

Approved 4/9/14

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
March 26, 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:	Mary Beth Wilmit Councilman Jon Warms (late) Eugene Marcantonio Sheryl Gaines Ted Kagy	Mayor Peter Rustin Gus Allen Marc Harrison Eugene Kwon
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Voting members absent:	Kevin Tremble	Jeffrey Toonkel
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Others present:	Jeffrey Zenn, Esq. David Hals, P.E.
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**MAJOR SOIL MOVING APPLICATION**

**PB#1-14-03, Sima Mandelzis**

Block 3203, Lots 2 & 3  
188 Buckingham Road

Mr. Matthew Capizzi is the attorney for the applicant. Mr. Michael Hubschman was sworn in as an expert in the field of engineering. He advised that the applicant proposes to move 1,506 cubic yards of soil for the construction of an addition to the existing dwelling, swimming pool, tennis court, reconstruction of the driveway and site grading.

The following exhibit was entered into the record:

Exhibit A-1, 3/26/14, Colorized Version, Tennis Court/Pool Plan, No. 188 Buckingham Road, last revised 2/24/14

He reviewed the above plan as well as the previously submitted plan entitled "Soil Erosion & Sediment Control Plan; Details, No. 188 Buckingham Road, Last revised 2/24/14 with the board members.

Mr. Capizzi noted that a tree removal permit had not been filed as of yet. An extensive landscaping plan will be submitted in conjunction with the tree mitigation plans. The entire property is fenced in.

The applicant concurs with Mr. Hals' review/completion letter dated March 11, 2014. The property consists of two lots (lot 2 and 3). The existing dwelling and driveway are location on

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Lot 2. The proposed tennis court will straddle the lot line between the lots and the pool deck is to be located along the line. The lots will need to be consolidated. A deed of consolidation must be submitted. The new lot number for the combined lots will be Lot 2.01. The applicant will comply with this stipulation in Mr. Hals' letter.

The proposed soil moving is as follows:

Cut	=	487 c.y.
Fill	=	1,506 c.y.
Import	=	1,019 c.y.

Mr. Hubschman advised that it is anticipated that approximate sixty (60) trucks will be needed to move the soil. The truck route is via Clinton Avenue and Buckingham Road. The duration of the soil moving operation is approximately one (1) week. There is no potential impact on municipal streets and neighborhoods.

Board Engineer David Hals has reviewed these plans and notes that there is sufficient drainage and seepage pits on the property. There is drainage all around the perimeter of the pool deck. There should be no increase in runoff from the property. There should actually be a net decrease capturing water that is presently running off the property.

It was noted that there was no one from the public present for this application.

Board members want to assure that the curbing will be replaced if damaged by trucks. There will be a bond posed for this matter. There is concern regarding the time of delivery for the trucks. No deliveries will be permitted prior to 8:00 a.m. on site.

A motion was made by Mr. Marcantonio and seconded by Mr. Allen to approve the Major Soil Moving application as presented with all stipulations covered this evening, including but not limited to Mr. Hals letter of March 11, 2014, as well as those to be outlined in the memorializing resolution. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Mrs. Gaines, Mr. Kwon and Mayor Rustin. ABSTAIN: Councilman Warms (late to meeting)

Mrs. Nicolosi had been asked to get a proposal from Borough Planner Joe Burgis to perform this review and submit a covering memorandum to the Board, including how COAH obligations may be affected with implementation of non-contiguous clustering. The proposal was for an amount not to exceed \$750.00. A motion was made by Mr. Allen and seconded by Mr. Marcantonio to have Mr. Burgis proceed with his review. A voice vote carried the motion. All voted in favor; none were opposed. The matter will be tabled until a memorandum has been received.

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There was a short discussion regarding COAH. Emails have been sent from COAH Special Counsel Ed Buzak on the matter. COAH has a new deadline of October 22, 2014, to have new regulations put into place.

There was a very brief discussion on the Borough code as it relates to destruction and payment of Development Fees. Developers are leaving the foundation of a home and constructing “an addition” to avoid paying development fees. The Borough code is open to interpretation. Board members and professionals will work to tighten up the language in the code. Mrs. Nicolosi will forward examples of the problem for review.

Mayor Rustin would like board members to review the tree ordinance again. There are many property owners clear-cutting all trees on their property and noting at the time of the tree permit application process that they have no anticipation of construction. However, after a lapse of a short amount of time, construction does indeed take place.

Another topic discussed was the new BID flags throughout the borough. Although they are very attractive, the meaning of several appear to be questionable, i.e., Live Local.

A motion was made by Mrs. Gaines and seconded by Mr. Kagy to adjourn the meeting at 8:57 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary