

Approved 10/13/10

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
September 22, 2010**

Chairwoman Wilmit called the meeting to order at 8:05 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
	Eugene Marcantonio	Eugene Cho

Voting members absent:	Kevin Tremble	Marc Harrison
	Steven Greene	

Others present:	Jeffrey Zenn, Esq.
	Frank Mottola, Zoning Officer
	Dee Lorberbaum, MLUL Officer

A motion was made by Mr. Allen and seconded by Mr. Zinna to approve the Resolution of Approval for the Application of Essam Abdalla, Block 1012, Lot 7, 5 Hillside Avenue. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Toonkel, Mr. Cho, Mr. Zinna, Councilman Warms and Mayor Rustin.

A motion was made by Mr. Toonkel and seconded by Mr. Cho to approve the Resolution of Approval for the Application of Knickerbocker Country Club, Block 501, Lot 14, Block 503, Lot 1, 188 Knickerbocker Road. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Toonkel, Mr. Cho, Mr. Zinna, Councilman Warms and Mayor Rustin.

SITE PLAN WAIVERS

PB#1-10-17 – Site Plan Waiver - Change of Permitted Use

Applicant: Café Savoy

Block 1012, Lot 1, 10 Jay Street

Mr. Matthew Capizzi is the attorney for the applicant, Café Savoy, a prospective tenant at a portion of building located at the above address, consisting of approximately 2,551 square feet on the first floor. He noted that the applicant proposes taking an existing site formerly occupied by the Tel Aviv Restaurant and also taking a portion of the space formerly occupied by House of Color for use as a restaurant and bakery. Café Savoy currently occupies space in Tenafly at 35 Highwood Avenue.

Mr. Chris Blake is the architect for the applicant. He was sworn in to give his testimony. As he had appeared numerous times before this board, he was qualified as an expert in the field of architecture. He explained the plans previously submitted to the board depicting proposed interior renovations and

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Mr. Capizzi noted that the prior occupant of this space, Tel Aviv Restaurant, had obtained site plan waiver approval from this Board pursuant to a resolution adopted January 24, 2007 approving the use as an eat-in restaurant/café; and the applicant proposes to expand the use of the Premises as an eat-in restaurant/café which is permitted in the B-1 zone.

The following exhibit was marked and entered into the record:

- Exhibit A-1, 9/22/10, Photo of the front of the Tel Aviv Restaurant

Mr. Capizzi noted that the applicant seeks approval for squaring off or filling in the front of the building as it was originally two storefronts with two separate entrances. The Board noted that squaring in or filling in front storefronts will not change any bulk regulation calculations for the property as there is an overhang from the second floor; and therefore, it is already included within such calculations.

There are no parking requirements for a restaurant in the B-1 zone because the proposed restaurant portion of the Premises is not increasing in size and the bakery portion of the Premises is a wash with the space taken from the House of Color. Accordingly, there is no additional parking requirement and the space for the House of Color is being diminished therefore reducing that tenant's parking requirement.

Mr. Frank Mottola, the Tenaflly Zoning Officer, gave his opinion that squaring off the front entrance does not result in an increase in lot coverage.

A motion was made by Mr. Cho and seconded by Mr. Allen to grant approval for this waiver of site plan review with the following conditions:

- A. Applicant shall file for zoning and building permits, as applicable, with the Zoning Officer and Construction Official and shall file building plans in strict accordance with the site plan review by the Planning Board;
- B. This approval is conditioned upon applicant obtaining all other necessary governmental permits and approvals;
- C. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance;
- D. Applicant's plans shown on architectural plans A-1a and A-2a showing a new storefront flush with the public sidewalk is hereby approved;
- E. Applicant shall apply for employee parking permits for all of its employees

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

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PB#1-10-21 – Site Plan Waiver – Change of Permitted Use
Applicant: Joseph Gartner
Block 1011, Lot 12, 15 W. Railroad Avenue

Joseph Gartner is the owner of the property and is the applicant. Ms. Susan Kennedy, who is the property manager for Mr. Gartner, was sworn in as a witness and appeared on his behalf. She noted that the applicant proposes a change of use for one of the stores located at the 15 W. Railroad Avenue.

The applicant had submitted a site plan waiver application dated July 20, 2010 along with First Floor Plan prepared by Elkin, a Floor Plan prepared by Salon Interiors and survey of property without date or title block. The applicant had indicated that 550 square feet of space was formerly occupied by Cell Site Voice, a Verizon Wireless reseller, and applicant proposes to use the 550 square feet of the store in the Premises as a hair salon, including color, cut and style.

The proposed use being personal services is a permitted use and as was the former retail use. There is no parking standard in the LDR for personal services, however, the Board has utilized a one space per chair for salons in the past and given that applicant's plans show four chairs and two wash stations, the applicant's parking needs are four spaces which equals that of the prior retail use based upon retail square footage. There is no increased requirement for parking.

Ms. Kennedy testified that there will be no exterior renovations, just interior renovations for the hair salon.

A motion was made by Mayor Rustin and seconded by Mr. Allen to grant approval for this waiver of site plan review with the following conditions:

- A. Applicant shall file for zoning and building permits, as applicable, with the Zoning Officer and Construction Official and shall file building plans in strict accordance with the site plan review by the Planning Board;
- B. This approval is conditioned upon applicant obtaining all other necessary governmental permits and approvals;
- C. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance;
- D. This approval is specifically conditioned upon applicant's representations to the Board and the plans presented which is limited to four chairs for working on customers and two wash stations. Any additional chairs or otherwise a more intense use of the space will require separate Planning Board review and approval;
- E. Applicant shall apply for employee parking permits for all of its employees

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

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PUBLIC HEARING

PB#10-14 – Site Plan/Variance
Applicant: Dr. Kevin Song
Block 1005, Lot 2, 16 Central Avenue

Mr. Elliot Urdang is the attorney for the applicant. He noted that Dr. Kevin Song, the contract purchaser and proposed tenant of the property located at 16 Central Avenue. Dr. Song presently is a tenant at 53 County Road. Mr. Zenn noted that all documentation in is order to the application and the hearing may proceed.

The Subject Property consists of approximately 10,000 square feet and is developed with a two-story building and a parking area south and east of the building. The applicant is proposing a dental office on the first floor. The property is located in the B-2 Business District and a dental office is a permitted use.

A second floor addition is proposed over the westerly portion of the building and a stair tower addition is proposed to the rear of the building. The addition would be approximately 600 square feet.

Mr. Michael Hubschman is the engineer for the applicant. As Mr. Hubschman has testified before this board before, he was sworn in and qualified as an expert in the field of engineering. The following exhibits were marked and entered into the record:

- Exhibit A-1, 9/22/10, Colorized version of Sheet 5 (Existing Conditions) of the site plan
- Exhibit A-2, 9/22/10, Colorized version of Sheet 1 (Site Plan) of the site plan
- Exhibit A-3, 9/22/10, Colorized version of Sheet 2 (Grading, Drainage & Utilities Plan)
- Exhibit A-4, 9/22/10, Colorized version of Sheet 4 (Lighting & Landscaping Plan) of the site plan

He noted the stormwater system located on site is being doubled in capacity to accommodate a three-inch rainfall over the building rooftop and the asphalt parking area. Driveway access is proposed via separate entrance and exit driveways. Mr. Hubschman advised the board that the traffic circulation for this site was originally proposed in a clockwise direction. It has been agreed that that will be reversed as per the comments of the Borough Engineer in his letter dated September 2, 2010.

Mr. Hubschman advised that the applicant proposes to remove a small vestibule and ramp in the rear of the property. New curbing and sidewalks will be provided and will match the pavers that have been installed on the corner property occupied by Chase Bank. There was much discussion regarding the curb line on Central Avenue. The applicant agreed that he would not widen the curb line of Central Avenue in order to match the curb line to the west as recommended by the Borough Engineer.

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The board had questions regarding trees on the property. The applicant, at the Board's urging to save certain trees along the east side of the property, agreed to shift the easterly driveway about 3 feet to the west in order to save approximately 4 plum trees on the property line near the Chase Bank property. This shall be subject to the further review and approval of the Borough Engineer, David Hals, and the Tenaflly Department of Public Works Director, Bob Beutel.

The applicant proposes an increase in the second floor of 600 square feet, therefore, requiring 4 additional parking spaces. The site, in its existing state, is deficient in parking. It only has 10 parking spaces. Applicant proposes to increase the parking by 4 spaces. It was noted that the applicant is not seeking any signage approval at this time.

Dr. Kevin Song was sworn in and testified that he would use the first floor exclusively for his dental practice. It would just be one dentist (himself), one office manager and one dental assistant. He will have a total of three employees in his first floor office space. He usually sees a maximum of four patients per hour. Dr. Song would like to rent out the second floor for general office space. He stipulated that there would be no medical or dental use on the second floor. Dr. Song further stipulated that if another dentist were to join his practice, or a second dentist occupies space on the first floor, he would be required to come back to this Board for amended site plan approval.

The issue of the parking requirements for the application was discussed again. The Board feels comfortable that a parking variance can be granted given the testimony of Dr. Song concerning his use and the intensity of the parking requirements for his use, that the second floor is limited to general office use and that applicant is actually increasing the parking on-site. In addition, there is available off-street parking in this location. The Board does not believe that there is any substantial adverse impact to the zone plan or the zoning ordinance as a result of the granting of this variance.

The meeting was opened to the public to question Mr. Hubschman and Dr. Song or to make any comments at the hearing. There being no one from the public; this portion of the meeting was closed.

Mr. Urdang reviewed the requested variances and waivers with the board.

A motion was made by Mr. Cho and seconded by Mr. Allen to grant preliminary and final site plan approval on the application as presented this evening with all variances and waivers pursuant but not limited to the following conditions and all appropriate Borough stipulations to be memorialized in the resolution:

- A. The applicant shall comply with all requirements and recommendations set forth in the letter report of Schwanewede/Hals Engineering dated September 2, 2010 not inconsistent with the findings and conclusions set forth herein.

- B. The site plan and variances are expressly granted and approved on the following conditions:
 - a. The driveway on the eastern side of the property shall be shifted approximately 3 feet closer to the building in order to save approximately 4 plum trees located on the property line near Chase Bank. The exact movement and location shall be subject to the review and approval of Bob Beutel, the Director of the Tenaflly Department of Public Works.
 - b. This approval is for one dentist, one office manager and one dental assistant on the first floor. If another dentist either joins the practice or shares space or otherwise comes into occupancy on the first floor, that would violate this approval and require applicant to come back to this Board for amended site plan approval.
 - c. The second floor office space shall be rented for general office space purposes only and not any medical or dental use. Any medical or dental use on the second floor would require an application to this Board for amended site plan approval.
- C. All of applicant's revisions, plans and reports shall be subject to the further review and comment of the Borough Engineer, David Hals. Any and all approvals granted herein including implementation of these conditions are subject to the review and comment of Borough Engineer, David Hals.
- D. The applicant shall comply with the applicable requirements set forth in the reports of the Tenaflly Police Department and Department of Public Works set forth herein.
- E. All stipulations and/or agreements made either in writing or on the record by applicant shall be complied with.
- F. Submission of traffic signage detail to be approved by Borough Engineer.
- G. This approval is conditioned on applicant obtaining all other necessary governmental permits and approvals including but not limited to Bergen County Planning Board, and it is

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

Mrs. Wilmit advised the board that Board Planner Janice Talley will resign effective 10/11/10. She has spoken with Joe Burgis, who has agreed to be the interim planner. Mrs. Wilmit has spoken with Borough Administrator Thompson-Chin, who will prepare an RFP (Request for Proposal) for the new planner. Mr. Zenn will prepare a contract for Mr. Burgis to act as the Interim Planner for the Board. Contract term will be from October 11, 2010, until such time as a new planner is hired full time by the Planning Board. Mrs. Lorberbaum would like to see all materials given to Mrs. Talley returned. The Planner Search committee will meet shortly to discuss the completed RFP.

A motion was made by Mr. Toonkel and seconded by Mr. Cho 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