

Approved 1/13/16

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
DECEMBER 9, 2015**

Chairwoman Mary Beth 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	Ted Kagy
	Gus Allen	Sheryl Gaines
	Jon Warms	Eugene Kwon
	Marc Harrison	Councilman Mark Zinna
	Gene Marcantonio	Mayor Peter Rustin

Voting members absent: Kevin Tremble

Others present: Jeffrey Zenn, Esq.
Joseph Vince, P.E.

Mrs. Wilmit informed the Board members and the public that an email had been received from Board member Kevin Tremble announcing his resignation effective immediately. Mayor Rustin sent an email to Mr. Tremble thanking him for his fine service to the Planning Board and the Borough of Tenafly. He asked Mrs. Nicolosi to share that email with the Board members. He also noted that Mr. Tremble's seat will remain vacant until the first of the year when the Board members are reinstated.

A motion was made by Mr. Allen and seconded by Mr. Kagy to approve the minutes of the Special Public Meeting of October 14, 2015, and the Regular Public Meetings of October 28, 2015 and November 4, 2015. A voice vote carried the motion. All eligible members voted in favor; none were opposed.

A motion was made by Councilman Zinna and seconded by Mr. Warms to approve the 2016 Meeting Schedule for the Tenafly Planning Board. A voice vote carried the motion. All voted in favor; none were opposed. Mrs. Nicolosi will handle publication and posting of this meeting schedule.

A motion was made by Mr. Marcantonio and seconded by Mr. Warms to approve the Resolution of Approval for PB#1-15-05, Applicant: Dr. Imad Baghal, Block 1005, Lot 9, 87 County Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Warms, Mr. Marcantonio, Councilman Zinna and Mayor Rustin.

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A motion was made by Mr. Allen and seconded by Mr. Warms to approve the Resolution of Denial for PB#1-15-09, Applicant: D. Schwartz, R. Harband & P. Kesselen, Block 602, Lot 10, 29 Knickerbocker Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Warms, Mr. Harrison, Mr. Kagy, Mrs. Gaines, Mr. Kwon and Councilman Zinna.

PUBLIC HEARING

PB#1-15-12, Site Plan Waiver

Block 1210, Lot 2.01

153 Grove Street

Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless

Mr. Zenn stated that the hearing this evening is for a site plan waiver. Mr. Warren Stilwell of Cooper Levenson is the attorney for the applicant. Mr. Stilwell explained that his client Verizon Wireless is requesting site plan waiver to replace the Metro PCS antennas with Verizon wireless telecommunication antennas on the existing 158 foot high mono-pole located on Borough-owned property at 153 Grove Street.

Mr. Stilwell called upon Mr. Joseph Sullivan, engineer for the applicant. Mr. Sullivan was sworn in. He gave his credentials to the board and was accepted as an expert in the field of engineering. Mr. Sullivan referred to pages C1, SP1, SP2 and SP3 of plan entitled "New York SMSA Limited Partnership d/b/a Verizon Wireless, New Wireless Communication Facility, Cresskill 3", prepared by FCArchitects, last revised May 26, 2015. Mr. Sullivan explained that Verizon Wireless is proposing to replace the Metro PCS antennas with new Verizon antennas on the existing mono-pole. There will be no change to the tower's height. A new steel equipment pad will be installed at the site to house a 10kw, DC natural gas generator in case of power outages. The secondary fuel line will be underground. There will be no expansion to the existing facility and all the work will be contained within the existing fenced enclosure.

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

There was a question as to whether Metro PCS customers would lose service with the changeover in equipment. Mr. Stilwell explained that Metro PCS was brought out by another carrier, so there would be no disruption in service.

A motion was made by Mr. Marcantonio and seconded by Mr. Harrison to approve the site plan waiver request as presented by the applicant. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Warms, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Mrs. Gaines, Councilman Zinna and Mayor Rustin.

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PB#1-15-10, Minor Subdivision

Block 1808, Lot 1
152 Engle Street

Applicant: John Sophias

Mr. Zenn noted that all documentation was in order for the hearing to proceed this evening. Mr. Elliot Urdang is the attorney for the applicant. Mr. Urdang stated that his client is proposing to subdivide the property which is located on the southeast corner of Engle Street and Lawrence Parkway. Currently the property contains a single family dwelling and driveway. The applicant is planning to remove a portion of the existing dwelling and subdivide the property into two (2) new lots constituting a minor subdivision with a variance for lot width at the setback line for proposed Lot 1.01.

Mr. Urdang called upon Mr. Steven Koestner of Koestner Associates for his testimony. He gave his credentials to the board and was accepted as an expert in the field of engineering. After being sworn in, he reviewed his plan entitled "Minor Subdivision of Lot 1 in Block 1808", prepared by Koestner Associates, last revised 10/21/15. Mr. Koestner explained that curvature of Lawrence Parkway creates the trapezoid shape of the Lot 1.01, therefore requiring the lot width variance. The minimum required lot width is 85 feet in the R-10 zone. The proposed lot width at the front building setback line is 82.56 feet which requires a variance.

Mr. Koestner entered the following exhibit into the record:

- Exhibit A-1, 12/9/15, "Subdivision of Stonehurst Manor", 1951

He noted that the lot widths for the neighboring properties were reviewed and it was determined that the adjacent properties at 144 and 146 Engle Street are narrower than proposed Lots 1.01 and 1.02.

There were inquiries as to whether there was any consideration given to move the lot line in order to eliminate the need for a variance. Mr. Urdang called the developer of the project, Mr. John Sophias, Sophias Construction to answer this question. Mr. Sophias was sworn in for his testimony. Mr. Sophias explained that they preferred a straight lot line for the existing dwelling on Lot 1.02 and choose to deal with the variance it would create on Lot 1.01. Mr. Sophias stated that they choose to develop two (2) separate lots with two (2) single-family homes which would fit into the look of the neighborhood instead of one vastly larger house.

The meeting was open to the public with questions of these witnesses. Two (2) residents were sworn in with questions regarding renovation vs. tear-down and lot width requirements:

- John Purdy, Creston Avenue
- Mary Lizzi, Lawrence Parkway

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Mr. Urdang called Vissileo Cocorcoc, architect for the project to explain renovation vs. tear-down. Mr. Cocorcoc was sworn in to give his testimony. Mr. Cocorcoc testified it was his opinion that the project is considered a renovation because the existing foundation and deck remain intact. There was much concern on the part of board members that construction had begun on the existing home prior to the hearing this evening.

The meeting was open to the public with questions or comments on the entire application. Two (2) residents were sworn in to comment on the application:

- Kathleen Cook, Engle Street
- Olga Milanos, Creston Avenue

Comments/questions included: what was being built on the lots and that the approval of the required variance is substantial and will not improve the area. There being no one else from the public with questions or comments on the entire application, this portion of the meeting was closed.

Mr. Urdang stated in his summation that the proposed subdivision was developed in accordance with respect to the surrounding neighborhood. The lot width variance is minimal and is not substantially detrimental to the public good. According to the "C" variance, the request for variance is reasonable. The subdivision will be consistent with lots in the neighborhood. As a condition for approval of the application, the applicant will assure that the structures will comply with Borough building codes and not have to apply to the Board of Adjustment for any variances. The remaining rear of the existing home will be removed prior to the subdivision finalization.

The motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the minor subdivision with variance with the stipulation that the dwelling on Lot 1.01 requires no variances and complies with the Borough ordinances. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Warms, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Mrs. Gaines and Councilman Zinna. Voting NO: Mayor Rustin.

PB#1-15-11, Minor Subdivision

Block 1505, Lots 18 & 29

8 Glenwood Court & 155 Highwood Avenue

Applicant: Erik Kahn & Thomas Dieterich

Mr. Zenn noted that all documentation was in order for the hearing to proceed this evening. Ms. Jaelyn D'Armino, Esq. is the attorney for the applicant. Ms. D'Armino stated that the proposal is to subdivide the existing properties at 155 Highwood Avenue and 8 Glenwood Court. A portion of the rear yard of the property at 155 Highwood Avenue (Lot 29) is to be transferred and attached to the property at 8 Glenwood Court (Lot 18).

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Ms. D'Armino called upon Michael Hubschman, engineer for the applicant. As Mr. Hubschman has appeared before the Tenaflly Planning Board many times, he was qualified and sworn in as an expert in the field of engineering.

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

- Exhibit A-1, 12/9/15, Colorized version of Sheets 1 & 2, entitled "Minor Subdivision Plat, No. 8 Glenwood Court & No. 155 Highwood Avenue Subdivision", prepared by Hubschman Engineering, last revised 11/17/15

Mr. Hubschman explained that the subdivision would split the rear portion of existing Lot 29 on Highwood Avenue situated in the R-20 zone and annex it to Lot 18 on Glenwood Court. The new subdivision, proposed Lot 18.01, will be a split zoned lot; between R-10 and R-20 zones. The subdivision will comply with the requirements in each zone and any future construction will comply with the Borough zoning codes. Mr. Hubschman stated that in order to comply with the R-10 zoning requirements, the driveway at Highwood Avenue property will also be removed.

The meeting was open to the public with questions of Mr. Hubschman. Mr. R. Schwartz, 12 Glenwood Court was sworn in and inquired where the new dwelling on the property would be located. Mr. Hubschman stated that the new dwelling would comply with the Borough zoning codes for both the R-10 and R-20 zones. In his opinion, the new dwelling would be situated at a mid-point within the entire property facing the curve of Glenwood Court.

The meeting was then open to the public with questions or comments on the entire application. There being no one else from the public with questions or comments on the entire application, this portion of the meeting was closed.

The motion was made by Councilman Zinna and seconded by Mr. Marcantonio to approve the minor subdivision. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Warms, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Mrs. Gaines and Councilman Zinna and Mayor Rustin.

COMMITTEE REPORTS

Councilman Zinna stated that at the last Mayor and Council meeting, the BID noted that there is approximately \$90,000 in their trust account and that the funds will be returned to the landlords and shareholders. The BID executive committee will start this process shortly.

Mayor Rustin noted that Stop & Shop will be renovating the store, including the outside façade of the building. The estimated start date is March 1, 2016. The landlord of the strip mall will renovate the rest of the outside of the remaining store fronts as well.

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Mr. Marcantonio addressed concerns regarding setback requirements on current construction projects in the Borough. After much discussion, it was the consensus of the members to have David Hals and Bob Byrnes review the code requirements and how they are implemented with the Board at an upcoming meeting. Mrs. Nicolosi will coordinate with Mr. Hals and Mr. Byrnes. Mayor Rustin will also contact Borough Engineer Andrew Hipolit for clarification.

NEW BUSINESS

Mrs. Wilmit explained that the law firm of Sokol Behot, LLP has requested an increase and contract amendment to their professional services contract in continuing to provide legal services to the Planning Board for the 2015 calendar year regarding matters of COAH. The motion was made by Mr. Marcantonio and seconded by Mr. Harrison to recommend to Mayor and Council approval of increased compensation under the professional services contract for Sokol Behot, LLP to an additional \$3,000.00 for COAH services subject to review of the invoices by Chairperson Mary Beth Wilmit. A voice vote carried the motion. All voted in favor, none were opposed.

Mrs. Nicolosi gave a brief overview of the proposed 2016 Planning Board Budget. She met with Borough Administrator Jewel Thompson to review for presentation to the Mayor and Council. Discussion was held and Board members were pleased with the proposed Budget.

Due to the lack of applications, a motion was made by Mr. Kagy and seconded by Mr. Harrison to cancel the regular public meeting scheduled for Wednesday, December 16, 2015. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Harrison and seconded by Mr. Kagy to adjourn the meeting at 10:05 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary