

Approved 1/13/10

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
October 28, 2009**

Chairwoman Wilmit called the meeting to order at 8:01 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mary Beth Wilmit	Mayor Peter Rustin
	Kevin Tremble	Councilman Jon Warme
	Herb Galant	Jeffrey Toonkel
	Eugene Cho	Mark Zinna
	Charles Lipson	

Voting members absent:	Gus Allen	Jim Sowlakis
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Others present:	Jeff Zenn, Esq.
	David Hals, P.E.
	Janice Talley, Board Planner

A motion was made by Mr. Lipson and seconded by Councilman Warme to approve the minutes of the Regular Public Meeting of September 23, 2009. All voted in favor of the motion; none were opposed.

A motion was made by Mr. Cho and seconded by Mr. Lipson to approve the Resolution of Approval for Tenafly Montessori Academy, Block 1008, Lot 5, 91 West Clinton Avenue. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Toonkel, Mr. Galant, Mr. Cho, Mr. Lipson, Councilman Warme and Mayor Rustin. None were opposed to the motion.

Planning Board Attorney Zenn explained the order of the agenda this evening. The application for County Tiger, LLC, will begin their testimony for one-half hour, at which time GBO Training Inc. will be heard until approximately 9:30 p.m. County Tiger, LLC will continue with its hearing and after that is concluded the application for Sushi Ten will be heard, should time permit.

**PUBLIC HEARINGS**

PB#1-09-09 – Site Plan/Variance  
Block 1012, Lot 2 - 29 County Road  
Applicant: County Tiger, LLC (Ari Gezdir)

Mr. Elliot Urdang is the attorney for the applicant. He called upon Mr. John Martinez. He was sworn in at the last hearing and was accepted again as an expert in the field of engineering.

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The following exhibit was entered into the record:

- Exhibit A-7, 10/28/09, Colorized version of Sheet A-7, Site Plan/Landscape Plan, Sheet 5 of 12, revised 10/9/09

Mr. Martinez reviewed the plan with the board members noting that the building had been moved and that this plan was resubmitted to the County for review/approval.

Borough Engineer David Hals letter of October 27, 2009, was discussed in detail. All variances and waivers were reviewed.

A right-of-way easement is proposed to be dedicated to the County at the corner of Jay Street and County Road. Portions of the building are located within the easement and the building must be removed from the easement area. The applicant will comply with the County's directives.

It was noted that the heating and air conditioning units are not shown on the plans. Mr. Hals assumed that the units would be mounted on the roof. The architectural plans should show the location and appropriate screening. The applicant will comply and screen the units.

The storm water runoff from the site is to be collected and piped to an underground pipe detention system in the northwesterly parking area. The detention system will reduce the flow rates from the site and will be beneficial to the downstream pipe network. It was noted that the project area is a small area and the detention system was designed using the SCS Method to estimate the storm water runoff from the site. Mr. Hals noted that the Modified Rational Method may be more appropriate to estimate the runoff from the site. Further, he suggested that the detention basin outlet controls be modified to maximize the efficiency of the detention pipes for the small design storms. He recommended the 0.3' x 0.6' orifice be replaced with a 4" diameter orifice set at elevation 44.80'. The applicant will comply with all of Mr. Hals suggestions

The detention outlet structure must be modified to provide access to both sides of the control wall; and the outlet pipe from the detention system should be lowered to provide an elevation drop across the detention outlet structure. The applicant agrees and will comply with this recommendation.

Shade trees have been provided on Jay Street and County Road. The street trees must be approved by Robert Beutel, Director of Public Works. The applicant will comply.

The proposed tree well areas should be 6' long. The Site Plan also proposes the tree well areas to be lined with an iron wicket. Mr. Hals would like to see the wickets eliminated. The applicant will comply.

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The existing downtown sidewalks/paver pattern on Jay Street is proposed along the entire street frontages of Jay Street and County Road. The curbing along the westerly property line must be replaced with granite block curb. Jay Street was resurfaced in 2006. The proposed utility trenches in Jay Street must be milled prior to the installation of the surface course. The applicant will agree to comply with all these recommendations.

The applicant will provide a sewer clean-out at the right-of-way line with County Road.

There are three building mounted signs proposed. There is one sign at the entrance on the west side of the building and two signs at the street entrance. Each sign at the street entrance is facing the adjoining street. The applicant will provide more detail of the proposed building signs.

The proposed development will move 364 cubic yards of soil for the construction of the new building and site grading. This soil moving will require an Intermediate Permit Application. The applicant is aware of this requirement and will adhere to it.

There was much discussion regarding access from this property to the center courtyard of the Jay Street, Hillside Avenue, Highwood Avenue, and County Road block for future parking. The Site Plan makes no notations of a future access or potential easement from this property to the courtyard. The applicant is working with the adjacent property owner on this matter.

Approvals are required from, but not limited to: a) Bergen County Planning Board, b) Bergen County Soil Conservation District and c) Bergen County Utility Authority. The applicant is aware of these approvals and will seek same.

Borough Planner Janice Talley inquired as to whether the applicant proposed to screen the above ground oil tank on the adjoining property. The applicant will remove a fence shown on the plan.

The meeting was opened to the public to question Mr. Martinez. There being no one from the public with questions for him, this portion of the meeting was closed to the public.

The meeting was turned over to the attorney and applicant for GBO Training LLC.

PB#1-09-01 – Site Plan/Variance

Block 1302, Lot 1 – 101 North Summit Street

Applicant GBO Training Inc. / Gerard Bochese

Mayor Rustin recused himself from hearing this application. Mr. Gerald. P. Tyne is the attorney for the applicant. He noted that the attorney of record was unable to attend due to the passing of his father. Mr. Tyne will present the application this evening.

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He called upon Mr. Brian Intindola from Neglia Engineering to give testimony as a traffic engineer. He gave his qualifications to the board and was accepted as an expert in the field of traffic engineering.

The following exhibit was entered into the record:

- Exhibit A-1, 10/28/09, Planning Board Resolution for the application of Top Dog Performance dated 4/27/05

Board members voiced their concerns that the current use is different than the use approved in that resolution. Top Dog Performance was a fitness center for children. This applicant runs a fitness center for adults.

Borough Engineer David Hals had some questions regarding the calculations made for parking spaces. Mr. Intindola will investigate how to get more parking spaces at the site.

The meeting was open to question this witness. Mr. Gary Newman is an attorney representing the chiropractor who practices in the building. It was noted that the chiropractor is allotted 315 square feet of space and has 2 parking spaces. There being no other members of the public with questions for this witness, this portion of the meeting was closed to the public.

Mr. Gerard Bochese, owner of GBO Training Inc., was called to give his testimony. He advised the board that he is a personal trainer and owner of the fitness facility. He entered into a lease and did minor renovations. He secured the appropriate permits to do work and submitted architectural plans. He noted that there is a chiropractor on site. This is an adult membership gym with some personal training, but most group training classes. He noted that it is his opinion that there are approximately 100 people in the facility throughout the day. He has heard no complaints about parking.

Planning Board Attorney Zenn inquired as to what types of classes were offered to clients. Mr. Bochese testified that there were 30 exercise classes during the week, as well as yoga sessions and spinning classes. He estimated that the number of people in class would number between 10 and 15 people. There is one spinning class at night which has between 15-20 people. There are no toddler programs. There are several classes for children; attendance is between 5-6 clients per class. All classes run one hour. There is no sauna or steam room. There are 6 or fewer trainers on site, as they come & go between sessions, and there is a front desk person as well. GBO Training Inc. has a membership of 500-600 individuals.

Mr. Galant requested a detailed timesheet of all classes along with personnel. Also requested was a detailed schedule for the chiropractor.

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Mr. Newman noted that the chiropractor meets with a patient one-on-one. He only operates 3-4 hours at times and only uses 2 spaces for his 315 sq. ft. although 4 should be allotted to him.

The meeting was open to the public to question Mr. Bochese. There being no one from the public with questions for this witness; this portion of the meeting was closed to the public.

Mr. James Massaro, Code Enforcement Officer for the Borough of Tenafly, was sworn in to give his testimony to the board this evening. He noted that he has looked at previous plans as well as the plans for this facility. The expanded use was not approved by the zoning officer when GBO Training, Inc. took over the lease from Top Dog Performance. Also it is the same use, children's' bathrooms were converted to adult bathrooms. Mr. Massaro testified that he was hired by the borough in April 2007. He commented that square footage has been increased almost 1,000 square feet. Part of the warehouse and one office was converted to office space.

Board members want more information on classes and have concerns regarding parking since the facility is no longer geared towards children who would have been dropped off and picked up from classes.

The meeting was opened to question Mr. Massaro regarding his testimony. There being no one from the public with questions, this portion of the meeting was closed to the public.

Mr. Tyne noted that the application before the planning board this evening was submitted prior to his taking on this case; however, the permits for this property were never revoked. He noted that there are two areas where expansion took place and that is the subject of the application tonight.

Mr. Hals commented that the use is intensified because the application calls for the designation of interior areas for gym purposes. There is presently a variance needed for 19 parking spaces. Mr. Hals believes that the parking spaces may be able to be reconfigured.

Board members did not believe that the prior resolution is relevant to this application. There is a request to have reconfigured parking plans, new architectural plans and the class schedule.

Mr. Robert Byrnes, Construction Official/Building Sub code Official for the Borough of Tenafly was sworn in to give his testimony to the board this evening. He testified that he has reviewed the file. The additional allocation of space was never brought to the attention of the Zoning Officer. No zoning permit was ever issued. He noted that he was closing out old files and came across this one. Mr. Tyne would like to have access to the file to review the permits. Mr. Brynes advised him to contact him during business hours.

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Mr. Newman asked and was advised that the final inspection was in accordance with the plans. He noted that the chiropractor's main office is in Dumont. He is only in Tenaflly part-time with one patient at a time. All medical billing is done in Dumont.

The meeting was opened to the public to question Mr. Byrnes. There being no one from the public wishing to question him, this portion of the meeting was closed to the public.

This application will be continued without further notice to December 2, 2009, at 8:30 p.m.

The board took a 5-minute recess.

The board reconvened to continue the application for County Tiger, LLC. Mr. Urdang called upon Michael V. Testa to give testimony regarding the architectural plans. He gave his credentials to the board and was qualified as an architectural expert.

The following exhibit was entered into the record:

- Exhibit A-8, 10/28/09, Colorized version of Elevations, Sheet PB02, submitted and dated 10/15/09

Mr. Testa reviewed the architectural details of the building. The façade will be pink-brown brick; gooseneck lights will illuminate the two entrances. Permission will be needed from the Mayor & Council for the green awnings proposed because they are in the right-of-way. All signs will comply with the sign ordinance.

Borough Planner Janice Talley suggested that the applicant use alternative materials to make the walls look like windows. The applicant will look into those features.

There was some discussion regarding delivery trucks. There will be deliveries of dry goods once a week. Trucks will enter the site at off-peak hours. Trucks will park in the rear of the building for deliveries of milk and dairy products each day. All deliveries will be made through the front door.

Also discussed was the street lighting—the light poles are too tall. The engineer will look at that issue; however, more light fixtures may be needed.

The meeting was open to the public to question Mr. Testa. There being no one from the public for this witness, this portion of the meeting was closed to the public.

Mr. Urdang noted that he still has a traffic engineer to testify for the applicant. There will also be more testimony on the easement.

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This application will be continued without further notice to December 16, 2009, at 8:00 p.m.  
The Work Session that evening will begin at 7:30 p.m.

PB#1-09-05 – Site Plan/Variance  
Block 1011, Lot 16 - 10 W. Railroad Avenue  
Applicant: Sushi Ten, LLC

Mr. Urdang is the attorney for this application. Being that the hour was late, this application will also be continued without further notice to December 16, 2009, at 8:00 p.m.

A motion was made by Mr. Galant and seconded by Mr. Cho to adjourn the meeting at 11:20 p.m. A voice vote carried the motion. All were in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary