

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 10, 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
Anna Haverilla	Mayor Rep.
Victor Cioce	Council Liaison
Michael Alessi	
Charles Maggio	
Karen Nilsson	
Thomas Gallagher	Alt. # 2

Also Present:

Robert Regan, Esq	Board Attorney
Thomas Skrable	Board Engineer
Sean Moronski	Board Planner
Robike Noll	Land Use Administrator

Absent:

Nick Mamary	Vice Chair
Police Chief Shine	
David Keil	
Julie Katz	Alt. # 1
Dan Eller	Alt. #3

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: Construction Permits 55, CCO's 16, Miscellaneous 1, Soil Moving 8, Road Opening 10 and Zoning 20.

BOARD ENGINEER REPORT: None

COUNCIL LIAISON'S REPORT: Mr. Ciocce stated there were two resolutions before the Mayor & Council. Passed on the second reading was the amendment to ban smoking on all Borough Property with the exception of the deck at the golf course. The second was an introduction of the amendment to the sign ordinance regulating signs and banners.

Ms. Haverilla expanded on the sign ordinance and spoke about sidewalk grants. She said Town Day and the fireworks were wonderful.

A discussion ensued regarding smoking on the golf course.

ENVIRONMENTAL COMMISSION REPORT: None.

FINANCIAL SECRETARY'S REPORT: Ms. Nilsson reported that the bills are as follows: from the budget \$175.00 and from escrow \$252.00 for a total of \$427.00. All in favor.

MINUTES TO BE APPROVED: A motion was made to table the minutes of August 13, 2014, until the October meeting. On roll call vote, all in favor, none opposed. Motion carried.

APPLICATIONS:

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

Mr. Eliot Urdang, Esq. introduces himself on behalf of the applicant Mary LaViola.

Chair Weidmann asks whether there are any new reports or drawings.

Mr. Urdang responds that the board requested certain items explored which was done but they did not represent a change in the application just supplementation of prior testimony.

Mr. Regan questions whether the clients had information quantifying neighboring lot sizes and Mr. Urdang answers in the affirmative.

Exhibit A-3 Mr. Lantalme presents a 1980 Bergen County Property Acquisition Map, depicting the taking of the subject property for the widening of the roadway. The map shows a taking of 7 ft. – 25 ft. depending on location for a total area 5735 sq. ft.

Mr. Lantalme states he contacted the Bergen County Planning Board regarding site distances. Site distances were taken at the proposed driveway and at the existing driveway to remain. The speed limits for this area are 35 mph, with a suggested speed limit of 25 MPH at the curve. The site distance at 35 mph is 325 ft., at 30 mph it is 250 ft. and at 25 mph it is 175 ft. In one direction the site distance is met at 35 mph, in the other

direction it is not met and the site distance would be the equivalent of a 30 mph zone. The ultimate approval lies with the county. Discussion ensues regarding site distances, speed, traffic and the school drop off and dismissal times.

Mr. Weidmann and Mr. Urdang discuss the County taking of the property. Tom Skrable asks if there was compensation made for the taking and the answer is affirmative. Mr. Skrable states that if the Board move forward with the application there must be a specific condition should be placed that the County will be approving the driveway locations and site distances and that it is not a Borough jurisdiction issue. Mr. Urdang has no issues with County jurisdiction.

Mr. Weidmann asks which driveway had problems with the site distance numbers. The answer is the new curb cut for the existing house.

OPEN TO THE PUBLIC: Mr. Alessi motions to open to the public seconded by Mr. Maggio.

Robert Glickstein of 116 Central Avenue comes forward and asks which driveway has the lowest site numbers, the reply is the east driveway for the existing house. Discussion ensues.

CLOSE TO THE PUBLIC: Mr. Alessi motions to close to the public seconded by Ms. Haverilla. All in favor.

Mr. David Spatz Professional Planner come forward and explains how he compiled information on lot sizes in the area. He presents his findings.
Exhibit A-4, Lot sizes of properties within 500 Ft. of the La Viola property. Studies were done on lot sizes within both 500 ft. and 200 ft. of the subject property. He proceeds to show a table giving the lot sizes.

Mr. Weidmann states that the board should have received this information ahead of time in order for it to be reviewed by the board members and professionals. There is a discussion between Mr. Urdang and Mr. Weidmann regarding this topic.

Mr. Regan requests that they indicate how many parcels fall within the 200 ft. radius. Mr. Spatz states that excluding the subject property, the townhouse development and the school there are 7 lots within 200 ft. In block 1302, where 25,000 sf. is required lot 4 is 28,000 sf., lot 3 is undersized at 11,326 sf., lot 1 is 26,420 sf. and lot 1.01 is undersized at 22,550 sf. In block 1301, lot 11 is 43,966 but is non conforming in width, lot 12.02 is 25,501 sf. and 12.03 is 35,527 sf. He states the 37.5% of the lots within the 200 ft. radius are non-conforming. He states that what they are proposing is not out of character with the properties within 200 feet.

Mr. Spatz discusses the favorable conditions of the existing house.

Mr. Urdang asks if the proposed new house would comply with all the bulk requirement of the zone and Mr. Spatz answered in the affirmative.

Mr. Urdang asks Mr. Spatz if he believes, from a planning point of view, the subdivision is more beneficial than development of a single family lot.

Mr. Spatz gives his reasons why the subdivision is more beneficial.

Mr. Skrable asks if within the 500 ft. radius there were any nonconforming lots as to size.

Mr. Spatz answers yes an additional 4 lots. There are a total of 21 lots within 500 ft radius. This equals a total of 28.6% within a 500 foot radius that are nonconforming. There is more discussion.

Mr. Skrable questions, all five lots are undersized by area? Does adding two undersized lots make the neighborhood more conforming? Discussion ensues. Mr. Skrable asks if there is a stipulation that the existing house is to remain. Mr. Urdang states no but there will be a stipulation that before a new house could be constructed they would need to come before the planning board for approval, regardless of the need for any bulk variances.

Sean Moronski asks if the subdivision were approved are there any lots sized between the smallest proposed lot of 17,288 sf. and lot 3 in block 1302, which is 11,326? There are three total lots within 500 ft that are smaller than what is proposed. Mr. Moronski asks Mr. Spatz if he did research on or knows the history of the smallest lot 1302/3. He states no.

Mr. Weidmann states that the nonconforming lots within the 500 ft. radius were all created before the zoning ordinance was put into effect. This application is seeking to create two new nonconforming lots, when all of the homes built, since the zoning ordinance went into effect are compliant. Discussion ensues.

Mr. Moronski asked if the property were not subdivided would it be the largest property within 500 ft. Mr. Spatz states no. Mr. Moronski questions previous testimony stating that subdividing and having two homes would be more in keeping with the character of the neighborhood. Mr. Spatz concurs. A detailed discussion ensues.

Mr. Cioce asks what the intention of the subdivision is. Mr. Urdang responds that he can't answer for the intentions of the applicant.

Mr. Alessi asks, percentage wise, how undersized would the lots be. Mr. Spatz responds the smaller lot would be 30% undersized and the larger lot would be 20% undersized.

Mr. Gallagher asked if the house is original to the property. No one is sure of the answer.

Mr. Urdang questions Mr. Spatz about the ordinance and bulk zoning with regard to the shape of standard lots, being rectangular. Mr. Spatz states that zoning is typically based on rectangular shaped properties.

Mr. Regan asked to clarify his notes regarding lot area within the 200 ft and 500 ft radius.

OPEN TO THE PUBLIC: For questions. All in favor.

CLOSE TO THE PUBLIC: All in favor.

OPEN TO THE PUBLIC: For statements. All in favor.

Mr. Robert Glickstein comes forward. He asked about renderings that were to be shown to the board. Discussion ensues regarding the conditions that would be put into a resolution should the board move forward with the application. He expresses his concern regarding the traffic and he presents 5 photographs entered as Objector Glickstein 1 A-E consisting of photographs of traffic around the high school. He addresses his concern with the creation of 2 nonconforming lots. He states the owner doesn't live on the premises and wants to sell the lots. According to the resident handbook, regarding variances, it says relief is granted if the owner is in a hardship situation and he does not feel this is a hardship situation. He discusses the cons of the situation and introduces 11 photographs entered as Objector Glickstein 2 A-L consisting of photographs of the surrounding homes to illustrate his concern. He is also concerned about the number of cars that will be added to the neighborhood and submits 5 photographs entered as Objector Glickstein 3 A-E showing cars parked on lawns.

Mr. Regan congratulated Mr. Glickstein on his presentation.

CLOSE TO THE PUBLIC: All in favor.

Mr. Urdang brings a rebuttal witness, Mary LaViola she states that she is a realtor and a resident of Old Tappan. She states that 2 nice sized home will benefit the esthetics of the area. She discusses the possible sizes of the 2 new homes vs. one large home.

Mr Urdang delivers his summation. He states the property is more than 50% larger than the minimum required for the RA-25 zone. He also states that because the lot is pie shaped, unlike most of the lots in the area. Thus it is covered under the C(1)(a) criteria, which he discusses. Mr. Urdang discusses the potential negative impact, which he states would be negligible and further discusses the traffic and impact on surrounding properties. This proposal is consistent with the zone plan and would prevent the creation of a McMansion type of home. He then discusses how the proposal meets the C(2) variance criteria, and would be a better zoning alternative than following the current ordinance. His opinion is that the proposed subdivision will be more consistent in keeping with the character of established neighborhood.

OPEN TO THE PUBLIC: A motion is made to open. All in favor.

Ms. Joyce Carey of 116 Central Avenue comes forward and is sworn in. She corrects a statement made by Ms. LaViola and stated she doesn't understand how two smaller houses will be beneficial to the neighborhood.

Mr Michael Olivo of 116 Central Avenue comes forward and is sworn in. He states he has witnessed the danger on Central Avenue, especially during the High School drop off and pick up times. He feels two homes will decrease property values.

CLOSE TO THE PUBLIC: All in favor.

Chair Weidmann discusses the fact that all the new lots that were created after the institution of zoning, are conforming lots and not all are rectangular. He doesn't feel a

pie shape lot constitutes a hardship. The applicant is not justified, according to borough code, in creating two substantially smaller lots in the RA-25 zone.

Mr. Maggio discusses the positive and negative aspects to the application. He strongly believes there is no hardship as the property currently complies with the zoning, but subdividing would create two significantly nonconforming properties. He feels the negatives outweigh the positives.

Mr. Cioce states that the traffic concerns are an issue and he discusses those issues. He feels construction of a large home is also a concern and having two homes would prevent that from happening.

Chairman Weidmann makes a motion to vote to deny the application. Motion was seconded by Mr. Maggio. The roll call vote to deny was as follows:

Aye: Chairman Weidmann, Mr. Maggio, Ms. Nilsson, Mr. Alessi, Councilwoman Haverilla, Mr. Gallagher.

Nay: Councilman Cioce

NEW BUSINESS: Ms. Noll apologizes that she did not have an environmental report. She also announces that the Shanahan application will return to the board in October along with another application for a property at 56 Ogle Road.

Mr. Lepore discusses a change in a zoning ordinance due to a typographic error.

OPEN TO THE PUBLIC: A motion is made to open. All in favor.

CLOSE TO THE PUBLIC: All in favor

ADJOURNMENT: Upon motion of Mr. Maggio, seconded by Mr. Gallagher, all in favor, the meeting was adjourned at 9:20 pm.

Respectfully submitted,

By: _____
Alyson Lazarus
Recording Secretary
/al

Date Approved: _____

cc:
Mayor and Council

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

Robert Regan,

(OTPB-1/9/1 3)