

**BOROUGH OF OLD TAPPAN
 PLANNING BOARD REGULAR MEETING
 September 8, 2021
 MINUTES
 Meeting commenced at 7:36 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	
Mr. Keil	X	
Mr. Alessi		X
Mr. Eller	X	
Ms. Haverilla	X	
Councilman Gallagher	X	
Councilman Boyce		X
Alternate #1, Ms. Louloudis	X	
Alternate #2, Mr. Scozzafava	X	
Alternate #3, Vacant		
Alternate #4, Vacant		
Also Present:		
Diane Frohlich, Board Secretary	X	
Mr. Regan, Esq.	X	
Mr. Skrable, Borough Engineer		X
Mr. John Szabo, Planner	X	

PUBLIC OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS

Motion to open the meeting to the public – Mr. Keil
Second – Councilman Gallagher
One voice vote, all in favor, none opposed, the motion carried.

Motion to Close to the Public – Mr. Keil
Second – Councilman Gallagher
One voice vote, all in favor, none opposed, the motion carried.

ENVIRONMENTAL COMMISSION REPORT

There are no meetings during the Summer months so Mr. Keil will have a report for us at the October meeting.

COUNCIL LIAISON REPORT

Councilman Gallagher state that Town Day will be on September 18th at Stone Point Park. There are some changes going on at the Golf Course and the Mayor & Council are investigating different avenues at this time. There is an RFP being prepared for a Management Company to take over at the end of 2021.

CONSTRUCTION OFFICIAL REPORT

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

BOROUGH ENGINEER REPORT

Mr. Skrable was not present.

FINANCIAL SECRETARY REPORT

Chair Weidmann presents:
Budget is \$ 509.00and Escrow \$ 3,134.70
Total: \$ 3,643.70

Motion to approve: Mr. Maggio
Second: Mr. Eller
One voice vote, all in favor, none opposed, approval.

MINUTES

Approval of July 14, 2021 Regular Meeting
Motion to adopt - Councilman Gallagher
Second – Mr. Maggio
One voice vote all in favor, none opposed, the minutes are approved.

NEW BUSINESS

None

COMMUNICATIONS

None

RESOLUTIONS AND ORDINANCES

Artis Senior Living – Grant a Time Extension to Start Construction

Motion: Mr. Eller

Second: Mr. Keil

ROLL CALL:	Yes	No	Abstain
Chair Weidmann	X		
Vice Chair, Mamary			absent
Mr. Maggio	X		
Mr. Keil	X		
Mr. Alessi			absent
Ms. Haverilla	X		
Councilman Gallagher	X		
Councilman Boyce			
Mr. Eller	X		absent
Alternate #1, Ms. Louloudis	X		
Alternate #2, Mr. Scozzafava	X		

Heidi Issa

36 O’Connor’s Lane

Motion: Councilman Gallagher

Second: Ms. Haverilla

ROLL CALL:	Yes	No	Abstain
Chair Weidmann	X		
Vice Chair, Mamary			absent
Mr. Maggio	X		
Mr. Keil	X		
Mr. Alessi			absent
Ms. Haverilla	X		
Councilman Gallagher	X		
Councilman Boyce			absent
Mr. Eller	X		
Alternate #1, Ms. Louloudis	X		
Alternate #2, Mr. Scozzafava	X		

APPLICATIONS

Christopher Bakker
51 Charles Place

Present: Michael Vitiello, Esq.
James Guider, Engineer
Barbara Ehlen, Planner
The Bakker Family

Councilman Gallagher recuses himself.

Mr. Regan inquires about the notices being in order; they are.

Mr. Guider and Mr. Szabo are both sworn in.

Mr. Guider states that the application is requesting variance relief to construct a 484 square foot detached garage as well as a use variance to exceed the maximum permitted Floor Area Ratio. The FAR maximum is 26% and they are requesting 26.5%. The maximum square footage for an accessory structure is 400 square feet so they are over by 84 sf. All setbacks are compliant and the height requirement is met.

Mr. Regan, Mr. Szabo and Mr. Guider have a discussion with regard to whether the garage addition was entitled to a 150 square foot deduction in the FAR calculation because of the way the Ordinance is written; it implies that they are entitled to an attached garage of 150 square feet so the application believed they were entitled to a deduction off of the FAR of the proposed structure. Mr. Szabo feels the Ordinance should be clarified so there is no room for interpretation going forward.

Mr. Szabo states that there are two variances which are mutually exclusive of each other: the overage on the garage of 84 square feet and the need for a FAR variance.

The numbers were revisited and the final FAR percentage is .28355.

The Engineer’s plan is marked as A1 dated 02/26/21 “plot plan with topography.”

Open to the Public for Questions of the Engineer: Chair Weidmann
Second: Ms. Haverilla

Close to the Public for Questions of the Engineer: Mr. Keil
Second: Ms. Haverilla

Ms. Ehlen, Planner, gives her testimony. She starts by citing the Borough Ordinances verbatim. Her Exhibit of the neighborhood and surrounding homes is marked as A2, Photo Board. The garage will be 22’ x 22’ and explains that the lot is undersized. There was a short discussion about the size of garages for today’s generation vs. garage sizes in the past; there is a need for more room. There is a de minimus increase on the lot and there is no negative impact to the neighborhood.

Open to the Public for Questions of the Planner: Mr. Eller
Second: Mr. Keil

Close to the Public for Questions of the Planer: Mr. Keil
Second: Ms. Haverilla

Mr. Szabo’s report is referred to and marked as Exhibit B1 and Mr. Skrable’s report is marked as Exhibit B2.

Mr. Szabo refers back to the FAR definition as stated in the Ordinance – the premise was to avoid the McMansions that were being built all over town. He feels that it could be “tweaked” a bit to reflect the current construction that is going on now so there is no room for “interpretation.”

Mr. Scozzafava inquires about why the garage was not built when the home was (construction of the home was just recently finished). He finds that odd . . . It was explained to the Board that a detached garage was always in the plan but as construction started on the home, things started to change.

Mr. Scozzafava asks – did the Homeowner decide that more living space was desired?

The square footage overage results from the addition of two (2’) feet in width and two (2’) feet in length to accommodate for bigger, longer vehicles and leave some room for yard tools.

Mr. Regan refers back to Mr. Skrable’s report and confirms with the applicant that all items addressed will be complied with.

Motion to open the meeting to the public, questions for this application: Mr. Eller
 Second: Mr. Keil

No one from the Public was present with concerns.

Motion to close the meeting to the public for this application: Mr. Keil
 Second: Ms. Haverilla

Motion: Ms. Haverilla
 Second: Mr. Eller

ROLL CALL:	Yes	No	Abstain
Chair Weidmann	X		
Vice Chair, Mamary			absent
Mr. Maggio	X		
Mr. Keil	X		
Mr. Alessi			absent
Ms. Haverilla	X		
Councilman Gallagher			X
Councilman Boyce			absent
Mr. Eller	X		
Alternate #1, Ms. Louloudis	X		
Alternate #2, Mr. Scozzafava	X		

Central Square OT, LLC
147 – 155 Central Avenue

Present: Mr. Dean Stamos, Esq.
Mr. Mark Martins, Engineer
Raymond Virgona, Architect
David Karlebach, Planner

All notices are in order.

Mr. Stamos starts testimony referring back to prior approvals of the initial application confirming that the limited balconies will not be changing but the roof design will go from a flat roof to an angled roofline. The reason for the change was simply that the new Developer did not like the look of the flat roof. He didn't think it blended with the rest of the neighborhood.

Mr. Martins, Engineer, gives his testimony. He states that the Affordable Housing units are not changing. His plans are marked as Exhibit A1 – five (5) sheets dated 05/16/2021. He continues to give a brief description of the property: there will be four (4) separate structures and Building #2 will have a decrease in units from four (4) to six (6) and Building #3 and #4 are being redistributed to eight (8). He states the peak roof will be more attractive than the flat roof. The calculations were made from the natural grade level and from the lowest point. Technically, they will all have different heights because of the slope of the property but they will all look uniform.

The resident parking was increased to 106 spaces; visitors parking was kept the same. He is following the existing, approved landscaping plan but there will be additional trees planted to create more screening which was advised by Tom Skrable. The ceiling heights are as follows – ground level will be 8' with the second floor being 9' in height.

Open to the Public for Questions of the Engineer: Councilman Gallagher
Second: Mr. Eller

Evelyn Moy from 23 Autumn Lane has concerns regarding the screening and she wants confirmation of all the conditions of the original Resolution be met.

Marianne Hanna of 159 Central Avenue is sworn in. Her property is directly next door to the proposed development and she has concerns about flooding, especially in light of Storm Ida that just went through this region. The Engineer understands her concerns and confirms that all water flow will be directed away from her property and will be coordinated with Tom Skrable, the Borough Engineer.

Francisco Bruno of 2 Elena Drive is sworn in and has some questions/concerns. His fence was destroyed from falling trees from this property and would like it replaced. Mr. Stamos states that he did not see that as one of the Resolutions but it will definitely be taken into consideration with his Client. He will make an appointment to have a discussion with Mr. Bruno prior to the completion of the (new) Resolution.

Kathy Ferdinand of 15 Autumn Lane has some drainage concerns. She would also like to know if the buffer will be maintained.

Chair Weidmann disagrees with their drainage criteria and will follow-up with the Borough Engineer. Mr. Stamos states that he has no problem working with him. Mr. Skrable's report states that the Stormwater Management Plan has not been approved as of yet . . .

Close to the Public for Questions of the Engineer: Mr. Keil
Second: Mr. Maggio

Mr. Raymond Virgona, Architect is sworn in to give his testimony. He states the building footprint will remain the same; only change is the height of each building; no building will exceed 35% although there is a need for a variance. His Plan is marked as Exhibit A2 dated 09/01/2021, Visual Rendering and the architectural plans are marked as Exhibit A3 dated 04/08/2021.

Mr. Virgona states that Buildings #3 and #4 are identical, they are just flip-flopped from the original application.

Mr. Szabo points out that there is a slight discrepancy on the plans for the parking calculations on Sheet 2-05 and the architectural plans will need to be changed.

Building #3 and #4 have eight (8) units total – all three (3) bedrooms.
The Affordable Housing Building has the following:

One – one (1) bedroom
Three – two (2) bedroom
Two – three (3) bedroom

Which is the same distribution from the previous plans.

Building #2 will have all three (3) bedroom units.

Open to the Public for Questions of the Architect: Ms. Louloudis
Second: Councilman Gallagher

Mr. Bruno of 2 Autumn Lane asks about deck placement. Mr. Virgona states that there are no decks on the rear property's . . . meaning no decks facing his property's direction.

Ms. Ferdinand of 15 Autumn Lane would like to know if there is a lighting plan. Mr. Virgona replies that it would be simple, single-family housing lighting . . . one at the door; only at ground level. There will be lamp posts within the parking facility for safety reasons.

Evelyn Moy of 23 Autumn Lane asks about the entrance/exit on Central Avenue. The response is that there will be one entrance/exit; single lane only. It was also addressed that any balconies will only be located on the side units.

Close to the Public for Questions of the Architect: Ms. Haverilla
Second: Councilman Gallagher

Mr. Stamos introduces his last witness for the evening:
Mr. David Karlebach is sworn in and deemed worthy of testimony.

He gives his testimony based on Benefit vs. Burden for a C2 variance basically coming down to the basics of no negative impact on the community/neighborhood – does not affect air, light or open space.

Open to the Public for Questions of the Planner: Mr. Eller
Second: Councilman Gallagher

None were asked.

Open to the Public for Questions of the Planner: Ms. Haverilla
Second: Councilman Gallagher

Open to the Public for Questions on this Application: Mr. Eller
Second: Councilman Gallagher

Close to the Public for Questions on this Application: Mr. Maggio
Second: Ms. Haverilla

Vote for 147 – 155 Central Avenue

Motion: Mr. Maggio
Second: Mr. Eller

ROLL CALL:	Yes	No	Abstain
Chair Weidmann	X		
Vice Chair, Mamary			absent
Mr. Maggio	X		
Mr. Keil	X		
Mr. Alessi			absent
Ms. Haverilla	X		
Councilman Gallagher	X		
Councilman Boyce			absent
Mr. Eller	X		
Alternate #1, Ms. Louloudis	X		
Alternate #2, Mr. Scozzafava	X		

Councilman Gallagher asks Mr. Stamos what the timetable would be for this project. Mr. Stamos replies that his client is ready to go pending Board approval. Councilman Gallagher asks for the three properties in question to be kept up during the transition.

PUBLIC OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS

Motion to open the meeting to the public: Councilman Gallagher
Second: Mr. Eller

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

No one wished to speak.

Motion to close the meeting to the public: Mr. Maggio
Second: Mr. Eller

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

ADJOURNMENT

Motion to Close Regular Meeting: All Members
Second: All Members
One voice vote, all in favor, none opposed, the motion carried.