

Approved 7/14/10

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
June 23, 2010**

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

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mayor Rustin	Councilman Jon Warmes
	Gus Allen	Jeffrey Toonkel
	Kevin Tremble	Mark Zinna
	Marc Harrison	Steven Greene
	Eugene Marcantonio	

Voting members absent:	Mary Beth Wilmit	Eugene Cho
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Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.
	Dee Lorberbaum, MLUL Officer

A motion was made by Mr. Zinna and seconded by Mr. Tremble to approve the Resolution of Approval for the Application of Nicholas A. Sirico, Block 1012, Lot 1, 10 Highwood Avenue. The roll was called and the motion carried. Voting YES: Mr. Zinna, Mr. Harrison, Mr. Greene, Mr. Tremble and Councilman Warmes.

PUBLIC HEARING

PB#1-10-04 – Site Plan/Variance

Applicant – Tenafly Gourmet Farm (Jeanne Swift)
15 Highwood Avenue, Block 1005, lot 15

Mr. Matthew Capizzi is the attorney for the applicant. Mr. Michael Hubschman is the engineer for the applicant. Having been sworn in at the last meeting, he noted that 4 spotlights/floodlights from PSE&G are to remain. Gooseneck lights are shown on the canopy.

He reviewed the refuse area plans. The following exhibit was entered into the record:

- Exhibit A-5, 6/23/10, Fence Brochure

The brochure shows the fencing that will enclose the refuse area. The board requested that the color not clash with the building itself or the building adjacent to the site.

Mr. Hubschman reviewed all the signs requested and noted that all will conform to Borough Code pursuant to Mr. Robert Byrnes, Construction Official, as outlined in his memo dated June 15, 2010.

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The board reviewed DPW Director Bob Beutel's memo dated June 21, 2010, regarding the landscaping for the site. He noted his concern that there is a need to plant some shade trees in the parking lot, not just around the perimeter as shown on the plans. The Borough wants to eliminate "asphalt jungles". Mr. Hubschman commented that there could be some changes to the plans to include more landscaping. There was a request for a landscape shrub line on Highwood Avenue which is to be reviewed by Bob Beutel. The board would like to see revised landscape plans.

Mr. Thomas Swift was called to give his testimony. Having previously appeared before the Tenafly Planning Board at the last meeting, he was accepted as an expert in the field of architecture. He continued with his testimony regarding the lighting plan that was submitted to the board—noting that decorative poles were added to enhance the streetscape. Mr. Hals would like to see all floodlights operated by PSE&G removed and an island with a light added to the plans. The applicant will submit revised lighting plans as requested.

The board briefly addressed Chief Michael Bruno's memo of June 23, 2010, requesting that the property owner amend their current building plan slightly and move the southernmost driveway on Piermont Road approximately ten (10) feet to the north to accommodate a Borough-added handicapped, on-street parking space located on the east side of Piermont Road. The minor change will provide ample space for the new parking stall to meet current MUTCD and ADA standards and will greatly reduce the potential safety issues caused by vehicles entering the driveway while another motorist is exiting that new parking space. The applicant will address this issue at the next meeting.

Mr. Swift reviewed the Floor Plan (Exhibit A-1) last revised 4/1/10, and Elevation Plan (Exhibit A-2) previously submitted to the board. There were no comments from board members.

The meeting opened to the public. Mrs. Swift (owner of the property) advised board members that she wants to get the building up as soon as possible. She has been asked by many people when the building is going to be rebuilt. There being no one else from the public wishing to question either Mr. Hubschman or Mr. Swift, this portion of the meeting was closed to the public.

The applicant will submit revised lighting and landscape plans to the board for review. The issue of moving the driveway to accommodate the Borough handicapped space will also be addressed. The application for Tenafly Gourmet Farm, Block 1005, Lot 15, 15 Highwood Avenue, will be continued to Wednesday, July 14, 2010, at 7:30 p.m. without further notice.

Mrs. Lorberbaum will notice that the Work Session is being converted to a Public Meeting with a start time of 7:30 p.m.

CORRESPONDENCE

A letter dated June 14, 2010 was received from Steven E. Cohen, Emco Realty Corporation, previously known as Lowell Cleaners and now referred to as Riveredge Row, regarding removing the small garden in the parking lot and paving the space to create an additional parking space. Borough Engineer Hals is not in favor of removing the small garden. He had stipulated that a

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curbed-out landscaped island be installed; not the elevated one installed by Mr. Cohen. It was noted that the landscaped garden has already been removed and paved over. Mr. Cohen must come back to the board with a site plan waiver to request the parking space. His approving resolution stipulated that there would be a landscape island. Mr. Cohen was in attendance at the meeting. He voiced his displeasure with the request to appear again before the board, but will file a site plan waiver application as requested.

A letter dated June 18, 2010, was received from Michael F. Parlamis, regarding the Developer's Agreement for PB#1-09-14, Axia Taverna, 18 Piermont Road. He does not wish to enter into a Developer's Agreement for the application stating that it was "onerous and punitive". He would like to forego the proposed handicapped ramp if that is the reason that the developer's agreement is required. Mr. Zenn addressed all the issues raised in the letter. This is standard procedure. Further, Mr. Parlamis cannot forego the proposed handicapped ramp as it is stipulation as part of the memorializing resolution. Mr. Zenn will follow up with Chairperson Wilmit and contact Mr. Parlamis regarding his letter.

PUBLIC HEARING

PB#1-1006 – Site Plan/Variance – Public Hearing

Applicant: Dorit Reiner, Block 1011, Lot 11, 4 Washington Avenue

Mr. Elliot Urdang is the attorney for the applicant. The Planning board received and reviewed the following letters/memos: June 17, 2010 letter from David Hals, Borough Engineer, June 21, 2010, memo from Tenaflly Police Chief Michael Bruno and June 21, 2010, memo from Director of Public Works Bob Beutel.

Mr. Michael Hubschman is the engineer and a Planner in the State of New Jersey and has been qualified as an expert witness previously. He explained the following:

- The service walkway in the rear of the property is not impacted by the proposed refrigerator/freezer, which is a walk-in unit approximately 10 feet by 12 feet.
- The property is located in the B-1 Business Zone, which permits restaurants, and is undersized in lot area and lot width
- The applicant proposes to install an exterior refrigerator/freezer unit attached to the rear of the building on the property
- The property is fully developed with a three-story masonry building
- The trash container will be located within a fenced enclosure

Mr. Dov Reiner, one of the applicants, was sworn in and testified that the applicant needs greater refrigerator and freezer capacity than currently exists for their restaurant operations on the site and therefore need a commercial refrigerator/freezer. If they did not place the unit outside in the rear, it would be forced to put the unit on the inside of the restaurant where there is not sufficient room.

There was much discussion regarding the location of the dumpster. The dumpster location originally proposed by applicant was adjacent to the refrigerator/freezer unit on the northerly side. Pursuant to discussions with the Board, the applicant has agreed to move the dumpster location.

The existing building covers 75.04% of the property where 40% is the maximum permitted. The refrigerator/freezer unit increases the building coverage by 120 square feet or 5.37% to 80.41%. The Board notes that this is a very small lot consisting of 2,233 square feet which is an existing non-conforming condition. The proposed additional lot coverage is small but because of the undersized lot, generates a large increase in the percentage of coverage. Moreover, the premises are located in the downtown business area where the buildings cover substantially all of the lots and the maximum permitted lot coverage is exceeded in many of the surrounding properties.

The applicant also seeks a variance for the required setback of the trash container to the property line. 10 feet is required and 0.5 feet is proposed. The Board recognizes that the setbacks on this property and in this area in general are difficult to maintain given the undersized nature of the lot as well as the surrounding lots.

Mr. Jim Virgona, owner of the building was sworn in. He commented that his neighbor's dumpster is presently on his property and would need to be relocated. He agreed to repave the area in the back of the building with either asphalt or pavers.

In response to the review letter of the Board Engineer and comments of Planning Board members, the applicant made the following stipulations:

- It would rotate the proposed refrigerator/freezer unit so that the 12 foot long side is abutting the building.
- The refrigerator/freezer would then slide in a northwesterly direction to be up against the property line.
- A fenced trash enclosure would go behind the refrigerator/freezer so that it is parallel to the 12 foot long side of the refrigerator/freezer unit.
- The trash enclosure will be fenced.
- The trash enclosure will contain one 2-yard container for solid-waste garbage and one container for recyclables to be of a sufficient size to meet the requirements of the applicant up to 2 yards.
- Applicant will repave the area in the rear of the property with either asphalt or pavers.
- Applicant shall separate its cardboard and use the commercial service provided by the Borough of Tenaflly to pick up the cardboard refuse.

Mr. Zenn advised that the proposed variances do not impair and are not a detriment to the Tenaflly Zoning and Land Use Ordinance. The subject lot, as it currently exists, is undersized and non-conforming. The building takes up the vast majority of the site currently. This is a common condition in the downtown area and more specifically, the properties surrounding applicant's site. That situation is pre-existing. The proposed use is in accordance with the B-1 Zoning District and Master Plan which permits restaurants.

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The variances do not exacerbate any adverse conditions nor would the variances create any safety or health concerns. The following variances/waivers are required and will be granted via resolution:

- A variance in connection with maximum permitted lot coverage where the applicant proposes 80.41%, the LDR permits 40% and coverage is currently 75.04%
- A variance is hereby granted to applicant for side yard setback for an accessory structure where a minimum of 10 feet is required and applicant proposes 0 feet in the case of the proposed refrigerator/freezer; and it is
- A waiver for the trash enclosure setback from the property line which requires a minimum of 10 feet and applicant proposes 0 feet in this matter

A motion was made by Councilman Warms and seconded by Mr. Zinna to approve the application as presented this evening with all the above stipulations as well as all Borough stipulations. The roll was called and the motion carried. Voting YES: Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Zinna, Mr. Harrison, Mr. Greene, Mr. Marcantonio, Councilman Warms and Mayor Rustin.

There were no committee reports this evening.

A motion was made by Councilman Warms and seconded by Mayor Rustin to adjourn the meeting at 10:21 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary