

Approved 6/10/15

**SPECIAL PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
MAY 13, 2015**

Vice Chairman 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 Mark Zinna
	Kevin Tremble	Gus Allen
	Marc Harrison	Jon Warms
	Ted Kagy	Sheryl Gaines
	Eugene Kwon	

Voting members absent:	MaryBeth Wilmit	Gene Marcantonio
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Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.

A motion was made by Councilman Zinna and seconded by Mr. Kagy to approve the minutes of the Regular Public Meeting of April 22, 2015. A voice vote carried the motion. All eligible members voted in favor; none were opposed.

PUBLIC HEARING

PB#1-15-05, Site Plan w/variances

Block 1005, Lot 9

87 County Road

Applicant: Dr. Imad Baghal

Mr. Stephen Sinisi is the attorney for the applicant. The application calls for the demolition of the Charlie Brown's Restaurant and erect in its place a childcare center. He commented that this is a permitted use in the zoning district. He also indicated that it deserves the distinction of being known as and designated as an inherently beneficial use.

Mr. Sinisi called upon Mr. Matthew Jarmel, the architect on the application, to give his testimony. Mr. Jarmel gave his credentials to the board and was accepted as an expert in the field of architecture. He indicated that the project entails demolishing the existing building, constructing a new, two-story building designed to meet both State and local codes which are extremely strict from a life safety standpoint, as well as the Department of Children and Families guidelines. The facility will house children as young as six weeks in age to approximately five years of age but may care for children as old as 12 or 13 years of age. It is primarily designed to care for children of working parents.

Mr. Jarmel noted that the present building is actually several structures. It is wood framed and lacks many of the modern features of fire protection that go into buildings today as well as some of the traditional framing that prevents fires from spreading. The building is one of multiple

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levels. The front portion of the building fronts the street and includes 2 stories and the rear portion has several levels as well. Most of the sections of the building were constructed before the American with Disabilities Act went into effect and today it would be extremely challenging and almost physically infeasible to make the building handicapped accessible for childcare.

The following exhibit was entered for the record:

- Exhibit A-1, 5/13/15, Artist Rendering of Proposed Building

The building is designed so it could fit into the context of the neighborhood. It includes a masonry base with decorative molding in the upper levels. It has many windows and doors. The side of the building is proposed as the entrance, and there will be an entry canopy to provide weather protection when parents walk children in. The canopy includes decorative columns that are the trademark of The Learning Experience which have the 1, 2 3 and A, B, C design that simulates children building blocks. The HVAC equipment to the building will be located on the roof and screened behind the parapet of the building. There is a 3,800 square foot playground in the rear of the building.

He reviewed the architectural plans previously submitted to the board. He explained that he designed approximately 130 of these centers for The Learning Experience. He has an interest in four facilities, including one in Livingston where his office is located.

He reviewed the security system for the project. Parents are given a secure key fob to gain access to the facility. These fobs can be programmed for specific people picking up children on specific days. There are security cameras throughout the building and on the outside, including the playgrounds. There are two playgrounds in the rear of the building, age appropriate. They are proposing a six foot fence for security. The fence would be PVC, solid and simulated wood. The hours of operation are 6:30 a.m. to 6:30 p.m. He noted the capacity of the building is 186 children and 23 caregivers.

Each floor of the building has an array of classrooms. Any child less than 2 ½ years of age must be on the first floor. The building is equipped with some public toilets for the visitors as well as the staff but each classroom has toilets as well. There are three different toilet sizes based on the children and their age and developmental rate. The upper floors have additional classrooms and include an indoor playroom called "Make Believe Boulevard" which is designed to be just like a little town with storefronts, a fire station, police station, and a supermarket so children can role play. There is a little racetrack they can ride a tricycle around.

Mr. Sinisi had Mr. Jarmel review the letter from David Hals, Planning Board Engineer, dated April 3, 2015. Mr. Jarmel indicated that pursuant to Mr. Hals' letter that the building will be licensed for 188 (not 186) students with 23 teachers. Also the stockade fence will be replaced with a new fence in the rear of the property.

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The following exhibits were entered into the record:

- Exhibit A-2, 5/13/15, Letter dated May 5, 2015, from Loretta Weinberg, Senator, District 37, New Jersey Legislature, addressed to Mayor Peter Rustin and Tenaflly Council
- Exhibit A-3, 5/13/15, Report and Recommendation of the Tenaflly Historic Preservation Commission to the Tenaflly Planning Board regarding 87 County Road, Tenaflly, New Jersey, dated May 13, 2015

Mrs. Nicolosi distributed copies of Exhibit A-2 to the board members for review. Exhibit A-3 had already been received by all. Mr. Jarmel indicated that he had reviewed both documents. His client authorized him to speak on how he would like to address the historical aspects of the site/building. The Learning Experience would incorporate the women's suffrage movement into its curriculum and a display could be presented in the vestibule with photos and a biography of Elizabeth Cady Stanton. A plaque could be attached to the building.

Board members had questions about the building being separate structures. The following exhibit was entered into the record and Mr. Jarmel explained this again for the board:

- Exhibit A-4, 5/13/15, Aerial Map

There were questions inquiring as to whether consideration had been given to rehabilitate the building due to its historic nature. Mr. Jarmel testified that the rehabilitation of the structure, as it is today, would not be economically feasible. There was some board discussion on Federal Historic Tax Credits as well as LEED certification.

There will be no school buses coming onto the site. Children will be dropped off by parents throughout the day, beginning at 6:30 a.m. The facility will close at 6:30 p.m. There will be no weekend hours. The facility will be open throughout the summer. The licensing capacity for this facility may be 188 students with 23 caregivers. There will also be a front desk manager.

There were many questions regarding traffic patterns in the area of the parking lot configuration and circulation. Mr. Sinisi advised that the traffic engineer would be the expert to address these questions. He is expected to be called to testify at the next meeting.

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. There is also a requirement in the State of New Jersey that the DEP or a Licensed Site Remediation Professional create a remedial action plan for the site whether there is contamination or not. DEP approval is needed before the Department of Children and Families can sign off on the project. There has already been environmental work done at the site.

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The meeting was open to the public for questions of Mr. Jarmel. The following people inquired about rehabilitation of an historic structure, parking for staff, traffic concerns:

- David Wall, Chairman of the Tenaflly Historic Preservation Commission
- Julie Silverman, Director of School at 91 W. Clinton Avenue

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

Mr. Sinisi called upon Michael Hubschman, engineer for the applicant, to give his testimony. Although Mr. Hubschman has appeared before this board on many occasions, he gave his credentials for the record and was accepted as an expert in the field of engineering.

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

- Exhibit A-5, 5/13/15, Colorized version of Sheet 1 of 5, entitled "Site Plan" last revised 4/23/15
- Exhibit A-6, 5/13/15, Colorized version of Sheet 2 of 5, entitled "Grading, Drainage & Utility Plan", last revised 4/23/15

Mr. Hubschman reviewed the above plans with the board, explaining driveway ingress/egress. The sidewalks and curb cuts are being made pursuant to the request of the County of Bergen.

He noted that the Drainage Report prepared on January 13, 2015, by him for The Learning Experience, which was previously submitted to the board was designed per the Borough's requirements. He briefly reviewed the soil moving application and soil moving report which was received by the board on May 1, 2015. Approval will be needed from the Bergen County Soil Conservation District.

Truck deliveries will be during off-peak hours. Trash is to be collected in the rear of the property by a private collector at off-peak hours. He reviewed the parking configuration on the plans.

The following exhibits prepared by Mr. Hubschman were entered into the record and reviewed with the board:

- Exhibit A-7, 5/13/15, Colorized version of Sheet 3 of 5, entitled "Soil Erosion & Sediment Control Plan; Details", last revised 4/23/15
- Exhibit A-8, 5/13/15, Colorized version of Sheet 4 of 5, entitled "Lighting & Landscaping Plan, dated 2/3/15
- Exhibit A-9, 5/13/15, Plan entitled "Signage" prepared by Matthew B. Jarmel, AIA

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There was much board discussion on the parking spaces and circulation of the site. There are safety concerns as well. There are 34 parking spaces provided on the plan and there was testimony that there will be 23 staff members on the site at any given time. There is not much

additional parking for the parents who are bringing children to the day care center. With an anticipated 188 children, there won't be sufficient parking for all these vehicles. There is concern with vehicles not being able to get into the parking lot and once in the lot, not being able to get out efficiently. It was noted that the traffic engineer will be better qualified to address these concerns.

Mr. Hubschman noted that the parking lot design was created without any drop off lanes. It was noted that an application has been submitted to the Bergen County Planning Board. No formal acceptance letter has been received yet. He reviewed the landscaping around the playground area in more depth. The rubber surface used meets all state and federal criteria.

Mr. Sinisi questioned Mr. Hubschman regarding Planning Board Engineer David Hals' letter dated April 3, 2015. He addressed Mr. Hals' comments including providing testimony that truck delivery and trash collection vehicles will be made on-site at off-peak times. Storm water runoff from the proposed building and parking area will be controlled by seepage pits. These are sized for the volume of a 3" rainfall. The storm inlets are fitted with storm filter units to provide water quality measures before the runoff enters the seepage pits.

The plans submitted will need to be revised pursuant to Mr. Hal's letter. Details of the proposed monument signage and the location of the proposed building mechanical units will be provided. The existing curbing along the north and south property lines will be shown as removed on revised plans. Soil tests will be conducted to verify the soil conditions and the depth of groundwater level to verify the proposed seepage pit design. Details of the driveway apron will be provided.

Mr. Hubschman indicated that a Major Soil Moving Application will be submitted. Revised site plans will provide the setback dimensions to the outdoor play area. Mr. Hals noted that the property has a deed restriction on a portion of the site. The restriction is against the erection of a billboard sign greater than 8' high. The survey and site plan will need to be revised to indicate the location of the restricted area of the site in accordance with Deed Book 3390, Page, 238. Zoning notes will be revised as well. Mr. Hubschman advised that he will address all discussed this evening in revised plans.

The meeting was opened to the public for questions of Mr. Hubschman. The following individuals asked questions/voiced concerns regarding additional fencing/guardrail between the site and Valley National Bank, snow removal, garbage collection, playground location, size of vehicles, traffic routes/backups:

- John Tobin (Valley National Bank)
- Janice Jacobs
- Elaine Enger
- Joanne Meistrich
- Debra Knapp
- Rita Heller

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

Mr. Sinisi noted the applicant has several more witnesses to present with testimony. As the hour was getting late, the hearing testimony for the evening was concluded. 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 Regular Public Meeting scheduled for Wednesday, May 27, 2015.

A motion was made by Mr. Kagy and seconded by Mr. Warms to go into Closed Session at 10:45 p.m. to discuss potential litigation. A voice vote carried the motion. All voted in favor; none were opposed.

The board returned to the Special Public Meeting. A motion was made by Mrs. Gaines and seconded by Mr. Kagy to adjourn at 11:35 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary