

# **MINUTES**

## **CRESSKILL PLANNING BOARD**

**NOVEMBER 23, 2010**

Mr. Vaccaro called the meeting to order at 7:40 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Vieni, Mr. Laurita and Mrs. Schultz. Also present were Mr. Paul Azzolina, Borough Engineer and Mr. Steven Schuster, Board Attorney.

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Mr. Galdi made a motion to approve the minutes of the November 9, 2010, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

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### **Correspondence**

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated November 1, 2010, sending Vidhi Food Store, Inc., 7-Eleven, Inc. (new tenant) to this Board for approval. The 7-Eleven was given permission to move the existing sign from the right side of the driveway to the left side. However during that process, it was determined that the location would have to be moved or the sign would have to be re-fitted in the approved location. They have re-designed the signage. The new sign is bigger than the sign that was already approved. The new sign has only one pole and footing. The previous sign had two poles and footings. The new sign is almost 25 square feet.

Letter from JIF Claims, LLC, the Borough's insurance, regarding E. Madison Avenue. File.

Notice from the Borough of Alpine regarding Ordinance 718, to amend Chapter 220, Section 22, authorizing an amendment to the Zoning Code for an addition of a new section entitled "Uses Prohibited in All Zones." This restricts tents and other membrane structures including air bubble structures, inflatable buildings, prefabricated tensional fabric structures, domes and similar enclosures covering recreational facilities such as, but not limited to, hockey rinks, swimming pools, tennis courts, putting greens, soccer, golf, baseball, tennis, volleyball and other sports recreational facilities are not permitted as a permanent principal or accessory structure in any zone. File.

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### **Subdivision Committee**

Councilwoman Tsigounis had nothing new to report.

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### **Report from the Borough Engineer's Office**

Mr. Azzolina noted that he conducted a site plan review on the Chang application, #1405, 50 Piermont Road. His findings are that the plan as presented is incomplete. A number of items need to be added to

the plan as far as details. There is one issue that he wants to discuss with the Board and that is the computation of the required parking which will impact whether they will need a variance or not. In looking at their architectural drawings, the architect has come up with what he terms is the business area of this structure, but doesn't give a computation as to how he calculates that. He is saying it is 5,719 square feet. The building has a first floor and he wants to square off the building with a small addition in the back and he is constructing a mezzanine level where he is going to have 1,128 square feet of storage and 897 square feet of office space.

Parking is based on square footage of the building. Mr. Azzolina tried to figure out how he came up with 5,719 square feet and he couldn't do it. The first floor area is 8,517. He took out on the first floor the produce cooler of 962, the receiving area of 406, two fish freezers at 110 and he was still coming up with 6,929. When you divide that by the 150 square foot of floor area per parking space, you are going to be greater than the number of parking spaces he is providing. The applicant is saying that he needs 39 and he has 44. Mr. Azzolina is coming up with more than 39 because he believes the office on the second floor should be counted as should the storage. He doesn't know that there is any logical deduction with respect to these types of deductions. Sometimes you have deductions for common areas and mechanical equipment, but these are part and parcel of what he is able to attract businesswise to this site. The mechanicals are not shown on the plan. If the Board is in agreement that the entire floor area should be utilized for the parking calculation, he will state that in his letter.

Councilwoman Tsigounis noted that when she does this for other towns, there are different occupancies for each area, storage has one value per square foot, and other things have another value. She is not sure what is in our code. Mr. Azzolina noted that our code is silent with respect to that, but there is a section in the code that speaks to whatever the Board thinks is appropriate standard would apply. Mayor Romeo asked if this would make a big impact or is this just a minor thing that he is talking about. Mr. Azzolina thinks that parking is going to be an issue. He thinks there are a number of things about the site design as presently configured that will be problematic. The parallel parking along the northerly property line, adjacent to an active drive aisle is difficult, but he is showing nine spaces at that location. The parking in the front of the building is also crammed in. There are a number of issues relative to the site circulation. Ms. Tsigounis asked if we were better off making him squeeze in these parking spaces that might be treacherous for driving conditions, or just saying go for a variance to reduce the amount of spots and make everything safe. Mr. Azzolina feels that he is going to want to have as many parking spaces as possible. That will only help business.

Ms. Tsigounis feels that it is better to go for the variance and have a safe parking lot. Mr. Azzolina noted that there are other design options that he would want to discuss with their engineer, perhaps a one-way circulation around the building where instead of the loading area on the side, you go around the building and then you can do angled parking, and that is a better design.

Mr. Michael Hakim stated that if Mr. Azzolina finds the plan incomplete and it is determined that variances are necessary, it puts the onus on them to bring professionals in to justify why they need a certain amount of parking, or why they don't need it, why the circulation works. It is their application.

Mr. Azzolina noted that there are a number of things that are not included on the plan. They have to give us some quantitative details about how many employees, what their proposed hours are, and none of that is reflected on the plan. The plan is determined to be incomplete.

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### **Old Business**

None.

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**New Business**

None.

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**Master Plan Discussion**

Ms. Bauer thinks that we should get bicycle racks. Bicycles are becoming a big thing and we should be putting them in public places and get places like Kings to put a rack somewhere on their property so that people are encouraged to use bicycles. Mayor Romeo noted that they already ordered two bicycle racks for the Rec Center. Mr. Hakim noted that once they get past the last hurdle or two, Mr. Azzolina and he will be embarking on the Allen Street parking lot and they can put bike racks there. Mayor Romeo noted that they should put one by the Borough Hall and library. Everyone was in agreement.

Councilwoman Tsigounis brought up her thoughts on having an architectural review board. She stated that the reason most towns do it, and she has been subjected to it in almost every town she has appeared before in Westchester County, and what it does is that once you get past the architectural review board, they recommend you to the Planning or Zoning Board, wherever you have to go. It takes a lot of the liability off of the Planning or Zoning Boards. Mr. Schuster noted that architectural review boards are not legal in the State of New Jersey. Mr. Hakim agreed to that point. You may have some powers in a historical district as part of your ordinance. Mr. Hakim noted that in New York it is routine in most towns. In New Jersey, most architectural review boards have been struck down when challenged by lawsuit. That is because they try to be regulatory. If you have a sub-committee of the Planning Board which is advisory only, that might be sustainable. Mr. Schuster believes that you might have the power to make certain recommendations and advisory as long as it is clear that it is not a specific requirement. Mr. Hakim noted that you have to make it an advisory board, because once you make it regulatory, it is going to be struck down.

Mr. Schuster thought it would be better if you had it as a sub-committee of the Planning Board instead of a whole separate board. Mayor Romeo noted that we could have a sub-committee, but asked what would be the criteria. Councilwoman Tsigounis noted that when she has appeared, it has been when anything is done to change the exterior of the house requires you to go before the advisory board, even if it is windows. Mayor Romeo suggested having an advisory board that meets a half hour before the Planning Board meetings.

Mayor Romeo stated that if someone comes in for an addition, he would like them to be able to meet with the advisory board to make sure that they are doing everything correctly. Then the advisory board would send them either to the Zoning Board or the Planning Board. He just doesn't know how to work the mechanics. Mr. Hakim noted that it is usually the Building Inspector that determines what board they go to. Mayor Romeo feels that new houses and major additions that don't change the character of the house would go to this Board. If the addition requires variances, they would need to go to the Zoning Board. Councilwoman Tsigounis also feels that the Building Inspector should sit in at every Zoning Board meeting. Mayor Romeo thinks this topic should be researched.

Mr. Laurita pointed out that he feels that the Zoning and Planning Boards should be consolidated. Councilwoman Tsigounis doesn't agree and feels that you shouldn't do this. Mr. Hakim noted that it is legal but he highly dissuades you from doing it. They have completely different functions. Councilwoman Tsigounis feels that the way it is, with the Planning and Zoning Boards, is kind of like a system of checks and balances. You need both.

Mayor Romeo thinks that the advisory committee would work but you have to be very careful and it can't be regulatory.

Mr. Hakim noted that he had to re-write the COAH section of the Master Plan. When it was written, we were pursuing certification. He now reported on the fact that we did get certification and also the activity

that the State Assembly has actually taken, and the court decision that threw out everything that has to do with growth share.

Mr. Hakim went through the Forward Planning Committee's reports. He thinks there are some very good recommendations in there. Others are not really land use. They are good recommendations but don't really belong in a land use Master Plan. Some of the others are also good but are getting too detailed for the level of a Master Plan. He is thinking, where he can, given the time constraint of having to have this published early in December, whatever he can incorporate of these recommendations, the ones that he thinks are good, he would like to do that. Some of them, like "investigate alternative energies, solar panels, things of that nature" should be there. Mr. Vaccaro noted that we are doing that anyway. The bicycle racks and things like that are pretty easily incorporated. Some of the things are already in there. Mr. Laurita would like him to deduct the ones that he added last time and add the ones that he added this time (his handout). Mr. Hakim noted that at the last meeting when the Forward Planning Committee handed out their memos, the Planning Board mentioned that they were going to give him direction at this meeting as to what they wanted incorporated and what they did not want incorporated. Mr. Vaccaro doesn't think that he would get the Master Plan done in time if he incorporated everything in those memos. Councilwoman Tsigounis thinks Mr. Hakim should take the points that he feels are the most important and incorporate them and filter out the rest.

Mayor Romeo asked if there was a place to put this stuff because most of it appears to be cosmetic stuff. That should not be part of the Master Plan. He noted that the schools are looking to change from K-2 in one school and 3-5 in the other school. You need to try to figure out what is going to happen with the traffic in the morning. Mr. Morgan stated that you would then need bussing. Mayor Romeo also noted that you would trigger bussing everybody that goes to a private school as well.

Mr. Hakim noted that we relied on the 2005-2010 facilities plan for the schools. That was information they gathered probably in 2004. She is giving him updated school population numbers that he never had before. That would be something to incorporate. Things like the recommendation to share services between the school district and the borough is a great idea.

Mr. Hakim stated that he will include the bike racks, investigate energy conservation, and things he thinks are important. Mayor Romeo would like the lights on the high school soccer field and the emergency exit from the Cresskill Middle School. The emergency they are talking about is if the Tenakill floods, they want everybody to go over the tracks and come out by the DPW, so they need to have a fence with a lock and key on a gate. The custodians should have a key to the gate as well as the cops. Mr. Hakim asked about the flooding in the Tenakill Brook. He thinks you should have all the towns along the Tenakill involved. He could put something in the Master Plan that we would encourage some type of coordinated project. Mayor Romeo stated that we have researched this. You have to go down two feet and take the silt, put it on plastic sheets and take it and ship it to Pennsylvania. It would cost over \$2 million just in trucking costs. If the Army Corps of Engineers or the Federal Government came in, we could do it. Mr. Hakim noted that the recommendation should say that the town ought to appeal to the DEP or some higher authority to take this on. Mayor Romeo stated that we have done that in the past. Mr. Azzolina noted that we applied for a grant a couple years ago and we were turned down, but we could do it again.

Mr. Morgan asked about making Union Avenue at the post office and making it one way with diagonal parking and making Allen Street one way the other way and you would have better access and better parking. Mr. Hakim noted that Union Avenue is a County Road and it would take a lot of study and would be very difficult. Mr. Morgan feels that it should go into the Master Plan just as a study and we could look at it down the road. Mr. Hakim noted that he could put in the Master Plan to study the traffic plan and circulation in the downtown area.

The public hearing for this Master Plan is scheduled for December 14, 2010.

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**Other Business**

Getting back to the 7-Eleven sign, Mr. Schuster noted that there is nothing in the code that provides for a free-standing sign, except for gas stations. Mr. Morgan stated that they have one there already. Mr. Schuster stated that it was a gas station years ago. When the WA-WA went in, they never got a variance for the sign. He suspects it has been there long before that. Now they are talking about moving the sign so technically they should get a variance. Mayor Romeo stated that at a Planning Board meeting, we told him to move the sign. Mr. Schuster remembers that as long as he didn't change the setbacks, he could move it over to the other side of the driveway. He said that the size of the sign is a function of the front of the building. Mr. Vaccaro stated that we already approved the first sign. Mr. Galdi stated that someone raised the question that the sign is larger than the old sign and his question is does it meet the criteria. Mr. Vaccaro noted that we already previously approved the sign. Mr. Hakim noted that in the definition of a sign in the code it says: "it shall include every type of sign i.e., ground sign, wall sign, roof sign, pylon or pole sign, marque, canopy, awning or street clock." That doesn't mean it is permitted, but it is in the definition. Mr. Morgan made a motion to approve the sign, seconded by Mr. Galdi. All present were in favor. Motion approved. Letter sent to 7-Eleven, stating the Board's approval.

Mayor Romeo asked Mr. Azzolina how far away they were from doing the Merrifield property. Mr. Azzolina needs a clarification relative to the depiction or non-depiction of the life estate boundary limits.

Allen Street is going forward. They will be working on the plans over the winter.

The basketball court is in progress.

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Mr. Vaccaro opened the meeting to the public. No public wished to be heard.

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Mr. Galdi made a motion to go into Closed Session at 8:55 PM. Mr. Morgan seconded the motion. All present were in favor. Motion approved.

Mr. Morgan made a motion to close the Closed Session at 8:56 PM. Mr. Laurita seconded the motion. All present were in favor. Motion approved.

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Motion was made by Mr. Morgan to adjourn the meeting at 8:56 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for December 14, December 28, 2010, and January 11, and January 25, 2011 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary