed.

COMMITTEE REPORTS

Mrs. Lorberbaum noted that an RFQ (Request for Qualifications) has been prepared for Special COAH Counsel. This document still must be reviewed by the Mayor & Council.

The Land Use Element of the Master Plan is being re-drafted by Board Planner Joe Burgis. The committee expects to review a draft in mid-May/June.

Mr. Tremble reported that the Historic Preservation Commission is working to convert hard copies of reports of historical sites to electronic form. Many documents are on display in the library. He also noted that the lighting at the Railroad Station is being upgraded. Mrs. Nicolosi noted that the Administration office will be preparing the annual easement report shortly for submission to the New Jersey Historic Trust Commission.

The meeting was opened to the public again. Mr. Burt Ray Simpson, 197 Forest Drive, Hillsdale, NJ, introduced himself to the board members. He has applied for the Land Use/Housing Assistant position with the Borough. The meeting was closed to the public.

A motion was made by Mr. Kagy and seconded by Mr. Marcantonio to adjourn the meeting at 8:53 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary