

Approved 9/26/07

**REGULAR PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
August 22, 2007**

Chairperson Sellinger called the meeting to order at 8:50 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	James Robert Sellinger	Mayor Peter Rustin
	Councilwoman Hoernlein	Herb Galant
	Kevin Tremble	Gus Allen
	William Kelly	

Voting members absent:	Louise Kelly	James Sowlakis
	Mary Beth Wilmit	Ted Nevins

Others present:	Jeff Zenn, Esq.
	Art Lorenz, P.E., Schwanewede/Hals Engineering
	Frank Mottola, Zoning Officer
	Steve Lydon, Burgis Associates

PUBLIC HEARING

Amended Site Plan/Variance
Block 1309, Lots 1.01, 2.01, 9.01
15 Piermont Rd, 64 Hudson Avenue, and 3-15-27 Prospect Terrace
Applicant: JMP Tenafly LLC

Ms. Gail Price is the attorney for the applicant. Mr. Zenn noted that all documentation is in order for this application. Ms. Price gave a brief summary of the application. The applicant seeks amended site plan approval to allow for the construction of an architecturally consistent and aesthetically pleasing, 1,280 square foot environmental remediation building in lieu of the previously approved remediation trailer on Lot 9.01, together with certain other site upgrades and improvements, all shown on the amended site plan drawings submitted to the board.

The additional improvements include a proposed sound wall located along the common property line between the residential property (Lot 9.01, Block, 1309) and the BMW property located at the corner of County Road and Hudson Avenue (Lot 3, Block 1309), the construction of a proposed decorative fence along a portion of the perimeter of the residential site and a proposed chain link fence along the remainder perimeter of the residential portion of the site along the southeast property line.

Proposed gate entrances are shown at all access driveways including the driveway into the residential site from Hudson Avenue, the connection from the commercial site (Lot 2.01) onto the residential site and the driveway for the residential lot on Prospect Terrace. The gates will be remote operated. The applicant has spoken with Police and Fire personnel and will supply those departments with what they require from the applicant.

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Due to the possible installation of the gates, there will be an issue with the cross access easement. Residents will have unlimited free flow across the property; however, the commercial property will not have that cross access. The applicant will need to modify the recorded documents.

At the main entrance boulevard off Piermont Road, the driveway has been redesigned to show a turnaround with appropriate signage for visitors and a proposed 6' x 6' gate house.

Also, the landscaping plan has been amended to reflect revisions in all of the above areas, but all of the landscaping that was previously approved by the Board is still being honored and this amended plan is meant to supplement that.

Ms. Price would like to bifurcate the application and present her testimony relevant to the remediation building. There was much board discussion on this matter. Mr. Zenn noted that there would be a separate resolution should the application be bifurcated. The board decided at this juncture to have Ms. Price make her presentation of the application, beginning with the remediation building.

Mr. Richard Fernicola, Vice President of Development of JMP Holdings, was called as a witness. The following exhibit was marked into the record:

- Exhibit A-1, 8/22/07, JMP Tenaflly LLC, Amended Site Plan, Sheet 2 of 3, dated 5/30/07

Mr. Fernicola reviewed this plan with the board. Earthtech is a company working with JMP on the remediation of the contaminated water on the site. Earthtech supplied detailed plans of the equipment which would need to be housed in the new remediation building. Earthtech employees are on site Mondays and Thursdays. The original remediation trailer on site was 12' x 60'. The proposed structure is 40' x 32'. All equipment will be housed inside the building.

The following exhibit was marked into the record:

- Exhibit A-2, 8/22/07, Sheet A-01, Architectural Plan Proposed Elevations, dated 3/22/07

Mr. Fernicola discussed the architectural design of the building. He noted that the design of the structure will meet the state noise ordinance. No additional equipment in the building other than what is required by Earthtech for its operations. After DEP grants approval, the applicant would like for the building to become part of the condo association's property to use for storage. There was much discussion on this matter.

Ms. Price testified that she has no timeframe for completion of the remediation and DEP approval—approval could possibly take as long as 5-7 years, perhaps longer. She noted that the public offering statement will detail the environmental conditions at the site and that all owners will be aware of this issue.

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The following exhibit was marked into the record:

- Exhibit A-3, 8/22/07, "Plaza at Tenaflly" which is a sample board of proposed materials for the remediation building

Mr. Fernicola explained that the building design will be aesthetically pleasing and architecturally consistent with the previously approved residential component of the site plan. The design and the size of the building are required due to the height and amount of remediation equipment necessary for the property. All environmental remediation equipment and activities will be housed inside the proposed permanent building. Currently, the remediation trailer only houses some of the environmental remediation equipment with the remaining equipment stored outside the trailer.

The applicant has placed the building in a location which will have minimal impact and disturbance to neighboring properties given its proximity to the bank's parking lot. The location was chosen in light of the concerns previously raised by the Borough Engineer relating to traffic flow in and out of the main driveway on Piermont Road.

The meeting was opened to the public for questions of Mr. Fernicola. Alida Quirk, owner of property at 245 County Road, Tenaflly, NJ, commented that the present trailer should be fenced in and that no new building should be erected. No further comments/questions were heard from the public.

Mr. Steve Lydon inquired about the heat in the building. The building will be heated with a space heater. Mr. Mottola, Zoning Officer, testified regarding the height of the building and that no variance would be required for that.

Ms. Price will provide revised landscaping plans to the board as well as her letter to Borough Engineer David Hals addressing his concerns upon his review of the submitted application. She also noted that the proposed placement of the structure does not meet the side yard setback requirement due to the different depths in the side yard and the need for turning space for visitors within the parking area. A variance would be required.

A motion was made by Mayor Rustin and seconded by Mr. Galant to bifurcate the application so that the Board would vote only on the request for the amendment to the site plan and variance request related to the construction of a permanent building to house environmental remediation equipment. The hearing on the remaining aspects of the site plan amendment application will be continued. The roll was called and the motion carried as follows: Voting YES Mr. Sellinger, Mr. Galant, Mr. Tremble, Mr. Kelly, Mr. Allen and Mayor Rustin. Voting NO Councilwoman Hoernlein.

Board members expressed concern with the permanent nature of the structure. As originally approved, the remediation trailer was to be present only so long as environmental remediation activities were to be conducted. Upon the conclusion of the environmental remediation, the trailer would be removed from the site thereby creating more green space. Green space was a significant concern of the Board when this application was originally approved and water needed for water detention and water quality purposes.

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The Board determined that as a condition of approval upon completion of the environmental remediation activities at the site, the then owner of the building should either cause the removal of the building or, at that time, apply to the Planning Board seeking approval of the proposed use of the building and its continued existence at such time. The consensus of the board is that while the structure may be of a permanent nature, the use is temporal. Approval for the building should be temporal as well.

A motion was by Mr. Galant and seconded by Mr. Kelly that the site plan amendment and variance be granted in connection with the permanent building to house environmental remediation equipment with the stipulations outlined in the memorializing resolution, including but not limited to:

- Upon the completion of the environmental remediation at the subject property, the then owner of the building will either remove the building or return to the Tenafly Planning Board to seek approval for continued use and existence of the building
- If required, DEP approval of moving all environmental remediation equipment inside the building
- The building will only contain equipment used for the environmental remediation of the property
- There will be no exterior HVAC units in connection with the permanent building
- Compliance with all applicable environmental regulations
- Compliance with the recommendations and comments set forth in the Borough Engineer's letter dated July 20, 2007, and the Borough Planner's letter dated August 16, 2007, unless as modified this evening.

The roll was called and the motion was carried as follows: Voting YES Mr. Sellinger, Mr. Galant, Mr. Kelly, Mr. Allen, Councilwoman Hoernlein and Mayor Rustin. Voting NO Mr. Tremble.

Mr. Zenn announced that the hearing will continue to September 26, 2007, at 8:30 p.m. with no further notice. The resolution will be memorialized at the next Work Session.

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

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary