

# MINUTES

## CRESSKILL PLANNING BOARD

JULY 13, 2010

Mr. Vaccaro called the meeting to order at 7:35 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. Mozur, Mr. Vieni, and Mr. Laurita. Also present were Mr. Paul Azzolina, Borough Engineer. Mr. Steven Schuster, Board Attorney, arrived at 8:00 PM

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Mr. Galdi made a motion to approve the minutes of the June 22, 2010, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

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### Correspondence

Flyer for the Municipal Law Diplomate Series from the New Jersey Institute for Continuing Legal Education, to be held Thursday, July 8, 2010, through Thursday, July 29, 2010, at the New Jersey Law Center in New Brunswick, NJ. File.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1403, 152 13<sup>th</sup> Street, Imran Kahn. File.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1401, 93 Heather Hill Road, John Dowling. File.

Memo from Nancy Hatten, Borough Clerk of Tenafly, dated June 24, 2010, regarding Ordinance No. 10-15/Amend Borough Code Chapter XXXV/Land Development regulations/Section 35-811.3b to include 'Medical Offices' as a permitted use in the AHO/C2 zone District. File.

Memo from Nancy Hatten, Borough Clerk of Tenafly, dated June 24, 2010, regarding Ordinance No. 10-14/Rescind Ordinance No. 08-16/Establish a Parking Trust Fund. File.

Vouchers from Mr. Steven Schuster for the following: Services rendered relative to the Cresskill Planning Board Application #1398, 144 Truman Drive, in the amount of \$896.70; and services rendered relative to Planning Board meeting for month of April 2010 in the amount of \$1,052.35. Motion to approve from Mr. Morgan, seconded by Mr. Galdi. All present were in favor. Motion Approved.

Vouchers from Mr. Steven Schuster for the following: Services rendered relative to the Cresskill Planning Board Application #1396, 187 Broadway, in the amount of \$1,367.10; and services rendered relative to Planning Board meeting for month of March 2010 in the amount of \$1,669.75. Motion to approve from Mr. Vieni, seconded by Mr. Mozur. All present were in favor. Motion Approved.

Memo from Ms. Barbara A. Nasuto dated June 30, 2010, regarding OPRA fees. Trenton has passed a law amending fees for OPRA requests to \$.05 a page for letter size and \$.07 a page for legal size

documents. This law becomes effective starting July 1, 2010. This fee change only pertains to OPRA requests. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction/Zoning Official, dated June 22, 2010, regarding 5 Legion Drive. Mr. Jeffery Dorf is before the Board seeking approval to temporarily utilize a space at 5 Legion Drive. He'll be sub-leasing the space from Kurt Otto of the Renzo Gracie Academy and use the space as a prep area for new cars. Prepping cars includes, removing the plastic film from the interior and exterior, check the fluid levels and make any minor adjustments as needed. Mr. Dorf was not present. Mayor Romeo believes that this request is being withdrawn. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated July 6, 2010, sending Michelle Copland to the Board for approval to open an exercise studio that offers classes in Pilates, Pilates mat, yoga and hot yoga at 32 Piermont Road. Ms. Copland has been in business for over ten years and previously occupied space as "The Pilates Studio" in Horizon Square Plaza. Ms. Copland was present. The name of her business is Coolhotyoga, LLC. Ms. Copland noted that she has an exercise studio that offers Pilates, yoga and hot yoga. She plans on occupying the second floor of 32 Piermont on the smaller side to the right. The top floor is split into two separate spaces. There is a big parking lot in the back and her classes are generally before business hours and after business hours. Mr. Galdi asked about an awning. Ms. Copland noted that the owners have awnings already up and they are green. She has already starting paying rent and hopes to open by August 1. She doesn't really have members. It is just who comes to class and they pay by class or they buy a series of 10 and they don't expire. They can just drop in and take a class. It is not really a membership like a gym. She averages about 10 people a class. She has both men and women. Mr. Morgan made a motion to approve, seconded by Mr. Galdi. All present were in favor. Motion approved. Letter to Ms. Copland stating the Board's approval, with copies to the Building Department and Ms. Barbara Nasuto.

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#### **Subdivision Committee**

Councilwoman Tsigounis noted that no new applications were received. Two revised applications were received. Application #144 Truman Drive, Song, c/o Kulick Development submitted revised architectural, and Application #1401, 93 Heather Hill Road, submitted revised plans.

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

Mr. Azzolina stated that for Application #1401, 93 Heather Hill Road, John Dowling, as he indicated at the last meeting, the architectural site plan was revised in accordance with his comments. The only thing he was waiting for, which he has now received is the Bergen County Soil Conservation Plan Certification. With that, he recommends that the Board approve and sign the drawings. Mr. Galdi made a motion to approve, seconded by Mr. Mozur. All present were in favor. Motion approved. Two copies of the plan were signed. One copy to the Building Department with the approval memo, one copy to the file.

Mr. Azzolina noted that for Application #1398, 144 Truman Drive, Song, c/o Kulick Development, revised architectural plans were received on July 9, 2010. He noted that we had previously approved the plans at an earlier meeting and subsequent to that approval, we received revised architectural drawings which indicated some modifications to the footprint. Mr. Jeff DeGraw from DeGraw Architects was present to explain the changes to the plan. A neighbor was also present who wished to be heard. Mr. DeGraw showed drawings that showed the differences from the original submittal to the current plans. The only changes were in minor tweekings to get to the final design. From the big picture standpoint, the building went from 123'4" to 122' in length, so they actually shrank 1.2 feet out of it. The building used to be 55 feet in depth and they actually brought it to 54 feet. Aside from that, the floor plan is pretty the much the same. On the exteriors, they took a lot of the detail out just to try to simplify it and clean it up a little bit.

The grades are exactly the same. There is no change to the grading at all. The heights are exactly the same. It really just got down to them cleaning up the design. That is the extent of the changes.

Mr. Azzolina is satisfied with this. There are no changes to the grading or drainage design that was previously reviewed and approved by his office. That site plan was last revised June 5, 2010. The only revision to that is the slight modification to the footprint.

Mayor Romeo noted that there is a concern about the blasting. Mrs. Tish Messinger, of 141 Truman Drive, stated that when they initially blasted on this site, the first day they blasted her pool cracked in two places. That was after she closed the pool. The doors moved, the house shook, the chimney was damaged. They had beams moving and they rocked and rolled as they blasted. Obviously, there are major concerns because it is the same rock, the same house and the site is very close. They were told by someone from the Kulick office that they have to go down 10 more feet in two different places, which is pretty substantial. Mrs. Messinger is directly across the street so they have been subjected to this.

Ms. Diana Perrino, from Kulick Development, noted that they were not the original company that did the blasting. They bought the property from another resident. They haven't done any blasting or any work on the property thus far. They plan on getting a pre-blast survey and are in the Building Department to get their permits, which hinges on these architectural. She explained to Mrs. Messinger that they would take every precaution to do the pre-blast survey, follow all the rules and regulations that they are required to and do the blasting only where necessary. She can't tell exactly specifically where they are blasting and how far down. She doesn't have that knowledge.

Mr. Galdi asked if seismographs were located on the property line to find out the shock that is leaving the property. That is under the state rules and regulations of blasting. Mrs. Messinger noted that they did that, except they had promised to put them in two places and the State says they supervise, but they don't show, they don't care. It is not realistic. Mr. Galdi noted that the blast should be set to a certain decibel so that there is no damage. If the charges are too large, they will cause that problem. Mrs. Messinger asked if you could prove it. Her pool cracked the first day. It was a two-year old house. They showed the blaster. She noted that the blaster for this project is the same blaster that did the previous blasting. She feels that it is an unsupervised area so it really rests with this Board. She wanted to know if they could find out where the blasting is going to be.

Mr. Azzolina asked Ms. Perrino if she had an as-built on the foundation. He stated that the 10 foot dimension just by eye strikes him as being somewhat deep. Mrs. Messinger stated that that was from the foreman at Kulick. Mr. Azzolina noted that he doesn't think that is accurate. Mrs. Messinger feels that once this is approved, it leaves the County, it leave the town and they are at the mercy of whomever. Mr. Azzolina believes they should quantify how much additional blast work they have to do. This can be done. He asked Ms. Perrino if they were committed to blasting as opposed to rock splitting, because there are alternative technologies out there. Ms. Perrino noted that as far as she knows, they are committed to blasting. Mr. Azzolina noted that that is something they might want to look into. He is not sure how that compares dollar wise and time wise. It may take out some of the damage concerns. Ms. Perrino had no problem talking to her blasting company about those other avenues.

Mr. Azzolina noted that he spoke with Mrs. Messinger last week and informed her that this is something that the municipality really has no direct control over. This is regulated by the State. Mrs. Messinger stated that that is once it is approved. Mr. Azzolina informed her that this Board can't tell them they can't blast. Mayor Romeo explained that the company's liability insurance would have to cover that. Ms. Perrino noted that they did this when they did the other house. There are rules and regulations. They don't just go on to the site and blast. There are certain property distances where people are notified and they do a pre-blast survey. They had nothing from the last house at 234 Vaccaro Drive. They have done no blasting on Truman. The first she is hearing about it is when Mrs. Messinger informed her that she had issues when they previously blasted. Mayor Romeo just wanted to make sure that if there is an occurrence, the liability insurance from the company will have to take care of it. Mayor Romeo asked to get a certificate of insurance from the blaster so they can check it out.

Mr. Azzolina said that subject to that blasting concern, he would still recommend that the plans, as revised, be approved by the Board, with the necessary follow up during the construction. Mayor Romeo stated that they will not start blasting until they speak with Mr. Azzolina. Mr. Vaccaro asked why we were approving it then and Mr. Laurita agreed. Mr. Azzolina doesn't know how you anticipate a problem. Mr. Vaccaro suggested waiting until they got the "as built" to give them a little safety. Mr. Azzolina stated that that would quantify the amount of blasting that needs to be done. Mr. Galdi suggested that they check the records because they have to have the graphs of what the decibels were when they were blasting because that has to meet a certain criteria. That is why they have to put a seismograph on the property line to read what the decibels are, how big a shock were they and if they were within the tolerance of what they were supposed to do, then the rock moved or something else happened.

Mayor Romeo noted that we are only approving the permit. They are not going to start building until he meets with the Building Inspector, Mr. Azzolina, Mrs. Messinger and the builder to work this out. We are only approving the plans. Mrs. Messinger noted that the blaster never put the equipment in the right place. She told them, they saw the pool crack and he said he would have a second seismograph there and he never did. In all fairness, he was never supervised in that job and when they did blast the last time they were much more vigilant but again they are on the same rock.

Ms. Perrino noted that they follow all the rules and regulations that the State requires. She submits all the paperwork. He supervises when the State show up. They had no problems at 234 Vaccaro Drive. She was not involved in the original blasting that he did on this property, but he obviously will be supervised and held to the State regulations and the Building Department regulations that he was held to at the house next door. Mr. Azzolina agreed that he will follow up on this.

Mr. Galdi made a motion to approve the plans subject to the Building Department working with the Borough Engineer, with the builder and Mrs. Messinger and the State and the Blaster to get this done. Mr. Mozur seconded the motion. All present were in favor. Motion approved. One copy of the plan was signed, with the approval memo. Signed copy given to the Building Department. Copy of approval memo in file. Mr. Azzolina will get another copy of the plan for the file.

Mr. Azzolina noted that Application #1403, 152 13<sup>th</sup> Street, Mr. Kahn, was reviewed by his office. He prepared a memo dated July 13, 2010. The memo outlines certain additional information that needs to be added to the plan. The plan is essentially complete. There are detail and design type issues, some of which he discussed with Mr. Kahn on the site yesterday. There is an existing retaining wall along the northerly property line in pretty bad shape and his recommendation to Mr. Kahn is that he remove and replace that. It is a low height retaining wall. There is a fence along the same that is also in disrepair that he recommends be removed and replaced in accordance with the code requirements that limit the fence height to six feet along the rear line, six feet 25 feet from the rear property line and then the maximum height is four feet. Mr. Kahn noted that that will be taken care of. They checked the plans with respect to FAR, building coverage, impervious coverage and everything about the design complies with the zoning requirements. The 15 items he has listed in his report are pretty much technical type issues, some of which the applicant needs to investigate. With the sanitary sewer, he needs to determine whether they need to pump from the basement and those types of items. They need to provide the "as built" of the sanitary sewer in 13<sup>th</sup> Street, as well as certain other recommendations relative to the drainage. They require some drainage calculations to confirm that the seepage pit design is adequate as well as certain other minor things. There is a window well location missing, upgrade on the sides of the collection, etc. He asked if the builder or applicant would like to comment.

Mr. Kahn noted that there were a couple of silly mistakes that were made that will be corrected. There are some trees that will be in the way when they build the house and some will be damaged during construction and they will die. They will commit themselves, after they finish the house, to put two or three trees in the front, maybe red maple or whatever. He doesn't know if the DPW or the Shade Tree Commission has a preference but will put whatever they like. Mr. Azzolina noted that the town doesn't have a strict tree removal and replacement ordinance so it is typically up to the applicant's discretion. Mr. Kahn stated they were planning an additional couple of red maples or whatever the Board would like. As far as the sewerage, right now the house doesn't use any pump and the basement will only be eight feet.

The pipe that will go to the sewer line will be higher than where it is now. Mr. Azzolina stated that he wasn't in the house but it appeared that it looked like the pipe was higher on the lot than where the house was sitting. Mr. Kahn noted that there is a bathroom in the basement right now and their pipe will be much higher than where it is right now. Mr. Azzolina noted that the engineer should be able to confirm that with the information that he provided.

Mr. Kahn noted that he will sit down with both the engineer and the architect and correct whatever needs to be done. Mr. Azzolina believes that the items are minor enough that they should be able to take care of them without a problem.

Mr. Galdi noted that in Mr. Azzolina's report he shows that they are using an ejector pump because they are below grade. Mr. Azzolina stated that they may need it but he doesn't know. There is no invert information shown on the plan and he is looking at the architectural drawings that show plumbing in the basement. Mr. Galdi noted that what they should consider is that if they are going to use ejector pumps only for the basement, bringing them up to the elevation of the first floor, don't put the whole thing on pumps. Mr. Azzolina agrees and is sure that is how it would be built. Mr. Kahn noted that there is no pump right now and their pipes will be much higher. Right now they are not planning to put a toilet in the basement. The plans show future plumbing in the basement. Mr. Galdi stated that if it shows future plumbing, that must be reviewed at that time when it comes in, because chances are what you would do then is put your ejector pump based on the number of fixtures and the design flow in the basement.

Mr. Azzolina stated that he believes that the comments are minor in scope that the applicant's engineer and architect can revise the drawings as necessary, resubmit and we would be in a position to approve and sign the plans at the next meeting.

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#### **Old Business**

Resolution for Application #1396, 187 Broadway, Frank DeCarlo. Mr. Schuster stated that he has not heard from Mr. DeCarlo's lawyer in three weeks. Mayor Romeo requested that Mr. Azzolina contact Mr. Rossi to put a stop work order on the property until this is resolved.

Resolution for Application #1399, 45 Monroe Avenue, 15 Wakelee Drive Corp, is still on hold until we receive a complete set of plans for review.

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#### **New Business**

Mayor Romeo noted that the first meeting of the Forward Planning Committee will probably be the third week in September after the second public hearing.

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#### **Other Business**

None.

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

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

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The next four regular Planning Board meetings are scheduled for July 27, August 10, August 24, 2010, and September 14, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary