

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, AUGUST 13, 2014 - 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 Weidmann	Chairperson
Nick Mamary	Vice Chair
Thomas Gallagher	Alt. # 2
Police Chief Shine	
Charles Maggio	(7:35pm)
Michael Alessi	
Julie Katz	Alt. # 1 (7:40Pm)
Dan Eller	Alt. #3

Also Present:

Robert Regan, Esq	Board Attorney
Thomas Skrable	Board Engineer
Donna Holmquist	Board Planner
Robike Noll	Land Use Administrator

Absent:

Karen Nilsson	
Anna Haverilla	Mayor Rep.
Victor Cioce	Council Liaison
David Keil	

**Mr. Keil arrived at 8pm but remained in the audience.*

**Ms. Katz recused herself during the break.*

PLEDGE OF ALLEGIANCE

OPEN TO THE PUBLIC: No one comes forward.

CLOSE TO THE PUBLIC: All were in favor.

COMMUNICATIONS: None

CONSTRUCTION OFFICIAL'S REPORT: None

BOARD ENGINEER REPORT: None

COUNCIL LIAISON'S REPORT: None

ENVIRONMENTAL COMMISSION REPORT: None.

FINANCIAL SECRETARY'S REPORT: Ms. Noll reported that the bills are as follows: from the budget \$500.00 and from escrow \$4129.27 for a total of \$4629.27. All in favor.

MINUTES TO BE APPROVED: A motion to approve the minutes of June 11, 2014, was made by Mr. Alessi, seconded by Mr. Eller. On roll call vote, all in favor, none opposed. Motion carried.

OLD BUSINESS: Tom Skrable notes Mr. Sokolich wants to change the A/C screening at 40 Russell Avenue from concrete to landscape screening. Mr Skrable and the board have no objection and a motion to approve is made by Ms. Katz and seconded by Mr. Mamary. All in favor.

NEW BUSINESS: None

APPLICATIONS:

LaViola, Block 1301 Lot 10, Minor Subdivision First Appearance.

Ms. Noll states that all notices are in order.

Mr. Eliot Urdang, Esq. introduces himself on behalf of the applicant Mary LaViola. He states they are before the board for a minor subdivision of the subject property into two lots with the existing house to remain and a new home to be built on the second lot. Mr. Regan swears in Mr. Lantalme, Professional Engineer for the applicant, Mr. Skrable and Ms. Holmquist. Mr. Lantalme states he has prepared the site plan for the subject property.

Exhibit A-1 is a site plan with the description as follows; the home is on Central Avenue where it bisects with Knickerbocker Lane and is across the street from the high school, the address is 119 Central Avenue, Lot 10, and Block 1301 situated in the RA-25 Zone. The

lot is triangular in shape, is approx. 38,000 square feet in size, and is mostly wooded. There is a 12 ft. elevation difference between the street and the back corner of the property. There is an existing dwelling to remain and a detached garage to be removed. There are 2 existing curb cuts on Central Avenue one of which will be removed, with a new one proposed for the new lot. Both lots will require a variance for area. The required area for the RA-25 Zone is 25,000 square feet. One lot will be 20,535 Sq. Ft. and the other will be 17,388 Sq. Ft. The width requirement is 125 feet, one lot would conform and the other lot would be 113 feet. The lot depth required is 175 feet, the lot on the right will be over 200 feet and the lot on the left will be 153 feet. There is no change with the current non-conforming distance between the existing home and the front property line.

Mr. Urdang asked if there anything remarkable being proposed. Mr. Lantalme stated no and that there is a block(envelope) on the site plan showing that a 2000 sf. footprint is possible on the property equaling 12% building coverage where 20% is allowed.

Discussion ensued regarding the engineers letter sent to Mr. Lantalme, with Mr. Skrable stating that there are significant variances being requested, they need to be supported. if the project moves forward there would be other approvals required. Mr. Skrable stated that our ordinance determines depth by the perpendicular bisector of the width and asked for confirmation from Mr. Lantalme his calculations were made this way, because there could be a technical variance on the smaller lot if this was not done Mr. Lantalme answered in the affirmative.

Mr. Urdang asks Mr. Lantalme if there is anything being proposed that would cause a future problems with the lot or any adjacent lot. Mr. Lantalme states that nothing unusual is being proposed.

Ms. Holmquist asks if there is a garage proposed for the existing home and the answer is no.

Mr. Weidman states that on a county road the dwellings must have a turn around so drivers don't back out onto the roadway, there is no turn around shown on the plans. Have the applicants gotten county approval to put the drives in the depicted locations. Mr. Lantalme states that they do not have county approval, but there is plenty of room for a turn around. A discussion ensues regarding the driveway location.

OPEN TO THE PUBLIC: Mr. Alessi motions to open to the public seconded by Mr. Eller. Robert Glickstein of 116 Central Avenue comes forward and asks; if someone bought the existing house and wanted to add a garage would that require another variance. Mr. Regan answered that it would depend on the location. Mr. Weidmann explains how conditions could be made in the resolution blocking additional variances to the existing structure and compliance with building and zoning.

CLOSE TO THE PUBLIC: Chief Shine motions to close to the public seconded by Mr. Gallagher.

Mr. Regan swears in Mr. David Spatz Professional Planner. He gives a brief overview of the property.

Exhibit A-2 is a photo board of the subject property consisting of 4 photographs;

topography, the house and the garage, which is to be removed, the garage and the balance of the property and also the back of the Winding Creek Town House Community.

Mr. Spatz states the property is located in the RA-25 zone which requires a lot size of 25,000 SF. and the current conditions are 37,823 SF. which is a little over 50% larger than what is required in the zone. The existing house, which is to remain is not compliant with the current set back requirements, but as an existing condition it doesn't affect the current proposal. A description of the property and the neighborhood is given including wetland limitations and the fact that there are other homes in the area that have non-conforming properties.

Mr. Uradng asks Mr. Spatz to compare the subject property with the lots on Elena Drive. He discussed the variances proposed for Lot 10.01 which is the existing lot and those proposed for the Llot 10 which is the proposed new lot. There are 12 variances needed collectively. Mr. Spatz states the variances can be justified under the C1 standard, the hardship standard because of the irregular shape of the property and conditions. They can also be granted under the C2 standard which says the positive criteria outweighs the negative criteria. A lengthy discussion ensues regarding the C1 and C2 variances and how they relate to the subject property and compatibility with the Boroughs' Master Plan.

Mr. Skrable is concerned given the odd shape of the lots combined with the variances required that from a streetscape perspective will it look out of place. Mr. Spatz addresses the issue. Questioned whether a lot area survey was done of the neighborhood, the answer was no and there is discussion of lot sizes in the area.

Ms. Holmquist questions the impact of introducing a new dwelling and driveway given the curvature of the roadway, which is addressed by Mr. Spatz. Ms. Holmquist questions whether an analysis of lot areas was done in order to indicate the degree of compliance. A discussion ensues regarding lot sizes and shapes in the neighborhood. Discussion ensues regarding the proximity of the high school, traffic patterns and visibility conditions.

Ms. Katz asks if there is just a subdivision or are the applicants planning to build. The applicant states they are just subdividing.

Mr. Gallagher questions the driveways and safety regarding the County Road. He asks, regarding the C2 variance if the planner feels two dwelling on the property are more beneficial than one. Mr. Spatz discusses the benefits.

Mr. Maggio asks whether Mr. Spatz feels he adequately responded to the report by Sean Moronski. He questions whether as a planner he [Mr. Spatz] believes that 2 homes on two significantly undersized lots with two very irregular sites is the best solution and a discussion ensues. Detriments are discussed as is the argument that one benefit, in keeping with the master plan, is that the existing dwelling is to remain. This would be impossible to enforce with a subsequent owner and negates the rehab benefit.

Mr. Mamary states that Lot 10.01 is 20% less than the required area and Lot 10 is 30% less than the required area. To take a property that is 50% over and divides it into two

smaller properties respectively 20% and 30% under in size, is a detriment to the neighbors. There is a discussion regarding zoning and its purposes. Traffic problems are briefly discussed along with how they can guarantee the new home will match the character of the existing home and neighborhood?

Mr. Alessi question why they feel the existing home should remain. The response is to keep in character with the neighborhood.

Mr. Eller questions possible variances for a home going up on the new lot.

Chief Shine is asked by Mr. Weidmann, his opinion regarding the driveways and the site distance. Chief Shine responds that where the new proposed driveway is placed will probably be directly in the intersection of the exit driveway of the high school or off set by Knickerbocker Lane which might create a potential problem.

Mr. Weidmann is disappointed the board was not presented with the lot sizes and the size of the homes in the neighborhood. There was discussion about lot sizes for area homes that were built either before or after zoning was instituted. He heard no defense as to why it's good planning to decrease the lot size. Regarding the driveways, the use will now be doubled, and the location and site distances are poor. His opinion is that of poor planning.

OPEN TO THE PUBLIC: Mr. Eller motions to open to the public, second by Mr. Maggio. All in favor.

Mr. Glickstein of 116 Central Avenue comes forward and refutes the fact that the surrounding homes are smaller in size, his home is 3000 Sf. He also states that although the attorney and said there is a crossing guard at Knickerbocker Lane, this is not the case, the only guard is at the entrance to the high school. It's a dangerous street with horrendous traffic, his driveway was put on Knickerbocker Lane because he could not exit onto Central Ave. He questions how the decision will be made and doesn't understand how two homes will be more desirable than one.

Mr. Spatz states his opinion is that two homes similar in size to what exists in the area would have less impact than one very large home on the single piece of property.

CLOSE TO THE PUBLIC: All in favor.

Mr. Skrable comments on the discussion about the consistency of similar size houses. With the existing home being approx. 2000 Sf. and the proposed house to be approx. 4000 Sf., there is no similarity and it would be very inconsistent.

Mary LaViola is sworn in by Mr. Regan. She states she is part owner of the subject property. She give a history of the property and how the County took quite a bit of property when Central Avenue was widened. She describes the condition of the existing home. She states she will make sure the new house will not be oversized. The driveway is a little hard to get out of but no one in here family has ever had an accident. She states the new home will be nice and not oversized. She discusses lot and home sizes in the area and how two nice houses will benefit the neighborhood.

Mr. Regan asks for more information on the land taken by the county.

Mr. Skrable gives more information on the subject and a discussion ensues.

Mr. Gallagher asks if Ms. LaViola plans to sell the new lot and keep the existing lot as a rental property. Ms. LaViola states probably, but they would sell later on down the road.

Mr. Weidmann recommends coming back to justify the variance request with sketches of possible homes. A discussion ensues between Mr. Urdang and the board, Mr. Skrable states in a previous application the applicant agreed to meet the FAR requirements and not to seek a variance from the FAR requirement for the house. They also provided an elevation so that the board could get a feel as to what would go up. There is more discussion. Mr. Urdang disagrees with the request.

Mr. Urdang states that after discussion with his client they would be willing to put a condition in the resolution that before any construction on the new lot and elevation of the proposed house would be presented to the board so as to able to demonstrate to the board that it would not be inconsistent with the neighborhood.

Mr. Weidmann asks if the existing home is sold can the same condition exist in the resolution.

Mr. Urdang will come back to the Board with the additional information requested regarding the lot sizes etc

Mr. Weidmann would like an analysis of the properties in the area to provide some justification that they are not unique to the neighborhood.

Mr. Maggio states that to take an existing awkward pie shaped lot and divide it creating two narrower pie shaped lots requiring variances, is not a good argument.

OPEN TO THE PUBLIC: Mr. Gallagher motions to open, confirmed by Mr. Maggio. All in favor.

CLOSE TO THE PUBLIC: All in favor.

ADJOURNMENT: The application will continue on September 10, 2015

Upon motion of Mr. Mamary, seconded by Chief Shine, all in favor, the meeting was adjourned at 9:26 pm.

Respectfully submitted,

By: _____
Alyson Lazarus
Recording Secretary
/al

Date Approved: _____

cc:
Mayor and Council

Robert Regan, Esq.
Thomas W. Skrable, P.E.
Construction Official
Fire Official
Board of Health
Burgis Associate

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