

BOROUGH OF OLD TAPPAN
PLANNING BOARD REORGANIZATION & REGULAR MEETING
February 12, 2020
MINUTES
Meeting commenced at 7:01 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) 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.

	Present	Absent
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	arrived late
Councilman Boyce	X	
Alternate #1, Mr. Eller	X	arrived late
Alternate #2, Ms. Louloudis	X	
Alternate #3, Mr. Scozzafava	X	
Alternate #4, Empty		
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 – Mr. Keil

Second – Mr. Alessi

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. Alessi

Second – Mr. Keil

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

ENVIRONMENTAL COMMISSION REPORT

The Board met last night (02/11/2020) – They will be holding the 2020 Earth Fair in Norwood on 4/25/2020. They are discussing some new ordinances/variances regarding tree protection, plastic bags and deer management and are planning the annual, “normal activities” such as the tree sapling give-away and Arbor Day Observance, etc. He will have more information for us at the next meeting.

COUNCIL LIAISON REPORT

Councilman Boyce is the new Liaison to the Land Use Board.

All About Budget Season. Last week the Mayor & Council heard from the Fire Department and Ambulance Corp. They will be meeting with Golf and some other departments this week (02/13/2020). Chair Weidmann asked if the budget meetings are open to the public. Councilman Boyce stated they are closed right now while they meet with the Department Heads. They start at 5:00 p.m. and end at 9:30 p.m. Chair Weidmann asks when they will be open to the Public and Councilman Boyce states he will get back to him with that information.

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 \$ 1,202.50 and Escrow \$ 3,987.75

Total: \$ 5,190.25

Motion to approve: Mr. Alessi

Second: Mr. Eller

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

MINUTES

Approval of January 8, 2020 Regular Meeting

Motion to adopt – Mr. Alessi

Second – Mr. Mamary

One voice vote all in favor, none opposed, the minutes are approved with the exception of Mr. Eller who was not present at the last meeting; he abstains from voting.

NEW BUSINESS

*Appeal Denial: Dr. Eric Trenkman @ 18 Corrigan Way
Mr. Neil Christensen, Contractor for Above*

Both gentlemen are present and sworn in by Mr. Regan. Dr. Trenkman starts testimony by stating that he was trying to build a modified basketball court in the back yard.

Chair Weidmann asks if any work has been started on it yet to which Dr. Trenkman responds, yes. Mr. Christensen takes over the testimony. He states that the Engineer was on site, there was a dispute with the neighbor as to the property lines so he had a Site Plan drawn up and a survey done. Everything was submitted to the Borough.

The court, as it is designed right now, is 16' off of the back property line and 10' off of the west property line. Mr. Christensen thought, as a structure, it would be approved. It falls under no lot coverage issues, drainage is done and everything is on the plan.

Mr. Regan asks if the applicant knows what the impervious coverage would be with the basketball court. Mr. Christensen states that was all submitted to the town and that it all falls underneath the code. The project was failed because of a Use Issue not a structure issue. There is nothing in the Old Tappan code that references a basketball court so it was deferred to a tennis court and those setbacks are to be 30' from *all* property lines.

Mr. Regan states, “. . . well if you look at 255-13B4 it permits the following accessory uses permitted: swimming pools, tennis courts and similar recreational facilities subject to the provisions of 218, chapter 255. Why wouldn't this be governed by that provision? Clearly a basketball court is not similar to a pool so the Construction Official deemed it to be similar to a tennis court.”

Mr Christensen stated that his conversation with Zoning Officer was that the use of the word “court” defined the activity.

Mr. Regan states “if you don't believe that provision governs then I think you need a variance to sanction a basketball court because it is not an accessory use. You are either governed by this section “similar rec facility” or the alternative is that it is not a permitted use and then you would seek a variance – to permit an accessory use that is not included in the zoning world.”

Mr. Christensen states that he thinks 30' is excessive for most properties in Old Tappan. And in his opinion, he feels the Ordinance needs to be updated.

Mr. Regan thinks, in his opinion, that the homeowner will need a variance because the location of the basketball court is less than 30' from the rear side property.

Mr. Regan refers to 255-93B which states, “no court, it doesn't say tennis court or basketball court, it states NO COURT shall be located within 30' of all lot lines.”

Motion to ***Uphold the Decision*** of the Construction Official: Chair Weidmann

Second: Ms. Nilsson

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

Per Mr. Regan, only nine members need to vote.

It is determined that Dr. Trenkman will apply for a variance for the basketball court.

A resident from 22 Corrigan Way would like to speak . . . she refers back to the issue with the property lines and states that a bunch of large trees were removed . . .

Mr. Regan states that is not something that would come before the Board and that she should reach out to a Land Use and/or a Real Estate Attorney regarding her issue. As of right now they cannot construct the court beyond the 30' setbacks.

Application fee for a d(4) FAR variance – Section 45-23

In a discussion with Mr. Regan with regards to an application fee for an incoming application, it was determined that there is no fee for a d(4) FAR Variance pursuant to Section 45-23. Mr. Regan and the Board Secretary decided together that the \$ 200.00 application fee was acceptable but that this oversight needs to be corrected. A memo should come from the Board to the Mayor & Council asking for a FAR variance application fee to be added to 45-23G.

Chair Weidmann asks the Board Secretary to take care of that.

OLD BUSINESS

None

COMMUNICATIONS

None

RESOLUTIONS AND ORDINANCES

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

Motion: Councilman Gallagher

Second: Mr. Mamary

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

APPLICATIONS

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

Ms. Nicole Magdziak, Attorney for the applicant started their testimony at approximately 7:24 p.m. There was a stenographer present, Ms. Donna Lynn Arnold of 315 Rivervale Road, Rivervale, NJ.
Transcript Attached.

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.

Motion to close the meeting to the public: Mr. Alessi
Second: Councilman Gallagher
One voice vote, all in favor, none opposed, the motion carried.

ADJOURNMENT

Motion to Close Regular Meeting: Councilman Gallagher
Second: Mr. Eller
One voice vote, all in favor, none opposed, the motion carried.

