

Approved 2/10/16

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

Vice Chairperson Allen called the meeting to order at 8:00 p.m.

The announcement was made regarding compliance with the Sunshine Law.

**OATHS OF OFFICE**

Attorney Joseph Tristano administered the Oath of Office to the following Planning Board members into their respective positions:

Peter Rustin, Mayor (Class I member), Planning Board  
Mark Zinna, Councilman (Class III member), Planning Board

**ROLL CALL**

The secretary was asked to call the roll:

Voting members present:	Gus Allen Eugene Marcantonio (late) Sheryl Gaines Jon Warms	Mayor Peter Rustin Councilman Mark Zinna Ted Kagy Adam Michaels
Voting members absent:	Mary Beth Wilmit Eugene Kwon	Marc Harrison
Others present:	Joseph Tristano, Esq. David Hals, P.E.	

**PUBLIC HEARINGS**

**PB#1-12-14A, Amended Site Plan**

Block 101, Lot 4

16 W. Railroad Avenue

**Applicant: Dafnia Inc.—d/b/a Tenafly Diner**

Mr. Matthew Capizzi is the attorney for the applicant. He commented that the Planning Board had granted Amended Site Plan approval on April 24, 2013 for a proposed addition to the front of the Tenafly Diner. The addition is to extend into the right-of-way of West Railroad Avenue and cantilever over the existing drainage culvert that is located in the sidewalk area. The applicant agreed as part of the approval to replace the culvert in front of the diner. The application is requesting a modification to the approval to permit the rehabilitation to the existing drainage culvert in place of the full replacement of the culvert.

Mr. Michael Hubschman, engineer for the applicant, was sworn in to give his testimony. As Mr. Hubschman has testified in front of the Planning Board on numerous occasions, Mr. Hubschman was qualified as an expert in the field of engineering. He recalled that Mr. Hals, Board Engineer, in his

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review letter dated November 25, 2015, noted that the drainage culvert had been inspected and the inspection report was submitted for review. The inspection found the walls of the culvert to be poured concrete and in good condition. The rehabilitation to the culvert is proposed to include:

- Removal of the existing culvert top.
- Installation of a new reinforced concrete top to the culvert.
- Installation of a new reinforced concrete floor in the culvert.
- Restoration of the sidewalk area in front of the diner.

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

Mr. David Hals, Planning Board Engineer, was sworn in for his testimony. He indicated that there were no changes to the site plan. The above culvert rehabilitation plan will have less of an impact on the downtown during the construction phase. He had reviewed the inspection report and the proposed culvert rehabilitation plan. He discussed the proposed culvert rehabilitation with the Borough Engineer Andrew Hipolit. Both found the proposal acceptable. Mr. Hals has no objection to the proposed modification.

The meeting was open to the public for questions for Mr. Hals. There being no one from the public with questions, this portion of the meeting was closed. The meeting was opened to the public for comments on the entire application. There being no one from the public wishing to comment on the application, this portion of the meeting was closed to the public.

A motion was made by Councilman Zinna and seconded by Mrs. Gaines to approve this application for an amendment to the original site plan and resolution. The roll was called and the motion carried. Voting YES: Mr. Allen, Mr. Warms, Mr. Kagy, Mrs. Gaines, Mr. Michaels, Councilman Zinna and Mayor Rustin.

**PB#1-13-05C, Final Site Plan Approval**

Block 1301, Lot 5  
49 Atwood Avenue

**Applicant: 49 Atwood Avenue, LLC (formerly Village Fuel, Inc.)**

Ms. Jaclyn D'Arminio is the attorney for the applicant. She gave the board a brief history of the entire application. The Planning Board had granted Preliminary Site Plan approval on November 12, 2014. The application this evening is for Final Site Plan Approval.

Mr. Hals noted that the building addition and most of the site improvements have been installed. Several modifications were made to the site improvements which included:

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- The dumpster was moved to the north side of the building behind the front line of the building.
- The bollards across the front of the building were replaced with concrete wheel stops at each parking space.
- The lawn areas around the building have been changed to synthetic turf.

Mr. Hals indicated that the changes are considered minor. He has no engineering objection to the modifications that were made. However, there are improvements which still remain to be installed:

- Building mounted lights along the perimeter of the building on the north, south and west sides of the building.
- Installation of the fencing near the southerly property line.
- The concrete wheel stops must be anchored into the pavement.
- Landscaping has not been installed along the southerly side of the parking area. The area has been stabilized with synthetic turf to the curb.

Mr. Hals recommended that the Planning Board grant Final Site Plan Approval subject to the following:

- Posting of a performance bond in the amount of \$7,200.00 to guarantee the completion of the site improvements.
- Posting of an escrow in the amount of \$800.00 to cover the cost of the engineering inspections
- Following the completion of the improvements, a two-year maintenance bond must be posted. The bond is 15% of the cost of the site improvements: \$5,268.60 (\$35,124.00 x 15%).
- The As-Built Survey must be updated to show the building mounted lights and fencing the southerly side of the property.

Ms. D'Arminio requested that the board grant her applicant forty-five (45) days to complete all outstanding improvements and not require the performance bond or escrow monies at this time. Mr. Hals will write a letter to the Building Department to certify that a Temporary Certificate of Occupancy can be issued. He commented that the request for forty-five (45) days is acceptable.

The meeting was opened to the public for questions or Mr. Hals and for comments on the entire application. There being no one present from the public in regards to the application, this portion of the meeting was closed.

A motion was made by Mr. Marcantonio and seconded by Mr. Warms to approve the Final Site Plan for this application with the improvements discussed this evening and outlined in Mr. Hals' memo dated January 26, 2016, to be made to the premises within forty-five (45) days. Further,

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the applicant will post the Maintenance Bond of \$5,268.60 at the completion of this timeframe. No performance bond is required to be posted at this time; nor is additional escrow needed. The roll was called and the motion carried. Voting YES: Mr. Allen, Mr. Warms, Mr. Marcantonio, Mr. Kagy, Mrs. Gaines, Mr. Michaels, Councilman Zinna and Mayor Rustin.

### **CORRESPONDENCE**

Memo dated January 13, 2016 from Borough Clerk Lissette Aportela, Re: Ordinance No. 16-03 – An Ordinance to amend Chapter 35 of the revised General Ordinances of the Borough of Tenafly, entitled “Land Development Regulations” and more particularly: Amending Section 35-801.3, Zoning Map

Board Engineer David Hals reviewed the new colorized Zoning Map prepared by Maser Consulting. This map will replace the colorized Zoning Map prepared by Schwanewede/Hals Engineering done in 2007. Mr. Hals cannot recommend that the Planning Board approve this new map in its present state. Boundary line dimensions have been left off the map. These dimensions are necessary to ascertain zone boundary lines. It was noted that no one from Maser Consulting had reached out to Mr. Hals during the project. The Planning Board wasn’t asked to review the map prior to tonight, after receipt of Ms. Aportela’s memo. Mr. Hals will contact Borough Engineer Andrew Hipolit to discuss his recommendations for changes. Once a revised Zoning Map is received from Maser Consulting with all Mr. Hals’ recommended changes, the Planning Board will review again and send its recommendations to the Mayor & Council.

### **COMMITTEE REPORTS**

Councilman Zinna advised the board that the Community Center Exploratory Committee has a listing of members and will be meeting at the end of February to begin to visit other local centers.

A motion was made by Mrs. Gaines and seconded by Mr. Marcantonio to adjourn the meeting at 8:45 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary