

Approved 5/11/16

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
April 27, 2016**

Chairperson Mary Beth Wilmit called the meeting to order at 8:00 p.m.

The announcement was made regarding compliance with the Sunshine Law.

ROLL CALL

The secretary was asked to call the roll:

Voting members present:	Mary Beth Wilmit	Mayor Peter Rustin
	Eugene Marcantonio	Councilman Mark Zinna
	Gus Allen	Marc Harrison
	Jon Warms	Sheryl Gaines
	Ted Kagy	Eugene Kwon

Voting members absent: Adam Michaels

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

PUBLIC HEARING

PB#1-15-13, Minor Subdivision with Variances

Block 1404, Lot 14

19 Peter Lynas Court

Applicant: Donald & Rosemarie Merino

Mr. Urdang is the attorney for the applicant. He noted his applicant has requested this application be carried to the next Regular Public Meeting. Mr. Zenn made an announcement that the public hearing for the above referenced application will be carried to Wednesday, May 25, 2016, at 8:00 p.m. without further notice.

PB#1-15-14A, Preliminary Major Subdivision

Block 602, Lot 10

29 Knickerbocker Road

Applicant: Debra Schwartz, Roxanne Harband & Phyllis Kesslen (Perskie Daughters)

Mr. Elliot Urdang is the attorney for the applicant. He noted that he, his professionals and the applicant had met with the Site Plan Review Committee along with Planning Board Engineer David Hals to review the proposed plans. Some suggestions were made for changes and the plans revised submitted to the board are based on those suggestions. Mr. Zenn noted that all documentation is in order for the application hearing to proceed this evening.

The property at 29 Knickerbocker is proposed to be subdivided into four (4) lots, three (3) building lots and one (1) buffer lot. A new 280' long street is to be constructed to provide access to the proposed lots. The proposed subdivision will create more than three (3) lots and will extend municipal services with the new road. Therefore, the application is classified as a Major Subdivision.

Mr. Urdang called upon Ms. Andrea Piazza to give her sworn testimony. As Ms. Piazza has appeared before the Planning Board numerous times, she was qualified as an expert in the field of engineering. She reviewed her plan entitled "Existing Conditions Plan, 29 Knickerbocker Road Subdivision, Sheet Number C-2 dated 1/25/16" with the board. This plan was included in the application package previously forwarded to the board.

Proposed Lot 10.01 is to retain the existing home and swimming pool. The existing garage, shed and walks shall be demolished and removed. A new garage and driveway are proposed. The driveway is to connect to the new street.

She next reviewed her plan entitled "Preliminary Subdivision Plat, 29 Knickerbocker Road Subdivision, Sheet Number C-4 dated 1/25/16" with the board. A variance will be required for the location of the existing swimming pool. The pool is located in the front yard of the proposed road. The landscape architect will testify later in the evening regarding the landscaping and screening around the pool area. Testimony will also be given on the proposed landscaping for the buffer lot, Lot 10.04.

Next up for review was Ms. Piazza's plan entitled "Grading and Drainage Plans, Details & Notes, 29 Knickerbocker Road Subdivision, Sheet Number C-5 dated 1/25/16". She noted that she and Mr. Hals had reviewed the Sanitary Sewer and Storm Drainage Systems. The applicant will make adjustments to comply with Mr. Hals' suggestions in his review letter dated April 1, 2016. She also noted that the applicant will work with Mr. Hals to assure that the storm drainage system is developed in accordance with his recommendations in his review letter.

Four (4) street lights are proposed along the new street. Mr. Hals recommended that two (2) lights be installed, one (1) light should be provided at the beginning of the street and one (1) light at the cul-de-sac. The proposed lights are LED fixtures. The applicant will comply with this recommendation and reduce the number of street lights.

Ms. Piazza indicated that the application was sent and she is waiting for approval from the Bergen County Soil Conservation District and is also awaiting a review letter from the Bergen County Planning Board. She has also applied for an extension of the sanitary sewer with the Bergen County Utilities Authority.

The proposed road requires sidewalks on both sides of the street. However, the applicant is proposing to install sidewalks across the frontage of the site on Knickerbocker Road, connecting

with the future development to the north (10 lot subdivision previously approved by the board).

Mr. Hals indicated that he had spoken with Ms. Piazza regarding water quality treatment and non-structural measures. An alternate system will be provided in place of the premanufactured treatment tank. (i.e., bio-retention basin, surface sand filter). Seepage tanks are proposed to control the runoff from the roofs of the proposed houses. The seepage pits will need to be designed to store the volume of a 3" storm over the area of the roof. The applicant will comply. He noted again that he and Ms. Piazza will work together to assure that the storm drainage system is developed in accordance with his recommendations in his review letter.

Ms. Piazza noted that the applicant will provide a low impact development checklist for the drainage calculations and a storm water maintenance manual as well. She reviewed the rest of Mr. Hals' review letter dated April 1, 2016, and the applicant will comply/work with Mr. Hals on all recommendations.

There was some board discussion regarding ownership of Lot 10.04. This lot will be deeded to go along with the lot with the existing home (Lot 10.01). This will be a condition of the approval of the board, if it so grants the subdivision approval.

The board reviewed Fire Official Alden Blackwell's memo dated April 20, 2016. The Fire Prevention Bureau made the following recommendations:

- Move the fire hydrant from the end of the cul-de-sac to the north side of the roadway to 20 feet west of the driveway of Lot 10.1.
- The fire hydrant on Knickerbocker Road shall be moved to just north of the proposed street.

The applicant will comply with the above recommendations. The Fire Prevention Bureau also recommended an increase in the diameter of the cul-de-sac to 96'; curb to curb pursuant to International Fire Code, 2006, Appendix D. Mr. Hals noted that the State RSIS regulations are followed in this case. The fire code has no bearing on the subdivision.

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

Ms. Piazza reviewed the Cut & Fill calculations for soil moving on the site. The total cut at the site is 1,385 c.y. The total fill at the site is 781 c.y. The total export for proposed improvements is 604 c.y. The soil will be moved for the grading of the lots and the construction of the road. It is estimated that approximately forty (40) trucks will be used in the movement of the soil for the project.

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Mr. Urdang called upon Lenny DiTomaso. He was sworn in and gave his credentials to the board. He was accepted as an expert landscape architect.

The following exhibit was marked and entered into the record:

- Exhibit A-1, 4/27/16, Colorized version of “Planting Plan, 29 Knickerbocker Road Subdivision” prepared by Landscape Perceptions dated 4/8/16

Mr. DiTomaso reviewed these plans which he himself had prepared. There will be landscaping to screen the pool and also landscaping on the narrow buffer lot. There were no comments from members of the board.

Mr. Hals inquired about existing trees on the buffer lot. Mr. DiTomaso indicated that he will plant around any existing trees. There will be a thick buffer on this lot screening the new development from the neighbor.

The meeting was open to the public with questions for Mr. DiTomaso. Mr. Michael Rubin, Ivy Lane, inquired as to what will happen with the existing beech tree in this buffer lot, very close to his property. Mr. DiTomaso indicated that he will plant around the tree. Mr. Rubin suggested that it be taken down. It was suggested that Mr. DiTomaso work with the Borough’s arborist and Planning Board engineer Hals to determine whether the tree needs to come down or not. The entire landscaping plan will be reviewed by Mr. DiTomaso, Mr. Hals and the Borough’s arborist. This will be a condition of the approval, if granted. There being no additional questions for Mr. DiTomaso, this portion of the meeting was closed to the public.

The meeting was opened to the public for comments on the entire application. Mr. Rubin inquired about the buffer lot (Lot 10.04) and its ownership. This lot will be deeded/titled with the lot of the existing home (Lot 10.01). There being no one else from the public with comments on the application, this portion of the meeting was closed to the public.

Mr. Urdang gave a brief summation. Board members were pleased that the applicant had taken the suggestions of the Site Plan Review Committee and presented an application and subdivision plans which ensures the home will remain and the surrounding property will be subdivided around it.

A motion was made by Councilman Zinna and seconded by Mr. Marcantonio granting approval to this subdivision application and plans as presented with all Borough stipulations, conditions discussed this evening, as well as those to be outlined in the memorializing resolution. 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. Voting NO: No one

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OLD BUSINESS

The Board discussed the issue of allowable projections into setback requirements, particular in the side yard. The Planning Board had contemplated recommending to the Mayor & Council that an open fireproof fire escape stairway only be allowed to project into a rear yard setback (eliminating a side yard encroachment) and that uncovered steps only be allowed to project beyond a setback line into a rear yard or a front yard (eliminating a side yard encroachment).

Mr. Hals requested that this recommendation to the Mayor & Council not be made. Further inspection of the original property in question revealed that the “structure” is actually a window well--not a projection into the side yard. There will be more problems should the Borough make this change. All board members agreed with Mr. Hals recommendation not to move forward with this change in the Land Development Regulations.

NEW BUSINESS

Mayor Rustin advised the board that he intends to poll the governing body to see if there is a desire to move forward to purchase part of the property at 19 Peter Lynas Court. He requested that the Planning Board provide a resolution regarding this acquisition. Mr. Zenn advised that the board cannot entertain a resolution since there is presently a pending application on this property before the Planning Board.

The owner of the property wishes to subdivide the property into two (2) lots. One lot will be vacant and the home will remain on the other lot and be deemed historic. Mayor Rustin will ask the governing body if it wishes to utilize funds presently being held in the Borough’s Open Space Trust Fund to purchase the vacant lot created from the subdivision. The Borough can only pay the appraised value of the property. He noted that the owner of 19 Peter Lynas Court has indicated that he would pay for the cost of the appraisal.

Mr. Warms noted that the Environmental Commission had discussed this matter at its most recent meeting. An article had appeared in the Suburbanite, which was incorrect in its content, indicating that the Borough was going to purchase the entire parcel. He advised that the Environmental Commission was in favor of the Borough moving forward with the purchase provided the house would be deemed historic. Mayor Rustin will report back to the board with the governing body’s decision on this matter.

There was brief discussion regarding the possible purchase of three (3) adjacent properties on Serpentine Road. There are older homes at each address, which are in need of repair. Mayor Rustin would like to see the Borough utilize its Affordable Housing Trust Fund to purchase these homes and perhaps deed them over to a non-profit to run, similar to the Tenafly Special Needs Housing being handled by the Bergen County United Way. There was some board interest in

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finding a group to provide housing for veterans. Mayor Rustin will suggest to the governing body that it hire a professional to provide guidance as to how to acquire all three (3) properties.

COMMITTEE REPORTS

Mrs. Gaines reported that 19 Peter Lynas Court was discussed at the Historic Preservation Commission. She noted that not all information being provided was correct; she attempted to correct any misinformation.

Mrs. Wilmit noted that the Site Plan Review Committee had met with the applicant and professionals for 29 Knickerbocker Road and was very pleased with the outcome this evening.

Mr. Warms again commented that the Environmental Commission discussed 19 Peter Lynas Court. He indicated that he had spoken with Mrs. Nicolosi to get the correct information after reading the article in the Suburbanite.

Councilman Zinna gave a brief update on the activity of the Community Center Exploratory Committee. Members have visited community centers in Fort Lee and Teaneck and are due to visit Secaucus shortly. The committee will then prepare a report with its findings for the Mayor & Council.

Mrs. Nicolosi noted that the attorney for 53 Knickerbocker Road, LLC, has requested that the Work Session of May 11, 2016, be converted to a Special Public Meeting to accommodate his client to hear the final subdivision application for the project. Mr. Zenn indicated that no notice to homeowners within 200' is required for this application. Fees for the meeting conversion have already been deposited with the Borough.

A motion was made by Councilman Zinna and seconded by Mrs. Gaines to convert the Work Session of May 11, 2016, into a Special Public Meeting for the purpose of hearing the application for 53 Knickerbocker LLC. A voice vote carried the motion. All voted in favor; none were opposed. Mrs. Nicolosi will handle the Borough's notification process.

A motion was made by Mrs. Gaines and seconded by Councilman Zinna to adjourn the meeting at 9:24 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary