

Approved 8/28/13

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
July 24, 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
	John Kim	Sheryl Gaines

Voting members absent: Ted Kagy

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

A motion was made by Mr. Harrison and seconded by Mr. Allen to approve the minutes of the Special Public Meeting of June 12, 2013, and the Regular Public Meeting of June 26, 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#1-13-10, New Cingular Wireless PCS, LLC (“AT&T”), Block 2901, Lot 13, 353 East Clinton Avenue. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Tremble, Mr. Harrison, Mr. Marcantonio, Mrs. Gaines, Councilman Warmes and Mayor Rustin.

Mr. Zenn noted for the public that the Planning Board will be going into a Closed Session later on in the meeting to discuss personnel and litigation.

**SITE PLAN WAIVER APPLICATION**

PB#1-13-05, (Change of use from warehouse to baseball training facility)  
Applicant: 49 Atwood Avenue, LLC  
Block 1301, Lot 5, 49 Atwood Avenue

Mr. Robert Muggeo is the applicant. He explained that the building is unoccupied at this time. He wishes to open a baseball and softball training center. He will come before the board with a full site plan for expansion at a later date. There are seven (7) existing parking spaces on site. He testified that there will be 2-3 employees working at the facility.

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Mr. Hals, Board Engineer, had forwarded a letter to the board dated July 24, 2013, with several conditions, all of which Mr. Muggeo agreed to meet.

A motion as made by Mr. Tremble and seconded by Mr. Marcantonio to approve this site plan waiver with all borough stipulations and the following conditions:

1. The parking spaces must be striped in accordance with the plan attached to the application.
2. A fence enclosed trash collection area is to be provided.
3. The construction debris must be removed from the site from around the building and the parking area. The site must be made safe for receiving the general public.
4. The fence along the southerly or left-hand side of the building is in disrepair and needs to be replaced.

The roll was called and the motion carried. All voted in favor of the motion; none were opposed. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Harrison, Mr. Marcantonio, Mr. Kim, Councilman Warms and Mayor Rustin.

There was much discussion regarding the Site Plan Waiver ordinance. Mr. Hals noted that many municipalities have ordinances very similar to the one in Tenaflly, including Moonachie, Little Falls, Midland Park, Englewood, Teaneck and Cresskill. Mayor Rustin will reach out to Borough Attorney William McClure to see about lessening the restrictions of the ordinance somewhat. Mr. Toonkel would like for Mrs. Nicolosi to send an email to Borough Planner Joe Burgis for his input on the matter, which had been discussed at a prior meeting and at which he commented that he would report back to the board. Mrs. Nicolosi noted that the budget line item for Planning Services has been depleted.

#### COMMITTEE REPORTS

Mr. Allen noted that the BID committee is very active and involved in activities. He had attended several meetings and was pleased with the direction of the committee.

Mr. Tremble noted that the Historic Preservation Commission has designed a "Circa sign" (date) for 100 year old homes. These signs will be purchased and paid for by the individual homeowner.

Mr. Tremble had several comments/changes regarding the newly adopted 2013 Land Use Element of the Master Plan and Period Reexamination of the Master Plan. His comments were noted; however, the plan will not be changed. No action will be taken.

The meeting was open to the public. Mr. Mark Feldman, Lylewood Drive, voiced his concerns/issues regarding the Nature Center and the Planning Board's jurisdiction in the matter.

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The Planning Board does not have any plans for review for the Tenafly Nature Center.

There being no one else from the public wishing to speak, this portion of the meeting was closed to the public.

A motion was made by Mr. Tremble and seconded by Mr. Allen to go into a Closed Session to discuss pending litigation and personnel matters. A voice vote carried the motion. All were in favor; none were opposed.

The board returned to the public meeting. A motion was made by Mr. Marcantonio and seconded by Mr. Allen to appoint Edward J. Buzak of The Buzak Law Group, LLC, via resolution to serve as Planning Board Special Counsel for COAH. A voice vote carried the motion. All voted in favor; none were opposed. Mrs. Nicolosi and Mr. Zenn will work together to get all documents/contracts in order.

There was a brief discussion regarding open space in the Borough. Mayor Rustin reported that he believes that there is approximately \$1.8 million in the Borough's Open Space Trust Fund.

A motion was made by Mr. Marcantonio and seconded by Mr. Allen adjourn the meeting at 9:44 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary