

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, January 10, 2018**

MINUTES

Chair requests ROLL Call of all present

Present:

Mr Weidmann	Chairperson
Mr Mamary	Vice Chairperson
Police Chief Shine	
David Keil	
Mr Alessi	
Ms Nilsson	
Councilwoman Haverilla	
Ms Louloudis	
Mr Boyce	
Mr. Murphy	

Also Present:

Mr. Regan, Esq.	Board Attorney
Robike Noll	Land Use Admin/Recording Secretary
Mr. Szabo	Board Planner
Mr. Skrable	Board Engineer

Absent

Councilman Gallagher
Mr Maggio
Mr Eller

Open Meeting to Public on Non Agenda Items

Motion to Open by Mr. Keil / Second by Councilwoman Haverilla
All in Favor / No Public requests to speak
Motion to close by Mr. Keil / Second by Ms. Nilsson

Environmental commission Report

Mr. Keil reports Nov report was done at December meeting
Next meeting Jan 18 with another program in the eco lecture series,
presented by PB member Mr. Michael Murphy regarding solar power

Council Liaison

report by Councilwoman Haverilla.
Reorg was well attended, presentation of proclamations for volunteer of the year, Soccer team, etc.
Budget meetings will begin next week.

Borough Engineer no new report to offer

Financial Secretary Report

\$ 1,717.25 from Budget / \$1,261.52 from Escrow for a total of \$ \$ 2,978.77 .
Motion to Approve by Councilwoman Haverilla, Second by Mr. Keil, approved all in favor.
Also, Ms Nilsson will communicate to Rebecca Overgaard, CFO that PB budget will remain the same as 2017.

Minutes

Adopt Dec 13, 2017 minutes motion by Mr. Alessi / Second by Councilwoman Haverilla
Passed on all in favor

New Business – none

Old Business – none

Communication – none

Resolutions – none

Applications :

- 1) **Fifth appearance of 184 Central Avenue Carried to February 14, 2018**
- 2) **First Appearance of MG Fuel at 3 Orangeburg Road Use/Site Plan**

Proof of Publication and certified mail notifications confirmed by Robike Noll

Mr. Gary Giannantonio is attorney representing Mr. Murat Gezerdan , the principal owner and managing member of the business known as LLC of MG Fuel

Mr. Regan swears in Mr. Gezerdan, as well as board Planner and Engineer

Mr. Giannantonio presents that the business in question is a gas station and auto repair currently and would like to expand to a small convenience store selling cigarettes, soda, coffee, milk, bread, etc. There will be no cooking on the premises, only prepackaged food with two or three refrigerator units, as well as a coffee station are proposed.

Board members questioned Mr. Gezerdan:

Mr Tom Skrable, board engineer questions if the NJ DEP violations and contamination issues have been resolved.

Mr. Gezerdan responds that former owner of the station is handling and the situation is ongoing.

Skrable report of Jan 3 is labeled as exhibit B1, specifically referring to the awkward site configuration, the deep drop curves onto Orangeburg Road, uncontrolled circulation of the property as well as vehicle stored in violation of current existing approvals.

Mr. John Szabo, planner, reads into record that the application was incomplete, with request for waivers. Mr. Szabo concurs that there are issues and concerns with current site design and under the D1 application, both positive and negative criteria must be addressed. Mr. Szabo further recommends a revisit of the current site plan - specifically the design /change in use and especially the parking situation. In his professional opinion, prior to any further changes or approvals, the site plan must be reviewed for safe movement of the public accessing this property, to evaluate if the property can support an increased/expanded use.

Chair Weidmann asked about property ownership, when did Mr. G purchase, what is the agreement with previous owners particularly when pertaining to the environmental remediation, and what time frame by which this is to be done. Mr., Weidmann also questioned the upgrade of larger tanks put in two years ago, (replacing those installed by previous owner in 2008 and 2011.)

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Vice Chair Mamary agrees with Planner and Engineer concerns, as well as questioning the calculation of the lot coverage. Mr. Mamary also expressed concerns about Sanitation, etc. and questioned if the Health Department would be the ones overseeing the sale of food.

Mr. Keil asked for confirmation of the 250 sq ft area to be converted to the retail area and would there be a designated employee hired to staff the store. Hours would be the same as the gas station, and applicant states he may hire just one part timer, but mostly likely current gas station employees and he (himself) will staff the store while working the pumps and repair shop.

Chief inquired about food storage, counters, refrigerators, and is told the coffee station would be self-serve.

Mr. Boyce questions if the water supply is well sourced. His concern with the DEP clean up, etc will the Health Dept test the water used for coffee.

Ms. Louloudis questioned if the public toilet would remain as is, in the back, accessed by a concrete walkway and is there handicap access.

Motion to open to the Public by Mr. Alessi / Second by Mr. Keil
All in favor, open to public

Mr. Paul Zeller is sworn in, of 28 Central Avenue, has lived in his home for 42 years. He is a fireman and EMT and would like to remind the board that this is an existing nonconforming commercial use in a residential zone. Mr. Zeller lives across the street from the station and has many concerns about the disregard for current restrictions stipulated in existing variance/site plan.

Mr. Zeller lists multiple violations currently not enforced, causing a hardship on the homeowners in the immediate area.

Including:

- 1) No fuel deliveries were to be done on weekends or prior to 8am, (allowed during business hours only). Mr. Zeller testifies that fuel is often delivered at 2am and is a very loud disturbance including the delivery truck's standard functional noises, pumping fuel, etc. all exacerbated by music played by the driver, as well as entry into the uneven property.
- 2) Cars and trucks are parked outside overnight despite this being a violation of ordinance and previous approval
- 3) Mechanical work is regularly conducted outside in violation of approval, which states only inside garage bays with doors closed
- 4) Approval was given based on approximately 12, 000 to 20,000 gallons a month, which is currently over 60,000 gallons a month
- 5) The property already, in Mr. Zeller's opinion, is overburdened, and very busy on a dangerous intersection, frequently fully packed with cars jockeying for space.
- 6) Vehicles are often towed to the property and left at odd hours, another noisy disturbance to the neighborhood
- 7) LED gas prices lights are left on constantly
- 8) A booth for attendants has been installed (with electrical etc), and Mr. Zeller has been to borough hall to question if permits were issued to ensure this was done properly and safely.
- 9) Cars are parked outside without plates

Mr. Zeller feels this is continuously driving down the value of homes in the area, in addition to concerns about the disregard for the previous resolution of variance granted. He is also concerned about the site line along Orangeburg road, as well as the DEP remediation due to be completed by 2019 but the area in question has been filled in, gravel covered, and questions if this will be used for more illegal parking? He mentioned other issues including a fence installed without proper approval and also the cars being shielded by the fence, stored long term. He also reminds the board that "lite repair work" was approved, i/e oil changes, wiper blades, etc. and this is also not being observed with large scale work being done, and in many cases outside the station bays.

Chair Weidmann questions why all of these conditions are being violated,

Vice Chair Weidmann questioned how many employees? The business is open for 105 hours weekly, how will only one part timer suffice to attend the new business within the station?

Swore in Mr. Robert Zaccone, of 212 White Avenue Old Tappan. Mr. Zaccone prepared the plans dated 12/20/17, exhibit A1.

Square footage total is 1000-1600 and only 250 SF is proposed as the convenience store. The existing sink will remain, a coffee counter installed, chairs for customers. Currently 9 parking spaces exists. Variance was granted for 55% coverage of existing lot, and currently 57 is being utilized. Additional improved lot coverage expansion is requested.

Mr. Skrable states more of a complete site plan is needed, he is concerned about parking being unsafe, perhaps make some of the property more useable, by eliminating some of the multiple entrances and exits.

Mr. Szabo concurs. The applicant must present a benefit to the community, and both circulation and parking must be improved, the property graded in a safer way.

Chair Weidmann questions who designed the parking spots as they exist now, Mr. Zaccone responds they were pre existing.

Vice Chair Mamary also questions the benefit to the community, with BiState not far up the road. Also is very concerned about the blatant noncompliance to the 1962 resolution and conditions.

Mr Keil refers to photos submitted with the application. He observes cars parked haphazardly in areas clearly not designated for parking. He is also concerned that photos were submitted showing mechanical work being done on cars in various areas outside, in clear violation of previous approvals.

Ms. Louloudis mentions that Central is a county road, approval would be needed, has this application been done?. She questions the increase in trip generation that will be triggered with an additional change in use. The applicant and attorney consult and present that no, an application has not been made to the county as of yet.

Motion to open to the Public by Mr. Alessi / second by Ms. Nilsson

No public comment

Motion to close to the Public by Mr. Keil / second by Mr. Alessi

Ms. Katherine Gregory, of 96 Linwood Plaza, Fort Lee, is introduced as planner for the applicant. Ms. Gregory reviews the 1962 approval granted previously, presents it has been a nonconforming commercial use in a residential area for over 50 years. Ms Gregory states that the additional approval will not necessarily increase traffic or burden on property.

Mr. Skrable states that his opinion that the increase in traffic, as well as the current disregard for previous stipulations, means the conditions will get worse with an increased use.

Mr. Szabo asked Ms. Gregory to clarify her stance, specifically because no complete site plan or traffic study has been offered. Additionally he feels there is a critical failure in site design as currently functioning, including conditions previously discussed. Also, Stall sites don't meet standard as existing.

Mr Boyce concurs that he'd like to see an actual site plan, and would like to see 1962 approval be enforced before considering an expanded non-conforming use.

Ms Louloudis questions the proposed sign and compliance with current sign ordinance

Mr Murphy questions if restroom is not ADA compliant because it precedes ADA requirements? The traffic is very concerning to him, it's an intense usage as existing, and an increased use seems to indicate a traffic study should be done.

Mr Skrable states a site plan must show compliance in parking spots to avoid another variance request and issues like parking overnight must be addressed.

The Zoning officer needs to monitor the site, a copy of these minutes must be sent to Mr. Pappas along with a copy of the 1962 ordinance, and as zoning officer, and he must begin to enforce and fine any violations including the fencing and the attendant's both if so indicated.

Motion to open to public by Mr. Alessi/ Second by Mr. Mamary
All in favor/ open to public

Mr Zeller comments again that he is very concerned about the parking situation and this is a busy corner. Traffic is already a concern and should not be added to.

Mr. William Walsh of #9 Orangeburg Road speaks briefly, he moved in 18 years ago, and feels that the new owner is making improvements over the previous owner. He approved of the fence shielding the longer term parked cars.

Motion to Close to the public by Mr. Alessi/ Second by Ms. Nilsson
All in favor, close to public

Chair offers Mr. Giannantonio to make closing statements. Attorney would like to reiterate neighbor, Mr. Walsh's statement that current owner has improved the business as opposed to the previous owner. Mr. Giannantonio also stated he'd like to do whatever is requested by the Board.

Chair offers that the applicant can request the board vote tonight, or the applicant can return with a full site plan, including a traffic study as well as redesigning curb cuts and parking. Attorney requests a break to confer with his client.

Attorney Mr. Giannantonio returns to inform Chair that they would like to return with a full site plan, traffic study, parking issue addressed as well as improved lot coverage down to 55%. They request appearance at March meeting to afford them time to prepare site plan, conduct traffic study, etc.

Applicant and attorney are granted appearance at March meeting (14th) and all site plans, reports, etc. are to be submitted to the Planning Board office no later than February 28th.

Motion to open to the Public by Ms Nilsson / Second by Mr Murphy
All in favor, no public comment

Motion to close to the Public by Mr. Mamary/ second by Ms Nilsson

Motion to end meeting by Mr. Mamary / second by Ms Nilsson

Respectfully submitted,

Date Approved:

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

