

Approved 5/11/16

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
March 23, 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 Eugene Marcantonio Sheryl Gaines Eugene Kwon	Mayor Peter Rustin Councilman Mark Zinna Ted Kagy
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Voting members absent:	Gus Allen Jon Warms	Marc Harrison Adam Michaels
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Others present:	Jeff Zenn, Esq. David Hals, P.E.
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APPROVAL OF MINUTES

A motion was made by Mr. Kagy and seconded by Mr. Marcantonio to approve the minutes of the Regular Public Meeting of February 24, 2016, and the Work Session of March 9, 2016. A voice vote carried the motion. All eligible members voted in favor; none were opposed.

PUBLIC HEARING

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

Block 1404, Lot 14
19 Peter Lynas Court

Applicant: Donald & Rosemarie Merino

Mr. Zenn noted that all documentation is in order for the application hearing to proceed this evening. Mr. Urdang is the attorney for the applicant. He noted that the Historic Preservation Commission has recommended to the Mayor & Council that the home on the property be protected by ordinance; however, no decision has been made as of yet.

He called upon Mr. Michael Hubschman, engineer for the applicant. As Mr. Hubschman has appeared before the Planning Board on numerous occasions, he was qualified as an expert in the field of engineering. He entered the following exhibit into the record:

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- Exhibit A-1, 3/23/16, Colorized version, “Minor Subdivision Plat, Proposed Subdivision of No. 19 Peter Lynas Court”, prepared by Hubschman Engineering, P.A., last revised 2/10/16

Mr. Hubschman reviewed this plan with the board. The barn in the rear of the property was converted to a house. The garage on site is set to be removed with the subdivision. The applicant is proposing the construction of a new single family home on the new lot. Lot 4.01 is the existing lot; Lot 4.02 is the proposed, new lot. The gravel driveway will be removed and a new one will be installed. He reviewed the average lot width of the surrounding properties.

There was some board discussion regarding the gravel driveway and impervious coverage. Mr. Hals, Planning Board engineer, was sworn in to give his testimony regarding the application. Seepage pits would be added if drainage calculations indicated a need for such.

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

Mr. Urdang called upon Mr. Raymond Hartwick, architect for the applicant. He gave his credentials to the board and was qualified as an expert in the field of architecture. He entered the following exhibit into the record (copies of which the board members did not have prior to the hearing):

- Exhibit A-2, 3/23/16, “Front Elevation, Right Side Elevation”, prepared by Raymond Hartwick, Architect, dated 2/2/16

Mr. Hartwick noted that a five (5) bedroom, three (3) bathroom home is proposed for the lot. This home is similar in size to others across the street. The home will be conforming to Borough zoning ordinances. There will be a 20’ wide macadam driveway with a two (2) car garage.

The meeting was opened to the public for questions for Mr. Hartwick. Mr. Mitchell Gerber, Peter Lynas Court, inquired about the FAR (Floor Area Ratio). Mr. Hartwick commented that the proposed home complies with the FAR requirements of the Borough. There being no one further with questions for Mr. Hartwick, this portion of the meeting was closed.

Mr. Hartwick continued his testimony and entered the following exhibit into the record (copies of which the board members did not have prior to the hearing):

- Exhibit A-3, 3/23/16, “Proposed Garage Rendering—Merino Residence”, prepared by Raymond Hartwick, Architect, dated 3/12/16

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He provided copies of this exhibit to board members and professionals. He explained that the proposed garage is a one-story, two (2) car garage, which will be placed in front of the barn. This garage is not shown on the site plan which the board reviewed with Mr. Hubschman previously. There was much concern by board members that the coverage calculations are not included on the plan submitted. Mr. Hals indicated that the calculations will indeed change with the addition of the garage.

Mr. Urdang explained that a variance was required for the subdivision because the original application called for the demolition of the garage. The applicant now proposes to provide a garage, which will also need a variance because it is an accessory structure. Mr. Hartwick indicated that the stones from the retaining wall set to be demolished with the subdivision as well as the stones from the present garage set to be demolished will be used for the proposed garage, giving that structure an older look.

There were questions on whether the home would be seen if the garage was placed in front of the structure. Mr. Hartwick indicated that the top of the home would be visible. Board members expressed concerns that the garage structure and calculations were not provided to the board members ahead of tonight's hearing.

The meeting was opened to the public for questions for Mr. Hartwick. Mr. Mark Atlschul, Peter Lynas Court, had questions regarding FAR as it pertains to the garage. Mr. Hartwick indicated that the proposed garage will comply with the FAR requirements of the Borough. There being no one further with questions for Mr. Hartwick, this portion of the meeting was closed.

Mr. Urdang called upon Mr. Donald Merino, owner of and applicant for 19 Peter Lynas Court. Mr. Urdang marked the following exhibit into the record (copies of which the board members did not have prior to the hearing):

- Exhibit A-4, 3/23/16, "Land Size on Peter Lynas Court", prepared by Donald Merino

Mr. Merino provided copies for all board members and professionals. He indicated that he had reviewed the tax records of all properties on Peter Lynas Court. He testified that all lots are over 20,000 sq. ft. with the exception of the three (3) lots adjacent to 19 Peter Lynas Court.

Mr. Merino marked the following exhibit into the record (copies of which the board members did not have prior to the hearing):

- Exhibit A-5, 3/23/16, "Tenaflly Historic Preservation Commission, Borough of Tenaflly, New Jersey, Designation Report, Name of Property: Anthony Stable-Bonny Dell Farm Barn", prepared by T. Robins Brown, Architectural Historian, 12 First Avenue, Nyack, NY, dated 2/10/11 – rev. 3/1/16

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Mr. Merino provided copies for all board members and professionals. Mr. Merino was asked how long he had been on the Historic Preservation Commission and why this property was never designated before. Mr. Merino indicated that he served on the Historic Preservation Commission for over twenty (20) years and had served as its Chair for several years. He noted again that the stone from the garage and retaining wall set to be demolished will be used for the façade of the new garage. The above Designation Report was presented to the Historic Preservation Commission at a public hearing and a recommendation was made to the governing body that the barn be designated as historic. Mr. Merino indicated that he has moved from the Borough and no one is presently living in the home.

Board members inquired as to why the whole property is not to be designated, only the barn and why Mr. Merino was looking to subdivide the property. He indicated that he tried to sell the property as it is and no one wanted it. He testified that every offer was from a developer who wanted to tear down the house and put up one large home. It is his intent to preserve the barn. It was noted that the proposed garage would have to be reviewed by the Historic Preservation Commission. The applicant would have to apply for a Certificate of Appropriateness with that entity.

Board members voiced concerns regarding the timing of the designation of the barn, the construction of a new garage in front of the existing historic structure and its blocking the view of the barn from the street, the use of the stones from the existing garage and retaining walls set to be demolished, and the proposed frontage of the lot with the barn (52') which is much less than the 100' frontage required for the zone.

Mr. Zenn inquired if Mr. Merino would agree to deed restrict the property if the board concluded the hearing tonight and approved the subdivision. He did not agree to that stipulation.

The board took a five (5) minutes recess.

The board reconvened its meeting. There were questions regarding what would happen if the Mayor & Council does not protect the barn by ordinance. The Historic Preservation Commission could request the entire site be designated as historic.

The meeting was opened to the public for questions of Mr. Merino. Ms. Karen Neus, 330 Engle Street, introduced herself as the Chairperson of the Historic Preservation Commission. She had questions for Mr. Merino regarding designation of the property. Mr. Merino noted that he paid privately for the designation report on his property.

Mr. Mark Altshul, Peter Lynas Court, commented that there were extensive renovations to the house and grounds. He questioned if Mr. Merino had obtained a permit for the removal of an existing pond in the front of the property many years ago. Mr. Merino advised that he did not obtain a permit. Mr. Altshul recommended that the Planning Board investigate why a permit

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was never obtained for the removal of the pond. Mr. Zenn explained his request is outside the purview of the Planning Board; it is not an enforcing agency. He was directed to contact the Building Department to address the matter. Mr. Altshul would like a transcript of the hearing. The procedures to obtain this document were explained to him.

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

Mr. Urdang called upon Mr. Kevin O'Brien to give his testimony as a planner. He gave his credentials to the board and was qualified as an expert in the field of planning. He noted that he had worked on a number of historic structures. He commented that the process has started for historic designation. The home is to be preserved on one lot. He noted that the home will be partially obscured by the garage. He reviewed the pattern of development of the homes on the street.

Mr. O'Brien marked the following exhibit into the record (copies of which the board members did not have prior to the hearing):

- Exhibit A-6, 3/23/16, "Site and Area Photos", prepared by Kevin O'Brien, P.P., photos taken 18 February 2016.

He distributed and reviewed the photo package with the board members and professionals. He noted that the Borough's 2012 Amendment to the Historic Preservation Element of the Master Plan indicates that the Borough takes historic preservation very seriously. He said there is no negative impact on the neighborhood with the subdivision of this property, only a positive impact, as the structure will be preserved.

The board inquired as to whether the applicant could subdivide the lot more evenly, making two (2) lots with 75' frontages. The position of the new home could be shifted. The applicant declined this suggestion as a smaller lot is more advantageous to the historic home. Mr. O'Brien noted that if the subdivision did not get approved, a new buyer/developer could put up an extremely large home in its place.

The meeting was opened to the public with questions for Mr. O'Brien. Mr. Frank Nagy, Peter Lynas Court, questioned the uniformity of the lots, noting that most lots are larger than what is proposed. There being no one else from the public with questions for Mr. O'Brien, this portion of the meeting was closed to the public.

Mr. Urdang indicated he had no further witnesses. It was noted that the time was 10:50 p.m. Mrs. Wilmit noted that the Planning Board usually ends its meetings at 11:00 p.m. However, she polled the board and it was decided that the public could comment on the entire application at this time.

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Mr. Urdang indicated that he will give his summation at the next hearing and that the board could proceed with its deliberation at that point.

The meeting was open to the public with comments on the application. Comments included opposition to the subdivision as it would change the character of the neighborhood, concern that if not subdivided that a very large house would be built instead, Peter Lynas Court is special to Tenaflly and the historic nature of it should be preserved, if a new home is built, it will obstruct the barn in the back of the property, the goal of this application is to maximize the monetary benefit to the applicant, the opinion that the right buyer has not been found yet to keep the property as it is presently. Those voicing concerns/comments were:

- Christine Sujak, Peter Lynas Court
- Karen Neus, Engle Street
- Frank Nagy, Peter Lynas Court
- Mark Atshul, Peter Lynas Court

There being no one else from the public wishing to comment on the entire application, this portion of the meeting was closed to the public.

Mr. Zenn noted this application will be continued to Wednesday, April 27, 2016, at 8:00 p.m. without further notice. He repeated that Mr. Urdang will give his summation to the board. Board members will deliberate and decide on the application at that time.

A motion was made by Mrs. Gaines and seconded by Mr. Kagy to adjourn the meeting at 11:25 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary