

Approved 4/23/14

**WORK SESSION OF THE
TENAFLY PLANNING BOARD
APRIL 9, 2014**

Chairperson MaryBeth 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 Warms
	Mary Beth Wilmit	Kevin Tremble
	Marc Harrison	Eugene Marcantonio
	Ted Kagy	Eugene Kwon

Board members absent:	Gus Allen	Jeffrey Toonkel
	Sheryl Gaines	

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

A motion was made by Mr. Marcantonio and seconded by Mr. Harrison to approve the Work Session Notes of March 12, 2014, and the Regular Public Meeting minutes of March 26, 2014. A voice vote carried the motion. All voted in favor; none were opposed. Mr. Tremble abstained on vote for the 3/26/14 minutes as he wasn't in attendance that evening.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the Approval Resolution with conditions for PB#1-14-03, Applicant: Sima Mandelzis, Block 3203, Lots 2 and 3, 188 Buckingham Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Mr. Kwon and Mayor Rustin.

Chairperson Wilmit presented a Certificate of Completion to Mr. Kwon for his attendance and successful completion of his mandatory course requirements for new Planning Board members. Congratulations, Mr. Kwon.

SITE PLAN WAIVER

PB#1-14-04 – Site Plan Waiver (Change of a permitted use)

Applicant: Twenty-Five Washington LLC (Al Donohue)

Block 1010, Lot 8

25 Washington Street

Mr. Al Donohue is the owner of Twenty-Five Washington, LLC, and the contract purchaser of the building. He explained that he is about to close on the Premises and an affiliated entity will operate a primarily residential real estate sales and brokerage business in the Premises. The building was previously occupied by a gym.

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He had submitted a site plan waiver application dated April 6, 2014, a survey prepared by Andrew J. Kirtland dated January 20, 2014 and architectural plans prepared by SNS Architects & Engineers dated April 7, 2014, consisting of Sheets D1 and D2.

Mr. Donohue testified that he is the owner of the proposed tenant in the building as well, which will have three (3) full-time employees, a manager, a receptionist, a bookkeeper and anywhere from five (5) to ten (10) people in the office at any one time conducting the real estate sales and brokerage business.

Board members voiced concerns about the number of proposed offices shown on the plans and the potential parking impacts downtown. Mr. Donohue noted that he has seven (7) parking spaces in the rear of the building. It was suggested that Mr. Donohue reach out to the owner of the CVS regarding the leasing of some additional parking spaces. He noted that he runs another real estate office in downtown Ridgewood and hasn't had a problem with parking that he has been notified about; however, he agreed to research additional parking options per the suggestion of the board.

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

- A. Applicant shall apply for employee parking permits for all of its full time 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. All were in favor; none were opposed. Voting YES: Mrs. Wilmit, Mr. Tremble, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Mr. Kwon, Councilman Warms and Mayor Rustin.

OLD BUSINESS

Mr. Zenn noted that at the last meeting he was asked to investigate a matter involving a builder not paying Development Fees. An entire structure was razed down to the existing foundation walls. The structure was rebuilt from the foundation up with the possibility that a small addition in excess of the original size of the house was added. The builder contended that this was an addition and he wasn't subject to payment of Development Fees. Mr. Zenn noted that "development fees are imposed when an existing structure is "demolished and replaced". That was the case in this instance, and the builder will be instructed to pay Development Fees to the Borough.

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Mr. Zenn forwarded a letter of interpretation dated March 31, 2014 to Borough Clerk Lissette Aportela-Hernandez regarding Ordinance No. 14-04, An Ordinance to Amend Chapter 35 of the Revised General Ordinances of the Borough of Tenafly, Entitled "Land Development Regulations" and more particularly: Amending Section 35-703 Authorizing the Waiver of Site Plan Review and Approval. The above referenced ordinance is set to be approved by the Mayor & Council on April 17, 2014, and will be in effect as of April 24, 2014. At the April 17, 2014 meeting, the Mayor & Council will introduce Ordinance 14-10 which will in effect rescind the original ordinance and will address the Planning Board's concerns as outlined in Mr. Zenn's letter. First reading will be on April 17, 2014, second reading will be on May 13, 2014, and that new ordinance will take effect on May 16, 2014.

Borough Planner Joe Burgis has been instructed to provide a memorandum report on non-contiguous clustering and its impact on the Borough. Once the memo is received, this matter will be placed on a future agenda for review and discussion.

Mr. Tremble noted that the designation of the property at 53 Knickerbocker Road as a historic landmark was discussed at the Mayor & Council meeting last evening. The owners of 53 Knickerbocker Road will meet with members of the Historic Preservation Commission to see if a compromise can be reached regarding this proposed designation. Mr. Tremble will keep the board apprised of the matter.

It was noted that nothing new was reported regarding COAH and new regulations.

Mayor Rustin reported that red/tan bus services with routes through Tenafly to the George Washington Bridge terminal are being dropped shortly. He is working with NJ Transit to pick up the routes being discontinued.

A motion was made by Mr. Harrison and seconded by Mr. Marcantonio to adjourn the meeting at 8:44 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary