

Approved 9/14/11

**SPECIAL PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
August 10, 2011**

Chairperson Wilmit called the meeting to order at 8:05 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mayor Peter Rustin	Mary Beth Wilmit
	Gus Allen	Jeffrey Toonkel
	Marc Harrison	Eugene Marcantonio
	John Kim	

Voting members absent:	Mark Zinna	Councilman Barry Honig
	Kevin Tremble	Steven Greene

Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.
	Dee Lorberbaum, MLUL Officer

A motion was made by Mr. Toonkel and seconded by Mayor Rustin to approve the minutes of the Special Public Meeting of July 13, 2011, as amended with slight typographical error changes. A voice vote carried the motion. All voted in favor of the motion; none were opposed.

PUBLIC HEARING

PB#1-11-03 – Site Plan/Variance

ARI Realty Inc. - Block 1012, Lots 4, 5, 6 and 8 – 7, 11
15-17 Hillside Avenue; 4 Highwood Avenue

Mr. Thomas O'Connor is the attorney for the applicant. He explained that the purpose of this public hearing is to amend the resolution for PB#1-11-03 to change the name on the application from Ari Realty LLC to the correct name of the property owner as Ari Realty, Inc. Mr. O'Connor noted the fact that the entity was erroneously listed as an "LLC" in the application and certain related documents was entirely a clerical error. All other information presented in the application is correct, including the disclosure of individual ownership of the applicant. He also advised the board that there was a discrepancy found in a deed as well. He is pursuing the filing of a corrective deed as this time.

A motion was made by Mr. Marcantonio and seconded by Mr. Allen to approve the amendment to Resolution PB#1-11-03, ARI Realty Inc. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Harrison, Mr. Marcantonio, Mr. Kim and Mayor Rustin.

There was some discussion about the meeting of August 24, 2011. Many board members will be on vacation and unable to attend. Further, there are no applications before the board for that evening. A motion was made by Mr. Marcantonio and seconded by Mr. Harrison to cancel the August 24, 2011, Planning Board meeting due to lack of applications. A voice vote carried the

motion. All voted in favor of the motion; none were opposed. Mrs. Lorberbaum will notice this meeting cancellation.

A motion was made by Mr. Allen and seconded by Mr. Toonkel to convert a portion of the September 14, 2011, Work Session to a Special Public Meeting commencing at 8:00 p.m. The Work Session will commence at 7:30 p.m. Further, a Work Session will be scheduled on September 21, 2011, at 7:30 p.m. prior to the Regular Public Meeting at 8:00 p.m. A voice vote carried the motion. All voted in favor of the motion; none were opposed. Mrs. Lorberbaum will notice these meeting changes.

Mr. David Hals, Board Engineer, reported that he had not heard from the Mayor & Council Subcommittee or the Borough Engineer regarding building height and combined side yards. The full Planning Board will wait until the Planning Board Subcommittee meets with the Mayor & Council subcommittee and engineering professionals before it discusses this matter again.

Mr. Hals reviewed his letter dated July 27, 2011, regarding Proposed Revisions for Building Coverage. A motion was made by Mr. Allen and seconded by Mr. Marcantonio to permit Mr. Hals to forward this memo, with slight modifications, on behalf of the Planning Board to the Mayor & Council for approval. A voice vote carried the motion. All voted in favor of the motion; none were opposed.

Mayor Rustin distributed an email he had received from Councilman Lattif. This email included a forwarded email from a resident upset with garbage/trash at the Skate Park. She attributes the garbage/trash to the new 7-Eleven. The resident does "not contest a 7-11 in Tenafly, although it does open the door to more of these types of chain stores." Councilman Lattif indicated "This detrimental consequence of the Board's decision to allow the 7-11 is something they may want to consider should other similar businesses come before them."

There was much discussion regarding both of these emails. It is the Board's contention that it acted responsibly on behalf of the Borough. All plans were reviewed and the additional parking with an easement among all neighboring businesses behind the facility was quite beneficial to the Borough. The board stands by its decision, noting that at the time of the Planning Board hearing, the applicant was County Tiger, LLC. When the Developer's Agreement was delivered to the Borough was the first time there was reference to a 7-Eleven. No further action is required by this board.

A motion was made by Mr. Allen and seconded by Mr. Harrison to adjourn the meeting at 8:40 p.m. All voted in favor of the motion; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary