

**BOROUGH OF OLD TAPPAN**  
**MAYOR & COUNCIL SPECIAL & EXECUTIVE MEETING**  
**February 3, 2019**

In compliance with the Open Public Meeting Law, notice 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.

Please note fire exits located at the main entrance to the Council Chambers and in the rear of the Council Chambers.

**SPECIAL MEETING**

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

<b>ROLL CALL:</b>	Mayor John Kramer	Present
	Councilman Ronald Binaghi, Jr.	Present
	Councilman William Boyce	Present
	Councilman Guy Carnazza	Present
	Councilman Thomas Gallagher	Present
	Councilman Matthew Nalbandian	Present
	Councilman Jin Yhu	Present

Also Present: Borough Attorney Allen Bell  
Borough Clerk, Jean M. Donch, RMC

**SALUTE TO THE FLAG**

**STAFF APPOINTMENT**

**Evan Kutzin – Fire Marshal / Official – 2 Year Appointment**

Motion to accept the appointment – Councilman Gallagher

Second – Councilman Binaghi

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Abstain

## **CONSENT RESOLUTION**

Councilman Gallagher read the Consent Resolution

Second – Councilman Binaghi

Discussion – Councilman Yhu abstained on Confirm Appointment of Fire Marshal / Official

Roll Call	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Yes

## **OLD BUSINESS**

### **30 Autumn Lane**

Carried to the next meeting of the Mayor and Council

**NEW BUSINESS** - None

## **PUBLIC’S OPPORTUNITY TO SPEAK**

Motion to open the meeting to the public – Councilman Carnazza

Second – Councilman Nalbandian

Discussion – None

Patches Magarro, 4 Churchill Road, commented on the lawsuit regarding the Chabad tax appeal and the Judge’s statement which she read “while allegedly the services are provided in violation of local zoning ordinance, this has no bearing on whether Chabad is entitled to the exemption.”. She asked if there are services taking place at the Chabad even though it is not zoned for them. Borough Attorney Allen Bell responded that during the tax appeal, the Borough submitted evidence with regard to the use of 183 Old Tappan Road where they are holding services. It was originally approved as a Fraternal Order; he explained the reason for the statement by the Judge. Ms. Magarro asked what is done to enforce zoning in the Borough. Mr. Bell responded that the Zoning Officer would investigate and determine whether or not the use exceeds the purpose. Anyone can contact the Zoning Officer to investigate if they feel the use is not proper. Mr. Bell commented on what the Rabbi testified to. Ms. Magarro advised that she was told if an individual were to claim their own home as a house of worship in the town of Old Tappan two acres are required. She was told three acres is the requirement.

Mr. Bell advised that all conditions in the ordinance have to be met, if not, you would have to go before the Planning Board for a “D” variance. Councilman Gallagher will have the Borough’s Zoning Officer look into her inquiries.

Brian Clune, 20 Old Farm Road, commented that in January, 2009 the Chabad was denied an occupancy permit at 183 Old Tappan Road because the zone did not allow for a house of worship. In April, 2009 they were granted a permit because they planned to operate an office with a small prayer group. In August, 2018 there was a lawsuit between the Borough and Chabad. He asked if the original certificate of occupancy could be rescinded because the commercial zone does not allow for a house of worship. Mr. Bell responded that in January, 2009 they were denied because they were deemed to be proposing a house of worship. Their attorney argued that they were not a house of worship but a fraternal order. Mr. Clune asked now that we know they are holding services there and were only supposed to have an office and a small weekly prayer group they should not have a certificate of occupancy under those conditions. Councilman Gallagher responded that he previously said he would speak with the Zoning Officer and have him investigate further.

Mr. Clune asked what steps are being taken to be sure the building request at 140 Old Tappan Road meets the qualifications for a single family dwelling. He was under the impression that a very large room is being proposed with many bathrooms and concerned it could be used as a meeting place or school. He said we need strict codes, we need to be preventative, fines should be very expensive, we need to be sure it is a single family dwelling that is being proposed. It is my understanding that one more residence could be used for parsonage tax exemption, if the Rabbi decides he needs help with the prayer service. Will it be tax free? Mr. Bell was uncertain that you are allowed more than one parsonage exemption but recalled reading it during the case and would fall under the same, exact statute.

Mr. Clune made comments that a special meeting should be set up weekly to discuss this not at a general Mayor and Council meeting. The Mayor and Council should be prepared for a legal argument about where state and local money is used for schools and who is entitled to it especially as more renters move in. The role of building inspector should be defined and make sure the job is done to the highest level of the law. The Mayor and Council should take a proactive role in the sale of the Korean Church. He recommended not signing up for the Do Not Knock registry and explained his reason. He added that information flow needs to be better from the Mayor and Council to the residents. Councilman Nalbandian responded that the Mayor and Council meet twice a month and the public is always encouraged to attend our meetings.

Donal Morrissey, 30 Knickerbocker Lane, asked when the minutes from the January 21<sup>st</sup> Mayor and Council meeting would be available. Borough Clerk Jean Donch advised him of the process.

Maryellen LaFronz, 15 Kristin Place, asked Mr. Bell if he checked into tightening up the zoning. Mr. Bell responded that he spoke with the Planner and he is in the process of

reviewing the Conditional Use Ordinance and making recommendations to the Council. She asked if it is specific to the area of houses of worship. Mr. Bell responded yes. The Planner has checked with neighboring towns and will make a recommendation to the Council.

Joe Osinchak, 12 Kristin Place, addressed the public asking that they review current findings and move forward, we can't prevent what has already been done.

Barbara DiTrollo, 31 Knickerbocker Lane, commented on an article regarding taxes in the Borough's newsletter that she did not understand. The CFO, Rebecca Overgaard provided an explanation. Ms. DiTrollo asked how many more multi-dwellings will we have in town. She commented on Charlie Browns, Foodtown, Pearson and the Korean Church. Councilman Binaghi responded on multi-dwellings that our schools are at historic lows and can handle the Pearson development. Ms. DiTrollo asked if there is a plan for the Korean Church. Councilman Gallagher responded that there are no plans submitted for the Korean Church property. Councilman Nalbandian reported that the Borough has met their COAH obligations until 2025. Ms. DiTrollo commented that renters don't have the same vested interests as homeowners.

Jackie Susino, 20 Kristin Place, asked if properties can be combined to get three acres, if so, can the person then file to become a house of worship? Mr. Bell responded yes, and would need to meet all requirements. Councilman Gallagher added that properties can be combined to become one property. She inquired about dormitories and overnight stays. Mr. Bell responded that you would need to go before the Planning Board. Houses of worship are allowed in residential areas. Ms. Susino asked if we have a COAH planner. Mr. Bell responded that we have a planner experienced with COAH. She asked if the Borough's Master Plan is current. Mr. Bell responded that it is reviewed every five years. Ms. Susino asked if other towns were contacted to discuss COAH. Mr. Bell replied that Old Tappan was part of a coalition to fight COAH.

Councilman Gallagher commented that we are trying to find a way to reach out to residents to keep them informed.

Mayor Kramer commented that we are on your side and dedicated to the town. We all have interest for the good of the town.

Motion to close meeting to the public – Councilman Nalbandian

Second – Councilman Binaghi

Discussion – None

On voice vote, all in favor, the motion carried.

Motion to adjourn Special Meeting – Councilman Binaghi

Second – Councilman Nalbandian

On voice vote, all in favor, the motion carried.

### **EXECUTIVE MEETING**

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### **MEETING CALLED TO ORDER**

<b>ROLL CALL:</b>	Mayor John Kramer	Present
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Also Present:	Borough Attorney Allen Bell
	Borough Clerk, Jean M. Donch, RMC

### **ENGINEER'S REPORT**

Borough Engineer Thomas Skrable reported as follows:

Stone Point Park – a pre-construction meeting will be held this Thursday for the proposed drainage work to be done at Stone Point Park.

Howard Drive and DeWolf Road – in the process of trying to schedule a pre-construction meeting for next week with hopes to begin drainage pipe replacement work in early March.

### **COUNCIL COMMITTEE REPORTS AND REVIEW OF CORRESPONDENCE**

#### **COUNCILMAN CARNAZZA – RECREATION / HEALTH**

Councilman Carnazza's boards have not met this month yet. He will report next month.

#### **COUNCILMAN YHU – SCHOOLS / SENIORS**

Schools K – 8, Councilman Gallagher, Mayor Kramer and he attended a productive meeting with school board representatives. We discussed current enrollment and future; with the new projects in town they estimate 50 – 60 new students in the entire school system K – 12. Plans for the property they purchased next to CDW need to be finalized. Councilman Yhu attended a Northern Valley District meeting last week. Awards were presented to the NVOT cross country boys club and the girls NVOT volley ball team. He spoke about the District Valley Program. Community Development, the Borough Administrator and he attended a meeting with representatives to discuss extending our Mayor's Wellness Program. He has reached out to several businesses for them to consider coming into Old Tappan. Our new Social Services Director is working out well. We will have a meeting next week to discuss upgrades to our website and explore ways to keep connected with our residents.

#### COUNCILMAN BINAGHI – POLICE / AFFORDABLE HOUSING

We met with the library committee to discuss their budget this past week. In the future, Councilman Yhu will serve as liaison to the library. He encouraged visiting the library which is a good resource in Old Tappan. Our Police Chief will be retiring soon; a replacement will be interviewed and selected.

#### COUNCILMAN BOYCE – GOLF / PLANNING BOARD / ENVIRONMENTAL

Golf Commission – the Superintendent is working on rebuilding his equipment and to purchase new equipment. He will attend their meeting this Thursday and meet the members. Councilman Boyce will attend the meeting of the Environmental Commission on the 18<sup>th</sup>. The Planning Board meets on February 12<sup>th</sup>. The Boy and Girl Scout Troops are expanding.

#### COUNCILMAN NALBANDIAN – DPW / CONSTRUCTION

Councilman Nalbandian met with our recycling coordinator. He works hard to find recyclable material that Old Tappan can claim so we can apply for grants. He has an extensive list of people that he calls to get credit for their recyclable material that Old Tappan then uses to obtain a grant. Councilman Nalbandian met with our Construction Official and spoke to him about the dangerous intersection list that was complied. Letters were sent out to some homeowners for compliance of trimming shrubs and bushes. We spoke about the Pearson development and work inspectors will be required to do.

#### COUNCILMAN GALLAGHER – FINANCE / FIRE / FIRST AID

Councilman Gallagher explained the areas he covers as liaison. He spoke about budget meetings stating that the committee meets five consecutive Thursdays to review budget requests by department. The Fire Department recently held their annual air pack recertification that is required. The First Aid Corps will be receiving a new ambulance vehicle; a purchase order is in place.

## **MAYOR'S COMMENTS**

Mayor Kramer attended a Bergen County Mayor's meeting and a Pascack Valley Mayor's breakfast meeting. He has been attending all the budget meetings and performed a wedding recently.

Motion to adjourn – Councilman Binaghi

Second – Councilman Gallagher

On voice vote, all in favor, the motion carried.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary

cc: Mayor and Council  
Allen Bell, Borough Attorney

Reviewed and approved:

By: Jean M. Donch, Borough Clerk

Date Approved: February 18, 2020