

MINUTES

CRESSKILL PLANNING BOARD

MAY 25, 2010

Mr. Galdi 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, Councilwoman Tsigounis, 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.

Mr. Morgan made a motion to approve the minutes of the May 11, 2010, meeting. The motion was seconded by Mr. Vieni. All present were in favor of the motion. Motion approved.

Correspondence

Pamphlet for the Municipal Law Diplomate Series given by the New Jersey Institute for Continuing Legal Education, Rutgers-The State University of New Jersey and Seton Hall University. File.

Fax from Jacobs and Bell requesting that the Public Hearing for Application #1399, 45 Monroe Avenue, be schedule for June 22, if deemed ready for a Public Hearing, as Mr. Bell will be away on June 8. File.

Notice from the Borough of Alpine Planning Board noticing a Public Hearing for the adoption of a Revised third Round Housing Element and Fair Share Plan, which amends the Borough's Master Plan and replaces any prior Housing Element and Fair Share Plan. The Hearing will be held on May 25 at 7:30 PM. Mr. Schuster wanted to know if we received plans with this notice. Mr. Galdi noted that there is a complete new formula on that because now if you have a detached garage you can put an apartment above the garage and get credit for that now. Mr. Schuster noted that it is important to us because if they are going to be putting in their Mt. Laurel housing on the Cresskill border, he thinks that this is a very significant issue for us. He stated that to have low income housing you have to have sewer access so it basically has to be on the Cresskill border or the Closter border because that is where the sewer access is. Mr. Galdi noted that what he was able to do was to tie in the three sections where he has commitments with Closter, Demarest and Cresskill for the properties on the outskirts. Rio Vista is all tied into the Cresskill sewers. Mr. Schuster noted that if they are going to put in Mt. Laurel housing, they are going to have to put in into an adjoining municipality. He doesn't think they are going to run them up towards New York State because he doesn't know of any sewer access up there. Mr. Galdi noted that he was able to get eight units up on 9W that are on septic because of the large field in the back because there is no other area and there are no sewers. Mr. Schuster asked then if Alpine could put in low income housing in any area where the property percs. Mr. Galdi agreed and stated that where the property is is large enough to do that.

Notice from Nancy Hatten, Borough Clerk, Borough of Tenafly, dated May 12, 2010, regarding Ordinance No. 10-15/Amend Borough Code Chapter XXXV/Land Development Regulations/Section 35-811.3b to include "medical offices" as permitted use in the AHO/C2 Zone District. A Public Hearing will be held on these ordinances on June 22, 2010, at 8:45 PM in the Council Chambers. File.

Memo from Ms. Barbara Nasuto, dated May 12, 2010, enclosing a copy of the "Whistle Blower" policy and Employee Complaint Form. File.

Letter of Introduction from Edward Rossi, Construction Official, dated May 12, 2010, sending Mr. John Dowling to this Board for approval. He wishes to construct a new single family home at 93 Heather Hill Road. Application #1401 was received on May 18, 2010. It is currently under review.

Subdivision Committee

Councilwoman Tsigounis noted that one new application was received. Application #1401, 93 Heather Hill Road, John Dowling, was received May 18, 2010. It is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that Application #1401, 93 Heather Hill Road, John Dowling, has an existing home on the lot that is to be demolished and replaced with a new home. He has not reviewed the plan yet.

Application #1399, 45 Monroe Avenue, 45 Wakelee Drive Corp., is substantially complete as presented. Mr. Azzolina recommends that the Board schedule a Public Hearing. Mr. Jacobs has requested a meeting date of June 22. Mr. Vieni made a motion to schedule the Public Hearing for June 22, seconded by Councilman Tsigounis. All present were in favor. Motion approved. Letter was sent to Mr. Allen Bell informing him of the hearing date.

New Business

None.

Old Business

Resolution for Application #1396, 187 Broadway, Frank DeCarlo. Mr. Schuster noted that he spoke with Mr. Hubschman and Mr. DeCarlo. He received the affidavit of service and that is fine. As far as the two other open items, one should be resolved within the next month and that is going to be a deed of easement that is being prepared by his attorney now. The other thing is the piece of property, which according to some records, isn't owned by Mr. DeCarlo, and is not owned by Mr. Pressler, but is still owned by Pendergast.

Mr. Galdi asked about the easement being deed restricted. Mr. Schuster noted that they are working on that now. Mr. Galdi stated that he is not doing anything until that is resolved because if he decides to sell the property and all of a sudden the people next door can't use the driveway, that has to be deed restricted. Mr. Schuster wanted to know exactly what to tell Mr. DeCarlo has to be done to get this resolved. Mr. Galdi noted that we need to have the deed. Mayor Romeo asked if the easement was going to be permanent. Mr. Schuster noted that originally we talked about it being a right of reverter on the sale of the property next door. The easement is for the benefit of the property next door.

Mayor Romeo asked how this could work so that the people next door could sell if they wanted to and Mr. DeCarlo could sell if he wanted to. Mr. Azzolina thinks it would almost have to be a permanent fixture. They can't get to the garage in back of the property without the two feet. Mr. Schuster noted that the only other reverter provision you could put in there is if the house next door is demolished, the easement would be extinguished. Mr. Azzolina agreed that that would make sense. Mr. Schuster noted that this would be a permanent easement that would go on forever, or until certain other things would happen on the property. Mayor Romeo noted that the only other stipulation should be that if they tear down the house on the adjacent property, then the easement would be extinguished.

Councilwoman Tsigounis agreed that the easement would be alleviated if there were improvements done to that property so that the house was relocated on the property so there would be no reason for them to have that extra two feet.

Mr. Azzolina noted that if the adjacent property was redeveloped, they would most likely do a front-loading garage design, rather than the garage in the rear as it is today. Whatever you do on that property, you are going to be very constrained. It is only 40 feet wide.

Mr. Schuster will talk to Mr. DeCarlo and tell him that we want the easement to continue as long as the house on the adjacent property exists. Once the house is demolished, the use is extinguished. He will prepare a letter to Mr. DeCarlo and copy the Board.

Other Business

Application #1402L, 234 Vaccaro Drive, Jian Bo Song, c/o Kulick Development. Mr. Azzolina stated that he received the plans tonight and has not reviewed them yet. Representatives were present from Kulick Development and stated that the landscaping was already in and were told they need the landscape plan approved to get the TCO. Mr. Azzolina noted that as he is looking at the plan, he sees some low shrubbery in the right of way by the driveway that shouldn't be an issue if it is under 30". Mr. Azzolina stated that for what this is, he recommends that the Board issue their approval at this time, with the understanding that if there are any major deficiencies, they would have to be rectified between now and the time that the permanent CO is issued. On this particular site, they are still waiting for the final "As Built" for the property. At that time, they can correct any deficiencies that may come to light, but he doesn't anticipate anything major.

Mr. Laurita made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved. Letter to Mr. Rossi informing him of the Board's approval.

The representative from Kulick Development noted that they did submit the final "As Builts" to both Mr. Azzolina's office and to the town. Mr. Azzolina stated that he never saw it. Kulick Development will look into it.

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

Motion was made by Mr. Morgan to adjourn the meeting at 8:13 PM, seconded by Mr. Laurita. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for June 8, June 22, July 13, and July 27, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary