

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, February 14, 2018**

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 ROLL Call of all present

Present:	Mr Weidmann	Chairperson
	Mr Mamary	(7:42 Pm)Vice Chairperson
	Police Chief Shine	
	David Keil	
	Mr Maggio	
	Mr Alessi	
	Ms Nilsson	
	Councilwoman Haverilla	CI I Council Liaison
	Councilman Gallagher	
	Mr Boyce Alt # 3	
	Mr. Murphy Alt # 4	

Also Present:	Mr. Regan, Esq.	Board Attorney
	Robike Noll	Land Use Admin/Recording Secretary
	Mr. Szabo	Board Planner
	Mr. Skrable	Board Engineer
Absent	Ms Louloudis	Alt. #2
	Mr Eller	Alt # 1

Open to Public for Non Agenda Items
Motion Alessi/ Second Nilsson- all in favor
Close to Public for Non Agenda Items
Motion Shine / Second Alessi - all in favor

Environmental Committee Report:

Mr Keil reports meeting was February 13, next eco series is a presentation on beekeeping.
April will see OT participating with 5 other towns on April 21 for the Northern Valley Earth Fair
Work continues on Community Garden

Council Liaison Report

Councilman Gallagher reports Mayor and Council continue work on the budget, having met with department heads

Borough Engineer

Mr. Skrable has nothing new to report

Financial Secretary to report at end of meeting

Minutes

Adopt Regular and Reorganization meeting minutes from January

Motion by Kiel / Second by Shine, all in favor, unanimous passed and approved

Old Business

None

New Business

None

Applications:

MG Fuel / 3 Orangeburg Road Use/Site Plan

Applicant sent notice to PB office, and requests to be tabled to April. Commentary on record that Mr. Regan recommended new notice to be send and published. Ms Noll confirms this was relayed to the attorney for the applicant.

Fifth Appearance

184 Central Avenue Subdivision and Variance

Councilmembers Haverilla and Gallagher step down.

Mr. Alampi, attorney for applicant, continues with Mr. Preiss, planner for the applicant.

Asks to confirm eligible board members as a vote is anticipated at the end of the evening.

Mr. Keil offers that he left Sept meeting for appx 15 mins for fire call, and to be safe, he will recuse himself from a vote. Alternate #3, Mr. Boyce, will vote in his stead, and confirms he listened to all meetings on CD and has submitted affidavits as per.

- 1) Chair Weidmann
- 2) Vice Chair Mamary
- 3) Mr. Maggio
- 4) Ms. Nilsson
- 5) Mr. Alessi
- 6) Chief Shine
- 7) Mr. Boyce

Mr. Preiss , previously sworn in, continues testimony. Submits exhibit A36, excerpt from a publication he co-authored. Definition of a Self-storage facility is explained and how Mr. Preiss

feels it fits into the community of Old Tappan in general and into this parcel in particular. Mr. Preiss presents that currently the large open lot is being improperly used for outdoor storage of large landscaping equipment, as well as personal vehicles and this will be removed should this application be approved and the proposed self-storage unit replaces the current use. Additionally, as part of the project, the renovation of the front building will take place, and Mr. Preiss believes that this project will not create issues for those immediately around the property. He does not believe that there are any negative criteria and recapped that at the very beginning of the application, the principals of 184 Central, LLC, met with homeowners in the area and feels they addressed any concerns.

Mr. Preiss recaps the variances requested at this point and explains that the applicants greatly shortened the list of variances by sinking the first floor of the storage building into an underground location, as well as adjusting signage, lighting, etc.

Mr. Skrable questions the parking variance, he would like clarification. Mr. Preiss presents no parking issues would be created by the rear building/ storage facility.

Mr. Skrable also concerned that once the lot is subdivided and two separate owners may create an issue in the future regarding parking issues, creating enforcement issues for the borough and increasing the difficulty thereof.

Mr. Szabo again reiterates the restriction of items stored, and reviewed site plan for the eliminated variances.

Mr. Murphy confirms, he is also concerned about the easement agreement when this property has two separate owners

Mr. Boyce is concerned about the building coverage, at 51.89% where 20% is concerned. Boyce also takes issue with Mr. Preiss's observance that he feels it is a 'non-concern as the rear (self-storage) building will be virtually invisible'.

Mr. Maggio is concerned about the testimony that the proposed building is compatible with "all the buildings in OT", and would like expansion of that comment, and also asked for elaboration on the view that both the proposed subdivision and the variance laden proposed storage unit, has benefits that outweigh the negative criteria. Mr. Maggio also reiterates that there was testimony to the fact that the subdivision is being requested based on monetary reasoning and that monetary issues are not a planning board concern.

Mr. Alampi interrupts Mr. Maggio and offers to remove the subdivision and proceed with just the storage unit. Mr. Alampi confirms with his clients, however, Chair and Mr. Weidmann offer Mr. Alampi a moment to speak with his clients to confirm this. A five minute recess is taken.

After 5 minute break, Mr. Alampi returns and states that the subdivision is still being sought. Testimony is also given that no official app has been submitted to the Bergen County Planning Board, altho Mr. Preiss has submitted a preliminary plan to Mr. Timsack in Hackensack.

Mr. Mamary expresses concern about the coverage variance being sought is so great. Mr. Alessi also clarifies that he disagrees and the proposed building would be far from invisible. Ms. Nilsson was concerned about Mr. Preiss comment that the neighbor opinion do not “count” and Mr. Preiss retracts it, explaining he misspoke. Ms. Nilsson reminds him that the PB is comprised of homeowner volunteers exclusively. Chief expresses concerns about the hazardous materials and illegal substances that could potentially be stored there. Mr. Regan confirms if this was to be approved, it would be clearly stipulated in the resolution. Chair questions the additional retail spaces, which Mr. Alampi rebuts. Mr Kornick returns and Mr. Skrable offers that the requirement of types of use would be addressed.

Mr. Skrable also offers that the current storage of equipment is NOT grandfathered in as many believe it to be. And would just like to reiterate, current conditions are NOT an appropriate basis to use for application approval.

Opened to public by Mr. Mamary second by Mr. Alessi

Ms Nancy McDonough 112 Central is concerned that a storage unit is not really needed.

Ms. Patches Maggaro of 4 Churchill Road feels that since 3 other facilities local to OT all have “large amounts of vacancies” that this need is not regional or specific to OT.

Mr. Carpenter of 168 Central wants the board to be aware that there at 7 storage facilities within a 5 mile radius and all have vacancies. Also concerned that only motivation for subdivision is monetary.

Mr. William Walsh of Orangeburg Rd mentions he’s had meetings with neighbors directly adjacent to the site and one has put their home on the market this week.

Mr. Keil motion to close to public/ Ms Nilsson second all in favor, close to the public.

Witness:

Rob DiPiero, one of the principals of the LLC, states that many concessions have been made over the course of the application for the neighbors.

Open to Public motion by Mr. Alessi/ second by Chief Shine, all in favor, open.

Mr. Keith 12 Demarest sworn in, lives right behind the proposed site and first two meeting hired an attorney. Mr. Keith thanked the board for their diligence, and while some of his earlier concerns were addressed by the applicant, he had and still has security concerns.

Ms Patches Maggaro again would like to confirm that in her opinion a self-storage unit does not fit into the Master Plan and she is in direct opposition to Mr Preiss testimony that there is more positive impact than negative. Ms. Maggaro also expresses her disapproval of the applicant’s proposal that the OT Police dept. would monitor and inspect the units to ensure nothing illegal or

dangerous is being stored. She also thanks the PB for their patience and diligence.

Ms. Nancy McDonough concerned about the underground floor proposed and is disapproving of creating a landlocked lot. Any conditions that might be made, she fears, would be lost in future years.

Mr. George Lazaro 10 Demarest Lane expresses frustration. While he is very much opposed to the self-storage, he definitely wants to see the town be proactive on cleaning up the site.

Ms. Dina ORourke of 5 Pine Grove, is concerned that while the testimony repeated speaks to low foot traffic generated by a self-storage, the added improvements and businesses in the retail components would be too much stress in an area that is it is not needed.

Ms. Ann Marie Geary of 15 Greenway feels subdivision is the most important issue here, PB is being asked to go against established town ordinances, she is very concerned about the creation of a flag lot.

Ms. Linda Chu testified she can appreciate the amendments of the plans as done by the applicants trying to appease neighbors, etc. but she feels that there are other ways to resolve the issues of this site in ways that benefit the town.

Ruth Espinosa of 35 Knickerbocker Lane, feels that the security should be the owner's responsibility and NOT an added burden to the OTPD. She feels the proximity to the school and other businesses is already an overburden, and making these exceptions (granting variances) will not benefit the community in any way.

Mr. Carpenter returns, would like to thank the PB for their patience and handling of the application.

Mr. Mamary motion to close to public, Mr. Keil second, all in favor.

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Mr. Alampi closing statements. Reiterates the neighbors that objected at the beginning were heard and in his opinion, appeased. Mr Alampi feels his witnesses have made their professional opinions very clear, and that the applicant has met the burden of proof of the application merits.

Chair Weidmann makes a motion to deny the application, feeling the applicant did not prove the benefit to the community of the proposed project. Additionally, Chair feels the Master Plan was written as it was to protect from situations like Flag Lots, and ordinances are written to limit building coverage, etc. Additionally, he feels that there were issues never addressed such as the drainage in the area and feels that the exit / entrance to the property is also a concern.

Chair clarifies “Yes” votes to indicate denial of the application.
By Roll Call

Chair Weidmann Motion and Yes vote
Vice Chair Mamary Yes
Mr. Maggio Yes
Ms Nilsson Yes
Mr. Alessi Yes
Police Chief Shine Yes
Mr Murphy Yes

Motion to Deny Application passes 7 Yes, 0 No

Financial Secretary Report

From Budget \$ 1,481.25 / From Escrow \$ 3, 037.50 for a total of \$ 4518.75
Motion to Approve Maggio / Second by Keil, Passed on All In Favor

Public Opportunity to speak on non-Agenda items

Motion by Alessi/ Second by Nilsson all in favor

Mr. Maggio mentions Accessory Dwelling certifications. Ms. Noll states that she has begun a program of notifying current property owners of compliance requirements.

Mr. Keil mentions Environmental Commission will be coming to the board for permission to put a fence around community garden. Mr. Regan advises no formal application is necessary as the land is owned by OT. Section 31 of MLUL . EC will reach out to Ms Noll for appearance at next meeting.

Adjournment

Motion by Alessi / Second by Nilsson
All in favor, meeting closed.