

**BOROUGH OF OLD TAPPAN**  
**PLANNING BOARD REGULAR MEETING**  
**November 13, 2019**  
**MINUTES**  
**Meeting commenced at 7:30 p.m.**

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](http://www.oldtappan.net)) web site.

It was duly noted that Fire Exits were located at the Main Entrance to the  
Council Chambers and in the rear of the Council Chambers.

Roll Call:

	Present	Absent
Chair, Weidmann	X	
Vice Chair, Mamary ( <i>arrived late</i> )	X	
Mr. Maggio ( <i>arrived late</i> )	X	
Ms. Nilsson	X	
Mr. Keil	X	
Mr. Alessi	X	
Police Chief Shine	X	
Councilman Gallagher	X	
Borough Administrator Haverilla	X	
Alternate #1, Mr. Eller	X	
Alternate #2, Ms. Louloudis	X	
Alternate #3, Mr. Boyce	X	
Alternate #4, Mr. Scozzafava	X	
Also Present:		
Diane Frohlich, Board Secretary	X	
Mr. Regan, Esq.	X	
Mr. Skrable, Borough Engineer	X	
Mr. Szabo, Borough Planner	X	

## **PUBLIC OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS**

Motion to open the meeting to the public – Ms. Nilsson

Second – Councilman Gallagher

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

No one from the public wished to speak.

Motion to Close to the Public – Mr. Keil

Second – Ms. Nilsson

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

## **ENVIRONMENTAL COMMISSION REPORT**

Mr. Keil stated that their last meeting of the year will be on Tuesday, November 19, 2019.

He had stated at a previous meeting that the 2020 Earth Fair would be held in Old Tappan but it is actually going to be held in the Borough of Norwood.

## **COUNCIL LIAISON REPORT**

Councilman Gallagher stated that there is ongoing work at the intersection of Old Tappan Road and Orangeburg Road – clearing of some vegetation to improve visibility. Thank you to Tom Skrable and Anna Haverilla for working with the County to move this project along.

## **CONSTRUCTION OFFICIAL REPORT**

Report was distributed in everyone's packet. Chair Weidmann asked if anyone had any questions.

## **BOROUGH ENGINEER REPORT**

Mr. Skrable had nothing to report.

## **FINANCIAL SECRETARY REPORT**

Ms. Nilsson presents the financial report:

Budget is \$ 1,121.00 and Escrow \$ 4,585.13

Total: \$ 5,706.13

Motion to approve: Mr. Alessi

Second: Ms. Eller

One voice vote, all in favor, none opposed, approval.

## **MINUTES**

Approval of October 9, 2019 Regular Meeting.

Motion to adopt – Mr. Keil

Second – Ms. Nilsson

One voice vote all in favor, none opposed, the minutes are approved.

## **NEW BUSINESS**

Chairman Weidmann announces that the meetings, starting with December 11, 2019, and going forward to 2020 will start promptly at 7:00 p.m. and testimony will end at 10:30 p.m.

## **OLD BUSINESS**

None

## **COMMUNICATIONS**

None

## **RESOLUTIONS AND ORDINANCES**

Mr. Brian Robins  
139 Fernwood Drive  
Block 2602, Lot 6

Motion: Mr. Mamary

Second: Mr. Alessi

	Yes	No	Abstain
Chair, Weidmann	X		
Vice Chair, Mamary	X		
Mr. Maggio	X		
Ms. Nilsson	X		
Mr. Keil			X
Mr. Alessi	X		
Police Chief Shine	X		
Councilman Gallagher	X		
Borough Administrator Haverilla	X		
Alternate #1, Mr. Eller	X		
Alternate #2, Ms. Louloudis	X		
Alternate #3, Mr. Boyce	X		
Alternate #4, Mr. Scozzafava	X		

## **APPLICATIONS**

ADI Properties, LLC  
30 Autumn Lane  
Block 1104, Lot 11

Mr. Matthew Capizzi is the Attorney for the Applicant, Mr. Eldad Shaulov. He gives a brief overview of the application.

Mr. Mike Hubschman is present and acting in the capacity of the Civil Engineer and also the Planner.

Mr. Hubschman, Mr. Szabo and Mr. Skrable are all sworn in.

The applicant is requesting a use variance with bulk variance relief related to constructing a single-family dwelling at the property located at 30 Autumn Lane, also known as Block 1104, Lot 11. It is located in the RA-25 Residential Zone and is currently undeveloped. The site is currently restricted because of the presence of a flood plain and wetlands. The Site Plan originally dated 12/17/2013 with the latest revision dated 10/16/2019 is marked into evidence as A1.

The applicant is requesting the following from the Bulk Table:

<b>Requirements</b>	<b>RA-25</b>	<b>Proposed</b>
Min Lot Area (sf)	25,000	49,251
Min Lot Width (sf)	125	211*
Min Lot Depth (ft)	175	256**
Min Front Yard (ft)	40	28 (V)
Min Side Yds (ft)	10 one 35 both	54.45/94.03 148.48
Min Rear Yd (ft)	40	189.66
Max Bldg Cvg (%)	20	3.96
Max Imprv Lot Cvg (%)	40	5.46
Max FAR	0.24	0.07
Max Building Ht (st)	2.5	2.5

(\*) As measured at front yard setback

(\*\*) As measured to top of bank of stream

(V) Variance Required

The hardship for the front yard setback stems from the flood plain location on the property. Mr. Hubschman does not feel that there would be any negative impact on the neighborhood.

Mr. Skrable has a question . . . does the small changes made to the balcony and the decking on the Site Plan – they do not change your NJDEP permits in anyway? Mr. Hubschman replies, no he does not think so.

Ms. Szabo and Mr. Regan comment on the delination of the property and that it should be fenced off and made a condition of the Resolution.

Chair Weidmann inquires about “no soil removed?” Mr. Hubschman replies that there is “no fill” allowed, there will be no basement. Mr. Skrable also comments that the house will have “flood vents” installed in it. The crawl space will accept the water and filter it back out.

Chair Weidmann would like Mr. Hubschman to go over the positive vs. negative criteria based off of Mr. Szabo’s Review letter.

Mr. Boyce has a suggestion regarding having a wheel washing station for the construction vehicles on site to keep the neighborhood clean. He also inquires about tree removal . . . Are there any plans to replant what they remove? Mr. Hubschman states that the DEP does permit them to replace trees; it is a very wooded site as it is.

Motion to Open to the Public – Questions for the Engineer Only: Mr. Alessi  
Second: Mr. Keil

Patrick Gambuti of 16 Autumn Lane is sworn in to make a statement. He stated he has reached out to Mr. Capizzi on a number of occasions, with no return call and is very upset that Mr. Capizzi stated previously that no neighbors have reached out to him.

Evelyn Moy of 30 Autumn Lane is sworn in (neighbor diagonally across the street). Her concerns start with the front yard setback distance being so minimal. Most of the homes located on Autumn Lane have decent front

yard setbacks . . . this house will “stick out.” “How can he build on such wet property? Won’t the building sink?”

She also inquired about truck safety during the construction, it is a dead end street. How will they maneuver the construction vehicles. She was adamant about them NOT using her driveway.

Also concerned about the children on the street that play there during the construction process.

A Representative from 31 Lakeview Drive “community” was present but it was later determined that she was asking questions about the wrong application.

John Ranu of 19 Autumn Lane is sworn in. His concerns consisted of but not limited to the consistency of the existing property vs. when a big rain comes – how will it affect his property. He wanted it on record that he contests this application.

Mr. Hubschman tried to alleviate some of these concerns by stating that all drainage will go towards the rear of the dwelling and should not affect any of the existing homes in the area. The other properties are also on a higher level than this property. Any stormwater will drain downhill.

Mr. Weidmann asks at this point, why did the DEP deny this application back in 2014? Mr. Capizzi explains that the decision was appealed and the decision for denial was overturned. Mr. Capizzi emailed to the Board NJDEP stamped, approved plans prepared by Hubschman Engineering dated October 10, 2013 – marked as Exhibit A2, a letter from the NJDEP – Letter of Interpretation – Verification dated January 23, 2014 – marked as Exhibit A3 and NJDEP Individual Permit dated November 14, 2017 with expiration date of November 13, 2022 – marked as Exhibit A4 all of which will help answer some of these questions.

Mr. Skrable explains that once the applicant is in receipt of NJDEP approval, a lot of the “control” is out of this Board’s hands. The State now dictates what happens on the property. The DEP does not “care” if this Board doesn’t want the dwelling built. The State now dictates what happens on that Block and Lot.

Mr. Regan reads from the NJDEP letter of approval dated November 14, 2017, “This permit authorizes the construction of a new single-family dwelling, an attached garage of Autumn Lane cul-de-sac, within lot No. 11 of Block No. 1104, in the Borough of Old Tappan, Bergen County, New Jersey, as shown on the plans referenced on the last page of this permit . . . “ to reiterate, it does not expire until November 13, 2022.

Mr. Capizzi explains to the Chairman and the Board that anyone who purchased their home on Autumn would have the knowledge that a home of a certain size and scale could be built on this property. What we are proposing is much less intensive. It is an existing lot and has been on the tax map for over sixty years; it is a legal building lot.

Mr. Scozzofava states that the applicant needs a variance on the set-back to build the house; but the DEP did not state the size of the house, they just told you where the house needs to end correct? Mr. Capizzi states, not necessarily, because the approval from the DEP gave us the building envelope. Mr. Scozzofava states only if the variance is granted. Mr. Capizzi replies that the DEP is not taking that into consideration.

Mr. Hubschman covers the negative v. the positive criteria directly from Mr. Szabo’s review letter dated August 27, 2019 (labeled as Exhibit D1) especially #1 and #2 from Page 4.

He refers to the MLUL of “b. exceptional topographic conditions or physical features uniquely affecting the property; [MLUL 40:55D-70C (l) b] or c. an extraordinary and exceptional situation uniquely affecting the property [MLUL 40:55D-70c (l) c].”

“1. The site is severely constrained by the presence of the flood plain and wetlands. The site plan references a wetland and riparian buffer disturbance of 4,550 into each area. The NJDEP Letter of Interpretation classifies the wetlands area as exceptional requiring a 150-foot buffer. The applicant could demonstrate that the property is a buildable lot under current environmental regulations particularly with respect to the disturbances within the riparian buffer and wetlands.”

Mr. Weidmann refers to points of intent from the 2006 Master Plan including, Mr. Hubschman reads the following:

“1. To Preserve the Natural Environment including the preservation of wetlands and their transition areas, river and stream corridors, flood plains, surface waters including reservoirs, steep slopes, sensitive soils, natural areas, remaining open spaces, forested lands, vistas and lands that fall within the N.J. Stormwater Regulations C-1 anti-degradation areas. For the purpose of this goal, “to preserve” shall mean to protect against both the actual disturbance of sites that contain these features and activities on nearby sites that could adversely affect their natural quality.”

and “2. To Recognize and protect the watershed lands, and the drainage basins of the reservoir lands within the Borough. In cooperation with neighboring towns, recognize (a) their status as the region’s primary source of potable water, (b) their strategic regional location within one of the last remaining contiguous blocks of open space, providing locally rare high quality wildlife habitat and (c) the Borough’s responsibility for stewardship of this regional resource.”

Mr. Hubschman and Mr. Capizzi agree they are in accordance with the Master Plan.

Mr. Boyce brings up the subject of the removal of the trees (again) and Mr. Regan asks Mr. Capizzi if this application should be approved, would he be alright with it being a condition of the Resolution that additional plantings be placed on the property as directed by the Board Engineer and Mr. Capizzi agrees.

Mr. Boyce also asks if the applicant would be willing to consider impermeable pavers or concrete so there is no net increase of stormwater from the driveway since the lot is so wet to begin with . . . Mr. Hubschman doesn’t feel it is necessary, it isn’t a large driveway but the applicant does agree with the suggestion. He reiterates the need for a wheel-wash in order to try to keep the neighborhood clean during construction.

Mr. Scozzofava has a question regarding architecture as it has to do with the Master Plan . . . Mr. Capizzi states that the architect is not present and that Mr. Hubschman cannot act as the architect. Mr. Scozzofava states that the question is strictly about the design of the home proposed and although that has nothing to do with the variance requested, it does conflict with the Master Plan and he would like to bring that to everyone’s attention. He reads Goal #10: “To discourage the construction of residential homes that are out of character or otherwise may overwhelm existing residential neighborhoods by virtue of their size and design.”

He continues with the “Policy Statement: Old Tappan recognizes that infill development characterized by the demolition of older and smaller homes in favor of larger residential structures has been an ongoing land use trend within the past decade which is likely to continue as new homeowners seek to remodel or reconstruct newer homes from the Borough’s older housing stock. While it is desirable to encourage investment to modernize the Borough’s housing stock, such development must be sensitive to the character of existing residential neighborhoods. Therefore, the Borough intends to protect existing residential neighborhoods from development that is intrusive or otherwise inconsistent with existing neighborhood development patterns.”

Mr. Scozzafava states that the proposed building is completely out of character with the rest of that street and pretty much out of character with the rest of the town’s “inventory.”

What is the consideration, why did you chose that design . . . Mr. Hubschmann states that one reason for the flat roof was because there were height restrictions that they were facing. The roof was lowered because of the existing grade of the property, they lose approximately seven feet.

Mr. Scozzafava asked about a nice, colonial instead? But Mr. Hubschman refers back to the flat roof not going with a colonial.

Mr. Weidmann states that he feels the Borough is better off without the development.

Open to the Public for any Questions regarding this Application: Mr. Eller  
Second: Mr. Mamary

Patrick Gambuti of 16 Autumn Lane returns . . . he was under the impression that the DEP Permit expired but was informed that the Permit is good until November of 2022. He does not want that or any other house built there.

Evelyn Moy of 30 Autumn Lane returns . . . the style of home and the flat roof will not be in character for the existing homes on Autumn; the dwelling will look “out of place.”

James Lagrosa of 15 Dewolf Road asks if the Borough has any “Green Acres” funds available and suggests that the Borough purchase the property so nothing could be built on it.

Close to the Public for any Questions regarding this Application: Mr. Eller  
Second: Ms. Nilsson

It was determined that this application will be carried until the January 8, 2020 meeting. There will be no need for the applicant to re-notice.

200 OTR, LLC  
200 Old Tappan Road  
Block 1606, Lot 7

200 OTR, LLC started their testimony at approximately 9:30 p.m. There was a stenographer present, Ms. Donna Lynn Arnold of 315 Rivervale Road, Rivervale, NJ.

The first thing that was discussed and voted on was that the application be deemed complete by the Board Members.

Motion: Mr. Maggio

Second: Ms. Haverilla

	Yes	No	Abstain
Chair, Weidmann	X		
Vice Chair, Mamary	X		
Mr. Maggio	X		
Ms. Nilsson	X		
Mr. Keil			X
Mr. Alessi	X		
Police Chief Shine	X		
Councilman Gallagher	X		
Borough Administrator Haverilla	X		
Alternate #1, Mr. Eller	X		
Alternate #2, Ms. Louloudis			X
Alternate #3, Mr. Boyce			X
Alternate #4, Mr. Scozzafava			X

Per Mr. Regan's instruction, Ms. Louloudis, Mr. Boyce and Mr. Scozzafava do not vote.

### **PUBLIC OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS**

Motion to open the meeting to the public: Mr. Alessi

Second: Ms. Nilsson

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

Ms. McDonough of 112 Central Avenue inquired about the two applications that were approved in May – Central Avenue Joint Ventures and Artis Senior Living – when will the work start? She was concerned about the one dilapidated dwelling located on Central Avenue and wanted to know when it would be taken down?

Per Anna Haverilla they are responsible for cleaning up the property but the Construction Official cannot force them to demo the dwelling.

Motion to close the meeting to the public: Mr. Alessi

Second: Mr. Mamary

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



## **ADJOURNMENT**

Motion to Close Regular Meeting: Councilman Gallagher

Second: Mr. Alessi

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