

Approved 9/19/12

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
August 22, 2012**

Chairperson Wilmit called the meeting to order at 8:10 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mayor Peter Rustin	Councilman Jon Warms
	Mary Beth Wilmit	Gus Allen
	Kevin Tremble	Jeffrey Toonkel
	Ted Kagy	Sheryl Gaines

Board members absent:	Eugene Marcantonio	Marc Harrison
	John Kim	

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

A motion was made by Mr. Tremble and seconded by Councilman Warms to approve the minutes of the Regular Public Meeting of July 25, 2012, amended with one typographical error correction. A voice vote carried the motion. All voted in favor; none were opposed.

A motion was made by Mr. Tremble and seconded by Mr. Kagy to approve the Resolution of Approval for Christopher Brymer/NY Music School, Block 1701, Lot 18, 72 County Road. The roll was called, and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Kagy, Councilman Warms and Mayor Rustin.

The board discussed the application for the Tenafly Diner. A phone call had been received from Mr. Elliot Urdang, attorney for the applicant, advising that the applicant would be coming back to the Planning Board with an amended application. This application was first brought before the Planning Board in early 2011. A motion was made by Mr. Allen and seconded by Mr. Kim to carry dismiss this application without prejudice. The roll was called; and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Kagy, Mrs. Gaines, Councilman Warms and Mayor Rustin. Mrs. Lorberbaum will refund any remaining escrow monies on this application.

SITE PLAN WAIVER

PB#1-12-12, Waiver for Change of Permitted Use

Applicant: Ruth Yaacoby

Block 1601, Lot 31, 120 County Road

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Ms. Ruth Yaacoby is the prospective tenant of a portion of the building located at 120 County Road, consisting of approximately 1,444 square feet on the first floor. She proposes operating a multi-disciplinary therapy center t/a Focus Children Center providing therapeutic treatment for children in psychotherapy, occupational therapy, physical therapy and speech therapy.

Ms. Christine Horvath, Director of the Focus Children Center, the proposed tenant, appeared on behalf of the applicant and indicated that there were approximately 30-37 spaces at the building, none of which were designated specifically for any tenant at the building, they were all on a non-exclusive basis. Mr. Athos Simotas, owner of the building, was also present should information be requested of him.

Ms. Horvath noted that parents usually drop off children and come to pick them up later, after individual sessions. They treat children ages 4-14. The maximum amount of people in the facility would be 5 adults and 3 children at any given time. The hours of operation are from 9:00 a.m. – 7:00 p.m.

The board reviewed the submitted architectural plans and a portion of a location survey of the property. The applicant's proposed use is permitted in the B-2 zoning district. The tenancy will not change the appearance of the building nor change the existing configuration of the layout at the Premises. Mr. Hals, Planning Board Engineer, does not see a problem with the application as submitted. Clients are schools and/or private pay.

A motion was made by Mr. Toonkel and seconded by Mrs. Gaines that the application of Ruth Yaacoby for waiver of site plan review is hereby granted upon the following conditions:

- A. No signage has been presented with this application and therefore no signage has been approved. Applicant shall comply with the Tenafly sign ordinance.
- B. 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.
- C. This approval is conditioned upon applicant obtaining all other necessary governmental permits and approvals.
- D. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance.

The roll was called; and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Kagy, Mrs. Gaines, Councilman Warms and Mayor Rustin.

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COMMITTEE REPORTS

Ms. Gaines explained the report submitted by the 2012 Permitted Use Committee entitled Amended Schedule A – Permitted Uses. There was much board discussion regarding the principal permitted uses of agriculture/horticulture and cell towers and the accessory use of satellite dishes. Section 7.5A is a proposed addition to Schedule A. Bob Byrnes, Zoning Officer, was present after 9:00 p.m. to give his comments regarding the discussions above. Some definitions need to be changed/modified for clarification. Mr. Hals noted that the parking schedules and tables in a memo previously submitted by Mr. Burgis are confusing. He will speak directly with him regarding this issue.

There was an article in The Record regarding the Tenaflly Road property which will be developed by the United Way. As of yet, there is no approval from the DEP.

Mr. Toonkel reported that the Environmental Commission will be forwarding another letter/memo regarding impervious surfaces shortly.

Mr. Tremble reported that the Historic Preservation Commission is working with the Borough on the re-lighting of the Tenaflly Railroad Station.

Mr. Allen reported that he has been attending the BID meetings regularly. He noted that the BID is pleased with the work being done by the Permitted Use Committee.

Borough Planner Joe Burgis will be asked to report on the Public Hearings to be held on September 10, 2012 and September 13, 2012, on the draft Final State Strategic Plan of the New Jersey's State Development and Redevelopment Plan.

The Master Plan Committee is awaiting a draft from Borough Planner Joe Burgis. Once said draft is received, another meeting will be scheduled to review the document.

There will be a joint meeting of the Mayor & Council and Planning Board on Tuesday, October 23, 2012, to discuss several pending matters. Mayor Rustin would like to have a firm agenda for the evening.

Mayor Rustin would like to have a joint meeting of the Planning Board and Zoning Board of Adjustment. Emails will be circulated to Board members for available dates.

The following members of the public voiced their concerns regarding upcoming scheduled meetings of the Mayor and Council, Planning Board and Board of Adjustment and the proposed two-family zone ordinance:

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Bruce Baker, 1 Byrne Lane
Mark Feldman, 133 Lylewood Drive
Ying-Hui Min, 48 Cortlandt Place

It was noted that the public is invited to attend all meetings. Mr. Feldman advised the board that he would be submitting a report citing fiscal implications with passage of the two-family ordinance to the Planning Board shortly.

A motion was made by Mr. Allen and seconded by Mrs. Gaines to adjourn the meeting at 10:00 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary