

Approved 8/13/08

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
June 25, 2008**

Chairperson Sellinger 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 Rustin James Robert Sellinger Louise Kelly	Councilman Joseph McDermott Kevin Tremble James Sowlakis
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Voting members absent:	Herb Galant Mary Beth Wilmit William Kelly	Gus Allen Ted Nevins
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Others present:	Jeff Zenn, Esq. David Hals, P.E.
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A motion was made by Councilman McDermott and seconded by Mrs. Kelly to approve the minutes of the Regular Public Meeting of April 23, 2008. A voice vote carried the motion. All voted in favor; none were opposed.

Chairman Sellinger advised the public that there were two (2) applications scheduled to be heard this evening. The meeting would be divided into two halves, giving each applicant time to present. Mr. Urdang noted that he had witnesses for each application to give testimony this evening. Mr. Zenn noted procedures for the public and explained that neither the Lesnevich application nor the Kim application would be completed this evening. In the future only one application will be scheduled for an evening. The meeting will close at 11:00 p.m. – 11:15 p.m.

A member of the audience requested that the Pledge of Allegiance be recited at the start of this public meeting. Mr. Zenn noted that it has not been the practice of the Planning Board to recite the Pledge of Allegiance.

**PUBLIC HEARING**

PB#1-03-08D – Amended site plan  
Block 1309, Lots 1.01, 2.01 & 9.01  
15 Piermont, 64 Hudson, 3-15-27 Prospect  
Applicant: JMP Tenafly, LLC

Jennifer M. Knarich is the attorney representing the applicant. Mr. Zenn noted that all documentation is in order for the application this evening. She explained that a correction is needed to the original resolution. Condition 3B of Page 6 was incorrect and should read: “The rear sound barrier wall along the easterly property line shall be removed and replaced with a 6 foot high chain link fence with black vinyl coating for the remainder of the property from Hudson Avenue to Prospect Terrace along the

eastern property line which shall be a continuation of the fence surrounding the rear of the remainder of the property.”

Mr. Tremble commented that he had not voted on the original resolution. Mr. Zenn noted that he could vote this evening. Ms. Knarich advised the board that BMW had been notified of this slight change.

The meeting was open to the public to question this witness and comment on the application. There being no one from the public wishing to be heard on this application, this portion of the meeting was closed to the public.

A motion was made by Mayor Rustin and seconded by Mrs. Kelly to approve the Resolution of Approval for JMP Tenafly, L.L.C., Block 1309, Lots 1.01 (15 Piermont), 2.01 (64 Hudson) & 9.01 (3-15-27 Prospect) to correct an error in the prior resolution. The roll was called, and the motion carried. All voted in favor of the motion as follows: Mr. Sellinger, Mrs. Kelly, Mr. Tremble, Mr. Sowlakis, Councilman McDermott and Mayor Rustin.

A motion was made by Mr. Sowlakis and seconded by Mr. Tremble to approve the Resolution of Approval for an Amended Site Plan for Christopher Rogovich and Charles Wortmann, Block 1301, Lot 2, 145 Piermont Road. The roll was called and the motion carried. Eligible board members voting in favor of the motion: Mr. Sellinger, Mr. Tremble and Mr. Sowlakis.

PB#1-07-12, Minor Subdivison/Variance  
Block 121, Lot 17, 533 Knickerbocker Road  
Applicant: Walter Lesnevich and Madeline Marzano-Lesnevich

Mr. Elliot Urdang is the attorney for the applicant. He explained that the notice for this application had been revised from the last meeting. Mr. Zenn noted that all documentation is in order.

Elizabeth Gallay, Esq., 100 Church Street, New York, NY, is an objector to this application. She resides at 25 Sunset Terrace in Tenafly. She noted that she had submitted a letter to the Planning Board in March with her concerns regarding the original notice to this application and the completeness of application. Mr. Zenn noted that the board has determined completeness. Her problems with notice and jurisdiction stem from her interpretation that the plans include a driveway crossing the front lot intended to serve the back lot—which she believes is a use that is not accessory solely to the primary use of either property and requires a D variance. She commented that the notice does not call out this variance—it is jurisdictionally defective and this application should be heard by Board of Adjustment. She wanted to know if the board attorney and zoning official have consulted on this issue. There are zoning issues in that this property is zoned R-9 and R-10. There is also potentially a D4 variance with respect to FAR on both pieces of property. Mr. Zenn noted that there will be no D variance granted by this board. Testimony of the application should go forward.

Mr. Urdang addressed the FAR—the applicant is not seeking an FAR variance. This is an application for a subdivision. At the time of construction, the applicant must conform to the FAR or request relief from the Board of Adjustment. This application was subject to two zoning reviews. Mr. Urdang noted that neither Mr. Hals nor Mr. Lydon called out the use variance. This driveway serves both the existing

lot as redeveloped and also the lot in the rear. There is not another use. It is a means of access to the property but is not a use variance.

Ms. Gallay commented that the notice called out involvement of Lot 16, which is owned by the Borough. However, she does not believe that there was consent by the Mayor and Council. Mr. Urdang noted that the location of the driveway was moved; and the Borough strip will not be used at all. Therefore, there is no involvement in this application of Lot 16.

Mr. Zenn noted that Lot 16 is not part of this application. A use variance is not required in this application. He commented that the notice provided this evening is sufficient.

Borough Engineer David Hals was sworn in for his testimony. He commented that the application was deemed complete by him on December 18, 2007. The Planning Board has a checklist for an application—all requirements were met. The application was found to be complete. Ms. Gallay inquired as to whether Mr. Hals had received any drainage/environmental reports from the applicant's engineer. He did not as this is an application for a minor subdivision. She inquired as to whether architectural plans had been received. Mr. Hals noted that he had not as this was an application for a minor subdivision, an application to create a building lot, and no building plans are submitted with a minor subdivision application.

She asked that the board members to be polled to see how they want to proceed this evening. Mr. Zenn ruled that there would be no polling of board members.

Mr. Michael Hubschman is the engineer/planner for the applicant. He had been qualified previously as an expert in this field. He gave his credentials again for the board and was accepted this evening as an expert witness.

The following Exhibit was entered into the record:

Exhibit A-1, 6/25/08, Colorized version of Sheet 1, Minor Subdivision Plat, #533 Knickerbocker Road Subdivision, Revision 4, last revised 6/8/08

This is the same plan as received by the board. Mr. Hubschman testified that the property is in two zones, R-10 in the front with R-9 in the rear. The zone line will be the dividing line between the two lots. He reviewed the area of the property (38,617 S.F.) and the area requirements for each lot. 38,617 S.Q. for the entire property. He reviewed this plan in respect to Mr. Hals' letter of 12/18/08.

The streetscape of this property is part of the appendix to the Master Plan (Knickerbocker Streetscape) and notice was given to the HPC from the applicant. They responded in writing to Mr. Urdang. The letter from the HPC was dated 2/27/08 signed by William Saunders as chairman. It was noted that this report has been received and is part of the municipal file.

The following Exhibit was entered into the record:

Exhibit A-2, 6/25/08, Deed, dated July 6, 1982, Block 10, Lot 6, recorded in Bergen County, Book 6700, Page 786

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Mr. Urdang noted that this deed recorded the easement for this property. He commented that all drainage and soil moving ordinances will be adhered to in the development of this property. Seepage pits may be installed. He described the proposed buffer plantings on each side of the property and noted that his applicant will comply with the tree removal ordinance. A road widening easement from the County is required. This is standard procedure. He advised the board that should be no problems with access of emergency vehicles to the rear lot.

The following Exhibit was entered into the record:

Exhibit A-3, 6/25/08, "What Could Be Built on the Site"

Mr. Urdang noted that this exhibit was for illustrative purposes only. Construction plans would need to be submitted for the home in the rear lot.

There were many concerns from board members, including traffic on Knickerbocker Road, proximity of neighboring homes, and how the lights of cars will illuminate the long driveway to the rear lot.

Mr. Husbchman noted that a separate zoning schedule will be submitted with corrections. The applicant will also submit RSIS information/provisions addressing driveway width.

This application will be continued without further notice required to August 27, 2008, at 8:00 p.m. The Work Session will begin at 7:00 p.m. that evening. Ms. Galley requested a transcript of the hearing. She was instructed to contact Mrs. Lorberbaum.

PB#1-08-01 – Site Plan/Variance  
Block 902, Lot 44, 311 Tenaflly Road  
Applicant: Ki Jung Kim

Mr. Elliott Urdang is the attorney for this applicant. He gave the board a brief history regarding this application. On October 28, 2004, the board had granted preliminary and final site plan approval for a 21 unit, 3 story apartment building with variances for a front-yard setback for the bay window of 33.78 feet and a parking setback of less than 3 feet for two parking stalls. The applicant has an amended plan to present this evening.

Mr. David Soo, 15 ½ Van Houten Street, Clifton, NJ, was recognized by Chairman Sellinger. His parents and brother are residents of Tenaflly. He noted several concerns regarding the public notice and the Borough Engineer's comment in his letter that this application should be considered a new application as opposed to an amendment. Mr. Zenn addressed all of Mr. Soo's concerns. Mr. Urdang noted that Mr. Soo is not an attorney and continued with his presentation..

Mr. Calisto Bertin was sworn in to give testimony for the applicant. He listed his credentials for the board and was qualified as an expert witness in the field of engineering. The following Exhibits were entered into the record as discussed very briefly by Mr. Bertin:

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Exhibit A-1, 6/25/08, Prior Plan dated 1/04 from Tanger Engineering Associates, Sheet 1 of 5,  
Site Plan, last revised 5/27/04

Exhibit A-2, 6/25/08, Landscape Rendering

Mr. Bertin explained that the parking lot has been moved further away from the Tenakill Brook. The location of the building was moved further away from the brook as well. The height of the building has been raised to accommodate parking underneath the structure.

This application will be carried to July 23, 2008, at 8:00 p.m. without further notice. A motion was made by Mr. Tremble and seconded by Mr. Sowlakis to begin the Work Session at 7:00 p.m. with the Public Hearing to commence at 8:00 p.m. A voice vote carried the motion.

A motion was made by Mrs. Kelly and seconded by Mayor Rustin to adjourn the meeting at 11:03 p.m. A voice vote carried the motion. All voted in favor of the motion; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary