

Approved 1/8/14

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
November 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:

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

Voting members absent:	Marc Harrison	John Kim
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Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.

A motion was made by Mrs. Gaines and seconded by Mr. Kagy to approve the minutes of the Regular Public Meeting of October 23, 2013. A voice vote carried the motion. All voted in favor; none were opposed.

SITE PLAN WAIVER APPLICATIONS

PB#1-13-14, New York SMSA Limited Partnership, d/b/a Verizon Wireless

Block 1011, Lot 12

15 W. Railroad Avenue

Michael Beck is the attorney for the applicant. He explained that Verizon proposes to relocate its existing telecommunications equipment which is in the basement at the property and has been subject to periodic flooding, power outages and mold growth to a steel platform on the rooftop. Mr. James Murawski from E 2 Project Management LLC is the engineer for the applicant and explained that this will be similar in look to rooftop air conditioning units.

The applicant submitted a site plan waiver application dated October 30, 2013, a corporate ownership disclosure statement, Wireless Communication Easement and Assignment Agreement dated December 15, 2010 and plans entitled "New York SMSA Limited Partnership d/b/a Verizon Wireless, Wireless Communication Facility, Tenafly, 15 West Railroad Avenue, Tenafly, New Jersey 07670" prepared by E 2 Project Management LLC dated 10/26/13 consisting of Sheets T-1, SP-1 and C-1.

Mr. Beck noted that nothing will change with the operation of the communication facility which has been operating on-site for several years except that the equipment, which has been subject to periodic flooding and mold, will now be relocated to the rooftop to provide more reliable service.

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Mr. Tremble noted that this property had been identified as a Historic District in the Master Plan but this was not indicated on the application checklist. The applicant was not aware of this. He noted that the Historic Preservation Commission had reviewed the application and expressed concern with whether the units could be screened. There was also a request to move the units away from the façade as shown on the plans; but that was not feasible according to the engineer. The equipment could be screened on all four sides

A motion was made by Mr. Allen and seconded by Mrs. Gaines that the application of New York SMSA Limited Partnership d/b/a Verizon Wireless for waiver of site plan review is hereby granted upon the following conditions:

- A. Applicant shall screen the equipment on all four sides subject to the review and approval of the Board Engineer;
- B. 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;
- C. This approval is conditioned upon applicant obtaining all other necessary governmental permits and approvals; and
- D. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance.

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.

PB#1-13-15, Site Plan Waiver (Change of a Permitted Use)

Block 1003, Lot 2

20 Chestnut Street

Applicant: Underground Fitness – Gerard Bochese

Mr. Gerard Bochese and Moshe Kleinman, d/b/a Underground Fitness, explained that they are prospective tenants of a portion of the building. They propose operating a one-on-one personal fitness training facility which is a change of use from the prior operation of the Premises which was retail sale of wigs.

The applicant had submitted a site plan waiver application dated October 31, 2013 and architectural plans prepared by Chris Blake, Architect, dated April 1, 2013, consisting of Sheets A-1 and A-2, along with a survey of the property prepared by Carl D. Schwalm dated March 12, 1968 and a sketch of the second floor.

Mr. Bochese explained that there will be one (1) front desk employee and up to three (3) or four (4) trainers. All the training sessions will be one-on-one or at most two-on-one. There will be no class instruction given at the Premises. There will be no change to the façade of the building.

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It was noted that the Zoning Officer recommended this application for approval as a site plan waiver.

A motion was made by Mr. Toonkel and seconded by Mr. Marcantonio that the application of Gerard Bochese d/b/a Underground Fitness for waiver of site plan review is hereby granted upon the following conditions:

- A. Applicant shall apply for employee parking permits for all of its employees;
- B. 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;
- C. This approval is conditioned upon applicant obtaining all other necessary governmental permits and approvals;
- D. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance.

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 SCHEDULED FOR THIS EVENING

PB#1-13-13 – Minor Subdivision

Block 1205, Lots 2 & 3

164 & 170 Hickory Avenue

Applicant: Frank Finetto, Professional Home Builders, Inc.

Mr. John Ryan is the attorney for the applicant. Professional Home Builders, Inc., as owner of the property commonly known as 164 Hickory Avenue also known and designated on the current tax assessment map of the Borough of Tenaflly as Block 1205, Lot 3 and Frank Finetto and Gwendolyn Finetto, as owners of property commonly known as 170 Hickory Avenue, also known and designated on the current tax assessment map of the Borough of Tenaflly as Block 1205, Lot 2, are seeking minor subdivision approval.

Mr. Zenn noted that the applicants presented proof in the form of an affidavit which complied with the statutory requirements of service of notice of the application and publication of the public hearing.

Mr. Michael Hubschman, reviewed with the Board a plan entitled "Minor Subdivision Plan, Hickory Avenue Subdivision, Lots 2 and 3, Block 1205, Borough of Tenaflly, Bergen County, New Jersey" dated September 25, 2013 prepared by Hubschman Engineering, P.A. He explained that the proposed subdivision does not create any new lots. It is to retain two existing lots (Lots 2 and 3) and take a portion of existing Lot 3 and append it to existing Lot 2. He explained that both lots are conforming and that by doing this, it would remove the existing non-conforming condition of the driveway on Lot 2. There are no variances required or implicated as a result of this proposed subdivision.

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The Planning Board received and reviewed a letter report of the Board Engineer, Schwanewede/Hals Engineering, dated October 25, 2013, as well as email correspondence from Bob Beutel, the Director of the Department of Public Works, dated November 7, 2013.

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

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy that the application of Professional Home Builders, Inc. and Frank Finetto for minor subdivision approval is hereby granted upon the following conditions:

- A. The applicants shall post performance bonds and cash escrow deposits as may be determined by the Board Engineer to be necessary pursuant to the Zoning Ordinance of the Borough of Tenaflly and said performance bonds shall be posted with the Borough Clerk in a form satisfactory to the Borough Attorney and Mayor and Council.
- B. The applicants shall comply with all applicable laws and regulations regarding the development of the subject premises;
- C. The applicants shall comply with the Borough's Development Fee Ordinance at the time they seek a construction permit;
- D. The approval is conditioned upon applicants obtaining all necessary governmental permits and approvals, including, but not limited to, Bergen County Planning Board and Bergen County Soil Conservation District approval;
- E. Applicants shall submit a proposed form of subdivision deed, subject to the review and approval of the Planning Board Attorney and the Board Engineer.

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.

PB#1-13-02A – Site Plan/Variance

Block 1302, Lot 1
101 North Summit

Applicant: Charnow Associates, LLC

Mr. Elliot Urdang is the attorney for the applicant. Mr. Steven Collazuol reviewed his revised plans dated 10/18/13. The board received and reviewed a letter dated November 13, 2013, from its engineer, David Hals. The existing 12,512 S.F. warehouse space at 101 N. Summit Street is to be subdivided. The existing health club is to use 2,539 S.F. and the remaining area is to be used for interior new car storage. The building will contain three uses--an existing health club facility, the proposed warehouse and an office use. The board had previously approved a Site Plan for 89 parking spaces and the Site Plan is now to be amended to 87 spaces. The proposal will reduce the rear and side parking area from 78 spaces to 76 spaces. The front parking area is to remain at 11 spaces.

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The meeting was open to the public for questions of Mr. Collazuol. Mr. Scott Sosnick questioned where the doors would be located. This was explained to him. There being no one else from the public with additional questions, this portion of the meeting was closed to the public.

Mr. Steven Capasso, who works for the parent company of BMW in Tenaflly, was called to give testimony for the applicant. He noted that roughly 130 new cars will need to be relocated from the present location which is being developed into an assisted living facility. There are 3-4 carriers per week delivering cars to the service facility. The cars would be moved from that facility to this site. No employees would be on site. They would just be dropping off the cars. Cars will remain until they are sold. He noted that perhaps sometime in the future that BMW might consider installing lifts at the site to accommodate additional vehicles.

Board members had some questions about cars which may be stored in the rear of the property and outside. Mr. Capasso indicated that those cars would be moved to permit snowplows to enter the site.

The meeting was open to the public for questions of Mr. Capasso. Mr. Scott Sosnick asked about the number of transports for vehicles. His question was answered. There being no one else from the public for questions of this witness, this portion of the meeting was closed to the public.

Mr. Hals suggested that the area for BMW be fenced off from the rest of the warehouse and that as many cars as possible be brought inside the building. Parking would be increased slightly for the health club. The driveway should be marked for "BMW Use Only". The location of the doors should be moved to accommodate more vehicles. The Fire Department must be notified of the change in plans.

The applicant will come back with revised plans pursuant to Mr. Hals suggestion. The application will be continued to December 11, 2013 at 8:00 p.m. without further notice. Mr. Sosnick questioned whether he could separate his business away from the application presented this evening. The board advised him that this was a matter to discuss with his landlord.

COMMITTEE REPORTS

Mr. Toonkel noted that there is much discussion regarding the use of Open Space Trust Fund monies for the Board of Education field lighting at the Environmental Commission meetings.

Mr. Tremble noted that the Historic Preservation Commission has scheduled a public hearing on December 5, 2013 regarding the designation of 53 Knickerbocker Avenue as a historic site. There were suggestions that this hearing be posted on the website and publicized in the newspapers. Mr. Tremble will pass this suggestion along to the commission.

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Mr. Allen noted that the BID is very active. They are researching placement of banners in town and are working with the Police and DPW on this project. The committee was very pleased with the approval of the permitted uses ordinance.

Mrs. Nicolosi asked board members to send goals and objectives for the 2014 Planning Board budget. Suggestions for projects should also be included. Board members were asked to send her an email as soon as possible. This topic will be listed on the agenda for the December 11, 2013 meeting.

The meeting was open to the public for comments. Mr. Barry Honig, Deerfield Drive, indicated that he was speaking before the Planning Board this evening in his capacity as a Councilman. He noted that at the November 7, 2013 meeting of the Mayor & Council the site plan waiver application and procedures had been changed to permit Mr. Bob Byrnes, zoning officer, to approve a change to a permitted use. He noted that the Planning Board attorney had been paid \$53,000.00 as indicated on his Form 1099 issued by the Borough in 2012. He further noted that the Borough Attorney only had been paid \$21,000.00. Mr. Honig believes that the planning board attorney has a conflict of interest to opinion policy on site plan waivers as he derived financial benefit from the site plan waivers.

The meeting was closed to the public.

Mayor Rustin indicated that he was aware of the request for Mr. Zenn's 1099. He stated that there was no breakdown of the figures. i.e., site plan waiver resolution, legal opinions, retainer, etc., He requested that Mrs. Nicolosi do such a breakdown for the board's benefit. He noted that the Council did unanimously agree to reject the site plan waiver application. An ordinance will be drafted to eliminate this procedure. The Planning Board voiced its displeasure that it was not informed of the Mayor & Council's decision to discuss and decide on this matter without its input.

A motion was made by Mr. Marcantonio and seconded by Mr. Tremble to move into a Closed Session to discuss pending legal matters. A voice vote carried the motion. All voted in favor; none were opposed. The Board returned to the Public meeting.

A motion was made by Mr. Allen and seconded by Mr. Marcantonio to adjourn the meeting at 10:20 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary