

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, September 9, 2015**

MINUTES

In compliance with the Open Public Meeting 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 fire exits located at the main entrance to the Council Chambers and in the rear of the Council Chambers.

MEETING CALLED TO ORDER: 7:37 p.m.

Chair Weidmann reads open public meeting comments/Meeting called to order

Salute Flag / PLEDGE OF ALLEGIANCE

Chair requests public leave the courtroom for Closed Meeting.

**Mr Regan, Board Attorney announces subject is litigation for COAH,
Affordable Housing Litigation**

Resolution for Closed Meeting, Read into the record

Closed Session

Meeting Reopened to the Public

Regular Meeting Resumed 8:08 PM

ROLL CALL:

Present:	William Weidmann	Chairperson
	Charles Maggio	
	Police Chief Shine	
	David Keil	
	Mike Alessi	
	Councilman Nalbandian	Cl III Council Liaison
	Councilwoman Haverilla	Cl I Council Liaison
	Thomas Gallagher	Alt. #1
	Daniel Eller	Alt. #2

Also Present: Robert Regan, Esq. Board Attorney
Robike Noll Land Use Administrator
Sean Moronski Board Planner

Absent
Nick Mamary Vice Chairperson
Thomas Skrable Board Engineer
Karen Nilsson
Nicki Louloudis Alt. #3

PUBLIC'S OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS

Motion to open the meeting to the public – Police Chief Shine

Second – Mr Eller

On voice vote, all in favor, none opposed, the motion carried.

No Public Comment

Motion to close the meeting to the public – Mr Keil

Second – Mr. Maggio

On voice vote, all in favor, none opposed, the motion carried.

FINANCIAL SECRETARY REPORT

Ms. Nilsson is not present, Robike Noll presents Financial Report. Councilwoman Haverilla questions the Housing Plan Statements presented by Burgis Assoc, should not be Planning Board items, but presented to Mayor and Council. This correction is made, new financial report reflects \$ 1375 from Budget, \$ 1980 from Escrow, Total is \$ 3355.00

Motion to Accept- Mr. Maggio

Second- Mr. Keil

On voice vote all in favor, none opposed.

ENVIRONMENTAL COMMISSION REPORT – Mr. Keil reports both the EC and the Green Team have not met , Sustainable NJ application is pending, and the EC meets next Tuesday 9/15

COUNCIL LIAISON REPORT – Councilman Nalbandian reports: status of Brennan subdivision, There are issues with the developer completing. Both our engineer Mr. Skrable and the DPW Art Lake are on it, there are deficiencies in sewer and street is not paved, trees and landscaping deficiencies being addressed. Developer has been given a two week deadline after which the Mayor and Council may move to utilize the Letter of Credit to move forward.

CONSTRUCTION OFFICIAL REPORT – Both July and August Reports read by Ms. Noll

BOROUGH ENGINEER REPORT - None

MINUTES

Outstanding February 11, 2015

April 8, 2015 Minutes: Motion to Approve Keil, Second Chief, All in favor, Approved

July 8, 2015 Minutes: Motion to Approve Maggio, Second Keil All in favor, Approved

COMMUNICATIONS - None

NEW BUSINESS - None

OLD BUSINESS - None

RESOLUTION

Jones, Block 1211, Lot 9 Side Yard / Front Yard / FAR

Ms Noll reads eligible to vote members:

Weidmann/Maggio/Keil/Alessi/Shine/Gallagher

Motion to Adopt Approval Resolution: Maggio Second: Shine

By Roll Call: 6 Yay, 0 Nay, Motion carried, Resolution Adopted

APPLICATION:

DePasquale Martial Arts Center Use and Sign Variance proposed at Trinity Church

Record Reflects Councilmembers leave the Dais, due to D1 Use Variance

Land Use Administrator testifies Notices / Publication are in order

Attorney John Shari on behalf of Applicant

Opening comments:

Applicant wants to operate a Part Time Martial Arts Facility

Two Witnesses, Mr. Richard Mancinelli, Church Elder and the Applicant

Mr. Regan swears first witness, Mr. Richard Mancinelli

Questioned by Attorney, establish employment in HR, and Educational Background

Location of church established,

Mr. Mancinelli has been an elder of the church approximately 2 ½ years.

Schedule of activities at church admitted as A1, Applicant exhibit

Mr. Mancinelli reviews day by day activities

Mr. Mancinelli explains Core Basic of the church, also that the activities proposed by DePasquale enterprises will not overlap the Montessori school present now during the day with the martial arts activities being primarily in the evening. .

Mr. Mancinelli also feels that there are some parallels between Church spirituality and the disciplines of Martial Arts, and also mentions that while the program is not actually classified as a Child Care Center, in many ways it's an after school program that can assist families with after care.

Open to the Board for questions

Mr. Moronski of Burgis Assoc questions the “not long term” statement. Will lease be year to year, etc? also, states that the variance, should it be granted, will stay with the land, beyond the martial arts school's tenancy. Mr. Regan states that it is not possible to incorporate any language into the resolution that would limit tenancy to current occupant if granted.

Mr Moronski also states that a martial arts school is a commercial enterprise, difficult to classify as an “inherently beneficial use” such as a childcare facility.

Mr. Maggio questions code requirements, and would a condition of approval be reviewed by fire officials, etc.

Open to the Public.

Mr. Wesley Evans and Mrs. Patricia Evans of 289 Old Tappan Road, both question Mr. Mancinelli regarding ventilation, and similar questions and are advised these questions are not for Mr. Mancinelli to answer. Mr. Evans also brings up the tax rateables for a church and relating to a “for profit business operating within” and Mr. Regan explains that this is not the Planning Board jurisdiction and cannot be discussed in this meeting.

Mr Keil motion to close to Public, second by Mr. Maggio

Mr. DiPasquale is sworn in, states he is a safety expert and self-defense teacher as well as a multi media individual with shiatzu and Acupuncture experience and 45 years of teaching Martial Arts.

Open to the Board for questions

Mr. Moronski asks if there will be any expert testimony provided. No planner or expert witnesses are planned.

Chief Shine Questions enrollment, (mostly children, but some adult classes) and amount of cars in lot at times of other activities (8 to 10)

Alessi motion to open to public, Gallagher second
None
Motion to close to the public, Maggio, Second by Keil

Summation by Mr. Shari

Mr. Shari states that this use falls in alignment with church doctrine and that the zoning ordinance of OT is not being impaired.

Board comments and Questions:

Mr Alessi asks if associations like AA pay fees, etc to the church and is told their “rent “ is covered by monthly donations to the church. The other congregation that meets within the church pays a small amount of rent, but is the same use “house of worship”.. (And nonprofit)

Open to the public motion by Chief Shine, Second by Alessi
Mr. and Mr. Evans of 289 Old Tappan Road are sworn in.
Mr. Evans expresses concern that allowing this use will bring dangerous precedence to other commercial ventures setting up in churches. Mrs. Evans reads her statement that she is concerned about noise at night.

Mr. Evans again brings up the tax rateables for a church and Mr. Regan again explains that this is not the Planning Board jurisdiction and cannot be discussed.

Mr. Mancinelli also presents a summation, small churches are suffering financial hardship and they cannot afford a professional planner and will ask the Board to approve the application as presented.

Chair offers motion to deny the application
Second by Mr. Gallagher.
Vote to Deny:
(6) Yes
(1) No

Yes:
Chair Weidmann
Mr. Maggio
Mr Keil
Mr Alessi
Mr Gallagher
Mr Eller

No:
Police Chief Shine

