

Approved 2/27/13

**RE-ORGANIZATION MEETING OF THE
TENAFLY PLANNING BOARD
January 9, 2013**

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

The announcement was made regarding compliance with the Sunshine Law.

OATHS OF OFFICE

Mayor Peter Rustin administered the Oath of Office to the following Planning Board members into their respective positions:

Councilman Jon Warmes	Council member, Class III, of the Planning Board
Eugene Marcantonio	Member of the Planning Board
Sheryl Gaines	2 nd Alternate Member of Planning Board

Byron "Gus" Allen, Member of the Planning Board, will be sworn in at the next meeting.

The secretary was asked to call the roll:

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

Voting members absent:	Gus Allen	John Kim
------------------------	-----------	----------

Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.
	Dee Lorberbaum, MLUL Officer

ELECTION OF OFFICERS FOR 2013

Nominations for Chairman:

A motion was made by Mr. Marcantonio and seconded by Mr. Toonkel to nominate Mrs. Mary Beth Wilmit as Chairperson of the Planning Board. The nominations were closed. A voice vote carried the motion unanimously. Mrs. Wilmit is the Chairperson of the 2013 Tenafly Planning Board.

Nominations for Vice Chairman:

A motion was made by Mr. Tremble and seconded by Mr. Kagy to nominate Mr. Gus Allen as Vice Chairman of the Planning Board. The nominations were closed. A voice vote carried unanimously. Mr. Allen is the Vice Chairman of the 2013 Tenafly Planning Board.

Approved 2/27/13

Tenafly Planning Board, Re-organization Meeting

January 9, 2013

Page 2

A motion was made by Mr. Harrison and seconded by Mr. Marcantonio to go into Closed Session to discuss personnel.

The Board returned to the public hearing.

APPOINTMENTS: Board Attorney, Secretary, Planner & Engineer

Planning Board Attorney:

A motion was made by Mr. Tremble seconded by Mr. Harrison to approve the resolution to appoint the law firm of Sokol, Behot & Fiorenzo, specifically Jeffrey Zenn, Esq., as Attorney to the Planning Board. A voice vote carried the motion unanimously. Jeffrey Zenn is the attorney for the Tenafly Planning Board for the calendar year 2013.

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

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

Planner: The appointment of the Planner was tabled until the next meeting.

Planning Board Engineer:

A motion was made by Mr. Kagy seconded by Mr. Marcantonio to approve the resolution to appoint Schwanewede/Hals Engineering, specifically David Hals, P.E., as Engineer to the Planning Board. A voice vote carried the motion unanimously. David Hals is the engineer for the Tenafly Planning Board for the calendar year 2013.

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

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

Planning Board Secretary:

A motion was made by Mrs. Gaines and seconded by Mr. Tremble to appoint Mrs. Valerie Nicolosi as Secretary to the Planning Board for the calendar year 2013. The nominations were

Approved 2/27/13

Tenaflly Planning Board, Re-organization Meeting
January 9, 2013
Page 3

closed. A voice vote carried the motion unanimously. Mrs. Valerie Nicolosi is the Secretary to the Planning Board for 2013.

Mrs. Wilmit reviewed the various Planning Board committees. The 2013 Planning Board Committees as listed below:

- ❖ SITE PLAN REVIEW COMMITTEE—Jeff Toonkel, Gus Allen, Mary Beth Wilmit
- ❖ LDR COMMITTEE--Gus Allen, Marc Harrison, Gene Marcantonio, Mary Beth Wilmit
- ❖ OPEN SPACE/RECREATION COMMITTEE--Gus Allen, John Kim, Ted Kagy
- ❖ AFFORDABLE HOUSING COMMITTEE--Mary Beth Wilmit, Gus Allen, Mayor Peter Rustin
- ❖ TRANSPORTATION COMMITTEE--Gus Allen, Kevin Tremble, Ted Kagy
- ❖ MASTER PLAN COMMITTEE--Gus Allen, Jeff Toonkel, Mary Beth Wilmit, Councilman Jon Warmes
- ❖ ENVIRONMENTAL COMMISSION REP. --Jeff Toonkel
- ❖ HISTORIC PRESERVATION COMMISSION REP.--Kevin Tremble
- ❖ BUSINESS IMPROVEMENT DISTRICT REPS--Gus Allen, Jeff Toonkel, Sheryl Gaines
- ❖ STATE DEVELOPMENT PLAN COMMITTEE, Kevin Tremble, Jeff Toonkel, Councilman Jon Warmes

A motion was made by Mr. Marcantonio and seconded by Mr. Harrison to approve the Resolution of Approval for Shelter Development, LLC and Alfonso and Sandra Diasparra, Block 1306, Lot 5, Hudson, Madison and Atwood Avenues and North Summit Street. Voting YES: Mrs. Wilmit, Mr. Tremble, Mr. Toonkel, Mr. Harrison, Mr. Marcantonio, Councilman Warmes and Mayor Rustin.

PUBLIC HEARINGS

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 January 23, 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.

PB# 1-10-10 A (Amend Site Plan)

Applicant: Tenaflly Car Wash
Block 1208, Lot 2, 277 County Road

Mr. Elliot Urdang is the attorney for the applicant. Mr. Zenn noted that all documentation was in order for the application and the hearing could proceed this evening. The applicant presented the following plans and exhibits:

- Plan entitled “Proposed Canopy, Site Plan, Tenaflly Car Wash, No. 277 County Road” prepared by Hubschman Engineering, PA dated June 22, 2010, last revised July 15, 2010 consisting of one (1) sheet
- Plan entitled “Final As-Built” prepared by Hubschman Engineering, PA dated June 15, 2011 consisting of one (1) sheet
- Exhibit A-1, 1/9/13, letter from the Allstate office that shares the premises with the applicant
- Exhibit A-2, 1/9/13, letter from Dr. Galant who also shares the premises with the applicant
- Exhibit A-3, 1/9/13, series of three photos (marked A, B and C) of the site
- The Planning Board received and reviewed the letter report of the Board Engineer, Schwanewede/Hals Engineering, dated November 28, 2012

Mr. Urdang noted that the applicant seeks to amend its site plan to change the circulation of its car wash. He called upon Tim Weigel, who is a principal of the applicant, who testified that he has operated the car wash since 2002 and that the car wash shares the parcel with an office building. He described the two (2) two-way driveways, which is the current layout and has been in effect for two years with no accidents. He said that that is a better circulation pattern than the one that was originally proposed and approved by the Planning Board. This new layout eliminates any backup movements by cars and they can now always proceed in a forward movement. The applicant also produced letters from two tenants in the office building indicating that they had no problems with the existing circulation. Mr. Weigel also testified that the car wash has removed three of the eight vacuum stations originally approved.

The meeting was opened to the public to question Mr. Weigel and to make statements concerning the entire application. There being no one wishing to be heard on the matter, this portion of the meeting was closed to the public.

It was noted that the applicant received site plan approval from this Board in 2010 pursuant to Resolution No. 1-10-10 dated July 28, 2010. That approval provided for the installation of a canopy over three exterior vacuum stations, installation of a dumpster enclosure and the installation of pavement striping. The westerly driveway on Summit Street was a one-way driveway leading to the car wash. The easterly driveway on Summit Street was a two-way driveway with all traffic from the car wash and office building using that driveway as an exit driveway. The pavement striping and traffic movements as installed on site are substantially different than the approved site plan.

The changes proposed by this application include the following:

- The entrance driveway to the car wash has been striped as a two-way driveway.
- Cars leaving the vacuum area are directed out through the westerly driveway.
- The turning movement from the vacuum area is restricted by vehicles waiting for the car wash.
- The easterly driveway has been narrowed by the stacking lane striping.
- The parking space striping by the building for the self-serve vacuum areas has been removed.
- The curbing separating the car wash entrance driveway and the westerly parking spaces has been removed.
- The proposed striping has created substandard drive aisle widths and exceptions are required for both driveways. The westerly driveway is 23 feet wide where 25 feet is required. The easterly driveway (the office building driveway) is only 18 feet wide where 25 feet is required.

Several board members voiced displeasure regarding the fact that these changes were made two years ago, right after the original approval was given. The applicant blatantly changed the site plan without any approvals from the Borough and when this deviation from the approved site plan was brought to his attention by the board engineer, the applicant chose to ignore him and the Board's numerous requests to appear again with an amendment.

Mr. Urdang gave a brief summation. He acknowledged that changes should not have been made to the site plan without the board's approval. He noted that the circulation has been existence now for two years. As a result, there is an operating history and experience that indicates that this is working safely and effectively. The cars are not doing any backup maneuvers but all the maneuvers are forward moving. Because it is a relatively confined space, all the vehicles are moving at a very slow rate of speed and also there are many attendants particularly during the peak times over the weekend.

The Board finds that the proposed changes essentially conform to the LDR and the experience comforts the Board that this circulation is safe. The substandard widths can be approved because the cars are moving at a very slow rate of speed and the car wash is used mostly on the weekends when the office use is reduced.

A motion was made by Mr. Marcantonio and seconded by Mr. Harrison to approve the amended site plan for the application with the following conditions:

1. All conditions of the Planning Board's prior Resolution dated July 28, 2010 granting site plan approval and waivers shall remain in full force and effect except as may be specifically modified by the "Final As-Built" plans approved herein.

Tenaflly Planning Board, Re-organization Meeting
January 9, 2013
Page 6

2. The applicant shall comply with all applicable laws and resolutions regarding the development of the subject premises
3. The Board grants an exception for the westerly driveway entrance where a 25 foot width is required and only 23 feet is provided
4. The Board grants an exception is approved for the easterly driveway (the office building driveway) where 25 feet for a two-way drive aisle is required and only 18 feet are provided.

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

There was much discussion again regarding the fact that this issue had been ongoing for the better part of two years. There needs to be stronger enforcement of resolutions with conditions by the various Borough departments. It was noted that although Mr. Hals notified the applicant two years ago that there was a problem, the only person who can issue a summons is the construction officer. Since Mrs. Lorberbaum had been in contact with the applicant about the matter, no summons was ever issued pending their appearance back before the Planning Board with an amended site plan.

There was some discussion regarding an administrative error in the Borough Ordinance regarding publication of Planning Board decisions. This error must be corrected by the Mayor & Council.

Mrs. Lorberbaum noted that she had met with the Borough's Administrative Agent, Steve Weinberg, and developers for The Plaza and The Crossings. She would like to have a COAH committee meeting to discuss what will need to be done in 2013.

The board will seek a written report from Borough Planner Joe Burgis on the Friends of Grace Senior, Inc. (d/b/a/ Korean Cultural Community Center). Once comments are received, the decision will be made as to whether he will attend the hearing for this application.

Mr. Zenn again reminded board members that when responding to emails from Mrs. Lorberbaum, the emails should be directed solely to her and not to the entire planning board. The board must avoid the potential for discussion of planning board matters outside the realm of a meeting.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to commence the Work Session of February 13, 2013 at 7:30 p.m. A voice vote carried the motion. All voted in favor; none were opposed. Mrs. Lorberbaum will notice the change to the meeting schedule.

Approved 2/27/13

Tenafly Planning Board, Re-organization Meeting
January 9, 2013
Page 7

A motion was made by Mr. Kagy and seconded by Mr. Marcantonio to adjourn the meeting at 10:02 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary