

Approved 10/13/10

**SPECIAL PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
September 15, 2010**

Chairwoman Wilmit called the meeting to order at 8:15 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.
Arthur Lorenz, P.E.
Frank Mottola, Zoning Officer

A motion was made by Mayor Rustin and seconded by Mr. Zinna to approve the minutes of the Special Public Meeting of August 11, 2010. All voted in favor of the motion; none were opposed.

A motion was made by Mr. Zinna and seconded by Councilman Warms to approve the Resolution of Approval for the Application of Joshua Epstein, Block 2805, Lot 3, 35 Sunderland Drive. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Zinna, Mr. Harrison, Mr. Greene, Mr. Marcantonio, Councilman Warms and Mayor Rustin.

PUBLIC HEARING

PB#1-10-05 – Minor Subdivision
Applicant: Showl Hedvat
28 Elkwood Terrace, Block 2103, Lot 3

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. Zenn advised Mr. Alampi that the letter forwarded previously to the board with his exhibits was extremely confusing. All exhibits need to be clarified and entered properly into the record. Mr. Alampi will accommodate Mr. Zenn's request.

Mr. Arthur Lorenz, engineer representing Schwanewede/Hals Engineering, was sworn in should he be needed to testify this evening.

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Mr. Steven Koestner is the engineer for the applicant. He was previously sworn in and had been accepted as an expert witness in the field of engineering. Mr. Koestner again testified that it is his opinion that the frontage along Mayflower Drive is 66.69' and, as such, that this application for a subdivision does not require a variance.

The following exhibits were marked and entered into the record:

- Exhibit A-5a, 9/15/10, Detail Enlargement of Street Frontage on Mayflower Drive, last revised 8/19/10
- Exhibit D-1, 9/15/10, Filed Deed dated 9/7/61, Book 4288, Page 414

The board reviewed Exhibits A-7 and A-3, which were presented last month.

The following exhibits were marked and entered into the records:

- Exhibit A-8, 9/15/10, Filed Map 5849, Section I, Morrow Hill Estates Subdivision dated 6/13/62
- Exhibit A-9, 9/15/10, Filed Map 6278, Subdivision Plat, Morrow Hill Estates, Section 2 dated 4/29/65
- Exhibit D-2, 9/15/10, Filed Deed dated 9/15/03, Book 08617, Page 599
- Exhibit D-3, 9/15/10, Filed Deed dated 5/15/84, Book 6834, Page 934
- Exhibit D-4, 9/15/10, Filed Deed dated 4/2/54, Book 3523, Page 532
- Exhibit D-5, 9/15/10, Filed Deed dated 12/11/53, Book 3493, Page 635
- Exhibit D-6, 9/15/10, Filed Deed dated 4/7/53, Book 3420, Page 663
- Exhibit D-7, 9/15/10, Filed Deed dated 3/1/49, Book 2947, Page 297
- Exhibit D-8, 9/15/10, Filed Deed dated 11/1/26, Book 70020, Page 223
- Exhibit D-9, 9/15/10, Filed Deed dated 4/7/26, Page 23996, Page 591

Mr. Koestner noted that many of the above deeds reference "East 366.23 feet to a point on the westerly street line of Mayflower Drive", which would extend the property 2.7' into Mayflower Drive and the street frontage for the property would then become 66.69'. There would be no variance required.

Mr. Koestner again reviewed Exhibits A-6 and A-7, previously submitted and marked into the record.

Board members presented their concerns to Messrs. Alampi and Koestner. Mr. Urdang commented that the borough ordinance is very specific with its definitions. It was noted that borough ordinance states "Lot area shall mean the area contained within the lot lines of a lot, but shall not include any portion of a street right-of-way".

The meeting was opened to the public to question Mr. Koestner. The following individuals voiced their concerns: Rob Simon, 2 Mayflower Drive and Eric Margolis, 30 Mayflower Drive.

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There being no further questions from the public; this portion of the meeting was closed at this time.

Mr. Urdang asked Mr. Koestner when he was retained by the applicant. He testified that he was retained just prior to 7/11/09. He noted that he had reviewed the prior application but was not involved in any professional capacity.

The following exhibit was marked and entered into the record by Mr. Urdang:

- Exhibit O-1, 9/15/10, Minor Subdivision Map prepared by Hubschman Engineering last revised 6/2/05

Board members were unable to see this exhibit. Mr. Urdang will prepare and submit copies to the board for their review. He commented that he did not wish to begin his cross-examination at this time, given the late hour. The board agreed to continue the hearing to a future date.

The application hearing for Showl Hedvat, 28 Elkwood Terrace, Block 2103, Lot 3, will be continued to Wednesday, October 13, 2010, at 8:00 p.m. The board will convert its Work Session to a Special Public Hearing that evening. No further notification is required.

Mrs. Lorberbaum will handle the notice converting the October 13, 2010 Work Session to a Special Public Meeting in order to continue this application.

A motion was made by Mr. Allen and seconded by Councilman Warms to adjourn the meeting at 10:32 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary