

Approved 7/22/09

**SPECIAL PUBLIC MEETING OF THE
TENAFLY PLANNING BOARD
June 10, 2009**

Chairwoman Wilmit called the meeting to order at 8:30 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 Warme
	Mary Beth Wilmit	Gus Allen
	Herb Galant	Jeffrey Toonkel
	Eugene Cho	Charles Lipson

Voting members absent:	Kevin Tremble	James Sowlakis
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Others present:	Jeff Zenn, Esq.
	David Hals, P.E.
	Frank Mottola, Zoning Officer

A motion was made by Mr. Toonkel and seconded by Councilman Warme to approve the Resolution of Approval for the application of Tenafly Montessori Academy (Marina Blyumin), Block 1008, Lot 5, 91 West Clinton Avenue. The roll was called and the motion carried. Voting YES: Mr. Allen, Mr. Tremble, Mr. Toonkel Mrs. Wilmit, Mr. Cho, Mr. Lipson, Councilman Warme and Mayor Rustin.

PUBLIC HEARING

PB#1-09-07 – Minor Subdivision/Variance
Block 2701, Lot 4, 425 Hudson Avenue
Applicant: Borough of Tenafly

As the applicant is the Borough of Tenafly, Mayor Rustin and Councilman Warme recused themselves for the hearing. Present on behalf of the applicant were Borough Administrator Joseph DiGiacomo and Borough Attorney William McClure.

Mr. McClure advised the board that the Borough of Tenafly was the contract/purchaser of a one acre site at 425 Hudson Avenue. Borough Engineer David Hals was sworn in to give his testimony.

The following exhibit was entered into the record:

- Exhibit A-1, 6/10/09, Colorized version of plan “Open Space for Borough of Tenafly” dated 8/14/08.

Mr. Hals testified that this application is for a minor subdivision to subdivide the property at 425 Hudson Avenue and create two lots--one proposed lot 4.01 would be 1.066 acres which would retain the existing two-story dwelling, and proposed lot 4.02 would be 1 acre which would be acquired by the Borough of Tenaflly and used for open space purposes. The Borough of Tenaflly would acquire the proposed lot 4.02 pursuant to an agreement of sale with the seller funded by a grant from the Bergen County Open Space Recreation, Farmland and Historic Preservation Trust Fund. The subject property is surrounded on all sides by property held by the Borough for open space purposes.

Mr. McClure and Mr. Hals noted that a septic tank for the home which is located on lot 4.02 is proposed to be removed from that lot and relocated onto proposed lot 4.01. A stone drive is shown on the plans to be removed, but the applicant indicated that the use of that driveway is to be discontinued and not necessarily removed. The applicant stipulated that there are no rights in the owner of the proposed lot 4.01 to continue to use that driveway over lot 4.02. There is other access to the home on proposed lot 4.01.

The proposed subdivision would create a lot width for proposed lot 4.01 of 154.8 feet which meets the lot width requirements and would be a fully conforming lot except for the existing rear yard setback encroachment. Proposed lot 4.02 is 145.20 feet wide where 150 feet of lot width is required. All other conditions of this lot would be conforming except for lot width; thus, a variance is needed.

The meeting was open to the public to question Mr. Hals and comment on the entire application. There being no one from the public with questions or comments, this portion of the meeting was closed to the public.

A motion was made by Mr. Allen and seconded by Mr. Sowlakis to approve this application with the following conditions:

- A. The applicant shall comply with all applicable laws and regulations regarding the development of the subject premises.
- B. The septic tank serving the existing dwelling at 425 Hudson Avenue will be relocated entirely off of lot 4.02 and onto lot 4.01. The existing septic system will need to be abandoned in accordance with NJDEP regulations.
- C. This approval and any subdivision deed are subject to the acquisition of the property by the Borough.
- D. The use of the driveway on proposed lot 4.02 will be discontinued so that the resident of lot 4.01 will not use it and have no rights to traverse the driveway located on lot 4.02.
- E. The applicant shall submit a proposed form of subdivision deed subject to the review and approval of the Planning Board Attorney and the Borough Engineer

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- F. The applicant is granted a variance for proposed lot 4.02 where 150 feet of lot width is required and only 145.20 are provided.

The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Sowlakis, Mr. Allen, Mr. Toonkel, Mr. Cho and Mr. Lipson.

A motion was made by Mr. Lipson and seconded by Mr. Cho to adjourn the meeting at 8:46 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi
Planning Board Secretary