

BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 11, 2013-7:30 p.m.
MINUTES

In compliance with the Open Public Meetings Law, notification of this meeting has been sent to our official newspapers and other publications circulated in the Borough of Old Tappan, and notice posted on the bulletin board at Borough Hall as well as on the (www.oldtappan.net) web site. Please note the fire exits at the entrance to the Council Chambers and at the rear of the Council Chambers.

MEETING CALLED TO ORDER:

ROLL CALL:

Present:	William Weidman Police Chief Shine Anna Haverilla Charles Maggio Gary Mascolo David Keil Sean Moronski Thomas Skrable Michael Alessi Thomas Gallagher Daniel Eller	Chairperson Mayor Rep. Borough Planner Borough Engineer Alt. #2 Alt. #3 Alt. #4
Also Present:	Robert Regan, Esq. Robike W. Noll	Board Attorney Land Use Administrator
Absent:	Nick Mamary Julie Katz Victor Cioce	Vice Chair Alt. #1 Council Liaison

PLEDGE OF ALLEGIANCE:

OPEN TO PUBLIC: None

FINANCIAL SECRETARY’S REPORT: Ms. Noll stated that the bills are as follows: \$800 from the budget, \$5,369.05 from escrow, a special check from the COAH fund, for a total of 8,606.55. On roll call vote, all in favor, none opposed.

ENVIRONMENTAL COMMISSION REPORT: Mr. Keil stated that the Environmental Commission did not meet in August. The last meeting was July 17th the next meeting is September 17th. Town day was mentioned. A recruit from the town may join the green team or the Environmental Commission. The upcoming events are a continuation of the Eco lecture series at the library on October 17th which includes a documentary called “Gas Land”. Paper shredding day was mentioned.

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A meeting was held with several northern Bergen County environmental commissions in August discussing pooling resources to have an earth day, green fair, or earth festival. Old Tappan may host the event in April of 2014.

CONSTRUCTION OFFICIAL'S REPORT: Ms. Noll stated the July construction office issued 49 construction permits: 14 resale fees, two c/o certificates for new construction, six soil movements, two rotor bins, 14 zoning permits, COAH collected to date was \$23,097.00. August construction permits and updates 46 were issued: 11 from re-sales, one c/o from new construction, two rotor bins, 10 zoning permits.

COUNCIL LIAISON'S REPORT: Councilwoman Haverilla mentions town day. Also mentions that Nick Pappas has an issue with the fence ordinance and how to deal with a fence that is being replaced. Nick Lepore also had an issue regarding tightening up the borough ordinances. This was brought up at the Mayor and Council meeting. Ms. Haverilla requested help from the Planning Board.

BOROUGH ENGINEER'S REPORT: Work on Sokolich property is mentioned, drainage is started. The next big item is the detention system. They are working on a crosswalk program with the Police Dept. A paving project is being started September of this year for Forest Ave., Mosier Place, the Borough Council parking lot, the Borough DPW lots. Notice was sent in the mail to residents. Phase four of the sidewalk project is mentioned for De Wolf, Pearson Education, and Westwood Ave. going up to the town line, \$250,000.00 from budget.

MINUTES TO BE APPROVED: outstanding minutes: April 10, June 12, July 10

COMMUNICATIONS: None

OLD BUSINESS: Temporary storage containers, Subcommittee revised draft of Ordinance. Ms. Noll states the Mayor and Council expressed concerns regarding ordinances for the dumpsters. A renewal fee/permit fee is mentioned. With regard to the renewal days the Mayor and Council suggested 60 days with a 30 day extension. Also there is concern regarding how many times a property can apply for this permit, what are the criteria. Final inspection permits are also mentioned, as well as a list of ordinances that need to be addressed. Mr. Skrable mentions the Colonial Manor with regard to reviewing and approving the drainage on the site and resolutions.

NEW BUSINESS: None

RESOLUTIONS: None

APPLICATIONS:

Smyth, Block 502 Lots 3.01 and 5 Subdivision with Variance(s)

Matthew Capizzi, Esq. on behalf of the applicant. It is mentioned that the notices are in order. The application, 12-16 O' Connors Lane, is to subdivide the existing oversized parcel into two building lots. The site is approx. less than 90,000 sq. ft. Mr. Capizzi mentioned that one lot is slightly oversized, the sister Lot 5.01 requires a variance for the lot width. The existing residence which is going to be located on Lot 5.02 requires a right side yard variance, of a shortfall of approx. 6 ft. All other aspects of the

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application comply. Mr. Capizzi mentioned they have submitted some conceptual architectural drawings that depict what type of development can occur on the newly created lot, which although shy on width, a home can be created on that lot that would fully comply with the bulk requirements.

There are two direct witnesses in support of the application, Mark Martins, Professional Engineer of Mark Martins Engineering, LLC, and Paul Grygiel, Professional Planner, of Phillips, Preiss, Grygiel LLC. Mr. Capizzi mentioned that as part of the application packet, there are architectural drawings for the board's review, regarding the future development of Lot 5.01. A letter was also submitted to the board accompanying the application to explain the inconsistency with the tax map and the way that they structured the application.

The application is taking an oversized lot, and creating two building lots. The tax map shows that one lot is in compliance and one is an undersized lot. Mr. Capizzi explains this lot was the subject of an application in 2002 and the filing of the subdivision at that time caused an inconsistency in the tax map, there was an error, as per the letter of 8/23/13 – Exhibit A1. Mr. Capizzi mentions that, regardless of the outcome of this application, they can file a corrective deed to properly reflect the intentions of the 2002 approval resolution. Should the application be approved, they can clearly correct the 2002 inconsistencies, as well as record the proper deed to reflect any approvals given by this board.

Mr. Martins and Mr. Skrable are simultaneously sworn in by Mr. Regan. Mr. Martins has been previously qualified. The final plans are marked Exhibit A2, 12-16 O' Connors Lane which is Lot 3.01 and Lot 5, Block 502 – 6/26/13, revision date of 8/21/13-, which is a colorized version. Mr. Martins explains a survey was done to determine the boundaries of the property described. The property is located on the northeast side of O' Connors Lane, approx. 403 ft. west of De Wolf Road. It has a frontage along O' Connors Lane of approx. 313.59 ft., it is an irregular shaped property. The garage is on the westerly side, which is 308.85 ft. in back along the rear of the property the dimension is 351.84 ft. The entire tract is 99,380 sq. ft.

Mr. Martins states that what currently exist on the site right now are mainly improvements situated toward the westerly side of the property, which is 16 O' Connors Lane. On that side of the property is the primary residence, a detached garage, three other outbuildings/accessory structures and also a tennis court. They are proposing to subdivide the property to create two lots: the eastern portion of the lot would be developed in the future. The western portion would be retained by Mr. Smyth as his personal residence. The new lots are designated as Lot 5.01 being the easterly, vacant lot, and Lot 5.02 being the westerly, improved lot.

Mr. Martins explains Lot 5.01. The minimum lot area requirements are 40,000 sq. ft. in the zone, RA 40 CC residential zone. The new lot they are creating will be 40,113 sq. ft., and are in excess of the minimum lot area requirements. The lot width requirements are 150 ft., they are proposing 115.59 ft., that is along the O' Connors Lane frontage. That is the variance that they are seeking tonight before the Board. However, because of the irregular nature of this lot, 115.59 ft. frontage, and along the rear is 154.49 ft. in width, which exceeds the minimum requirements. They are seeking the variance because the dimension of the lot width is measured along the front setback line, which is 115.59 ft. The shortfall in width of the rear lot is discussed. It is 100 ft. deep from O' Connors Lane, and they also have another 178 ft. to the rear of the property, which Mr. Martins explains is an area more than sufficient in which to construct a future dwelling. Mr. Martins explains that they have 285.08 ft. and are

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well in excess of the lot depth requirements, and states that they intend to comply with all the zoning requirements for any potential structure constructed on this property. Mr. Martins explains there is a typo in the zoning schedule for the rear yard variance; it is graphically depicted correctly as a 50 ft. yard setback, the typo was designated as 30 ft., which is incorrect, and will be corrected. They will comply with all of the zoning requirements.

Mr. Martins explains Lot 5.02, mentioning that the subdivision, in addition to requiring a variance to the lot width, does create a non-conforming side yard set-back variance for the existing structure, located at 16 O' Connors Lane. On the new property line they would have 14 ft. for the existing structure, which is a variance situation. The rear end side is requirement is 20 ft. and they are at 6 ft. Mr. Martins explains that Lot 5.02 will be an oversized lot with more than 59, 257 sq. ft. in excess of the 40,000 sq. ft. minimum which is required. The lot depth would be 300 ft., where 200 ft. is the minimum requirement. The rest of the requirements have been outlined. There are some existing non-conforming accessory structures which include: a detached garage, and three other structures. Variance requirements and the fence requirements are discussed.

OPEN TO PUBLIC: None

Mr. Grygiel is sworn in by Mr. Regan. Mr. Grygiel explains his involvement with this project with regard to the variance requests, and highlights the conditions that have issue and the need for variance, as well as the positive/negative criteria. Mr. Grygiel explains the property is located in the RA 40 CC residential one family zone. The proposed lots both would comply with the minimum lot area requirement. There is an issue of the minimum lot width for Lot 5.01, where 150 ft. is required and 115.59 ft. is proposed at the narrowest point; that is 100 ft., closest to the street for the lot which would have the new dwelling on it. The Second request for a variance is for a minimum side yard set-back for Lot 5.02, the lot with the existing home on it, 20 ft. is a requirement, 14 ft. is what is being proposed at the closest point. The other variances that have been adjusted this evening relate to the accessory structure on Lot 5.02 that is supposed to remain. Currently there are a total of four accessory structures. The applicant is requesting to keep the garage and one additional accessory structure but it exceeds the maximum height and area for such a structure, variances are being sought.

Mr. Grygiel states the intention was to try to comply with the minimum lot area requirements for the zone. In this case the existing lot is well over-sized and there is more than enough room to accommodate two lots. The issue is the existing dwelling on Lot 5.02. There is a pattern within the area where a number of existing lots are undersized with regard to width. Mr. Grygiel explains that to the right and left of the subject property, all the adjoining lots are undersized regarding the width. Lot 4 which is the corner of DeWolf Road and O' Connors Lane is only 100 ft. wide, and the three lots to the west, lots 6, 7, 8, in Block 502 are all undersized with regard to width. There is an existing pattern of undersized lots regarding width. The proposal would not be out of character with the existing conditions in the area. There are other lots in the area that are undersized in terms of width at the set back line, as per the tax map on the opposite side of O' Connors Lane. The lot has an irregular lot line to the east, which allows for a sizeable area towards the rear of the property to accommodate a home that would be consistent with size, design with homes that have been designed recently. The side variance with Lot 5.02 is explained. It is internal to the two lots. The only people impacted by the setback variance would be the owner of the existing dwelling or the new dwelling. The proposed dwelling on

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Lot 5.01 is over 100 ft. set back from the street, and there would not be two dwellings with undersized side yards next to each other. The section of the municipal law N.J.S.A. 40:55D-70(c.)(2) is cited and explained. There would be no discernible difference when looking at it from the street or neighboring properties. Mr. Grygiel addresses questions from Mr. Moronski and Mr. Maggio regarding the variances.

Mr. Smyth is sworn in by Mr. Regan. He states he is the land owner, and that his parents live on the house existing on the lot. Mr. Smyth explains the structures on the lot, and the history of same. The owner agrees to take down two rear sheds. The existing shed needs a variance, a condition of approval is that the shed is not for living purposes. With regard to the conceptual dwelling footprint, it is a condition that the house will be in this footprint, and that there will be no variances for the structure. Mr. Skrable mentions two sewer assessments have not been paid. It is mentioned that Lot 5.02 is already connected, has paid the connection charge and annual assessment. A connection fee is needed for Lot 5.01, which is another condition.

OPEN TO PUBLIC: None

Mr. Weidman makes a motion that this application be approved as long as all the documentation, all the conditions, and all the representations made are complied with. Mr. Mascolo seconds the approval.

On roll call vote, the vote was as follows:

Roll call:

Ayes:	Mr. Weidmann, Mr. Maggio, Mr. Mascolo, Mr. Alessi, Mr. Eller, Mr. Keil, Mr. Gallagher
Nays:	None
Abstain:	None

ADJOURNMENT:

Upon motion, seconded, all in favor, the meeting was adjourned at 8:48 pm.

Respectfully submitted,

By: _____
Laurel Carnazza
Recording Secretary

/lc

Date Approved _____

cc: Mayor and Council
Robert Regan, Esq.
Thomas W. Skrable, P.E.
Construction Official
Fire Official
Board of Health
Burgis Associates