

Approved 3/28/12

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
February 29, 2012**

Chairperson Wilmit called the meeting to order at 8:00 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The acting secretary was asked to call the roll:

Voting members present:	Mayor Peter Rustin	Councilman Jon Warms
	Mary Beth Wilmit	Kevin Tremble
	Gus Allen	Jeffrey Toonkel
	Marc Harrison	Eugene Marcantonio
	John Kim	

Board members absent:	Ted Kagy	Sheryl Gaines
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Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.

INFORMAL REVIEW (Concept Plan)

The following individuals were in attendance for the informal review for Tenafly Board of Education projects: Louis Mondello, Business Administrator, Vincent Benanati, Supervisor of Buildings & Grounds, Walter Joyce, Vice President, French & Parrello Associates, Consulting Engineers, and Christopher R. Sanders, Senior Project Manager, Dicara/Rubino Architects.

Mr. Sanders presented and reviewed the following plans with the Planning Board members:

- New Photovoltaic Panels at Tenafly High School, Title Sheet, last revised 1/27/12
- New Photovoltaic Panels at Tenafly High School, Overall Roof Plan, last revised 1/27/12
- New Photovoltaic Panels at Tenafly Middle School, Title Sheet, last revised 1/27/12
- New Photovoltaic Panels at Tenafly Middle School, Overall Roof Plan, last revised 1/27/12
- New Photovoltaic Panels at Tenafly Middle School, Site Plan, last revised 1/27/12
- New Emergency Generator at Tenafly High School, Title Sheet, dated 2/21/12
- New Emergency Generator at Tenafly High School, Electrical First Floor Plan, dated 2/21/12
- New Emergency Generator at Tenafly High School, Electrical Site Plan, last revised 2/21/12
- New Emergency Generator at Tenafly High School, Electrical Partial First Floor Plan, dated 2/21/12
- New Emergency Generator at Tenafly High School, Electrical One Line Diagram, dated 2/21/12

Panels will be installed over the parking spaces and on the roof. The new emergency diesel generator will be installed at the front of the school. He requested that the board submit comments in writing to New Jersey Department of Education. No parking spaces will be lost. Funding for the project is by the firm installing the panels. Power is then sold back to the school at a reduced rate for 15 years. After 15 years the panels are owned by the school. There is

Approved 3/28/12

Tenaflly Planning Board, Regular Public Meeting
February 29, 2012
Page 2

Potential in the future for more panels to be added to Board of Education buildings. Typical solar panel life is 20 years.

There was some discussion regarding roof warranty and maintenance issues. The Board of Education must maintain the roofs. Power cannot be maintained during a power outage with the use of the solar panels. There were concerns regarding fencing and shielding of the inverters on the ground. The generator will be shielded properly as well. Board Engineer Hals commented that the proposed 6 ft.-8 ft. fence is adequate for safety purposes.

A motion was made by Mr. Tremble and seconded by Councilman Warms to approve the Board of Education's plans as submitted for informal review this evening and to send a letter within forty-five days to the New Jersey Department of Education, Office of School Facilities Finance. Mrs. Lorberbaum will be advised of the Planning Board's decision and forward said letter. A voice vote carried the motion. All voted in favor; none were opposed.

PUBLIC HEARING

PB#1-11-13 Major Soil Movement Application

Block 2801, Lot 10 – 100 Deerfield Drive

Applicant: MDH Builders Inc. (Marcello Demoraes)

Mr. Toonkel recused himself from the application. Board Engineer David Hals briefly explained the major soil movement ordinance for all board members. He referenced his letter dated February 21, 2012, sent in review of the application.

The applicant proposes to move 5,009 cubic yards of soil for the construction of the house, swimming pool, retaining walls and site grading. The property is located on the westerly side of Deerfield Drive. The site is approximately 150' wide and 270' deep and contains 41,037 s.f. The property rises from Deerfield Drive toward the rear of the property. The property is sloped in the front yard at 17% and the middle of the lot at 6%. The dwelling, driveway and tennis court are to be removed.

Mr. Michael Hubschman is the engineer on the project. He was sworn in and gave his credentials to the board. He was qualified as an expert in the field of engineering. The owner of the property, Dr. Naidrich, is also present this evening.

Mr. Hubschman marked and entered the following exhibits into the record:

- Exhibit A-1, 2/29/12, Colorized version of Sheet 1 of 3, Site Plan, Proposed Dwelling, #100 Deerfield Drive, last revised 1/10/12
- Exhibit A-2, 2/29/12, Colorized version of Sheet 2 of 3, Soil Erosion & Sediment Control Plan, Details, Proposed Dwelling, #100 Deerfield Drive, last revised 1/10/12
- Exhibit A-3, 2/29/12, Colorized version of Sheet 3 of 3, Existing Conditions Plan; Tree Removal & Protection Plan, Proposed Dwelling, #100 Deerfield Drive, dated 10/10/11

He reviewed all the plans with the board. The proposal is to cut the rear yard so as to level the property. Mr. Hubschman addressed some of the issues in Mr. Hals' letter. The applicant will post a \$3,000 bond....there will be approximately 4 trucks making 8 trips per day. It will take approximately 6 days to remove all the soil necessary for this project. Board members questioned the number of trucks permitted per day...it is believed that the ordinance permits only 2 trucks per day. Mr. Hubschman noted that the soil moving is in the rear of the property, which should have no negative impact on the neighbors.

There is no lateral support of abutting streets and lands. Mr. Hubschman testified that the proposed placement of the house would improve the land value and uses and enhance the general welfare of the neighborhood. The lot will be fully landscaped when complete. Impervious coverage is being decreased. Flooding/drainage will run towards the backyard into seepage pits which will be added to the property. There will be no runoff onto neighboring properties. He testified that there is no detrimental impact upon any person, surrounding property or the Borough. Mr. Hubschman also noted that the applicant had received Bergen County approval for the project.

Mr. Hals' commented that his letter called out the following: Item k. "In development of land, natural grades should be preserved wherever possible, and soil moving shall only be permitted when good and sufficient reason appears for such soil moving." He commented that the applicant proposes cutting 7 feet in the back of the house to make grading level. This doesn't preserve the natural grade.

Mr. Hubschman addressed Item l. which reads "No soil moving shall be permitted which shall result in the removal or destruction of trees in violation of the standards established under the Tree Removal Ordinance of the Borough. In all respects, the applicant shall provide a method for protection of trees acceptable to the Borough; provide welling or mounding where appropriate." Mr. Hubschman testified that the applicant will save some trees. Ten trees are to be removed from the site and 46 trees will be replanted on site. The applicant is in the process of applying for a tree removal permit.

Mr. Hals noted that there is an existing arborvitae row along the northerly property line and neighboring trees along the southerly property line. The rear yard grading and retaining wall construction is proposed within close proximity to the trees, which may have a potential impact on the root systems to these trees. Mr. Hubschman will make adjustments as recommended by Mr. Hals.

Board members expressed concerns about the depth of the rocks, which may result in having to blast to remove. A pre-blast survey will be needed. Mr. Hals noted that the process to remove the rock will be very loud. There were concerns about the number of trucks and the timeframe for moving the rock/soil from the site. The time for the trucks must be regulated. Mr. Hubschman estimated that there would be 220-230 truck trips.

Mr. Hals suggested that the grading be changed in the backyard to make more of a terraced site. There would be less of an impact on the community. Mr. Hubschman indicated that the Tenaflly

Approved 3/28/12

Planning Board, Regular Public Meeting
February 29, 2012
Page 4

applicant is not proposing to terrace the property. Mr. Hals called out items k, l, and m, in his letter again regarding tree removal, preserving the land and natural grade and situating the structure on the lot so as to require the least amount of soil moving as is practical. Mr. Hubschman explained he had already addressed for the board. The site was designed to have a level rear backyard. His applicant does not want a terraced yard.

Board members were extremely concerned with the impact of the drainage on the neighbors, the length of time for completion of the project, the noise from the trucks and the equipment breaking up the rocks and moving the soil and the need to level the entire back of the property. There was much discussion about the amount of rock vs. soil which may need to be removed from the property. The major concern with the application is the effect on neighboring properties. There has been no testimony regarding the impact on the water table. There was much concern regarding the removal of the tennis courts.

There may be two weeks of hammering to remove all the rock/soil on the project. If the property is terraced instead of what is being presented this evening, this would reduce the soil movement by 33-50%. The Planning Board engineer would monitor the project.

The meeting was opened to the public. There being no one from the public wishing to ask Mr. Hubschman questions at this time, this portion of the meeting was closed to the public.

Mr. Zenn suggested that Mr. Hubschman speak with his client to discuss making some revisions to the plan after taking into consideration all of the board's comments this evening. The board took a five-minute recess.

Mr. Hubschman consulted with Dr. Naidrich and the contractor to review the rear yard. They were hoping for a conditional approval this evening for the construction of the house. The applicant now proposes to raise the pool up 3 feet and create a terraced area on the northerly side. He will move the contours in to reduce the cut in the rear yard about 1,000 cubic yards. They will resubmit a plan but want a conditional approval tonight.

Board members are uncomfortable giving a conditional approval without seeing plans. The board does not wish to bifurcate the application into approval for the construction of the house and then approval of the grading in the rear yard.

The next scheduled meeting is March 14, 2012. The board could convert a portion of the Work Session into a Special Public Meeting. Board members expressed more concerns regarding the amount and location of the rock, soil testing and two weeks of hammering.

A motion was made by Mr. Marcantonio and seconded by Mr. Allen to convert a portion of the Work Session of March 14, 2012, to a Special Public Meeting to continue with the application of MDH Builders Inc. (Marcello Demoraes), Block 2801, Lot 10, 100 Deerfield Drive. The meeting will commence at 8:00 p.m. No further notification is required. A voice vote carried the motion. All voted in favor; none were opposed. Mrs. Roux will contact Mrs. Nicolosi to

publish this change to the annual meeting schedule in Mrs. Lorberbaum's absence due to her vacation. Plans will be submitted by next Wednesday. Mr. Hals will review and comment directly to board members. Mrs. Lorberbaum will distribute in packets on Monday. Mr. Hubschman will comply with the board's request.

SITE PLAN WAIVER

PB#1-12-02 – Site Plan Waiver for change of permitted use
Block 1801, Lot 1 – 15-19 Huyler Avenue
Applicant: Maria Victoria Palacio (Progressive Language Institute)

Mr. Shmuel Baror, owner of 15 Huyler Avenue and Maria Victoria Palacio, Owner/Director of Progressive Language Institute, the tenant, were in attendance for this application. She proposes operating a business for language instruction (both children and adults), translation services and cross-cultural training, as more fully described in her application. She testified that she will have up to two employees in addition to herself on a part-time basis. The board reviewed the a site plan waiver application dated February 22, 2012 along with first and second floor designs for 15 Huyler Avenue, which are part of a zoning review set and topographic survey prepared by Robert P. Vicari, L.S. last revised October 6, 1981.

She indicated that there are five parking spaces on the site for use at the Building. It was noted that for this use, the Board Engineer indicated that the same parking requirements would pertain as to the prior retail use at the property and therefore, although the parking is deficient, it is the same requirement as before, therefore there is no greater parking intensity or requirement and thus no parking variance required.

There was some discussion regarding the plans and the parking requirements for the site. It is assumed that Mr. Byrnes, Zoning Officer, has approved the application and the plans submitted. The Planning Board has requested that a memo be sent to the zoning officer on behalf of the Planning Board requesting that when he sends a site plan waiver application over to the Planning Board that he submits a short memo indicating that he has reviewed the plans and there are no variances required with the application including parking. The Planning Board cannot grant variances in a waiver hearing. Further, sometimes the parking is an issue because of different uses although the different uses may both be permitted. When the uses have different parking requirements, a variance may be needed. Mrs. Lorberbaum/Mrs. Nicolosi will be advised of the board's request.

A motion was made by Mr. Tremble and seconded by Mr. Marcantonio to grant approval of the application for 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; and

Approved 3/28/12

Tenaflly Planning Board, Regular Public Meeting
February 29, 2012
Page 6

- C. The applicant shall comply with all applicable Borough ordinances including the Borough's development fee ordinance; and

The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Allen, Mr. Tremble, Mr. Toonkel, Mr. Harrison, Mr. Marcantonio, Mr. Kim, Councilman Warms and Mayor Rustin. The resolution will be memorialized at the March 14, 2012, meeting.

A motion was made by Mr. Tremble and seconded by Mr. Allen to go into Closed Session to discuss pending litigation. A voice vote carried the motion. All voted in favor of the motion; none were opposed.

A motion was made by Mr. Tremble and seconded by Mr. Harrison to return to the Public Meeting. A voice vote carried the motion. All voted in favor of the motion; none were opposed.

A motion was made by Mr. Tremble and seconded by Mr. Harrison to adjourn the meeting at 10:53 p.m. All voted in favor of the motion; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary

Special thanks to Carol Roux, Assistant Director of Recreation, for attending and recording the meeting this evening.