

# MINUTES

## CRESSKILL PLANNING BOARD

MAY 11, 2010

Mr. Galdi called the meeting to order at 7:39 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Mozur, 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. Morgan made a motion to approve the minutes of the April 27, 2010, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

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### Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for 180 Truman Drive, Larry Robbins. File.

Application for Soil Erosion and Sediment Control Plan Certification for 144 Truman Drive, Jian Bo Song. File.

Pamphlet from the Bergen County Department of Planning and Economic Development for a seminar on Vision Bergen: Blueprint for *Our* Future on Tuesday, May 18, 2010, at the Sheraton, Mahwah. File.

Mayors Fax Advisory from the New Jersey State League of Municipalities regarding S-82/A-437, Eliminates Time of Decision. This was signed by Governor Christie on May 5, which eliminates the application of the time of decision rule by municipalities in land use applications. This was signed in spite of overwhelming opposition from the League, hundreds of local governments, the New Jersey Planning Officials, the New Jersey Environmental Federation, the NJ Chapter of the Sierra Club, the Association of Environmental Commissions of New Jersey and the Conservation Foundation. This takes effect in one year. File.

Copy of letter from Mr. Azzolina to Mr. David Watkins regarding the Deed for Lot Consolidation for 180, 188 and 194 Truman Drive, Rio Vista Realty LLC. Mr. Azzolina noted that this is approaching closure. They are waiting on the soil conservation district approval, which he believes has been received, which is the final piece of the puzzle. File.

Notice from the County of Bergen, Department of Planning and Economic Development, dated May 3, 2010, to Richard A. Hubschman, regarding Application #1377, 191 County Road. The County Planning Board has given final approval on April 27, 2010. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated May 7, 2010, sending Vidhi Food Store, Inc., Mr. A. Del Vecchio, to this Board for approval. They are seeking approval to operate a typical 7-Eleven retail/convenience store at 35 Madison Avenue. They plan on renovating the interior and reface the existing sign boxes as well as install a new wall mounted sign on the building. Mr. Del Vecchio

was present representing 7-Eleven, Inc. Mr. Del Vecchio noted that they have filed their CCO application to revamp and renovate the Welsh Farms and convert it into a 7-Eleven and to renovate the signs. The free-standing sign is just being re-faced in kind. The wall mounted sign is slightly larger than what currently exists. The detail that is provided is slightly larger than the existing sign but he believes it falls within the code limitations for a wall mounted sign.

Mr. Galdi asked Mr. Azzolina if he checked the sign and Mr. Azzolina noted that he had not because it is something that typically the Building Department handles. Mr. Galdi asked Mr. Schuster for his opinion. Mayor Romeo noted that he had some issues with this place. He noted that he wants it cleaned up. Mr. Del Vecchio noted that 7-Eleven is a much different operation than what is there. Mayor Romeo asked about the hours. Mr. Del Vecchio noted that he believes the ordinance says 4:30 AM until midnight and they will stay within the ordinance limitations. Mayor Romeo asked about the free standing sign and if they could move it down closer to the brook away from the Tallman House. Also, the driveway is so narrow to get in and out and asked if they could widen it. It was noted that it is a County road. Mr. Del Vecchio stated that enlarging that curb cut is going to entail a visit to the County Planning Board because they are going to control the width. He doesn't know what that dimension is but usually they look for a 20-24 foot curb cut max. Mr. Azzolina noted that off the top of his head he doesn't know what it is, but he agrees with the Mayor that it is poorly designed and it does represent an operational difficulty for most everybody. He thinks it is something that they would probably want to look at. Mr. Del Vecchio stated that if it is something that the Board wants them to look into they can handle it through the Building Department. The owner also stated that there is also a sinkhole forming by the driveway entrance that is causing an issue and is causing an unsafe condition coming in and out of the parking lot.

Mayor Romeo also mentioned the lighting. The owner noted that the person currently operating the Welsh Farms wanted to brand it 7-Eleven and operate it and they said absolutely not. They wanted to be there but his image does not comply to 7-Eleven standards whatsoever. That's when they entered into this agreement to take over the operation and they would be operating it under the 7-Eleven name. Mayor Romeo explained that these are things that need to be addressed. The entrance and exit actually backs up. Mr. Galdi agreed that the driveway should be expanded to come in. Mr. Del Vecchio noted that it wouldn't be a problem to check into it if they can handle it through the Building Department at the Board's request. The owner noted that the first thing they would have to do is get rid of that little sinkhole there. Number two is to see if they could at least flare the curb, which would help a great deal because right now it is a right angle in and a right angle out. At least by flaring it, it would be of some assistance. The sinkhole and the flaring would be of great help for his business also. They will be adding lighting. They don't want a dark parking lot, it just invites trouble. He asked if they would want the lights dimmed or left on after they closed. Mr. Galdi suggested that they ask the police department for their recommendation. He will also investigate moving the pylon sign over to the other side by the brook. It would be more visible. Mr. Azzolina doesn't think something as minor as that is under the purview of DEP so he doesn't think that would be a problem.

They would like to take possession as soon as they can. They will leave it open and gut out the whole interior while they are operating it.

Mr. Schuster noted that his recollection is that they had to get variances to get the freestanding sign that is currently there. He is not sure if there was an ordinance for the building sign. Mr. Del Vecchio noted that what he read in the ordinance is that the sign could be not greater than half the length in feet of the building. If you look at the sign, you would be hard pressed to say that the wall sign is anywhere near half the length of the building.

Mr. Vieni made a motion to approve, subject to the comments that were made and also the comments from the police department on how they would want the lighting. Mr. Morgan seconded the motion. All present were in favor. Motion approved. Mayor Romeo reiterated that they will be cleaning up the lot, they are not operating 24-7, they are going to the County to see what they can do about the driveway opening, and moving the sign at some point in the future. He doesn't think they need a variance to do that.

Mr. Schuster noted that there are going to be improvements on the corner of Madison and Piermont and there is a restriction on red signs within 75 feet of the intersection. He believes there will be a light at the entrance to the senior housing development. Mayor Romeo noted that there will be no light there, just a light at the tracks. Mr. Schuster asked if any of the signs were going to be illuminated. Mr. Del Vecchio noted that both the freestanding sign and the wall mounted sign are going to be illuminated. They are internally lit. Mr. Schuster noted that in 275-51 it says that the following types of signs are prohibited, pylon signs or pole signs more than 25 feet in height and closer than 18" from any property line or pylon signs for any use other than a gasoline station. According to that, he doesn't think the sign is within 18" from the side yard so that is OK, but it says the only thing it can be used for is a gasoline station, at least according to our ordinance. Mr. Del Vecchio noted that the pylon sign is a pre-existing sign that is non-conforming that they can reface. The issue becomes more acute on a relocation. Either you have to take the position that the approval for the pre-existing sign is transferred from one side of the property to the other or the contrary position is going to be that a new variance is required for the new location and that is really the Board's determination to make. Mr. Galdi noted that the suggestion was made due to a safety condition. Mr. Del Vecchio stated that they don't disagree and they are willing to do it, but he thinks that Mr. Schuster and he are discussing the how as opposed to the whether. It may mean a trip to the Zoning Board if a variance is going to be required. Mr. Schuster noted that if it is strictly a matter of the distance, they could do it here. If it is a matter of getting something that is not permitted, they have to go to the Zoning Board. Mr. Vieni asked if the initial variance normally states position on the land. Mr. Schuster explained that usually when you do that you usually lay it out where it is going to be on the site. His recollection is that there was a variance with the sign way back when. Mr. Morgan asked if we could waive that to move the sign from one location to the other. Mr. Schuster noted that it could be a de minimus change. Mr. Galdi stated that it could be at the discretion of the attorney. If he feels that we could waive it, then we could. Everybody agrees. Mr. Galdi stated that for safety reasons, we are going to waive the location of the sign. Mayor Romeo would like the applicant's assurance that they will investigate the opening of the driveway. It would be good for everybody. The owner noted that at minimum, they will flare it.

Mr. Schuster stated that another question on the signage, which has occasionally become an issue, is the signs in windows. Mr. Galdi noted that if there are any questions, he should come in and make sure they comply.

Mr. Vieni made a motion for a waiver on the sign location. Mrs. Schultz seconded the motion. All present were in favor. Motion approved.

Voucher from Hakim Associates for professional services regarding the Master Plan, April 1, 2010-April 30, 2010, in the amount of \$2,405.00. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Resolution for Application #1398, 144 Truman Drive, Jian Bo Song. Mr. Azzolina noted that he prepared a memo that details the subsequent revisions to the plan. He distributed the memo and noted that the resolution be passed subject to any recommendations from his office which are enumerated in his memo. Mayor Romeo noted that in the resolution it states that the approval is subject to the submission of complete, correct and accurate plans. Mr. Azzolina noted that that covers it. He stated that one of the comments in the report refers to the drainage design and asks them to make certain modifications. The resolution was introduced by Mr. Mozur, seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Mozur and Mr. Laurita all voted yes. Mr. Vaccaro was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Mayor Romeo asked about the DeCarlo resolution. Mr. Schuster noted that he was waiting for the affidavit of service. Mr. Hubschman was present and stated that April, from his office, did that after the public hearing. Mr. Schuster claimed that he did not get it. She sent something to the Borough Hall which Mr. Schuster now has. He noted that it is not exactly what he is looking for but it is something. He gave Mr. Hubschman the correct form that should have been filled out and Mr. Hubschman agreed to fill it out. Mr. Morgan asked about the corner of the property and wanted to know if that was resolved. Mr.

Hubschman noted that was more of a title issue. It is owned by Mr. Pressler. This piece has no bearing on the computations of the house. Mr. Schuster also mentioned the driveway easement that basically says that as long as the next door neighbor is living there, they have an easement to go on the property for the driveway. Once the house is sold, they extinguish the easement. Mr. Galdi noted that there has to be something legal.

Mr. Schuster noted that the resolution addresses the fact that the easement is not an indefinite easement. The easement is as long as the neighbor is living there, she can do that. Once the house is sold, that extinguishes the easement. Mr. Azzolina noted that the revised plan shows the driveway easement, but he is assuming that there is going to be some legal document at some point. Mayor Romeo asked Mr. Schuster to write to Mr. DeCarlo and ask him to address these issues.

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### **Subdivision Committee**

Councilwoman Tsigounis noted that one new application was received. Application #1400, 123 Truman Drive, Michael and Rana Leibowitz, was received on May 4, 2010, and is currently under review. Mr. Hubschman was present regarding this application. He noted that this is the house that burned. The inside was gutted. They plan to bring it down to the foundation and rebuild the exact house that was approved about five years ago. It is the same exact footprint. Mr. Hubschman noted that since the house was more than 50% destroyed, it was sent back to the Planning Board for site plan approval. They did a site plan based on the as-built.

Mr. Galdi asked if they have an overflow pipe. He is concerned with the six seepage pits. Mr. Azzolina noted that he will look into the drainage, but suspects that there is some type of overflow. If there is not, and it is doable, he will make a recommendation that an overflow pipe system be installed. It is not all that cumbersome.

Mr. Laurita made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved.

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

Mr. Azzolina noted that Application #139, 45 Monroe Avenue, is currently under review. They are still looking at it and will have a report at the next meeting, at which time the Board will be able to schedule a Public Hearing date.

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### **New Business**

None.

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### **Old Business**

None.

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**Other Business**

None.

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

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Motion was made by Mr. Morgan to adjourn the meeting at 8:26 PM, seconded by Mr. Laurita. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for May 25, June 8, June 22, and July 13, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary