

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
February 8, 2017**

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: 7:33p.m.

Chair Weidmann reads open public meeting comments

Salute Flag / PLEDGE OF ALLEGIANCE

ROLL CALL:

<u>Present:</u>	William Weidmann	Chairperson
	Nick Mamary	Vice Chairperson (7:44pm)
	Councilman Gallagher	
	David Keil	7:34 pm
	Karen Nilsson	
	Mike Alessi	
	Police Chief Shine	
	Charles Maggio	
	Nicki Louloudis	

<u>Also Present:</u>		
Mr Regan, Esq.		Board Attorney
Robike Noll		Land Use Administrator / Recording Secy
Mr Skrable		Board Engineer
Mr Szabo		Board Planner

Absent _____	Councilwoman Haverilla
	Robert Rusch
	Daniel Eller
	William Boyce

PUBLIC'S OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS

Motion to open the meeting to the public – Alessi

Second – Keil

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

No Public Comment

Motion to close the meeting to the public – Alessi

Second – Nilsson

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

ENVIRONMENTAL COMMISSION REPORT – Mr. Keil reports EC held a meeting in January, work continues on the Earth Day Fair on the 22nd April . There is continuing work on the community garden, applying to Sustainable NJ for a grant. EC is also crafting recommendations for Mayor and Council to consider ordinances pertaining to Bamboo and other invasive species, as well as regarding cutting down of Borough Trees.

Council Liaison REPORT

Councilman Gallagher reports that the M/C has met with Department heads and the budget is moving along.

Construction Official REPORT – None

Engineer REPORT – Mr. Skrable reports that there is nothing to report

FINANCIAL SECRETARY REPORT

Ms Nilsson reports \$ 675 from Budget and \$1,426.42 from Escrow for a total of \$ 2,101.43

Motion to Accept-Maggio

Second- Shine

On voice vote all in favor, none opposed

MINUTES

Outstanding

January 11, 2017 Regular Meeting

Adopted:

January 11, 2017 Reorg Meeting Minutes

Motion to Adopt by Keil / Second Shine ~~ All in favor/ minutes adopted

December 14, 2016 Regular Meeting Minutes

(minor correction Keil)

Motion to Adopt by Alessi / Second Nilsson~~ All in favor/ minutes adopted

COMMUNICATIONS – none

NEW BUSINESS – Ms Noll received certificate of completion of the required Land Use Seminar for Ms. Louloudis and it was presented to her.

OLD BUSINESS –None

RESOLUTIONS:

A & R (BiState Plaza)

Mr. Regan reviews the resolution

Motion to Adopt Nilsson, Second Shine

Weidmann, Mamary, Nilsson, Keil, Shine all affirmative votes. No Nays

Resolution adopted.

APPLICATION:

Second Appearance Scheduled for Obrien Bl 1701 Lot 13--

No response from Council regarding tonight's appearance, Mr Regan announces that the application will be carried to March 8th, 2017 and directs Robike Noll to send a correspondence to that point. If the attorney do not respond the application will dismissed without Prejudice. (this is to be noted in the correspondence)

First Appearance Kim Block 901, Lot 8

Attorney for Applicant, Mr. Elliott Urdang opening statements regarding this application for Lot width variances needed for subdivision of property.

Borough Planner, John Szabo reports that the application was deemed incomplete due to waivers, etc, but has no objection to case being heard.

B1 (exhibit 1 Board) Burgis review of the application is admitted

Mr. Skrable inquires if the July 26, 2015 violation from the NJDEP has been rectified. The borough is NOT in receipt of any other documents or notices.

Mr. Szabo and Mr. Skrable (borough engineer) are sworn in by Mr. Regan, board attorney.

Mr. Urdang offers Applicant exhibit #1, A1 an email dated December 21, 2016, from Michele Agnoli, stating that NJDEP reviewed a delineation plan as well as a buffer zone, found all to be in compliance. Mr. Regan reads the email into the record, and Mr. Skrable comments he would still like a standard official report from the NJDEP rather than an informal email.

Robert Lee, testifies regarding the unplanned clear cut of the property that took place, back into the delineation / buffer zone. Mr. Lee explains that he came into the situation after the clear cut took place, as he understands it, the landscaper was uninformed and cleared too much and that the owner has "paid dearly for it". Mr. Urdang asks Mr. Lee to confirm that all is remediated and that the violations are being addressed.

Chair Weidmann questions the presence or absence of a pool, appearing on the site plan, which he believes is portrayed in the wrong location. Mr. Lee and Mr. Urdang state that they are unsure of the existence of a pool on the property. Chair questions when Mr. Lee was last on property, he is unsure, possibly not for 7 months and is not sure if the pool is present or not. Mr. Lee again reiterates he became involved way after the violations were issued for the clearing the land completely.

Mr. Skrable again, reiterates that he does not feel the informal email of 12/21/16 is sufficient, considering the outstanding issues, and especially in regard to the second lot being developed/built upon. Mr. Regan asks Mr. Urdang if any objection of a condition on any proposed approval regarding the development of the second lot, outlining what can and cannot be constructed on the proposed second lot. Mr. Skrable disagrees and would prefer approval be contingent on what will or will not be constructed on the new proposed lot and still would like a very specific report in terms of approval by the NJDEP.

Mr. Urdang proposed clarification of building envelope alone. Mr. Skrable again states that the restoration/violation issue must be addressed first, the LOI can wait, because of the need for that upon proposed development of second lot. Mr. Urdang prefers the application be considered as a simple subdivision before the Planning Board and that building development be considered later.

The minor subdivision site plan is entered, and Mr. Urdang continues, reviewing the setbacks as existing and proposed. Including the variances triggered by Rear yard setback, side yard setback and the existing nonconforming structure.

Mr. Lee takes questions from the Board and professionals. Mr. Skrable questions the exact number of setbacks, as well as questioning if a site distance study has been done on Lot 8.2, regarding the safety of the driveway due to road curvature at that point.

Both Mr. Skrable and Mr. Szabo question the discrepancies of the different plans submitted and Mr. Urdang confirms to dispose of the Denberg plans and use the later drafted plans by Lumin. Mr. Maggio questions the 114ft on the lot without the house, and 128 feet on 2nd lot. Mr. Mamary concurs

Mr. Keil questions the existence of the pool again, showing on A2 but not A3. And also, as environmental committee member, if soil borings have been performed. Applicant attorney will confirm both and provide report if soil boring was done. Mr. Keil also expresses concern, wishing for clarification of the buffer/ wetlands delineation, considering discrepancies.

Mr. Lee states that things can change due to conditions like global warming, which could account for the discrepancies that Mr. Keil noticed, and Mr. Skrable interrupts to clarify that metes and bounds do not change, and that NJDEP plans approved are set and never move.

Ms. Louloudis offers the large amount of storage volume calculations, and requests it be redone, Mr. Lee will confirm and present upon return.

Motion to open to the public by Chief Shine, second by Ms. Nilsson,
no public comment,
Motion to close to the public by Mr. Keil, second by Chief Shine.

Sean Moronski, Planner for the applicant is sworn in, and offers some clarification of the measurements on plans, and also explains the C1 criteria, and reviews hardship of development due to lot lines. (lot becomes very wide in the back, narrow in the front) as well as neighborhood comparisons. Mr. Moronski presents in his professional opinion, that with requested variances, a home could be built that would fit in with neighborhood.

Open to the public for questions of Mr. Burgis, motion by Mr. Alessi, second by Chief Shine
See None, motion to close to public by Mr. Keil, Second by Mr. Mamary

Mr. Lee is sworn in as translator for Mr. Kim's testimony. Mr. Kim states that there was a pool when he purchased the property in 2014 and it is still present but filled in. Chair Weidmann asks if the home present is habitable, Mr. Kim responds that he is still not sure if he will renovate existing structure or knockdown and build new.

Open to the Public motion by Chief Shine, second by Mr. Keil
Theresa Mihalopoulos of 152 Orangeburg Road questions if Mr. Kim will be living in the home, or just building to sell and if he is granted the subdivision will he sell or develop the second lot or sell as a lot. Mr. Kim is unsure of his plans once the subdivision is granted.

Mrs. Mihalopoulos questions the "for sale" sign she observed recently, Mr Kim does not know of it. She also mentions previous owners had wanted to put a house on the property and were denied a subdivision, however, Board Chair does not recall a formal application was made during his tenure with the Planning Board.

Mrs Mihalopoulos states how devastated she and many of the neighbors were at the clear cut that took place on the subject land, and she is very happy someone called the authorities to stop it midway, or the entire property might have been desecrated.

Close to the Public, motion by Keil, second by Chief

Mr. Urdang surmises and recaps, Chair Weidmann would like applicant to return with corrected site plans. Mr Skrable again mentions that he wants absolute confirmation from the DEP in the form of an official letter, as all other DEP cases in the past have been presented. Also a site distance plan is requested for the curvature of the road at the driveway. Mr. Urdang states he would like to have a resolution at next meeting, not just a hearing. Mr. Regan and Chair Weidmann agree that a vote can be taken, directing Mr. Regan to draft a resolution in anticipation of the approval for March Meeting, provided changes are made to the site plan as per discussion.

Motion to take a vote by Mr. Maggio, second by Mr. Mamary. All in Favor, 9 affirmative. Chair Weidmann reiterates that this does NOT constitute an approval, just the motion to draft a resolution with the stipulations discussed during the hearing. It is also once again stated that three items are due two weeks prior to the March 8th meeting:

- 1) New site plan as discussed
- 2) Traffic/site distance plan as discussed
- 3) Definitive report/letter from EPA as discussed

Application appearance #1 concludes

Note: The master plan committee will be coordinating with Mr. Szabo to meet and will prepare a report for the board in the near future

PUBLIC OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS

Motion to open the meeting to the public – Chief Shine

Second – Mr Alessi

No Public Comment

Motion to close the meeting to the public – Alessi

Second – Nilsson

On voice vote all in favor, the motion carried.

ADJOURNMENT

Respectfully submitted,
Robike W. Noll
Land Use Administrator
Planning Board Recording Secretary

Date Approved: _____

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