

Approved 10/8/14

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
August 27, 2014**

Vice Chairperson Gus Allen 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
	Eugene Marcantonio	Marc Harrison
	Gus Allen	Ted Kagy
	Eugene Kwon	

Voting members absent:	Mary Beth Wilmit	Kevin Tremble
	Jeffrey Toonkel	Sheryl Gaines

Others present: Jeffrey Zenn, Esq.

A motion was made by Mr. Marcantonio and seconded by Mayor Rustin to approve the Work Session minutes of August 13, 2014. A voice vote carried the motion. All voted in favor; none were opposed.

**PUBLIC HEARING**

**PB#1-14-06** - Site Plan with Variance

**Applicant: Tenafly Railroad, LLC**  
Block 1003, Lot 3  
21 Grove Street

All documentation is in order for this hearing to proceed. Mr. Zenn advised the board that he had received notice from the attorney for the applicant, Elliot Urdang, that his client was unable to attend the hearing and would like the matter carried. A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to continue the application for PB#1-14-06, Tenafly Railroad, LLC, without further notice to the Regular Public Meeting of Wednesday, October, 22, 2014 at 8:00 p.m. An announcement was made to the public for the continuation of this application.

**NEW BUSINESS**

A letter dated August 25, 2014 from Elliot W. Urdang, re: 49 Atwood Avenue, LLC (Muggeo) requesting a change to the Developer's Agreement was briefly discussed. It was noted that there is still a negative escrow balance after several attempts to collect the funds. There are several past due invoices from the Board's professionals. A motion was made by Mayor Rustin and seconded by Mr. Marcantonio to postpone discussion of this letter request until a replenishment escrow check is received and the professionals are paid. If a check is received from the applicant

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and past due invoices are paid; the letter and a discussion can be had at the next Work Session of September 10, 2014. A voice vote carried the motion. All voted in favor; none were opposed. Mr. Zenn noted that procedurally the Developer's Agreement is between the developer and the Mayor & Council so that entity would have the final decision if the board decided to recommend the change as requested.

There was a brief discussion of the letter dated August 21, 2014 from Jeff Zenn re: Status of Non-Conforming Uses Upon the Transfer of Ownership. Mayor Rustin noted that the Mayor & Council had discussed a continued certificate of occupancy ordinance but the matter did not move forward. The Planning Board would like the Mayor & Council to revisit this issue.

Mr. Allen noted that the BID meeting had been cancelled. Banners have been installed throughout the Borough.

A motion was made by Mr. Marcantonio and seconded by Mr. Kagy to adjourn the meeting at 8:32 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary