

Approved 10/28/15

**SPECIAL PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
SEPTEMBER 9, 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:	Mary Beth Wilmit	Gene Marcantonio
	Gus Allen	Ted Kagy
	Kevin Tremble	Sheryl Gaines
	Jon Warms	Councilman Mark Zinna
	Marc Harrison	Mayor Peter Rustin

Voting members absent: Eugene Kwon

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

A motion was made by Mr. Marcantonio and seconded by Mr. Warms to approve the Resolution of Approval for PB#1-15-08, Applicant: Knickerbocker Country Club c/o Russell R. Huntington, Esq., Block 503, Lot 1, 188 Knickerbocker Road. The roll was called and the motion carried. Voting YES: Mr. Warms, Mr. Harrison, Mr. Marcantonio, Mrs. Gaines and Mayor Rustin.

A motion was made by Mr. Allen and seconded by Mr. Harrison to approve the Resolution of Approval for PB#1-15-07, Applicant: 53 Knickerbocker LLC, Block 602, Lot 9, 53 Knickerbocker Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Harrison, Mr. Marcantonio, Mr. Kagy and Mayor Rustin.

PUBLIC HEARING

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

Mr. Zenn noted that the hearing this evening is a continuation of the application from the meeting of August 12, 2015. Mr. Steven Sinisi, Esq. is the attorney for the applicant. Mr. Sinisi called upon Ms. Sharon Steinhardt, Regional Manager for The Learning Experience, to review the evacuation plan. As Ms. Steinhardt was previously sworn in at the last meeting, she remained under oath.

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Ms. Steinhardt explained that The Learning Experience utilizes evacuation cribs, which can hold four (4) babies at a time. Younger children are moved off site to another location, i.e., nearest business that could house the children. Each center does monthly fire drills as well as lock-down drills. Mrs. Steinhardt explained the criteria for the evacuation plan and the criteria for choosing a 'safe site'. Ms. Steinhardt noted that the safe site is chosen once the building is constructed. The Learning Experience will work with the Borough and the surrounding businesses to find the appropriate facility to accommodate the children and staff. Mr. Sinisi confirmed that state regulations would not allow the daycare facility open if it does not have an approved evacuation plan and safe location.

There were no more questions from the Board. The meeting was open to the public for questions of the testimony of Ms. Steinhardt. The following people inquired about the criteria for a safe site, state requirements for the evacuation plan, evacuation common meeting points, keeping the meeting points clear of snow, frequency of fire drills and lock-down drills and availability of safe locations within walking distance of the daycare facility:

- Risa Rosenberg, Newcomb Road
- Colien Jenkins, Greenwich, CT
- Lori Starr, Stanton Road
- Karen Sattow, Virginia Street
- Karen Neus, Engle Street
- M. Bogurski

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

Mr. Sinisi called upon Ms. Mia Petrou, the professional planner for the project. She was sworn in to give her testimony to the board. Ms. Petrou gave her credentials as a licensed planner and was accepted as an expert in the field of planning. Mr. Zenn noted that Mr. David Hals, Planning Board engineer, remains under oath from the previous hearing as well.

Ms. Petrou explained that the scope of job was to evaluate the project in regard to the Borough's ordinances and the zoning codes in relation to the requested variances. During the evaluation, Ms. Petrou consulted the project's site plans, the Borough's zoning codes, 2013 Tenafly Master Plan, 2012 Historic Preservation Commission plan and she also inspected the proposed site along with the surrounding area.

The following exhibit prepared by Ms. Petrou was entered into the record:

- Exhibit A-21, 9/9/15, Photo and Aerial Exhibit, prepared by Kenneth Ochab Associates dated May 13, 2015

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The site is located on County Road between Highwood and Central Avenues. Photos A and B are looking at the existing building. Photos C through J are looking from the surrounding businesses to the existing building. Ms. Petrou reviewed each variance and waiver. She explained that a childcare center is an inherently beneficial use to the community and under state law it is a permitted use in a commercial zone.

Board members had questions regarding the Minimum Lot Requirement, historical significance of the existing building and the impact on the neighborhood. Ms. Petrou reiterated that the variance requested for the minimum lot size can be granted in citing the MLUL regulations in regard to "C" variances; a childcare center is inherently beneficial use to the community. Its benefits substantially outweigh any detriment to the community. Although the building is listed in the Master Plan, it was not deemed historic by the Mayor and Council. Therefore, it is not protected by ordinance. It is the proposal of The Learning Experience to display a plaque honoring Elizabeth Cady Stanton and the women's suffrage movement in the vestibule of the building. A plaque would also be attached to the outside of building to pay homage to the historical significance of the building.

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

The meeting was open to the public for questions of the testimony of Ms. Petrou. The following people inquired about the necessity for another daycare center in the Borough, historical significance of the existing building, addressing the variance of the minimum lot requirement, compare and contrast the drop-off times of a daycare center versus a school, signage on County Road and the vacancy of the building:

- Colien Jenkins, Greenwich, CT
- David Wall, Cameron Road
- Thomasina Schwartz, Oradell, NJ
- Risa Rosenberg, Newcomb Road
- Jill Horbacewicz, Essex Road
- Joann Mistrick, Dean Drive
- Kevin Wright, Bergen County Historic Preservation Commission
- Jennifer Rothchild, S. Nyack, NY
- M. Bluyman, Alpine, NJ
- Judith Low, Highwood Avenue
- Lori Starr, Stanton Road
- Madelyn Mosconi, W. Railroad Avenue, Tenaflly

Ms. Petrou explained that there is no limit according to the Borough code as to how many childcare centers are allowed in the Borough. After her evaluation, it is Ms. Petrou's opinion that the property site is suitable for a childcare center. A childcare center is different than a school in

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that the drop-off and pick-up times vary for a childcare center as opposed to a school having the same drop-off time for its students. With the building being vacant for at least five (5) years, the childcare center would bring commerce to the area and revitalize the business district. Ms. Petrou feels that historic significance of the building will be honored by the placement of a plaque both inside and outside of the new center. Ms. Petrou reiterated that the variance for the minimum lot size is granted because it meets the criteria in satisfying the "C" variances. The plan provides a significant buffer between the proposed daycare center and the neighboring properties. The sign to be posted on County Road is to clearly and easily identify the building.

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

Since the Board members had additional questions for the traffic engineer, Mr. Sinisi recalled Mr. Olivo to continue his testimony. Mr. Olivo remains under oath from the previous meeting. Members wanted to confirm that roughly 46% of the children are dropped off between the hours of 8 a.m. to 9 a.m. Mr. Olivo clarified that this is approximately 70 – 80 children within this period of time.

Mr. Tremble has concerns regarding the circulation plan of the site. He suggested making it a counterclockwise plan switching the driveways. Mr. Sinisi explained that the plan was revised to its present design to accommodate Chief Chamberlain's comments in his May 22, 2015 memo. The building was repositioned on the property, the traffic circulation is clockwise, the exit driveway lane provides stacking for at least seven (7) vehicles waiting to exit the site and the driveways are restricted to right turn movements into and out of the property. Mr. Sinisi called attention to Chief Chamberlain's June 23, 2015 memo, that indicated the new parking lot design to be a dramatic improvement from the initial plan.

Seeing no more questions from the Board, the meeting was closed for questions of the testimony of Mr. Olivo.

As the hour was getting late, the hearing testimony for the evening was concluded. It was requested that the Work Session of October 14, 2015, be converted to a Special Public Meeting for the purposes of continuing this application. This portion of the meeting will commence at 8:00 p.m. Mrs. Attanasio 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, October 14, 2015.

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OLD BUSINESS

Mrs. Wilmit explained that Special COAH Counsel Edward Buzak has requested an amendment to his professional services contract in continuing to provide legal services to the Borough. Discussion was held. It is the consensus of the Planning Board members to recommend to the Mayor and Council approval of the proposed increase and contract amendment to \$50,000.00. The motion was made by Mr. Harrison and seconded by Mr. Marcantonio to recommend approval of the total compensation under the professional services contract for Special COAH Counsel Edward Buzak to \$50,000.00 subject to review of the invoices by Chairperson Mary Beth Wilmit. A voice vote carried the motion. All voted in favor, none were opposed.

CLOSED SESSION

A motion was made by Mr. Kagy and seconded by Mr. Harrison to go into Closed Session at 11:05 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 Mr. Harrison and seconded by Mr. Tremble to authorize Mr. Zenn to proceed with filing the case information statement, the cross appeal and defend the Hedvat appeal and to recommend to the Mayor and Council to file the Notice of Appeal on behalf of the Borough of Tenafly. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Marcantonio and seconded by Mr. Tremble to adjourn the meeting at 11:20 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Christine Attanasio
Acting Planning Board Secretary