

BOROUGH OF OLD TAPPAN
PLANNING BOARD REGULAR MEETING
March 8, 2023
MINUTES
Meeting commenced at 7:02 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.

Roll Call for Regular Meeting:

	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	late
Alternate #2, Mr. Scozzafava	X	
Alternate #3, Mr. Bedian	X	
Alternate #4, Vacant	X	
Also Present:		
Diane Frohlich, Board Secretary	X	
Mr. Regan, Esq.	X	
Mr. Skrable, Borough Engineer	X	
Mr. Szabo, Borough Planner	X	

Motion to Open for Public to Speak on Non – Agenda Items: Mr. Alessi
Second: Mr. Scozzafava

Motion to Close for Public to Speak on Non – Agenda Items: Mr. Alessi
Second: Mr. Maggio

Environmental Commission Report:

The Commission plans on restructuring the new Community Garden on Central Avenue in order to facilitate more plots. The tree sapling program will be held in April at CDW. There will be an Earth Day photo contest. June 5th will be the annual fishing contest at Bonnebell and this year they will be incorporating a Family camping night!

Council Liaison Report:

Another Budget Meeting is planned for March 9th; they will be coming to a close shortly.

The Police Contract has been finalized as of March 6, 2023.

Two appeals for the approval of 244OTR have been submitted to the Mayor & Council for their review. The notice of approval was posted on February 14, 2023 so that gives the objectors 95 days to schedule a separate meeting from the regular M&C schedule. The objectors will have to notice at least ten (10) days prior to that meeting date. There are three things that could occur if this meeting takes place: Affirm (the approval) Reverse (the approval) or Modify (the approval).

The ball falls in the objectors' "court" right now to get the Mayor & Council everything that they will need to review.

Construction Official Report:
No Questions

Borough Engineer Report:

Tom had nothing new to report but thanked the Board for its patience and giving him the time, he needed to recover. Truly appreciated.

Financial Secretary Report:

Escrow \$ 1,242.00

Budget \$ 20,263.00

Total \$ 21,505.00

Motion to Approve: Mr. Maggio

Second: Ms. Haverilla

Adoption of February 8, 2023 Regular Minutes: Mr. Alessi
Motion to Approve: Ms. Haverilla
Second:

New Business:
None

Communications:
None

APPLICATIONS

Shafiq Khan
356 Old Tappan Road
SubDivision/Variances

Mr. Capizzi is the Attorney for this application and he brought along the following professionals:
Mr. John Bryjak, Architect
Mr. Michael Hubschman, Engineer
Mr. David Spatz, Planner

Mr. Capizzi starts with a brief explanation of their intent.
RA40 Zone, frontage on Old Tappan Road/corner of Herbst Road
Existing consists of a 2-story, 2-family dwelling and an old barn.

Mr. Hubschman is sworn in and starts his testimony by marking into evidence “Minor Subdivision Plat” dated 06/22/2022 as Exhibit A1. He lists the existing conditions as stated above; mentioning that the existing dwelling is non-conforming. He refers to the orientations of both proposed lots and the variances that will be needed, no bulk. Seepage pits will be installed; soil movement will be needed but only for the basement(s) and the lot is very flat.

Requirements	RA-40	Subject Site	Proposed Lot 4.01	Proposed Lot 4.02
Min Lot Area (sf)	40,000	46,892	23,422 (V)	23,470 (V)
Min Lot Width (ft)	150	234	116.98 (V)	117.45 (V)
Min Lot Depth (ft)	200	200	199.98 (V)	200
Min Front Yd (ft)	50	8.7 NC/50	50	50
Min Side Yd – One (ft)	20	143/124	102.5	82.28
Min Side Yd – Both (ft)	50	267	108	53.7
Min Rear Yd (ft)	50	102.5	NA	102.5
Max Bldg Cvg (%)	15	NP	10.31	10.69
Max Imprv Lot Cvg (%)	30	NP	19.05	19.98
Max FAR (%)	16	NP	0.16	0.16
Max Building Hgt (St/Hgt)	2.5/35	2/NP	2.5/30.96	2.5/31.43

Mr. Szabo and Mr. Skrable are both sworn in. Mr. Skrable has no questions of this expert but does ask the Board to refer back to his memo dated January 3, 2023 (attached).

Mr. Szabo has no questions/comments for this expert.

Chair Weidmann asks about the tree removal plan which is listed on sheet 2 of the Site Plan – minimal removal (11 large trees) and they plan on replacing trees once construction is done per Borough Ordinance. The applicant realize that a sidewalk would have to be installed on the Old Tappan Road side but they do have the option of contributing to the sidewalk fund for the Herbst side.
He also requests that the plan be more detailed.

Mr. Boyce also asks about the removal of the trees and would like information on the protection of the trees that will be staying during the construction process. Details are listed on the bottom of sheet 3 – there are only three that would need protection. He inquires about any soil testing being done yet – Mr. Hubschman replies, no, not yet; the soil is very sandy there.

Mr. Keil is apprehensive of the applicant “cutting the property in half to make two non-conforming lots?” and asks the Board if that would be setting any precedents . . .

Mr. Vicken inquired about the easement since Old Tappan Road is a county road . . . there is a 60’ Right Of Way on the property. The applicant does not plan on widening the road now but would leave the footage available should it need to be done in the future.

Mr. Azarian has concerns about the orientation of the property.

Open to the Public for the Engineer: Mr. Alessi
Second: Mr. Boyce

Jin Yhu, 11 Herbst Road

He comments about the frontage of other homes in the neighborhood and thinks the two properties may look out of character.

Close to the Public for the Engineer: Mr. Alessi
Second: Ms. Haverilla

Mr. John Bryjak, Architect, lists his credential and is deemed qualified by Mr. Regan. A2 is marked into evidence which are the Architect plans and A3 which is the proposed floor plan. He describes the existing floor plan which consists of three bedrooms each (2-family dwelling).

The proposed homes will be similar with one being more “modern” than the other. They are including an unfinished basement which is where the utilities will be located. Both dwellings will have the garages located on the Herbst Road side, not on Old Tappan Road.

Lot 4.01 Proposed Building Coverage:	2,416 sf
Lot 4.01 Proposed Impervious Coverage:	4,679 sf
Lot 4.01 Proposed FAR:	3,747 sf

Lot 4.02 Proposed Building Coverage:	2,509 sf
Lot 4.02 Proposed Impervious Coverage:	4,471 sf
Lot 4.02 Proposed FAR:	3,747 sf

Mr. Skrable has a suggestion of putting “one, conforming single family home” on the site. But with the size of the lot, the home could be as large as 7,000 sf which would be out of character for the rest of the neighborhood.

Mr. Maggio would like a comparison of homes in the RA25 zone which is directly across the street from this property.

Ms. Haverilla inquired about the frontage on Old Tappan Road . . .

Ms. Louloudis would like more information on the FAR for both properties. Mr. Hubschman has calculations, stating they are designed to conform.

Mr. Skrable states there is a discrepancy in the sf numbers; Mr. Capizzi states it will be reviewed and rectified.

Mr. Scozzofava states the two new dwellings will “look significantly different.”

Open to the Public for the Architect:
Second:

Mr. Alessi
Mr. Scozzafava

Jin Yhu, 11 Herbst Street

He would like the applicant to take a look at the first two homes located on Herbst and their total areas. Concerns for the “look” of the existing neighborhood.

Motion to Close for the Architect:
Second:

Mr. Alessi
Mr. Maggio

Mr. David Spatz, Planner, is sworn in and deemed qualified.

The details of the proposed project are repeated on more time. He states the positive criteria is that the benefits outweigh the negative.

He explains that the neighborhood is already fully developed – “there is no more land to make the buildings conforming.” He realizes that the lots will not be conforming but the dwellings that will be built will be. He states the two dwellings will not “create more people” on that site. A “Comparison of Dwelling Sizes” for this neighborhood was passed out to the Board and is marked A4. It depicts the square footage of the homes in the existing neighborhood. He feels there is no negative criteria to the project.

Mr. Szabo refers back to the Master Plan . . . “maintain the character of the neighborhood.”

Mr. Maggio states in looking at the different homes in the comparison sheet – that with the exception of the “oddball” home that is 5,300 sf, the rest of the homes are much smaller.

Mr. Alessi states that the trend is smaller homes going on larger lots along Herbst Road. He asks Mr. Capizzi if the homes can be “shrunk down to 3,200 sf instead of the 3,700sf?” Mr. Capizzi states that he can look into that option.

Ms. Haverilla has the same concerns with regards to the “look” of the neighborhood.

Mr. Boyce discusses Open Space, comparing the one dwelling to two. He also inquired about the existing barn having any historical significance and would like the applicant to look into that.

Mr. Scozzafava again states that the proposed is visually out of character and feels it will set a precedence for future requests if the Board approves the project.

Open to the Public for the Planner: Mr. Keil
Second: Mr. Alessi

Jin Yhu, 11 Herbst Road

Concerns about the side yard being a back yard – what could be put there in the future? A swimming pool; a patio? And how close would that be to the neighbors.

Motion to Close to the Public for the Planner:
Second:

Mr. Keil
Mr. Alessi

Mr. Capizzi states that he would like an opportunity to take the Boards concerns and suggestions and revisit this project at the April 12th meeting which is welcomed by the Board.

Open to the Public for this Project: Mr. Alessi
Second: Mr. Maggio

Jin Yhu, 11 Herbst Road

He states he is neither “for” nor “against” this application but would like to see the applicant review the neighborhood more closely. He feels it will improve certain conditions and would “get rid of the barn.”

Concerned about precedence for the future – which Mr. Regan states it sets “none” if the project is approved. But Mr. Yhu states, it wouldn’t stop another resident from trying to do the same thing. The land will look so different with the removal of the existing 2-family structure.

Serina Lancia, 4 Rickland – sworn in

Has no objection to the project and feels it will beautify the neighborhood.

Christina John, 2 Pine Grove Court – sworn in

She feels the proposed will be out of character for the cul de sac she lives on which is next door, that the two homes would be “to tight” and that it does not match the character of the neighborhood.

Close to the Public for this Project: Mr. Alessi
Second: Mr. Maggio

Chair Weidmann states the applicant does not have to re-notice as long as they are before the Board on the April 12th meeting date. He requests that any and all revisions to the existing plans be to the Board Members ten (10) days prior to the meeting to give them a chance to review.

Mr. Capizzi agrees.

Motion to Open for Public to Speak on Non – Agenda Items: Mr. Alessi
Second: Mr. Maggio

No one wished to speak.

Motion to close for Public to Speak on Non – Agenda Items: Mr. Alessi
Second: Mr. Maggio

ADJOURNMENT OF REGULAR MEETING

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