

# MINUTES

## CRESSKILL PLANNING BOARD

NOVEMBER 9, 2010

Mr. Vaccaro called the meeting to order at 7:38 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Mr. Vaccaro, Councilwoman Tsigounis, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Mozur, 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 October 26, 2010, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

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### Correspondence

Notice from the Borough of Alpine regarding an Ordinance 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. Public Hearing will be held on Monday, November 15. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated September 24, 2010, sending Elon Adika and a representative from Caribbean Blue Pools and Spas to this Board for approval. They are proposing the construction of an in-ground pool at 135 Truman Drive with several retaining walls, 6', 8' and 10', all above the 4' allowed without the Board's approval. No plans were received. No one was present. File.

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### Subdivision Committee

Councilwoman Tsigounis noted that Application #1405, 50 Piermont Road, Chang Dong Kim, was received on October 27, 2010, and is currently under review.

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### Report from the Borough Engineer's Office

Mr. Azzolina noted that he has not had the opportunity to do a complete review on Application #1405, 50 Piermont Road, Chang Dong Kim. He did visit the site and did a cursory review of the plan. There are a couple things that jump out. There are a number of existing non-conformities. They are saying there are no variances required, except the existing non-conformities. They don't define the buffer. A buffer is required in the commercial zone when it adjoins a residential zone as it does in the rear. They do have a landscaped area in the back, but it is not dimensioned so it is tough to say if it satisfies the ordinance or not. In general terms, if this is the type of application that the Board would want to have a hearing on is really a question of whether the Board finds the pre-existing non-conformities to be a variance condition that needs a public hearing or not. He doesn't know if there is a legal basis.

Mr. Schuster asked what the question was. Mr. Azzolina noted that there are a number of pre-existing non-conformities with the 50 Piermont Road site and whether they are trying to maintain those non-conformities without intensifying them in any way, would that necessitate a public hearing. Mr. Schuster thinks that the distinction on that issue is the fact that this is a different use than you had before. Before it was a newspaper and then a spa or club of some sort and this is a different type of use. Here you are talking about parking and other issues that are directly affected by what is there. His inclination is that it is a change of use that you wouldn't necessarily be grandfathered in on variances that come with it. Basically you are talking about retail use as opposed to commercial business type of use.

Mayor Romeo noted that there are two parts to this. What Mr. Schuster is saying is that the use should require a public hearing and then put the building footprint, which is now no longer conforming, so they need variances. Mr. Azzolina explained that the non-conforming aspects of it are existing. For instance, the southerly side yard is approximately 10 feet and it should be 15 feet. They are not doing any modifications to that side of the building. They are proposing to fill in on the north side of the building, but that setback would comply with the zone. They are actually reducing some things like taking some pavement out. They are making better certain existing non-conformities, but there are still remaining non-conformities. Mayor Romeo asked if in a public hearing they would have to re-visit all these variances. Mr. Schuster thought that would be the better way to do it. The argument that is made by the applicant is that they are not changing anything and it is already there. Mr. Schuster explained that the fact is that the parking and those types of variances are all going to be affected because you have a more dense use.

Mayor Romeo asked if the parking was undersized. Mr. Azzolina noted that he didn't get the chance to verify the numbers, but they had an obscure note regarding the parking requirements. The note says required parking as per Planning Board hearing. He has to call the engineer to see exactly what he means by that. There is a section in our code that allows for a lessening of the parking requirement subject to the Board's determination, so that might be what he is referring to. He didn't get a chance to go through the square footage of the building and figure out if they have the required number of spots. Mr. Schuster noted that there is existing parking along the entranceway into the parking area and he doesn't know if you would want that for this type of use. Mr. Azzolina noted that they are maintaining that on the current design. There are several aspects of the design that could be modified or commented on. The circulation is kind of poor, there are some things that you can't even comment on because there is not enough information on the plan, so those are the types of things he would put in his detailed review and ask the engineer to provide the additional information.

Mr. Galdi suggested waiting until the Borough Engineer has completed his review to determine how to proceed. Ms. Tsigounis did a quick calculation and determined that they would need approximately 56 spots and they are proposing 44. Mr. Azzolina noted that on that basis we could just say that they need a parking variance and that would definitely cause a Public Hearing.

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**Old Business**

None.

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**New Business**

None.

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**Other Business**

None.

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Mr. Vaccaro opened the meeting to the public. Mr. Keith Brassel was present and presented the Board with notes from the Forward Planning Committee. The report was distributed to all members for their review. Mr. Brassel noted that he is still waiting for something from the Fire Department. The OEM had no comments and he is waiting for the report from the Police Department. Mr. Vaccaro noted that we would not have time to incorporate this into the Master Plan, but we could amend the Master Plan at any time.

Mr. Laurita had a question on the Master Plan. While he stated that the Master Plan was well written, he feels that the data in it is questionable. Questionable if you are going to say that this is our ten year plan and these are the things we are going to focus on. You have to wait until the numbers come out and they will be out in December. Mr. Schuster explained that the Forward Planning Committee has taken a more comprehensive view of the Borough than strictly what is going to be in the Master Plan. Obviously, whatever comments are made by that group doesn't mean they are going to be part of our Master Plan or even should be. It is a much broader mandate than what you would have in our Master Plan. Mr. Laurita was talking about population. The numbers in the plan were based on 1989 through 1999. Mr. Hakim spoke with the Census Bureau and they said the most preliminary numbers will be out December 31 or January 1, 2011, but there won't be any level of detail until April or June. That is way beyond the time frame for the Master Plan. As Mr. Vaccaro indicated, the Master Plan is a dynamic document that can be modified at any time. We just got caught in an awkward date. The fact that we are in 2010 and within months of getting 2010 census data, is just bad luck. Mr. Laurita feels that the median income has changed, the projections on the school are questionable and other things. Mr. Vaccaro noted that we still have to adopt the Master Plan by December and we are not going to have the new census figures.

Mr. Hakim also noted that the other part of it is that we are in a fully developed community where the impacts of some slight demographic changes from 2000 to 2010 are not likely to change the recommendations in the Master Plan. As far as the school is concerned, they do their own five-year long-range Master Plan. They are not dependent on this Master Plan for what they do.

Mr. Hakim noted that the last Master Plan was adopted on December 21, 2004. We need to have a Planning Board Public Hearing, where we are prepared to vote to adopt before December 21. The Public Hearing needs to be on December 14. Mr. Galdi made a motion to schedule the Public Hearing for the Master Plan for December 14, 2010. The motion was seconded by Mr. Morgan. All present were in favor. Motion approved.

Mr. Galdi made a motion to close the meeting to the public. The motion was seconded by Ms. Bauer. All present were in favor. Motion approved.

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Mr. Galdi made a motion to go into Closed Session at 8:12 PM. Mr. Mozur seconded the motion. All present were in favor. Motion approved.

Mr. Morgan made a motion to close the Closed Session at 8:29 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 8:29 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 November 23, December 14, December 28, 2010, and January 11, 2011 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary