

Approved 12/9/15

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
NOVEMBER 4, 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	Gus Allen
	Jon Warms	Mark Harrison
	Ted Kagy	Sheryl Gaines
	Eugene Kwon	Councilman Zinna

Voting members absent:	Kevin Tremble	Gene Marcantonio
	Mayor Peter Rustin	

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

PUBLIC HEARING

PB# 1-15-09, Major Subdivision w/variances

Block 602, Lot 10

29 Knickerbocker Road

Applicant: D. Schwartz, R. Harband & P. Kesselen

Mr. Zenn stated that the hearing this evening is a continuation of the application from the meeting of October 28, 2015. This is a bifurcated application and tonight the Board will be hearing testimony relating to the variances for this major subdivision. Mr. Elliot Urdang is the attorney for the applicant. Mr. Urdang explained that his client is requesting preliminary site plan approval for subdividing the property at 29 Knickerbocker Road into four (4) new building lots. A new 300' long street will be constructed to provide access to the proposed lots with two (2) of the lots requiring lot width variances.

Mr. Urdang called upon Andrea Piazza, engineer for the applicant. As Ms. Piazza has appeared before the Tenafly Planning Board, she was qualified and sworn in as an expert in the field of engineering. Mr. David Hals, Planning Board engineer, was also sworn in to give his testimony.

Ms. Piazza reviewed the plans entitled "29 Knickerbocker Road Subdivision, Block 602, Lot 10, Tax Map Sheet No. 6", prepared by Piazza Engineering, dated June 19, 2015, containing eight (8) pages. Ms. Piazza explained that the applicant proposes to remove all the buildings on the site and subdivide the property into four (4) new building lots. Two (2) of the proposed lots, Lot 10.2 and Lot 10.3 will front on the new cul-de-sac. The other two (2) proposed lots, Lot 10.1 and Lot 10.4 will front on Knickerbocker Road, are corner lots and are required to meet the average lot width of the existing lots within 500' of the property which when calculated is 124.7 ft. Therefore, a variance is needed for the corner lots.

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Ms. Piazza entered the following exhibit into the record:

- Exhibit A-1, 11/4/15, Sketch No. 13, Land Development Sketches for Definitions, Borough of Tenaflly Zoning Code

She explained that Lots 10.1 and 10.4, the two (2) proposed corner lots are shallow lots from the proposed road to northerly and southerly property lines of the tract boundaries. The proposed houses are shown facing the new street on the conceptualized drawing. Per Mr. Hals review letter dated 9/14/15, the rear yards shown for these homes are 18' and 21', where 30' is the minimum rear yard setback in the R-20 Zone.

There was much discussion regarding the position of the rear yard on the corner lots. Ms. Piazza respectfully disagreed with Mr. Hals as to the position of the rear yard. Ms. Piazza shows the rear yard being to the side of the homes in the conceptual drawing on page C-4 of the plans submitted. She referred to Exhibit A-1, Sketch No. 13; rear yard for a corner lot shall be opposite the shortest street frontage. Board members voiced concerns whether these conditions could actually necessitate a variance further down the line when a house is actually constructed due to the narrowness of the properties.

Ms. Piazza addressed Police Chief Robert Chamberlain's memo dated November 2, 2015 testifying that the new proposed road intersects Knickerbocker Road at a 90 degree angle and is located 180 feet from Oak Avenue. The applicant is also proposing to install sidewalks across the frontage of the site on Knickerbocker Road and both sides of the new road.

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

Mr. Urdang called upon Mr. David Spatz for his testimony. Mr. Spatz is a licensed planner in the State of New Jersey. As Mr. Spatz has appeared before the Tenaflly Planning Board, he was qualified and sworn in as an expert in the field of planning.

Mr. Spatz stated that the variance for the minimum lot size of the corner properties can be granted in citing the MLUL regulations in regard to "C" variances. He reviewed the three (3) types of lots, specifically the corner lot. Mr. Spatz explained that the narrowness of the existing property creates an undue hardship. He noted that the plans to develop the property is a good design scheme for the land and is in accordance with the Borough's Master Plan and zoning ordinances. In his opinion, the proposed lots are similar in size to other lots in the surrounding community. The impact on neighborhood and the minimal increase of vehicular traffic has no substantial negative effect. Therefore, the application meets the C-1 and C-2 criteria; and the variance should be granted under these conditions.

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

The board took a five (5) minute recess and resumed the meeting at 9:55 p.m.

Board members questioned whether they could consider a plan for only a three (3) lot subdivision. Mr. Urdang recalled Ms. Piazza to continue her testimony. Ms. Piazza stated that she initially prepared and reviewed the plan for a three (3) lot subdivision with Mr. Hals. She concluded that this plan was dismissed because the placement of the roadway on the southerly side of the property created a reserve strip of land which is prohibited by the Borough's codes.

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

- Anthony Bono, Ivy Lane
- Michael Rubin, Ivy Lane

Comments/questions included: the size of the houses, the increased traffic having a negative effect, trees replacement by comparable species, drainage issues specific to Ivy Lane residents and a request that the Board consider reducing the number of proposed lots to a two (2) or three (3) lot subdivision.

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 application is a reasonable development for the property. It is a thoughtful subdivision for the irregular topography of the property which is creating an undue hardship. Taking this into account, this plan will improve and benefit the surrounding neighborhood. There is nothing inherently wrong with the requested variances and will have no substantial negative effect on the adjacent properties. The proposed plan meets the criteria in regard to the "C" variances and should be approved.

Board members expressed concerns that the narrowness of the corner lots will create the possibility of future variances for builders in the construction of the new dwellings. They did not feel that the applicant fully met the conditions in the C-1 or C-2 variances. Therefore, a motion was made by Mr. Kagy and seconded by Mr. Kwon to deny the major subdivision with variance application as presented. 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.

COMMITTEE REPORTS

Mrs. Wilmit informed the Board members of the passing of Mr. Tremble's mother and that a sympathy card was sent to the family. She also informed the Board of the election results and congratulated Mayor Rustin for winning the election.

A motion was made by Mr. Harrison and seconded by Mr. Kagy to adjourn at 10:55 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Christine Attanasio
Acting Planning Board Secretary