

Approved 2/24/10

**REGULAR MEETING OF THE  
TENAFLY PLANNING BOARD  
January 28, 2010**

Chairperson Wilmit 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 Warms |
|                         | Mary Beth Wilmit | Jeffrey Toonkel      |
|                         | Eugene Cho       | Charles Lipson       |
|                         | Gus Allen        | Mark Zinna           |
|                         | Marc Harrison    | Steven Greene        |

Voting members absent: Kevin Tremble

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

A motion was made by Mr. Allen and seconded by Mr. Cho to approve the Resolution of Approval for the Application of GBO Training, Inc./Gerard Bochese, Block 1302, Lot 1, 101 North Summit Street. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Cho, Mr. Toonkel, Mr. Allen, Mr. Lipson, Mr. Zinna and Councilman Warms.

A motion was made by Mr. Lipson and seconded by Mr. Allen to approve the Resolution of Approval for the Application of County Tiger, LLC, Block 1012, Lot 2, 29 County Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Lipson, Councilman Warms and Mayor Rustin.

Planning Board committee assignments for 2010 are as follows:

|                                   |  |
|-----------------------------------|--|
| <b>SITE PLAN REVIEW COMMITTEE</b> | Jeff Toonkel, Chairman<br>Gus Allen<br>Steven Greene |
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|                      |  |
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| <b>LDR COMMITTEE</b> | Eugene Cho, Chairman<br>Councilman Jon Warms<br>Chuck Lipson<br>Mark Zinna |
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|  |   |
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| <b>OPEN SPACE/RECREATION COMMITTEE</b> | Gus Allen, Chairman<br>Mary Beth Wilmit<br>Jeff Toonkel<br>Eugene Cho |
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**COAH COMMITTEE**

Mary Beth Wilmit, Chairperson  
Gus Allen  
Kevin Tremble  
Mayor Peter Rustin

**TRANSPORTATION COMMITTEE**

Kevin Tremble, Chairman  
Mayor Peter Rustin  
Steven Greene  
Marc Harrison

**RAIL CORRIDOR STUDY COMMITTEE**

Mark Zinna, Chairman  
Marc Harrison  
Chuck Lipson

**MASTER PLAN RE-EXAMINATION COMMITTEE**

Gus Allen, Chair  
Mary Beth Wilmit  
Jeff Toonkel  
Councilman Jon Warmes

**ENVIRONMENTAL COMMISSION REPRESENTATIVE:** Jeff Toonkel

**HISTORIC PRESERVATION COMMISSION REPRESENTATIVE:** tba

It was noted that the Planner will be in attendance at the March Work Session. The board briefly reviewed the Mayor's Fax Advisory dated January 22, 2010, regarding S-1, Reforms Fair Housing Act, Abolishes COAH. The board would like to send a letter to district representatives noting that the board is in favor of this bill. Mayor Rustin suggested the draft letter be sent to the Mayor & Council prior to mailing.

**SITE PLAN WAIVER**

Applicant: The Church of the Atonement  
Block 1602, Lot 12, 97 Highwood Avenue

Mr. Allen recused himself from the hearing as he is an officer of The Church of the Atonement. Board attorney Zenn briefly advised board members on matters of recusal in the hearing of applications.

Mr. Michael Murphy is the senior warden of the church. The application is for the construction of an ADA compliant accessible entrance at the Engle Street entrance to the building complex. The site plan shows the site alterations required, which are minor in nature. Included in the plans were architectural drawing for interior work to be done as part of the over project, which is the installation of an elevator for accessibility and refurbishment of two first floor bathrooms.

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Zoning Official Frank Mottola advised the board that he has reviewed the application and plans and has also visited the site. There is no impact on parking and no enlargement to the building. He has no problems in the granting of approval for this site plan waiver.

A motion was made by Mr. Zinna and seconded by Mr. Lipson to approve this site plan waiver application as presented. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Toonkel, Mr. Cho, Mr. Lipson, Mr. Zinna, Mr. Harrison, Mr. Greene, Councilman Warme and Mayor Rustin.

#### MAJOR SOIL MOVEMENT APPLICATION

Applicant: Khanh Nguyen

Block 3002, Lot 3, 108 Buckingham Road

Mr. Zenn noted that all documentation for the application was received and in order. Mr. Gregory Polyniak is the engineer for the applicant. He had previously appeared before the Planning Board on a number of occasions. He was qualified as an expert in the field of engineering.

The applicant proposes to move 420 cubic yards of soil for the construction of a new house, circular driveway, swimming pool, retaining walls and site grading. The property contains slopes greater than 25% and the proposed soil movement and construction will be in close proximity to the steep slopes. This is the reason the applicant is appearing before the board this evening.

Mr. Polyniak advised the board that the applicant will comply with all of Mr. Hals' recommendations in his letter of January 21, 2010, including that the storm water from the roof and driveway will be collected and piped to underground seepage pits. Four 1,290 gallon seepage pits are proposed and will control the increase in runoff from the proposed improvements.

There will be fifteen trees removed on the site. A tree removal permit has not been received as of yet. The applicant has filed for this with the borough.

The board members voiced their concerns regarding drainage and the number of trees being taken down. Borough Engineer Art Lorenz was sworn in and noted that the plans with the increased volume in the seepage pits are substantial for the site. Mr. Polyniak noted again that the board will comply with all of Mr. Hals' recommendations and will work with that office during all construction phases.

The meeting was opened to the public to question Messrs. Polyniak and Lorenz. There being no one from the public with questions, this portion of the meeting was closed to the public.

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

A motion was made by Councilman Warms and seconded by Mr. Zinna to approve this major soil movement application with all borough stipulations included but not limited to, compliance with Mr. Hals' letter, obtaining a tree permit and entering into a developer's agreement with the borough. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Toonkel, Mr. Cho, Mr. Lipson, Mr. Zinna, Mr. Harrison, Mr. Greene, Councilman Warms and Mayor Rustin.

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

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary