

Approved 5/8/13

**SPECIAL PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
March 13, 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:

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

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| Voting members absent: | Marc Harrison | John Kim |
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| Others present: | Jeffrey Zenn, Esq. |
| | David Hals, P.E. |
| | Debra Dworkis, Land Use/Housing Assistant |

A motion was made by Mr. Marcantonio and seconded by Mr. Tremble to approve the Resolution of Approval for Joseph Gartner, Block, 1010, Lot 4, 16A West Railroad Avenue. A voice vote carried the motion. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Marcantonio, Mr. Toonkel, Mr. Tremble, Mr. Kagy, Mrs. Gaines, Councilman Warmes and Mayor Rustin.

Mr. Harrison noted that he was not in attendance at the February 27, 2013, meeting and had not, as of yet, listened to the electronic tape recording of the hearings that evening. He will not be able to vote on either application this evening, should the hearings conclude.

PUBLIC HEARINGS

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

This application was continued from last month. Mr. Elliot Urdang is the attorney for the above application. The applicant is requesting 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. The board had, at its last meeting, requested reports from the Fire Official and Police Chief regarding this change to the original resolution. Said reports have been received. The Fire Official had no objection to the change. Police Chief Chamberlain is concerned with ambulance services.

The board is still very concerned about first responders and ambulance services as well. Mr. Urdang advised the board that the applicant would be responsive to cooperate with the Borough and would consider hiring a private service to lessen the load on borough emergency services. This was also a

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stipulation in the memorialized resolution. Mr. Zenn noted that the amended resolution will include language that the applicant will be responsive to the Borough's request for private ambulance service should it find that its emergency services are being strained due an increase of services at the assisted living facility. Mayor Rustin suggested that the Borough Administrator review the resolution prior to its being voted upon at the March 27, 2013, meeting.

Board members voiced concern regarding the fact that this is the third request for an increase in the number of beds. At the site plan review subcommittee meeting held prior to the application being heard, the request was for 94 beds. At the first hearing and approved via resolution was 96 beds. This evening the applicant is requesting an increase to 110 beds. Mr. Urdang again apologized for the oversight in the calculations of the number of beds.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy that the request to amend the original resolution to increase the number of beds in the facility be approved with the stipulations noted above. The roll was called and the motion was carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Marcantonio, Mr. Kagy, Mrs. Gaines, Councilman Warms and Mayor Rustin.

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

Mr. Elliot Urdang is the attorney for the applicant. The board had been extremely concerned about the culvert issue and needed more information before a decision could be made. It was decided that both engineers, Messrs. Hals and Hubschman, would meet at the site to come up with a solution regarding the culvert.

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-3, 3/13/13, Colorized version of Site Plan, Proposed Addition Tenaflly Diner, last revised 3/12/13 (Applicant will provide copies for board members)

Mr. Hubschman noted that he and Mr. Hals met at the site to discuss the culvert. The applicant will replace the entire culvert at its own expense with a 4 ½ - 5 foot pre-cast concrete culvert. The Belgium blocks around the trees will be removed and replaced with pavers. Mr. Hubschman estimates the cost of replacement of the culvert will be approximately \$61,000.00. A gas line will need to be relocated as well as a water line. West Railroad Avenue will need to be closed from Washington Street to Riveredge Road during the construction.

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

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Mr. Urdang called upon Dimitri Kontolios, the owner of the Tenaflly Diner. He was sworn in to give his testimony. He noted that lunch hours are the busiest times for the diner. His customers have not complained about a lack of parking.

Mr. Urdang recorded the following exhibit:

- Exhibit A-4, 3/13/13, Table outlining Parking Spaces near Tenaflly Diner, prepared by Mr. Kontolios

Mr. Kontolios explained his exhibit to the board members. He had done this survey of parking spaces himself. He walked around the surrounded streets and found there were always an adequate number of parking spaces in the vicinity of the diner. He noted that many customers are already in the central business district when they come to his diner.

Board members questioned him about the repairs to the culvert. He understands that he will be replacing the culvert at his own expense and that even if the Planning Board approves his application, he will need to have approval from the Mayor & Council. Board members would like to have input from Bob Beutel regarding the trees and the pavers.

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

Mr. David Hals, Board Engineer, was sworn in to give his testimony. He verified that he had met with Mr. Hubschman and agrees that the curbing should be removed from around the trees. It is a tripping hazard. Tree grates can be installed. He also suggests that there be curbing to guide people along the sidewalk as the building will now stick out into the right of way.

The culvert must be replaced. He is not comfortable with constructing a building on top of the existing culvert. He believes the total replacement of the culvert by the applicant is beneficial to the Borough; however, he believes the construction cost will be much higher than suggested. Mr. Hals noted that this is a huge construction project which may take several weeks to complete. The integrity of the adjacent section of the culvert will need to be accessed as well. The diner will most likely only be closed when the gas connection is being moved. It will be able to operate during construction. There will be no driveway access to the site during construction.

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

Board members would like the Business Improvement District Committee and the Access for All Committee to review the plans and give recommendations. Mr. Urdang objected to this request. Ms. Dworkis will forward to the BID and Access for All Committees for input prior to the next meeting.

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A motion as made by Mr. Marcantonio and seconded by Mr. Allen to draft a resolution for the Tenaflly Diner for discussion at the next meeting of the Planning Board. A voice vote carried the motion. All voted in favor; none were opposed.

Several board members are unable to attend the Work Session of April 10, 2013. There may be a problem getting a quorum for that evening. Board members are asked to check his/her schedule and a decision will be made at the March 27, 2013, meeting.

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

The Planning Board needs to contract another COAH attorney. Borough Attorney William McClure and Planning Board Attorney Jeffrey Zenn will provide some names to Ms. Dworkis. She will follow up with Borough Administrator Jewel Thompson-Chin regarding possible preparation of a Request for Qualifications package for this position.

Mr. Tremble reported that the lighting project is underway at the Tenaflly Railroad Station. It was noted that there will be a BID meeting next Monday.

The board would like to discuss the site plan waiver application ordinance along with its policies and procedures at its May Work Session. The board will review the annual meeting schedule to determine if two meetings per month should be held during July and August. It was noted that the Mayor & Council have opted for just one meeting.

Mayor Rustin noted that the Tenaflly Nature Center will be coming before the Mayor & Council on April 23, 2013. The Nature Center has requested an informal hearing with the Planning Board. If we are unable to attain a quorum for the April 10, 2013, Work Session, he suggested that the Planning Board meet on April 17, 2013. This may be a conflict with municipal court. Mrs. Nicolosi will check availability of recording equipment in the McCandless Room. Ms. Dworkis will contact board members about availability of dates for this informal hearing.

A motion was made by Mr. Allen and seconded by Mr. Harrison to adjourn the meeting at 9:35 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary