

Approved 8/26/15

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
JULY 22, 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:	Mayor Peter Rustin	Councilman Mark Zinna
	Mary Beth Wilmit	Gene Marcantonio
	Kevin Tremble	Gus Allen
	Jon Warms	Ted Kagy
	Marc Harrison	Sheryl Gaines
	Eugene Kwon	

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

A motion was made by Mr. Harrison and seconded by Mr. Marcantonio to approve the minutes of the Public Meeting of June 24, 2015 and the Special Public Meeting of July 8, 2015. A voice vote carried the motion. All eligible members voted in favor; none were opposed.

PUBLIC HEARING

PB# 1-15-07, Major Subdivision

Block 602, Lot 9

53 Knickerbocker Road

Applicant: 53 Knickerbocker LLC

Mr. Harrison, Mrs. Gaines and Mr. Kwon certified that each had listened to the recordings of the previous hearing. All individuals signed and submitted a "Certification to Vote" form for the file. Mr. Zenn indicated that each 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 24, 2015. Mr. David Watkins is the attorney for the applicant. Mr. Watkins 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-3, 7/22/15, Colorized version of Sheet 3 of 9, entitled "Grading, Drainage & Utility Plan" last revised 7/10/15
- Exhibit A-4, 7/22/15, Colorized version of Sheet 4 of 9, entitled "Knickerbocker Road Drainage Plan: Road Profiles" last revised 7/10/15

Mr. Hubschman reviewed the revised drainage plans with the board. He explained that the storm water runoff is to be collected by seven (7) new inlets. The storm water will be piped to an underground pipe detention system under the cul-de-sac which feeds into the Knickerbocker Road drainage system. The storm water will then be piped and connected to the drainage system in Ivy Lane which extends to the Tenakill Brook.

The storm water from the road and driveways is proposed to be treated by a surface sand filter that is to be located on proposed lot 9.10. The water will percolate through the sand into a pipe network located below the sand. The maximum depth of water will be only about 9 inches when at capacity. The homeowner of Lot 9.10 will be required to maintain the drainage system. There will be a deed restriction on this lot for a storm drainage easement and maintenance agreement. Messrs. Zenn and Hals will be reviewing all subdivision deeds to assure compliance with these restrictions.

Mr. Watkins reviewed the comments of Mr. Hals' letter dated July 22, 2015 with Mr. Hubschman for the board. Item #2 references that the proposed lot lines are not radial to the street line, requiring a waiver. Mr. Hals does not have an issue with the waiver in this case. Item #4 addresses the proposed sidewalks. These sidewalks are to be installed on the frontage of the site on Knickerbocker Road and sidewalk on the easterly side of Knickerbocker Road from Oak Avenue to Ivy Lane. Mr. Hals recommends the Board grant the waiver from the RSIS requirements for providing on-site sidewalks. There will not be any sidewalks in the cul-de-sac.

Board members questioned the storm drain on Knickerbocker Road in particular and whether it should and could be enlarged and extended to Ivy Lane. Knickerbocker Road will be dug up to replace the existing storm drains per the county's requirements. The developer will be responsible for repaving of Knickerbocker Road after construction. Mr. Hals noted the drainage included in the revised plans is sufficient.

Mr. Hals indicated that the application is in compliance with the State and the Borough of Tenafly zoning ordinances. He commented that there are technical engineering items with the drainage system that must be addressed prior to contract, including complete construction drawings, review of the maintenance manual, and clarification in the drainage calculations with the summary table and by-pass flow areas. Mr. Hubschman indicated that the applicant will comply with this request.

Mr. Hubschman noted that the milling and repaving of Knickerbocker Road per the county's requirements will improve the guttural flow of storm water runoff along the new curbing on the frontage of the site. Also the new curbing and sidewalk from Oak Avenue to Ivy Lane will improve the flow of storm water runoff. Mr. Hals added that the four (4) new catch basins will improve the drainage issues on the easterly side of Knickerbocker Road.

Mr. David Novak, of Burgis Associates LLC, the Planner for the Borough, provided a memo to the board dated July 20, 2015, with some recommendations: Item #4a recommends the street trees be relocated approximately 10 feet away from the proposed storm water detention piping. Item #4b recommends that the applicant should increase the landscape easement along the proposed right-of-way from five (5) feet to fifteen (15) feet. Mr. Zenn noted that the Borough's Shade Tree ordinance does not require increasing the landscape easement from five (5) to fifteen (15) feet. Further, Mr. Hals explained that since there are no sidewalks in this area the five (5) feet is more than adequate.

Mr. Novak also recommended that a fence be erected around the perimeter of the proposed detention basin. Mr. Hals noted that there is no issue with safety and that a fence isn't required. Mr. Hubschman indicated that the applicant will comply with the remaining recommendations in Mr. Hal's letter.

Board members voiced concerns regarding the sand filter. Mr. Hals explained that the maintenance of the sand filter would include cutting the lawn, keeping the grate clear of leaves and debris and testing of the system every 2 years. The homeowner will submit the testing reports to the Borough. If the system is not maintained, the sand filter will become clogged and standing water will appear. At this point, the borough, with a stipulation in the deed, will be able to intervene and clean the system. The property owner will be charged from the Borough for this service.

Mr. Watkins had no further questions for Mr. Hubschman and concluded his testimony. The meeting was open to the public specifically for questions on the testimony of Mr. Hubschman. Those with questions regarding demolition of the existing home and tree removal were:

- Madeline Moscone, W. Railroad Avenue
- Gerald Nigro, Stonybrook Road

Mr. Hubschman responded that the home will not be preserved and will be destroyed. The previously submitted plans called for the removal of forty-nine (49) trees for the proposed road. With the newly revised plans, the number of trees being removed for the road construction is reduced to forty (40) trees. There being no one else from the public with questions for Mr. Hubschman, this portion of the meeting was closed to the public.

Mr. Watkins concluded his presentation. This is a variance free application. Mr. Hals indicated that he is satisfied with the drainage improvements made to the plan.

The meeting was opened to the public for general questions or comments on the entire application. Those with questions regarding preservation of the home, removal of trees, overcrowding of Tenafly, re-visit landmark status of the home, drainage, support for the current application, delaying the vote on the application, overdevelopment in the area with several approved subdivisions recently, suggestions to convert property to a dog park or playing field, permitting the Clinton Inn to use the home, and a development proposal to save the home were:

- Madeline Moscone, W. Railroad Avenue
- Gerald Nigro, Stonybrook Road
- Risa Rosenberg, Newcomb Road
- Anthony Castaldo, Newcomb Road
- Stanley Heller, Marcotte Lane
- Randy Parmer, Oak Avenue
- Anne Kelly, Midwood Road
- Madelyn Moscone, W. Railroad Avenue
- John Van Poznack, Knickerbocker Road
- Karen Neus, Engle Street

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

Mr. Tremble stated that he prepared a document after visiting the site and took sixteen (16) pictures to show to the board. He requested that this document be entered into the record this evening. Mr. Watkins objected to the submission of these photos. Mr. Tremble indicated he would like to re-visit and question the author and the information included in the Environmental Impact Report dated March 2015. He noted that he had visited the application site and believes there are discrepancies in the Environmental Impact Statement. Mr. Watkins objected to re-opening the hearing at this point. Mr. Watkins noted that the Environmental Impact Statement was prepared pursuant to the requirements of the Borough of Tenaflly Ord. Sec. 35-724. He noted that this is outside the scope of the testimony; and he objects to Mr. Tremble's request.

Mayor Rustin noted that he also visited the site. He commented that the landscaping is beautiful with many different varieties of trees on the property. The Borough has a Tree Ordinance which requires homeowners to obtain proper permits before cutting down trees. The Borough's Tree Ordinance is a model which is copied throughout the State by many municipalities.

Mr. Hals testified that he and Bob Culvert reviewed the tree removal application and plans and find it complies with the requirements of the Borough Ordinance.

Jeff Zenn reviewed the obligations of the Planning Board in acting on an application:

1. The Planning Board must act on an application within a certain period of time;
2. The Planning Board must apply the current law at the time of the submission of the application;
3. The conforming subdivision must meet all the zoning ordinances, lot size, permitted use;
4. The Planning Board does not take into account the affects the application will have on school issues.

As all requirements have been met and are in compliance with the zoning regulations of the Borough of Tenaflly, a motion was made by Mr. Marcantonio and seconded by Mr. Kagy to approve the major subdivision application as submitted with all waivers, a deed restriction on Lot 9.10, compliance with Mr. Hals' letter of July 22, 2015, and any and all Borough and statutory stipulations to be included in the memorializing resolution. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Harrison, Mr. Marcantonio, Mr. Kagy and Mayor Rustin. Voting NO: Mr. Tremble, Mr. Warms and Councilman Zinna.

Mayor Rustin requested that Mr. Watkins allow ninety (90) days in order for him to form a committee to find an organization to look into purchasing the entire parcel of property and maintain it in its current condition, preserving the house and acreage on site. Mr. Watkins acknowledged the Mayor's request and will entertain speaking with the Mayor.

The board took a brief recess. The board returned to hear the second application of the evening.

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PB#1-15-06, Minor Subdivision with Variances
Block 802, Lot 9
59 George Street
Applicant: Marc Celli & Christopher Arp

Councilman Zinna certified that he had listened to the recordings of the previous hearing. He 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 explained that the application was originally heard at the Planning Board of April 22, 2015. The board voted to deny the subdivision application as presented. Mr. Elliot Urdang, the attorney for the applicant, indicated that his client wishes to re-open the application.

Since the memorializing resolution was not adopted, a motion was made by Councilman Zinna and seconded by Mr. Allen to re-open the hearing for the applicant to provide additional testimony. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Warms, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Councilman Zinna and Mayor Rustin.

Mr. Urdang re-explained the application. The property is located on the westerly side of George Street in the R-9 Residential Zone District. The lot is 18,974 S. F. and contains a single family dwelling, detached garage and driveway. The proposal is to remove the existing dwelling and site improvements and subdivide the property into two (2) new building lots. He reviewed the lot frontage and lot width for each proposed lot. The recently submitted engineering plans entitled "Subdivision for 59 George Street" last revised 7/7/15 are not significantly different from what was previously proposed. However, the plans now indicate the location and size of the actual houses to be constructed. Paver driveways are proposed for each house.

Mr. Urdang entered the following exhibits into the record:

- Exhibit A-1, 7/22/15, Colorized version of Sheet 1 of 3, entitled "Existing Plans, Site Plan, + Zoning", dated 6/29/15
- Exhibit A-2, 7/22/15, Colorized version of Sheet 2 of 3, entitled "Proposed Floor Plans" dated 6/29/15
- Exhibit A-3, 7/22/15, Colorized version of Sheet 3 of 3, entitled "Elevations" dated 6/29/15

He called upon Mr. Chris Blake, architect for the application, for his testimony. Mr. Blake gave his credentials to the board and was accepted as an expert in the field of architecture, having appeared many times before the Planning Board. Mr. Blake reviewed the architectural plans with the board.

He noted that the lot size remains the same as the previous plan. The proposed homes are comparable to the neighboring houses and have been reduced in size from original plans. The footprint for each house is now 1,872 s.f. The variances required are for the lot frontage and lot width for each of the proposed lots. The proposed driveways will be pavers. Mr. Blake indicated that

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additional landscaping would be provided in rear of each of the lots. Revised landscaping plans will be required to be reviewed by DPW Director Bob Culvert. The applicant will comply.

Per David Hals' letter dated July 21, 2015, the changes to the size of the proposed houses will need to be indicated on the subdivision plans. The applicant agreed to submit revised engineering plans as requested.

Mayor Rustin recommended that the setback for each house be increased to thirty (30) feet. This would increase the length of the driveways to prevent cars from protruding onto the sidewalk. The applicant had no objection to this request.

The meeting was opened to the public for questions of Mr. Blake. Mr. Alan Young, Tenafly Road, inquired about the setback distance of the proposed houses from the rear property line. Mr. Blake explained the setback requirements and indicated on his plans how the homes would be situated on the site. There being no one else from the public with questions for Mr. Blake, this portion of the meeting was closed to the public.

The meeting was opened to the public for comments on the entire application. The following individuals expressed support for the project:

- Valdmir Morales, Tenafly Road
- Dean Pedoto, George Street

There being no one else wishing to comment on the entire application, this portion of the meeting was closed.

Mr. Urdang gave a brief summation of the application urging the board members to approve the minor subdivision given the testimony this evening.

A motion was made by Mr. Tremble and seconded by Councilman Zinna to approve the minor subdivision with variances. The applicant will submit a detailed landscaping design to be reviewed and approved by Robert Culvert, DPW Director. In addition, the applicant will submit revised engineering plans pursuant to Mr. Hal's letter of July 21, 2015. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Warms, Mr. Harrison, Mr. Marcantonio, Mr. Kagy, Councilman Zinna and Mayor Rustin.

COMMITTEE REPORTS

Mrs. Wilmit noted that the Complaint for Declaratory Judgment was filed in Bergen County Superior Court recently. We are waiting for the courts to tell the municipalities what new rules will be enacted. Instead of waiting for the decision of the court, the Joint COAH subcommittee has set a timeline of meetings to review, approve and file a new Housing Element and Fair Share Plan for the Borough.

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Mrs. Nicolosi reviewed the following scheduled meeting dates with the board:

Monday, August 10.	Planning Board COAH Subcommittee with David Novak (Burgis)
Thursday, September 3	Planning Board COAH Subcommittee with David Novak (Burgis)
Friday, September 11	1 st Draft of Housing Element & Fair Share Plan delivered
Wednesday, September 16	Planning Board 1 st Review
Thursday, October 1	Revised 2 nd Draft of Housing Element & Fair Share Plan due
Tuesday, October 6	Mayor & Council (w/Joe Burgis) review of plan
Wednesday, October 14	Planning Board Special Public Hearing on Final Plan
Thursday, October 15	Memo of Recommendation forwarded to Mayor & Council to endorse
Tuesday, October 27	Mayor & Council endorse plan via resolution

Mrs. Nicolosi reminded board members that the application for Dr. Imad Baghal, 87 County Road, is scheduled to be heard at the next Planning Board meeting on August 12, 2015, at 7:30 p.m. An application for Knickerbocker Country Club, 188 Knickerbocker Road, is scheduled for the August 26, 2015 planning board meeting. She is awaiting revised plans from the applicant. Once received, the entire application and plans will be forwarded to all board members for review prior to the hearing.

There are also two (2) additional applications presently in the review for completion process with Mr. Hals--a four (4) lot subdivision at 29 Knickerbocker Road and a minor subdivision at 152 Engle Street. Once these applications have been deemed complete by Mr. Hals, each will be scheduled around the meetings on the Housing Element and Fair Share Plan.

A motion was made by Mr. Marcantonio and seconded by Mr. Warme to adjourn at 10:30 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary