

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, APRIL 1, 2009- 7:30 p.m.
MINUTES**

In compliance with the Open Public Meetings 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 the fire exits at the entrance to the Council Chambers and at the rear of the Council Chambers.

MEETING CALLED TO ORDER: 7:30 p.m.

ROLL CALL:

Present:	Anna Haverilla	Mayor Rep.
	Matthew Nalbandian	Council Liaison
	William Weidmann	Vice-Chairperson (7:40)
	Charles Maggio	
	William Demarzo	
	Gary Mascolo	Alt. #1
	Karen Nilsson	Alt. #2
	John Rinaldi	Alt. #3
	Julie Katz	Alt. #4

Also Present:	Robert Regan, Esq.	Board Attorney
	Thomas Skrable	Board Engineer
	Sean Moronski	Board Planner

Absent:	Rea Epstein	Chairperson
	Peter Abballe	
	Nick Mamary	
	Richard Sunden	

PLEDGE OF ALLEGIANCE:

OPEN TO PUBLIC: Mr. Nalbandian seconded by Mr. Maggio makes a motion to open the meeting to the public. Mr. Nalbandian, seconded by Ms. Katz, makes a motion to close the meeting to the public.

VARIANCE APPLICATIONS: Chabad of Old Tappan

Mr. Morton Kovitz, represents the applicant. This is an appeal of the zoning officer's decision as well as an interpretation of the zoning ordinance to see if the proposed use is permitted. The applicant is looking to use 1,500 sq. ft. of the second floor of the new office building located at 183 Old Tappan Road for the offices of the organization, teen group activities and group prayer

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once a week for two hours. Rabbi Mandy Lewis, 4 Dearborn Drive, is sworn by Mr. Regan.

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Chabad is a non-profit corporation that follows the traditions of the original Chabad movement. Rabbi Lewis states that they are not a church or a house of worship but a fraternal outreach organization that provides educational services and opportunities for the Jewish community. Rabbi Lewis provides an overview of their services. The teen club primary activity is to assist the Rabbi in the services. The group prayer service is held on Saturday morning. Most on the people in attendance walk to the service. Moving the location would allow people to walk. A large group participate in the high holidays so the Rabbi will need to rent a space in order to accommodate the additional people. The current headquarters are in the Rabbi's living room. The floor plan of the entire 2nd floor is marked as A-1. Delineated on the plan is the area of the floor that the Chabad wishes to use. Rabbi Lewis describes the floor plan. Mr. Nick Pappas, is sworn by Mr. Regan. Mr. Pappas is the zoning officer for the borough of Old Tappan. Mr. Pappas states that the use was denied because this was a religious organization and the unit had to be a certain size. Mr. Pappas states that up until recently the website states that they were looking for members. Mr. Maggio questions the size of the conference room and the possibility of two means of egress. Mr. Covitz states that this would not be possible but will check with the building department. Mr. Maggio requests that the resolution states that no cooking be done of the premises as well as no religious services outside of prayer worship will be done at this facility. The only time sermons will be given are on high holy days. Mr. Nalbandian states that announcements have been in the newspaper showing religious services at 4 Dearborn Drive. Mr. Covitz states that they did not advertise for religious services. Mr. Weidmann has concerns with the multi purpose rooms and the fire code and the need for the second means of egress. Mr. Covitz states that temples pray everyday. The students range from 5 to 11 year of age. The Chabad is the Rabbi's full time job. Mr. Sean Moronski is sworn by Mr. Regan. Mr. Moronski reads the definition of religious organization for the board. Mr. Moronski references The Latest Illustrative Book of Development Definitions by Harvey Moskowitz and Carl Lindbloom. This book defines a lodge and Mr. Moronski believes that this definition is more suited to this organization. Mr. Regan agrees with Mr. Moronski. Ms. Haverilla seconded by Mr. Mascolo makes a motion to open the meeting to the public. Thelma Miller, 41 Woods Edge, is sworn by Mr. Regan. Ms. Miller states that the Chabad has done wonders for the senior Jewish community in Old Tappan. She also states that anyone not matter their religion is welcome to participate. Ms. Miller believes that the Chabad has enriched our community. There is no charge in the Chabad. Stuart Weiss, 107 Kensington Avenue, Norwood, NJ, is sworn by Mr. Regan. Mr. Weiss compares the Chabad with the Knights of Columbus. Martin Flics, 223 Birchwood Road, is sworn by Mr. Regan. Mr. Flics requests that the board approve the application. Boris Beck, 224 Birchwood Road, is sworn by Mr. Regan. Mr. Beck is not strictly religious but believes in what the Rabbi is doing. Mr. Beck 's son is the VP of the teen club and enjoys it. Jack Brennan, 31 O'connors Lane, is sworn by Mr. Regan and states that this is a good idea and would fit perfectly with the town. Elana Weiss, 223 Birchwood Road, is sworn by Mr. Regan. Ms. Weiss states that having this Rabbi in town is a blessing. Max Riffle, 66 Lakeview Drive, is sworn by Mr. Regan. Dr. Riffle prayed for many years for this type of organization in Old Tappan. Larry DeNike, 84 Willow Drive, is sworn by Mr. Regan. His wife and two sons

are

Jewish. Mr. DeNike states that Rabbi Lewis shows the community warmth and love. Irving Miller, 41 Woods Edge, states that if the board doesn't approve this then the town loses out..

Mr.

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Weidmann, seconded by Ms. Haverilla, makes a motion to close the meeting to the public. Ms. Haverilla makes a motion that the decision of the zoning officer be overturned and that the use be

permitted, seconded by Mr. Mascolo. On roll call vote, the vote was as follows:

Roll call:

Ayes: Mr. Demarzo, Mr. Maggio, Mr. Nalbandian, Ms. Haverilla, Mr. Weidmann, Mr. Mascolo, Ms. Nilsson, Mr. Rinaldi and Ms. Katz
Nays: None
Abstain: None.

Korean Presbyterian Church

Mark Medaio, Esq., represents the applicant. A-3 is marked as plans revised to 3/16/09. Michael Hubschman continues to be sworn from the previous hearing. Mr. Hubschman describes the revisions for the board and states that the playground has been moved to the side of the building closer to the parking lot. The applicant has added an additional speed bump and a sign in the

rear

of the property. This may not be the exact location due to topography issues. There have been no additional changes to the plan. The fence will be a 4ft vinyl fence. The applicant agrees to allow the borough decide if the property should replace the trees that will be removed or contribute to the tree fund. Board -3 is marked as Mr. Moronski's report. Ms. Noll states that the fire department had no comment. Ms. Haverilla seconded by Mr. Mascolo, makes a motion to open the meeting to the public. Ms. Haverilla seconded by Mr. Rinaldi makes a motion to close the meeting to the public. Mr. Regan states that the approval would be for amended site plan approval and the merger of the two lots, a variance for the two accessory structures and the location of the playground. Mr. Maggio seconded by Ms. Haverilla makes a motion to approve. On roll call vote, the vote was as follows:

Roll call:

Ayes: Mr. Demarzo, Mr. Maggio, Mr. Weidmann, Mr. Mascolo, Ms. Nilsson, Mr. Rinaldi, Ms. Haverilla and Mr. Nalbandian.
Nays: None
Abstain: None

COMMUNICATIONS: Ms. Noll states that the borough engineer and the attorney for Crestron submitted letters to the board. Mr. Skrable states that he has not seen a full set of plans. The letter from Mr. Rice, Crestron's attorney, stipulates that they will not be utilizing the easement. Ms. Noll contacted Mr. Rice's office and requested a copy of the full set of plans. The applicant is maintaining the 100 foot buffer along the state line. Ms. Haverilla makes a motion to open to the public, seconded by Mr. Weidmann. Sam Vogel, 1170 Sussex Road, Teaneck, NJ, is owner of MA Tov Day Camp. The road is Block 301, Lot 7. Mr. Vogel states that there is a mountain of dirt from the prior owner, a landscaper, at least 15 feet high along the property line. Mr. Vogel discussed this with the current owner of the property and he stated that he wouldn't

remove the dirt. Mr. Vogel also discussed the water issues with the land and Dorotockey's Run. Mr. Vogel states that the loading docks and the trucks are going to be right on top of the property line with the Day Camp. He has concerns with air pollution. Mr. Vogel also states that he has been told that equipment has be buried on the property. He has not been contacted about using the easement. Bob Scazafaba, 29 Longview Court, states that he was at the meeting in Orangetown
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where the applicant requested a variance to reduce the buffer to 60 feet. All the loading docks are on the Old Tappan side of the building. The only thing that the borough can do is request that Orangetown put a condition in the resolution stating that the applicant cannot use the easement. The Orangetown residents also have concerns with this application. Mr. Scazafaba states that there are 21 loading docks on the plan. Mr. Weidmann seconded by Mr. Mascolo makes a motion to close the meeting to the public.

CONSTRUCTION OFFICIAL'S REPORT: None

BOARD ENGINEER REPORT: None

COUNCIL LIAISON'S REPORT: None

ENVIRONMENTAL COMMISSION REPORT: None

FINANCIAL SECRETARY'S REPORT: Ms. Katz stated that the bills are as follows: \$496.00 from escrow. A motion was made by Mr. Rinaldi and seconded by Mr. Nalbandian, to approve the bills as stated. On roll call vote, all in favor, none opposed. Motion carried.

MINUTES TO BE APPROVED: None

MINUTES OUTSTANDING:

RESOLUTIONS:

OLD BUSINESS: FAR and Master Plan discussions are tabled to the next meeting.

OPEN TO PUBLIC: None.

NEW BUSINESS: None

ADJOURNMENT:

Upon motion of Mr. Nalbandian, seconded by Mr. Rinaldi, all in favor, the meeting was adjourned at 9:43 pm.

Respectfully submitted,

By: _____

Siobhain Auer
Recording Secretary

/sa

Date Approved_____

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