

**BOROUGH OF OLD TAPPAN
PLANNING BOARD
REGULAR MEETING
WEDNESDAY, April 12, 2017 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 7:38PM:

ROLL CALL:

Present:

William Weidmann Chairperson
Anna Haverilla Councilwoman
Michael Alessi
Karen Nilsson
Dan Eller Alt.#1
Nicki Louloudis Alt # 2
Robert Rusch Alt #4

Also Present:

Robert Regan, Esq. Board Attorney
John Szabo Board Planner
Thomas Skrable Board-Engineer
Robike Noll Land Use Administrator/Recording Secy

Absent:

Thomas Gallagher Councilman
Nick Mamary Vice Chair
David Keil
Police Chief Shine
William Boyce Alt # 3
Charles Maggio

PLEDGE OF ALLEGIANCE:

OPEN TO PUBLIC:

Motion to Open by Alessi, Second Haverilla

No Public Comment

Motion to Close by Nilsson, Second Alessi

ENVIRONMENTAL COMMISSION REPORT: none, Mr Keil not present

BOARD ENGINEER REPORT: Mr. Skrable reports nothing new

COUNCIL LIAISON'S REPORT: Councilwoman Haverilla reports budget has been completed and she will have a report next month on final numbers.

MINUTES:

February 8th , 2017 Motion to Adopt Alessi, Second Nilsson, Passed on All in Favor

RESOLUTIONS: None

OLD BUSINESS: None

NEW BUSINESS: None

APPLICATION:

Kim, Bl 901, lot 8 Subdivision. 2nd appearance

Mr. Urdang, attorney for Mr. Kim, reviews the Bleeker revised plans dated 3/31/17 and submits as A4. Board chair takes a moment to mention the submission of revised plans were late, but board will still hear the application. Mr Urdang explains difficulty getting site plans reworked.

Mr. Bleeker testifies regarding the Dewberry plans, site distances have been added. Mr. Regan swears Mr. Bleeker in as expert witness. Discussion of method of site distance calculations, as the NJDOT differ from Bergen County who has their own triangular calculations. Right of Way modification may be required at the County level and in which case, any modifications will return the applicants to the Planning Board. County approval has not yet been granted.

Mr. Skrable requests clarification of site distance / lines on the plans, encroachments of existing lot onto neighbors, involving driveway, walls, etc. as well as utilities shown on site plan. Mention made of building envelope represented on new site plan.

Councilwoman Haverilla also questions setbacks.

No further board questions of Mr. Bleeker

Motion to open to the Public by Eller, second Nilsson

No public comment

Motion to close to the Public by Alessi, second Eller

Mr. Urdang closes his application by presenting that this is a minor subdivision of a very large lot, with variances. He also confirms that wetlands will be addressed with the DEP as well as the site approval to be sought with Bergen County.

Mr. Regan confirms that the resolution will be attached as a condition to any future sale, and that a Developer's agreement will be drawn, registered with the county, so that in the case of a new buyer , they will be aware of exact parameters.

Motion to open to public by Haverilla, second by Eller

No public questions

Motion to close to the public by Eller, second by Haverilla

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Mr. Regan presents that as per board directive, a resolution was drafted in anticipation of approval and adoption in February, however this will need to be amended due to new site plans. The new resolution will be ready for May meeting.

Chair Weidmann announces that while not happy with every aspect of this subdivision, he will make a motion to approve the application, noting that every condition and item in the resolution must be met.

Mr. Eller seconds the motion to approve, by roll call, Six Affirmative votes, by Chair Weidmann, Ms. Nilsson, Mr. Alessi, Councilwoman Haverilla, Mr. Eller and Ms. Louloudis.

Motion to approve carries with six (6) affirmative votes.

FINANCIAL SECRETARY REPORT

Ms. Nilsson presents \$4866.22 budget and \$ 3341.50 Escrow for a total of \$ 8207.75
Haverilla makes a motion to accept, Eller seconds. Report passes on 7 affirmative votes.

CONSTRUCTION OFFICIAL'S REPORT: Read by Robike Noll

APPLICATION:

OBRIEN, BI 1701, lot 13 Subdivision. 2nd appearance

Mr. David Watkins,
attorney presents new plans by Hubschman engineering, referring to them as exhibit A3.

Board Chair takes a moment to review time line, this application first appearance was December 2016, with requested delays in appearances for January and February. Application was carried to March, and plans again were not submitted in a timely manner, resulting in an April appearance. Final revision of plans were in fact submitted beyond the deadline for this evening's meeting, but the Board Chair agrees to hear the application despite receiving written objection by two board members. Mr. Watkins asks that it be on record that in his opinion, the revised plans were submitted in time. A3 is admitted into exhibit and Land Use Administrator Robike Noll points out that the revised plans by Mr. Hubschman are dated as revised on Friday March 31st, 2017 and were clearly submitted after the date due to the Planning Board office.

Mr. Watkins addresses the easement and also reiterates that he feels they are creating a new lot that requires nothing other than BC approval of a site plan. Mr. Watkins also presents that he feels there are no sight issues,

and confirms that the Right of Way belongs to the owner of lot #16.

Mr. Regan reads the December 1983 deed showing the metes of the Right of Way and boundary lines.

Mr. Watkins calls Mr. Hubschman who summarizes the revisions of the original.

Mr. Skrable would like clarifications regarding:

- 1) Line of site from Olson Lane, to meet standards
- 2) Sidewalk ordinance requirement be addressed
- 3) Environmental Commission's approval of the tree preservation plan.

Mr. Szabo expresses concern regarding the access road. Mr. Hubschman presents that they plan to leave the easement undisturbed, other than widening the entrance. Access to new lot would be strictly from Old Tappan Road and never by way of the access road. Mr. Szabo presents that upon visiting the property, he feels the condition of the roadway is poor. Mr. Hubschman states he considers it to be fair, not poor. Mr. Skrable, and Mr. Szabo both reiterate Police Chief Shine's concerns voiced at the December meeting questioning widening the access road to accommodate emergency vehicles. Mention is also made of previous discussion that should this application be approved, no construction vehicles are to access this roadway.

Mr. Alessi, confirms his concerns as a firefighter, as discussed in December's meeting by not only Chief Shine, but also fire chief, some type of enhancement to the right of way for emergency vehicles. Mr. Watkins again states that there will be no utilization of the easement access road, only Old Tappan Road therefore the access road should not be addressed..

Ms. Louloudis asks for confirmation of hydrant locations, and Ms. Nilsson states that on her inspection of the site, she felt exiting Olson Lane to be difficult site due to mailboxes and vegetation. She questioned if this will be addressed by Bergen County Approval.

Mr Rausch asks for clarification regarding the six homes along Olson Lane, including the Obrien property, if they were all granted the ROW at the same time. This is unclear and not able to be confirmed.

Discussion of maintenance of Olson Lane ensues. While the access is plowed by OT DPW, the borough has no actual responsibility. Mr. Skrable states that in discussion at the borough admin offices, it has been confirmed that the borough has no responsibility, but if the road is not plowed at the end of snowfalls, the DPW does plow in the event that an emergency vehicle needs to access one of the homes on the road.

Motion to open to the Public by Alessi, second by Eller.

Mrs. Suzanne Johnson of 335 Old Tappan Road is sworn in , asks Mr. Hubschman about the drainage. The revised plans show the new home driveway directly across from hers, and she has existing issues with drainage running across the street into her property. She is very concerned that this will exacerbate her drainage issues. Mr. Hubschman states this will be addressed during construction phase. Mrs. Johnson also concerned about further subdivision of the property.

Another neighbor Mr. Whitfield of 339 Old Tappan road, also concerned about water runoff, as they are also currently facing runoff issues as is. They would like assurance this will not make it worse.

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Mr. Skrable assures that as the borough engineer, he will follow up on the water issues and run offs, and the borough will be in touch with the county. He also states that the new driveway on the new home can be built with drainage pits, etc. to address and improve drainage issues.

Mr. Eller makes a motion to close to the public, Ms. Nilsson seconds.

Mr. Watkins calls Mr. Roger DeNiscia, planner of 347 Upper Mountain Road, Montclair. Mr. DeNiscia reiterates that the existing lot 13.01 will continue to access by way of Olson Lane and that the new lot 13.02 would comply in every way and would have no negative impact. Mr. DeNiscia feels the new lot created by this subdivision will fully comply. He also confirms if new house is built with drainage compliance, improvements will be the result. He reconfirms he feels no negative impact on the 6 properties accessed by Olson Lane, with the new lot accessing only by way of Old Tappan Road.

Mr. Szabo states currently there exists a home on an existing lot that is oversized with frontage on Old Tappan Road. Should this subdivision be approved, the new existing lot will now create a rear lot with no road frontage, creating another nonconforming situation. He also expresses concern over condition of Olson Lane and Mr. DeNiscia disagrees as the new site plan shows that Olson Lane will not be impacted or changed in any way by this subdivision being granted.

Ms. Louloudis expresses concern over the Right of Way, easement only being 15ft wide, and what is required by RSIS.

Motion to open to the public by Alessi, second by Nilsson.

Mrs. Johnson returns to again confirm that construction vehicles will park only on new lot and not impact Olson Lane.

Anne Marie Reardon of 316 Old Tappan Road is sworn in. Mrs. Reardon would like to know who is developing the new lot. Mr. Watkins presents that this is not germane to the application, and Chair explains that the board cannot control who develops, however, all conditions of approval will carry with the property to the new owner.

Motion to close to the Public by Alessi/ second by Eller.

Mr. Watkins closing statements, he feels that he has demonstrated with expert testimony, that there is no negative impact by the creation of this second lot.

Motion to open to the public by Eller, second by Nilsson.

No public comment

Motion to close to the public Alessi, second by Eller

Mr. Regan reviews conditions to be included in the resolution:

- 1) Widening of access easement
- 2) No construction vehicles on right of way at any time
- 3) New Lot 13.02 will only access by Old Tappan Road and not utilize Olson Lane in any way.
- 4) Standard conditions of drainage will be confirmed
- 5) Site Distance plan by be approved by Bergen County
- 6) A developer's agreement will be drafter
- 7) Sewer connection fees for both lots
- 8) Sidewalks will be constructed unless waived by Mayor and council

Chair Weidmann makes a motion to approve the subdivision with all the conditions spelled out in the resolution, Mr. Eller seconds motion. By vote, 5 Affirmative (Weidmann, Nilsson, Eller, Louloudis, Rusch) 1 Nay (Alessi) Application is approved.

OPEN TO PUBLIC:

Motion by Nilsson, second by Eller

Mr. Herbert Unger of 9 Fred Street comes forward. He is visiting from Germany, but is still the owner of his property with plans to develop. He has ongoing issues with the title company and also regarding sewer easements and he is asking for another 2 year extension. A previous extension of one year was granted under the Permit Extension Act. Mr. Regan asked that Mr. Toniolo (attorney of record for Mr. Unger) contact him and they will proceed as needed.

ADJOURNMENT:

Upon motion of Alessi, seconded by Eller all in favor, the meeting was adjourned

Respectfully Submitted,
Robike W Noll
Recording Secretary

Date Approved _____

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