

Approved 10/28/15

**SPECIAL PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
AUGUST 12, 2015**

Chairwoman Mary Beth Wilmit called the meeting to order at 7:30 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 Mark Zinna
	Mary Beth Wilmit	Gene Marcantonio
	Jon Warms	Sheryl Gaines
	Gus Allen	Kevin Tremble
	Ted Kagy	Eugene Kwon

Voting members absent: Marc Harrison

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

**PUBLIC HEARING**

**PB# 1-15-05**, Site Plan with Variances  
Block 1005, Lot 9  
87 County Road  
**Applicant: Dr. Imad Baghal**

Councilman Zinna certified that he listened to the recordings of the June 10, 2015 hearing and signed and submitted a “Certification to Vote” form for the file. Mr. Zenn indicated that he would be able to participate in the hearing this evening.

Mr. Zenn noted that the hearing this evening is a continuation of the application from the meeting of June 10, 2015. Mr. Steven Sinisi, Esq. is the attorney for the applicant. Mr. Sinisi called upon Mr. Michael Hubschman, engineer for the applicant, to explain the revisions to his plan to the board. As Mr. Hubschman was previously sworn in at the last meeting, he was qualified as an expert in the field of engineering. Mr. David Hals, Planning Board engineer, was also sworn in to give further testimony.

The following exhibits prepared by Mr. Hubschman were entered into the record:

- Exhibit A-19, 8/12/15, Colorized version of Sheet 1 of 5, entitled “Site Plan” last revised 7/16/15
- Exhibit A-20, 8/12/15, Colorized version of Sheet 2 of 5, entitled “Grading, Drainage & Utility Plan”, last revised 7/16/15

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Mr. Hubschman gave a brief overview of the revisions to the plans. The playground area was revised to 2,713 square feet eliminating the variance. The capacity of the facility is now 166 children. The updated lot area requirement is 117,600 square feet. A 2' overhang was added to the second floor on the south side of the building. Additional fencing has been added along the front walk and north side walk. Parking spaces were increased to 35 spaces. The Drainage Report was revised to reflect the additional drainage facilities. The seepage pits are sized for a volume of a 3" rainfall for the stormwater runoff from the proposed building and parking area.

Mr. Hals noted in his letter of August 11, 2015 that testimony needed to be provided on the proposed soil movement required for the construction of the proposed building and site improvements. Mr. Hubschman explained that soil movement for additional drainage facilities and construction of the building will be approximately 107 cubic yards of soil. There will be no major change in grade of the property. Initial backfill will consist of stone, clean fill and topsoil. Mr. Hals maintained that there is no adverse drainage effect with regard to the construction of the building.

After Mr. Hubschman concluded his testimony, questions were posed by the board.

Mr. Tremble inquired about an underground fuel tank, the depth of the new foundation and whether the revised area for the playground is undersized for the facility capacity. Mr. Hubschman responded that there is no evidence of an underground fuel tank on the property. He explained that the existing building will be demolished and they will dig down a couple of feet for the new foundation. Mr. Jarmel, the architect for the project, would be able to adequately answer the question regarding the reduced playground size.

Seeing no more questions from the Board, the meeting was open to the public for questions of the testimony of Mr. Hubschman. The following people inquired about the number of parking spaces, number of variances/waivers and Affidavit of Public Notice:

- Madelyn Mosconi, W. Railroad Avenue, Tenafly
- Thomasina Schwartz, Oradell, NJ
- Nicholas Morin, Bergen County Historical Society

Mr. Hals explained that although the zoning ordinance requires parking for childcare centers at one (1) parking space for every 150 sq. ft. of GFA, a childcare facility is excluded under N.J.A.C 40:55D-66.6. As Mr. Sinisi confirmed this statement and reiterated that although the applicant is not required to provide parking in accordance with the ordinance, thirty-five (35) parking spaces are proposed for the site.

Mr. Hals reviewed the four (4) variances and two (2) waivers that are required for this application as follows: Minimum Lot Area, Hours of Operation, Minimum Trash Enclosure Setback, Drive Aisle Width, Maximum number of Signs & Maximum Aggregate Sign Area.

It was confirmed that the Affidavit of Public Notice was received and verified.

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

Mr. Sinisi called upon Mr. Charles Olivo, Stonefield Engineering & Design, to provide testimony on behalf of the applicant. He gave his credentials to the board and was qualified as an expert in the field of traffic engineering. Mr. Olivo indicated that Mr. Vischio, previous traffic expert, is no longer with the firm and that he had reviewed the application package and was prepared to testify regarding traffic & parking at proposed site.

Mr. Olivo referred to his letter dated 7/15/15 in response to the Tenaflly Planning Board's request to identify the traffic and operational characteristics of various The Learning Experience (TLE) facilities in northern New Jersey. Mr. Olivo explained that the four (4) facilities chosen were comparable to the proposed site. Each location is located on a county road near traffic signals. The numbers reflect actual observations on typical days with fair weather conditions within the past two (2) months. Mr. Olivo confirmed the dates were June 8 through June 12. He reviewed the drop-off and pick-up times in the tables provided, noting that at any given time, there were only 7-8 parked vehicles in the lot. He would not change the conclusions drawn in the original presentation by Mr. Vischio on May 27, 2015.

Board members had concerns regarding the drop-off times and pick-up times, the traffic back-up on County Road, signal pedestrian cycles at the intersection of Highwood Avenue and County Road, the number of parking spaces including employee parking & how many cars can be stacked during drop-off/pick-up times.

Mr. Olivo reconfirmed the drop-off time for children is five (5) minutes and pick-up time is eight (8) minutes. This was also observed at each of the four (4) comparable sites. In the testimony of Mr. Olivo, the site access with right turn movements only around the building makes for a better plan. This design will allow for 7-10 vehicles queued on site while waiting to merge onto County Road. Mr. Tremble observed that between 3:00 - 3:30 p.m., traffic back-up of 3-5 car lengths to Jay Street. Mayor Rustin commented that with the right turn only ingress/egress, Jay Street would not be affected. Mr. Olivo does not see a significant impact to the current traffic patterns. Mr. Olivo confirmed that there is a signal pedestrian cycle but no countdown timers. Mr. Sinisi made a talking objection to Mr. Tremble's observations. Mr. Sinisi stated that County Road is operated by Bergen County. This is a permitted use for a county road. Mr. Sinisi reiterated that it is the Board's purview to use the traffic study for ingress/egress of the property only. Mr. Sinisi reminded the Board of Chief Chamberlain's recommendation in regard to ingress/egress that the location of the building was relocated to its present site on the property.

Mayor Rustin felt it would be beneficial if the report had the number of parking spaces at each location in order to compare it to the proposed site.

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Seeing no more questions from the Board, the meeting was open to the public for questions of the testimony of Mr. Olivo. The following people inquired about left turns onto Highwood Avenue, amount of time to drop-off children, evacuation plan, were the comparable facilities located on county roads and did Mr. Olivo personally observe and visit the facilities.

- Risa Rosenberg, Newcomb Road
- Nina Seiden, Willow Lane
- Colien Jenkins, Greenwich, CT
- Thomasina Schwartz, Oradell, NJ
- Madelyn Mosconi, W. Railroad Avenue, Tenafly

Mr. Sinisi objected to the question regarding a dedicated left turn bay on to Highwood Avenue because the County of Bergen has jurisdiction over County Road. Therefore, it is not up to this applicant to address off-site issues. Mr. Olivo reviewed the location of each of the four (4) facilities in the comparison and confirmed that each one was located on a county road. Mr. Olivo after visiting the comparable facilities, he observed that the drop-off/pick-up times indicated in the tables provided are accurate. The Learning Experience has evacuation protocol in place for emergency situations. There being no one further from the public with additional questions for Mr. Olivo, this portion of the meeting was closed to the public.

The board took a ten (10) minute recess and resumed the meeting at 9:35 p.m.

Mr. Sinisi called upon Mr. Matthew Jarmel, architect for the applicant, to explain the revisions to his plan to the board. As Mr. Jarmel was previously sworn in at the last meeting, he was qualified as an expert in the field of architecture. Mr. Jarmel explained that the building size and occupancy has been reduced by 10% to accommodate the increased parking. The amended building design remains as a two-story building with the total size at 10,739 sq. ft. with a capacity of one hundred sixty-six (166) children and nineteen (19) staff members.

Board members had questions regarding the reduced size of the play area, a single-story versus a two-story building, fencing around property and playground and capacity. Mr. Jarmel explained that the reduced size of the play area still fulfills the state requirements. He reviewed the licensing requirements and that at the reduced size of 2,713 sq. ft., there is ample room for seventy-eight (78) children. The same playground equipment that fits in 5,000 sq. ft. play area will fit in the reduced play area. A single-story facility is ideal. This lot is less than one and one half acres and therefore dictated the two-story structure. Six (6) foot PVC fencing for security was added around the facility and a guard rail will be added along the outside of the play area along with curbing. Mr. Jarmel stated that the State would not license the facility for more than one hundred sixty-six (166) children due to the size of the building.

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The meeting was open to the public for questions for Mr. Jarmel. Questions/concerns regarding available meeting areas and indoor play areas, historical significance of the building, was a historical investigation structure report done, can any portion of the historic building be restored, the breakdown by age of the children and how many children in each classroom and was there any other available site in Tenafly. Those individuals voicing concerns and asking questions were:

- Nina Seiden, Willow Lane
- Colien Jenkins, Greenwich, CT
- Risa Rosenberg, Newcomb Road
- Nicholas Morin, Bergen County Historical Commission
- David Wall, Cameron Road
- Thomasina Schwartz, Oradell, NJ
- Jennifer Rothchild, S. Nyack, NY
- Madelyn Mosconi, W. Railroad Avenue, Tenafly

Mr. Jarmel explained that there are just classrooms. There are no meeting rooms. There is an indoor play area referred to as the Make Believe Boulevard. The applicant has proposed placing plaques in the vestibule of the building to honor the women's suffragette movement and a monument on the outside of the property. Mr. Sinisi commented that the Bergen County League of Women's Voters has approved the placement of a plaque signifying the history of the building.

In Mr. Jarmel's opinion, the building has lost its historical intrinsic value due to all the structural issues. With all the extensions and additions to the original building, it would be difficult and not cost effective to bring the building up to ADA compliance. The proposed two-story building will be licensed for one hundred sixty-six (166) children with nineteen (19) staff. The breakdown in the chart provided on the site plan (Exhibit A-19) was reviewed. Mr. Jarmel indicated that the license is issued after the building is constructed and inspected by the State. There is a planning review done by the Department of Children and Families. The facility must meet ADA requirements but will not accommodate special needs children because the State mandates that specially designed facilities under separate licensing requirements are for disabled children. Mr. Sinisi commented that his professional planner will be available at the next meeting to discuss the Borough's Master Plan in regard to this property.

There being no one further from the public with additional questions for Mr. Jarmel, this portion of the meeting was closed to the public.

Mr. Tremble questioned whether there were any party rooms. Mr. Sinisi reiterated that there is no meeting or party rooms and his client is on the record that as a condition to resolution will be no parties.

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Mayor Rustin questioned whether the facilities ever reach the state certificated maximum capacity and Mr. Jarmel answered in his experience that they do not.

Mr. Sinisi noted the applicant would like to present testimony from his professional planner. As the hour was getting late, the hearing testimony for the evening was concluded. It was requested that the Work Session of September 9, 2015, be converted to a Special Public Meeting for the purposes of continuing this application. The meeting will commence at 7:30 p.m. instead of 8:00 p.m. Mrs. Nicolosi will handle publication of notice.

The board members had no objection to converting the meeting as requested. Therefore, the application for PB#1-15-05, Dr. Imad Baghal, Block 1005, Lot 9, 87 County Road, will be continued without further notice to the Special Public Meeting scheduled for Wednesday, September 9, 2015.

Mrs. Wilmit updated the Board noting that the COAH subcommittee met on August 10<sup>th</sup> with Mr. David Novak of Burgis Associates to review the initial draft of the new Housing Element and Fair Share Plan for the Borough. The subcommittee was impressed with the new Housing Plan and is confident that the Borough will meet the state rules on COAH when enacted by the courts. The next meeting of the COAH subcommittee is set for Thursday, September 3<sup>rd</sup>. The final draft of the new Housing Element and Fair Share Plan will be reviewed by the full board at its public meeting on September 16<sup>th</sup>.

A motion was made by Mr. Warms and seconded by Mr. Kagy to adjourn the meeting at 10:45 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Christine Attanasio  
Acting Planning Board Secretary