

Approved 7/28/10

**SPECIAL PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
July 14, 2010**

Chairperson Wilmit called the meeting to order at 7:30 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	Gus Allen
	Jeffrey Toonkel	Kevin Tremble (7:50 p.m.)
	Eugene Cho	Marc Harrison
	Mark Zinna	Steven Greene
	Gene Marcantonio	

Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.
	Frank Mottola, Zoning Officer

The minutes were corrected to reflect the following minor edit: Page 4, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line...near the end of the line it states that building coverage will increase by 5.37 feet. It should read 5.37%. A motion was made by Mr. Allen and seconded by Mayor Rustin to approve the minutes of the Regular Public Meeting of June 23, 2010, as amended. All voted in favor of the motion; none were opposed.

A motion was made by Mayor Rustin and seconded by Councilman Warms to approve the Resolution of Approval for the Application of Dorit and Dov Reiner d/b/a Brasserie, Block 1011, Lot 11, 4 Washington Street. The roll was called and the motion carried. Voting YES: Mr. Allen, Mr. Toonkel, Mr. Zinna, Mr. Greene, Mr. Harrison, Mr. Marcantonio, Councilman Warms and Mayor Rustin.

#### PUBLIC HEARINGS

##### **PB#1-10-04 – Site Plan/Variance**

Applicant – Tenaflly 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. Mr. Capizzi noted that he had submitted revised landscape/lighting plans. The applicant would prefer not to provide the landscape island in the middle of the parking lot. Board members were not in favor of the landscape island after seeing it noted on the submitted plans. Mr. Hubschman reviewed the lighting plans with the board. There are more decorative light poles on the site and the PSE&G poles will not be utilized with the exception of one, which appears to be extremely bright. The board would like to see the neighbor's light reduced. The applicant will speak to the adjacent neighbor to inquire about adjusting the light. The applicant will comply with recommendations in the letter dated July 6, 2010, from Borough Engineer David Hals.

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There was much discussion regarding Chief Bruno's memo of July 1, 2010, requesting that the applicant move the entrance driveway to accommodate a Borough handicapped space on Piermont Road. Mr. Swift noted that he had spoken with Chief Bruno about the issue. Mr. Swift commented that he had spoken with a representative from the engineer's office who advised that the move of the driveway was not necessary. Board members would like for Mr. Swift to follow-up with Chief Bruno to assure that he is satisfied with the plans as submitted. Written documentation is needed to support this agreement. This will be a condition of the approval.

Borough Engineer Hals noted that he reviewed the plans submitted. Board members would like to have different plantings on the site. The applicant will meet with Bob Beutel about this matter. This will be a condition of approval as well.

The meeting was opened to the public to question Mr. Hubschman. There being no one from the public with questions; this portion of the meeting was closed to the public.

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

It was noted that Mrs. Wilmit was eligible to vote as she had listened to the tape recordings of the previous hearing on this application.

A motion was made by Mr. Allen and seconded by Mr. Tremble to approve this application with several conditions, including but not limited to:

1. Center landscape island is to be removed
2. Chief Bruno is in agreement not to move the entrance driveway
3. The adjacent neighbor be requested to modify the light on the wall to the north
4. The applicant will explore alternate plantings in consultation with Bob Beutel, DPW Director

The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Cho, Mr. Zinna, Mr. Harrison, Councilman Warms and Mayor Peter Rustin.

**PB#1-10-09 – Site Plan/Variance**

Applicant: Tenafly Montessori School  
91 West Clinton Avenue, Block 1008, Lot 5

Mr. Elliot Urdang is the attorney for the applicant. Board Attorney Zenn noted that all documentation is in order for the application.

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The applicant is proposing to install exterior stairs to the rear of the building. The stairs are to provide a secondary access to the second floor child care room. The property is located in the B-2 Business Zone. The existing building is located 4.7' from the rear property line where 20' is required. The proposed stairs are to be 2.7' from the rear property line. Uncovered Steps are permitted to project into the rear yard by three feet or have a setback of 17' from the property line. A variance is required for the proposed stairs.

Mr. Urdang called upon Ms. Marina Blyumin who is the owner of the Tenaflly Montessori School. She testified that the state had inspected her school and a second means of egress is required. Ms. Blyumin will comply with all fire codes and construction codes.

Borough Engineer Hals noted that the plans submitted were acceptable and that there would be enough room for the children to exit from the stairs. A memo dated July 14, 2010, from Robert Byrnes, Construction Official was reviewed. His comment was as follows:

“The applicant should advise the board how they will comply with the Uniform Construction Code (IBC 1009.5.2) and Uniform Fire Code (IFC 1028.5) to prevent the accumulation of water on the stair treads and prevent obstructions on the stairs of ice and snow as this may require a roof covering of the stairway (not shown on submitted plans).”

Mr. Frank Mottola, Zoning Officer, was called to testify regarding this issue. He clarified for the board that the stairs would be made of material to shed snow. The applicant will comply with whatever the Construction Official requests. The applicant will also comply with recommendations in Mr. Hals' letter dated July 7, 2010.

Mr. Tremble was concerned that the application had been sent to the Historic Preservation Commission for review. It was noted Mrs. Lorberbaum sends every application to the Historic Preservation Commission for review. Mr. Urdang advised the board that the applicant will be filing an application with the Historic Preservation for a Certificate of Appropriateness.

The meeting was opened to the public for questions of Ms. Blyumin. There being no one from the public with questions; this portion of the meeting was closed to the public.

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

A motion was made by Mayor Rustin and seconded by Mr. Zinna to approve this application with several conditions, including but not limited to:

1. The applicant will comply with Mr. Byrnes' memo dated July 14, 2010
2. The applicant will comply with Mr. Hals' review letter dated 7, 2010

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The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Cho, Mr. Zinna, Mr. Harrison, Councilman Warms and Mayor Peter Rustin.

**PB#1-10-10 – Site Plan**

Applicant: Tenafly Car Wash

277 County Road, Block 1308, Lot 2 – 277 County Road

Mr. Elliot Urdang is the attorney for the applicant. Board Attorney Zenn noted that all documentation is in order for the application.

The applicant is proposing to install a canopy alongside the entrance driveway to the carwash. The canopy will provide a shaded area for the carwash employees to detail vehicles. There will be three vacuum stalls installed under the canopy.

Mr. Michael Hubschman was sworn in to give testimony. He was qualified and accepted as an expert engineer/planner. The following exhibit was entered into the record:

Exhibit A-1, 7/14/10, Colorized version of Site Plan dated 6/22/10

The applicant proposes to erect a 20' x 40' canopy with six posts. The canopy is 17' in height at the peak. The canopy will be a permanent structure. The applicant will comply with providing a handicapped parking space on site pursuant to Mr. Hals' letter dated July 7, 2010. This space may be near the office building. There are no variances required. Mr. Hals noted that the dumpsters are located in the parking area. A trash collection enclosure must be provided for the dumpsters. The applicant will comply with this request.

Mr. Urdang called upon Gerry Murphy, manager/operator to testify. He was sworn in and explained the process of cars running through the carwash and back around to the area under the canopy for detailing. Drivers remain in the vehicles during the carwash. Cars must go through the carwash first; then to detailing. There will be an express detailing, a 20 minute process after a car wash for \$20.00. Also, there is detailing by appointment. The car is dropped off in the morning and is washed and detailed more thoroughly, approximate cost \$100-\$120. The coin operated vacuums will remain on site. Mr. Murphy noted that the canopy will accommodate four cars. There was much concern with vehicles backing out of the canopy with the vacuums in close proximity. The applicant will remove one or more of the coin operated vacuums if necessary. Board members would like to see employees backing the cars out of the canopy and not customers. The applicant agreed to this recommendation.

There was much discussion regarding the color and size of the canopy. There will be no signs/writing on the canopy. It will be a solid burgundy/maroon. There was concern with vehicles backing out from under the canopy. It was suggested that the employees move the cars.

Mr. Murphy noted that customers can sit on benches while cars are being detailed. The benches are taken in at night and not permanent structures.

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The meeting was opened to the public to question Mr. Hubschman and Mr. Murphy on their testimony. 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 with comments; this portion of the meeting was closed.

A motion was made by Mr. Tremble and seconded by Councilman Warms to approve this application with several conditions, including but not limited to:

1. The canopy will be a solid color
2. There will be no signs or lettering on the canopy
3. Employees will back out of the last stall
4. There will be no pre-vacuuming of vehicles prior to entering the car wash.
5. The applicant will comply with Mr. Hals' comments from his letter dated July 7, 2010 as follows;
  - a. The parking spaces and traffic arrows need to be striped in the parking area
  - b. The traffic pavement arrows shown require all vehicles to enter through the carwash. The easterly driveway should be indicated as a two-way driveway
  - c. Cars park along the southeasterly curb line along County Road. These spaces should be striped
  - d. A handicapped parking space needs to be provided on-site and the proper signage must be installed
  - e. Dumpsters are located in the parking area. A trash collection enclosure must be provided for the dumpsters

The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Cho, Mr. Zinna, Mr. Harrison, Councilman Warms and Mayor Peter Rustin.

#### COMMITTEE REPORTS

Mayor Rustin noted that the LDR memo had been received by the Council and all members were requested to submit email comments/questions to Mrs. Lorberbaum prior to taking action on the proposed changes to the LDR.

Mrs. Wilmit noted that she has been in contact with COAH counsel Stuart Koenig. We are still waiting for revised rules. The revised rules may be favorable to Tenafly but there may be a necessity in getting together another housing plan.

Mayor Rustin commented that the Council has agreed to put a non-binding referendum on the ballot in November regarding light rail.

Members of the Re-Examination Committee have been meeting with Department Heads. They have already visited with Steve Wechtler (prior to his retirement from the library), DPW Director Bob Beutel and Borough Engineer David Hals. Mr. Allen reported that there has been no contact

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with Borough Planner Janice Talley. He will submit records to her after a couple of more meetings. Mrs. Wilmit noted that she, Mr. Allen, Borough Administrator Jewel Thompson-Chin and Councilman Warms had met with Ms. Talley to outline the expectations of the Borough for her contracted work. Mr. Allen noted that a scope of work has been submitted to him for the Re-Examination Report.

There was much discussion about the scheduling for the next several meetings. Attorney Zenn noted that the application for the Hedvat hearing has been scheduled for July 28, 2010. He believes that notices have been mailed. However, opposing counsel, Mr. Urdang, who is representing several neighbors, has notified Mr. Zenn that he will be out of the country that evening and would like the application adjourned to the following public meeting of August 25, 2010. The board members were polled for attendance availability and due to a lack of a quorum for that evening, the meeting of August 25, 2010, will be cancelled. Mr. Zenn will contact both Mr. Alampi, attorney for the Hedvat application, and Mr. Urdang to see if August 11, 2010, is an available date. If so, the Work Session scheduled for that evening will be converted to a Special Public Meeting at 8:00 p.m. If not, the hearing will need to be carried to the September 22, 2010. Mr. Zenn will contact Mrs. Nicolosi with the scheduling details and all board members will be notified via email of the upcoming schedule.

A motion was made by Mr. Allen and seconded by Councilman Warms to adjourn the meeting at 9:12 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary