

Approved 2/9/11

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
November 10, 2010**

Chairwoman 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
	Gus Allen	Mark Zinna
	Marc Harrison	Steven Greene
	Eugene Marcantonio	Eugene Cho

Voting members absent: Kevin Tremble

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

A motion was made by Mr. Zinna and seconded by Mr. Harrison to approve the minutes of the Special Public Meeting of October 13, 2010, and the Regular Public Meeting of October 27, 2010. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Cho and seconded by Councilman Warms to approve the Amended Resolution of Approval for the Application of Log Cabin, LLC, Block 1305, Lot 5, 22 Jersey Avenue. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Zinna, Mr. Cho, Mr. Harrison, Councilman Warms and Mayor Rustin.

A motion was made by Mayor Rustin and seconded by Mr. Zinna to approve the Resolution of Approval for the Application of Tony DeCarlo, Block 1308, Lot 5, 255 County Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Zinna, Mr. Cho, Mr. Harrison, Councilman Warms and Mayor Rustin.

A motion was made by Mr. Toonkel and seconded by Councilman Warms to approve the Resolution of Approval for the Application of Open Range Communications, Inc., Block 1301, Lot 2 and Block 1210, Lot 2, 153 Grove Street. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Zinna, Mr. Cho, Mr. Harrison, Councilman Warms and Mayor Rustin.

PUBLIC HEARING

PB#1-10-11 amends PB#1-07-09A – Site Plan/Variance

Applicant: Emco Realty Corp. (Steve Cohen)

Block 1003, Lot 5, 33 Riveredge Road

David Wecht is the attorney for the applicant. Mr. Zenn advised that all notice documentation for this application is in order. Steve Cohen is the president of Emco Realty Corp. Mr. Wecht explained that a small garden and a landscaping area were constructed pursuant to the approved resolution of April 2007. The landscape area has been replaced with a parking space. Walls were being damaged and there was constantly garbage in the garden.

Borough Engineer noted that the applicant did not put in the landscaped island pursuant to his direction. The applicant put in an elevated landscape island. He also noted that there are five additional parking spaces on the site which were not approved. The new spaces are in the borough right of way. The spaces are blocking fire access. Mr. Hals commented that the plans submitted by the applicant are not representative of the property as it is today. He noted that the board had wanted landscaping improvements along Riveredge Road and landscaping at the corner of the site. This was not done according to the resolution.

Board members would like to see the parking space remain as it is shown now. Some members did not agree with the original resolution calling out the landscaped area. The Zoning Officer should investigate the issue of the extra parking spaces and those blocking emergency access.

The meeting was open to the public to question Mr. Cohen. There being no one from the public; this portion of the meeting was closed.

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

A motion was made by Mr. Zinna and seconded by Mr. Toonkel to approve this site plan amendment and the removal of the landscaped planter on the condition that the applicant put in additional landscaping along the Grove Street side of the property, which shall be subject to the review and approval of the Borough Engineer and the Director of the Tenafly Department of Public Works.

PB#1-09-14 a--(Amendment)

Applicant: Axia Taverna (Michael Parlamis)
Block 1005, Lot 17 - 18 Piermont Road

Mr. Michael Parlamis is the applicant. He is here this evening to request an amendment to his original resolution and site plan. The handicapped ramp that he previously wanted to install would obstruct the driveway too much and is not necessary. The handicapped lift will be covered with a fixed awning. Borough Engineer David Hals has no issues with the site plan as revised except that there are 23 spaces on the site which were not shown on the zoning table. The zoning table needs to be revised. The applicant will comply with this request. He noted that it was the applicant's choice in the prior approval to put in the ramp with an awning. Mr. Hals advised that the roof drains are directed to the neighbors' property and must be fixed. The applicant must contain drainage on his own property. The applicant will investigate this matter and remedy, if necessary.

The meeting was open to the public to question Mr. Parlamis. There being no one from the public; this portion of the meeting was closed.

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

A motion was made by Mr. Allen and seconded by Mr. Toonkel to approve this site plan amendment with the following stipulations:

- A. Applicant shall revise the zoning table on the site plan to indicate that the proposed number of parking spaces shall be 23 spaces.
- B. Applicant shall install a fixed awning over the handicap lift.
- C. Borough Engineer shall inspect the applicant's storm drains to make sure they are in compliance with municipal requirements.

PB#1-10-05 – Minor Subdivision

Applicant: Showl Hedvat
Block 2103, Lot 3 - 28 Elkwood Terrace

Mr. Carmine Alampi is the attorney for the applicant. Mr. Elliot Urdang is the attorney representing Saul & Jodi Scherl, property owners immediately to the north of the subject property. Board Attorney Zenn reviewed the hearing procedures for the members of the public.

Mr. Alampi explained that he would be recall Mr. Simoff with questions as the applicant's planner and also Mr. Koestner to address steep slope issues. Mr. Urdang will address steep slopes, safety of the driveway and the variance required for the application.

Mr. Urdang called upon Mr. James Sens. He gave his credentials to the board and was qualified as an expert in the field of surveying. Mr. Sens testified that he had visited the site and reviewed all exhibits presented by the applicant and objector. He reviewed the various deeds submitted once again with the board. Mr. Sens gave his opinion that the Planning Board is not the proper forum to hear this application. There is a title issue possible for this property.

Mr. Alampi was given an opportunity to question Mr. Sens. There was much discussion as to the title issue and the monuments on the property, which were referenced in several of the deeds. Mr. Sens noted that the deed for Hedvat does not call out any stone monument.

Board members had questions about measurements to Mayflower Drive and the property boundary. There was much discussion on the different points of beginning on the different deeds for this property.

Mr. Alampi marked and entered into the record following exhibit

- Exhibit A-11, 11/10/10, Actual Size rendering of the 8' vs. 8.32' in length of property in question

Mr. Alampi explained that it is his opinion that this small amount of discrepancy is a de minimis change. Mr. Sens did not agree with Mr. Alampi.

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

Mr. David Hals, Borough Engineer, was sworn in to give his testimony. He noted that he is a licensed surveyor in the State of New Jersey. He noted that he had reviewed all the deeds for this application. A variance condition occurs because there is only 41.68' along the front property line.

Mr. Alampi questioned Mr. Hals regarding the Tax Assessment Map which shows a jog into Elkwood Terrace. Mr. Hals noted that the Tax Assessment Map is just a guideline. Mr. Urdang had no questions for Mr. Hals.

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

The meeting was open to the public with questions regarding the boundary issue. There being no one from the public with questions, this portion of the meeting was closed to the public.

Mr. Urdang commented that there are title questions with this application and that the board has no expertise in title issues. There are different points of beginning on each of the surveys. Mr. Urdang does not believe that Mr. Koestner has demonstrated that the property line is other than Mayflower Drive. It is his opinion that a variance is required. Mr. Alampi disagreed and commented that adequate proof has been submitted that the stone monument shown on Mr. Koestner's plan has been in existence for quite some time and that there is no variance required. Mr. Koestner's testimony was sufficient.

Mr. Zenn advised the board that they can make a decision regarding a variance on this matter. The board cannot make a title decision but can decide whether the property extends into or terminates at Mayflower Drive. There was much discussion on this variance issue.

A motion was made by Mr. Allen and seconded by Mr. Harrison that there is variance requirement because the property boundary terminates at Mayflower Drive. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Cho, Mr. Zinna, Mr. Harrison, Mr. Greene, Councilman Warms and Mayor Rustin.

Mr. Alampi noted that he would like to end testimony for the evening. He will be bringing back Messrs. Simoff and Koestner. Mr. Urdang will be bringing his own traffic engineer.

Mr. Norman Levy approached the dais. He commented that he may not be in attendance at the next meeting and won't be back in Tenafly until May of next year. He has a letter for the board. Copies of his letter were given to Messrs. Alampi and Zenn. Board members will not be given a copy of the letter unless both attorneys agree to the distribution.

The application hearing for Showl Hedvat, 28 Elkwood Terrace, Block 2103, Lot 3, will be continued to Wednesday, December 8, 2010, at 8:00 p.m. No further notification is required.

Approved 2/9/11
Tenaflly Planning Board, Regular Public Meeting
November 10, 2010
Page 5

A motion was made by Councilman Warms and seconded by Mr. Greene to adjourn the meeting at 10:40 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary