

MINUTES

CRESSKILL PLANNING BOARD

JANUARY 12, 2010

Mr. Vaccaro called the meeting to order at 7:36 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Mozur, Ms. Tsigounis, Mr. Laurita and Mrs. Schultz. Councilman Brennan arrived at 7:38 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Vaccaro turned the meeting over to Mayor Romeo. Mayor Romeo stated that the first order of business was the election of officers for the year 2010. He asked for a nomination for Secretary. Mr. Morgan asked if he could make a nomination for the whole slate. He nominated Mr. Vieni for Secretary, Mr. Galdi for Vice Chairman and Mr. Vaccaro for Chairman. The nomination was seconded by Mr. Morgan. All present were in favor. Motion approved. Mayor Romeo then asked for a nomination for Board Attorney. Councilman Brennan nominated Mr. Schuster and it was seconded by Mr. Galdi. All present were in favor. Motion approved.

Mayor Romeo turned the meeting back over to Mr. Vaccaro.

Mr. Galdi made a motion to approve the minutes of the December 22, 2009, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

Correspondence

Letter from Mr. Michael Hubschman dated December 30, 2009, enclosing a filed map for the Ferolie Subdivision. The map was filed in the Bergen County Clerk's Office on December 29 as Map Number 9515. File.

Memo from Barbara Nasuto dated January 5, 2010, regarding the Petty Cash Fund. Any petty cash reimbursements are to be submitted to Borough Clerk Nasuto who will access the funds in the petty cash box. In her absence, Deputy Borough Clerk McKim will have access to the petty cash box.

Notice from the New Jersey Planning Officials regarding the 2010 NJPO Winter-Spring Agenda. File.

Notice from Ms. Barbara Nasuto listing the Borough of Cresskill meetings that were announced for 2010 in accordance with the Open Public Meetings Act. File.

Memo from Mr. Harold E. Laufeld, III, CFO, regarding the 2010 Budget Reports. Attached was the 2010 Temporary Budget for the department. This is to be used the first quarter of 2010 until the final budget is introduced and adopted. File.

Resolution dated January 2, 2010, providing that the Borough Clerk is hereby designated as the official to make and issue certificates as to whether or not subdivisions have been approved by the Planning Board or Governing Body and that in the absence of the Borough Clerk, The Deputy Borough Clerk is hereby designated as such official. File.

Resolution dated January 1, 2010, providing that Councilman John Brennan be appointed as the Class III Planning Board Member for the term ending December 31, 2010. File.

Letter of Introduction from Edward M. Rossi, Construction Official, dated December 23, 2009, sending Mr. Rosenberg to this Board for approval. Mr. Rosenberg is seeking variances required in the R-10 Single Family Zone for the renovation and addition to his fire damaged home at 113 Palisade Avenue. Application #1394 was received on December 31, 2009. Mr. Mamo, the builder, was present and addressed the Board. He noted that basically it is the existing house. They are not extending. They are keeping some of the walls of the house. Above the Kitchen and the living room, they are putting in a master bedroom. It will remain a three bedroom house. They are not extending the foundation at all. It will be a bi-level instead of a split level. He also explained that they moved the driveway because it didn't meet the code, and now it meets the code, 10 feet away from the property line. The house is 25 feet high. The FAR meets the requirement.

Mr. Azzolina noted that he received the plans late last week and hasn't had the opportunity to confirm some of the numbers that are presented in the building schedule. He appreciates the homeowner's situation with the fire-damaged structure, but he would recommend that the Board approve it, subject to his final review of the plan, which he will have done in the next day or so. Mr. Schuster stated that basically he has already gotten variances for everything that is here, the lot's not going to change and it is already a sub-sized lot, and we have granted it in the past without a variance to do this. He has no objection to doing it that way. Councilman Brennan noted that it is a hardship because of the fire. The fire was in September.

Mr. Galdi made a motion to approve the plan, subject to the engineer's review and any other comments from the attorney or anyone else that has to be addressed. Mr. Morgan seconded the motion. Mr. Vaccaro added that as soon as Mr. Azzolina calls him, he will notify Mr. Mamo that he can come in and get his building permits. All present were in favor. Motion approved.

Subdivision Committee

Ms. Tsigounis noted that Application #1393, Truman Drive, Rio Vista LLC, was received on December 24, 2009. She is not sure why we received these plans again. Mr. Azzolina will address these plans. Application #1394, 113 Palisade Avenue, Peter and Dorit Rosenberg, was received December 31, 2009, and has already been discussed.

Report from the Borough Engineer's Office

Application #1393, Truman Drive, Rio Vista, LLC, the hockey rink, was received and Mr. Azzolina noted that his office had the same reaction as Ms. Tsigounis when they received the plans. His understanding was that, pursuant to the direction offered previously from Mr. Rossi, he was simply going to issue the building permits. The process in Cresskill has always been that Mr. Rossi doesn't issue building permits unless and until this Board approves the site plan. Mr. Schuster asked if he needed any variances. Mr. Azzolina stated that according to this site plan or the zoning schedule shown on the site plan, there are no variances required, but typically, 90% of the plan approvals that this Board issues, there are no variances either. He thinks that is what Mr. Rossi is looking for.

On the previous plan used for the earlier application for the lot consolidation and site plan, Mr. Azzolina had a number of comments, primarily with respect to the drainage system, because when you have a project as big as this, it is what's called a major development under the new storm water regulations, so you have to provide a very sophisticated drainage system. There are a number of comments dating back to the first review of the application, which are not yet addressed. Basically, he prepared a memo detailing all the items on this plan, which is substantially the same as the earlier application, with respect to the building footprint, as far as he can tell. The primary difference would be the driveway configuration, which he is not sure what is driving this design, but the prior application simply had a circular driveway using the two existing driveway openings. They are maintaining the northerly driveway opening, but they are constructing a sort of cul-de-sac turnaround in the front of the house and then they have some areas adjacent to the paver or asphalt driveway that is depicted as a gravel surface course for parking vehicles. That is in the front of the house. There is designated parking in the front of the house so he is not quite sure where all this is coming from. Mayor Romeo asked about the foliage on the other side of this driveway. Mr. Azzolina noted that they did not receive a revised landscape plan. Mayor Romeo thinks he is going to put in foliage so that you can't see this parking from the street.

The garden that he is proposing is not depicted on the plans. The impervious coverage is what would be impacted by the gravel, but he is including the gravel as if it was an impervious surface and he is still below the threshold. Mr. Azzolina stated that he is not quite sure what he is asking the Board for on this. He has not received any architectural drawings with this site plan.

Councilman Brennan noted that the last time he was here we gave him lot consolidation approval. He is here now because it is customary for Mr. Rossi to send him here for site plan approval when he goes to the Building Department for his permits. Mr. Azzolina noted that the plans as submitted are not OK and they still need to address the comments that were in his memo. He prepared another memo and handed it out. The plan would be OK if the items in his memo dated January 12, 2010, are addressed. Once he addresses these comments, he will inform Mr. Rossi that he can issue the building permits.

Mr. Azzolina noted that Application #1391, Nancy Radovich, 388 11th Street, has been reviewed. He noted that at the last meeting he indicated that he was awaiting revised architectural drawings from the architect so that he could confirm the FAR. He did receive them via e-mail. There are just a few minor comments that need to be addressed on the site plan. One comment was the presentation of the setbacks being inaccurate on the plan indicating that they needed to correct that and once they make that correction, they do not require the side yard variance or rear yard variance. The front yard is on the southerly portion of 11th Street. The rear yard is the yard opposite that. The other yard is the side yard where 15 feet is required and he has 15.32 feet, therefore, they do not need the variance. The FAR works based on the total lot area. There are a couple detail issues that need to be corrected on the plan and he has prepared a memo that summarizes those aspects and handed it out. Mr. Azzolina recommends that this plan be approved, subject to the plans being revised in accordance with the comments contained in the memo dated January 12, 2010. No variances are required.

Mr. Galdi made a motion to approve, subject to the Borough Engineer's review and approval. Mr. Morgan seconded the motion. All present were in favor. Motion approved.

Old Business

None.

New Business

None.

Other Business

Mr. Michael Hakim was present and addressed the Board to give an update on a few things because they need to be apprised on some of the land use issues that are going on right now on three fronts. The first is COAH, affordable housing. COAH actually came to Cresskill on Friday. The Planner was here and he thinks that all in all it went quite well. When he took them around and showed them all we were doing, they were really quite impressed with what the Borough is doing in terms of really making a sincere effort to encourage affordable housing units in the Borough. He thinks we are headed towards certification. It remains how important that is really going to be when our new governor changes everything, but it is better than not having certification and we don't want to be vulnerable to a builder's remedy suit so we have to continue to move, be gentlemen, talk to them, meet with them when they ask and so forth, so that is basically what he is doing. It wasn't all 100% good. They are claiming that we actually have an obligation of 10 more than we thought we had. They are saying that the reason for that is that the reduction that we got they are saying is not a product of the second round where we got certification, but rather the first set of the third round rules which ultimately were thrown out by a court decision. So, they are actually saying that the credit that we thought we had, we don't have.

On the other hand, the good side is we may have credits that we didn't know we had. It appears that there are units in the Sunrise assisted living facility that may be Medicaid assisted. There may be residents there that are Medicaid assisted. Ms. Nasuto is looking into that, getting some numbers for us, so we may offset one with the other and end up right back where we were. Dunroven does not have Medicaid beds. Mr. Hakim believes that there is a 10% set aside in the Sunrise building. That is new news to him. He thinks that we are going to end up OK and the bottom line is, the worst case scenario is if we had to actually add additional units, we really have the provisions in place already in the downtown, because we changed the zoning for the second story of the stores, and we only took three credits for the developments that we knew were happening, so we have all those other potential credits, plus we have the DeRise building, so we have an opportunity. One thing that the Board is going to be faced with is they are probably going to push us and force us to change some of the provisions of the zoning over on Broadway where we had an overlay zone for the second floor of the old industrial buildings in the P&L zone. They are probably going to push us to make it not a conditional use but a permitted use and maybe even require, when there is a redevelopment, that it includes some affordable housing. He thinks that we are down to the nitty-gritty. We are almost where we have to be. His guess is that in a couple months we may have some certification or conditional certification based on changing some of these ordinances if that takes a little bit of time. That is the one front and the Board is going to be faced with recommending whether we make those ordinance changes to the Council or not.

Mr. Schuster asked if we are going to be looking at that with the Master Plan. Mr. Hakim noted that we have enough programs in place. This is one thing that he has resisted with them. They have consistently come back to him and suggested additional programs and he has just resisted. He has said that we have enough to administer already and we are close enough to the numbers and we don't want to start any new one. He doesn't think the Master Plan is going to do anything but reaffirm what we are already doing. It will have to be incorporated in there. That is the third subject.

The second subject is Green Acres. The revised Open Space and Recreation Plan that the Board approved was adopted and accepted by Green Acres. We now, instead of only having four properties left to deal with or to negotiate for with the Open Space funds that the Borough collects in the tax and the grant monies that we get, we now have about a dozen properties. That is a huge difference, because we are talking about negotiating on a level playing field, not with an owner who knows they are the only game in town and is going to drive a price up. He has talked with the Mayor and he hasn't heard a final word, but he thinks that we ought to be making another request to add funds or get more funds from Green Acres. We have money in the account. We will probably be putting in another request for money. We have a half million dollars they awarded us last year that we haven't used yet. He is not sure whether we collected the last money for Merrifield yet. Mr. Vaccaro noted that we have not, but it is in the works. Mr. Hakim noted that if we get even more money, we can start looking at the other properties. He asked all

the members to pull out the Open Space Recreation Plan, read it over, look at the properties on the wish list and talk about what you think makes the most sense from an overall open space recreation system in town and let the Mayor know your feelings so that they target those properties that make the most sense. The Green Acres bond issue was passed in November. There is \$400 million dollars across the State. Some of that is going to farmland preservation, some of it is going to recreation projects, but a good portion of it is going to acquisition.

Traditionally, Green Acres accepts these requests in February and August. With the new governor coming in, he doesn't think they are going to do it. He thinks, out of respect for the office, they will push that back this year to give him a chance to really get a grip on the budget, so he is expecting that they are not going to hold us to a February deadline on the request, but it could be March, so he will start to draft something up and get that to the Board.

Mr. Hakim noted that the third item is potentially an important one and that is the Master Plan. We have to have it adopted, and it only gets adopted by this Board and it has to be adopted by November, which means he has to start. What he would like the Board members to do is to look through the 2004 Master Plan. Mr. Laurita noted that he looked through it thoroughly. He went through the numbers and it has significantly changed with the economic conditions and everything like that and the number of people. He looked it up in his computer and he looked at all the numbers and it needs work. Mr. Hakim noted that that is why we do it every six years. What he would like the members to do is not to worry about the demographic aspects. He will get that from the census. Probably we won't have any 2010 census data available for the 2010 Master Plan, so we are probably talking about old data or projections, but not real accurate. The most important thing that the members can do is look at the land use issues, look at the land use objectives, look at the sections that talk about the real periodic re-examination questions, what were the problems in 2004, how have we done about rectifying them, have they gotten worse, have we ameliorated them to some degree, are they still issues, are there new issues now that weren't issues in 2004. That sort of thought process will really help him and if the Board can all start to do that this month and maybe in February have a discussion about these things and try to come up with some kind of consensus of opinion of the Board and feed that to him, that will help him prepare a document that the Board can adopt and embrace.

Mayor Romeo noted that we have been approached by the school to light the soccer field and do a couple of other improvements using our one-cent tax open space money. Now that we have the deed, there is no problem doing any of that, right? Mr. Hakim stated that he doesn't know the answer about the Borough's one-cent tax because he doesn't know the details of what the Borough's law says you can use it for, but you can't use the Planning Incentive funds for it, for that is for acquisition only. Mayor Romeo noted that they already lit the football field so he doesn't think it is a problem.

Mayor Romeo asked if there is anything we can do with Allen Street. He asked about parking with Green Acres funding. Mr. Hakim stated that you can't use Green Acres funding for parking.

Councilman Brennan asked how long it is going to be to get rid of COAH with Governor Christie. Mr. Hakim stated that you are never going to get rid of COAH. Mr. Vaccaro noted that you are really dealing with the courts with this thing. Mr. Hakim noted that the Mt. Laurel decisions are going to stand whether they throw out the whole agency or not. We are still going to have an affordable obligation of some sort. The good news is that despite the fact that our new governor is a conservative republican, there is bipartisan support to change affordable housing. He thinks they are going to do something, but still he has to work with a Democratic legislature and they are not going to make it easy on him. It's probably going to be a couple years, which is all the more reason that we continue to move and appease them and do what we need to do to not get thrown out of the system, because they do throw towns out of the system.

Mr. Morgan asked what they do with the towns that haven't complied at all. Mr. Hakim stated that COAH still maintains that this is a voluntary program. He said to them that this town has gone above and beyond what an overwhelming majority of the towns in this State have done and they are still not ready to give us certification. He said what if we just said goodbye and we continued on our own way and we did what we think is responsible to provide affordable housing in the numbers that they are showing or

whatever and we don't get certification. He was told that we get dismissed from COAH and we take our chances with the judge. Nobody wants to go to court and get sued. We have a pretty legitimate background and if it were to come to that, we might be alright.

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

Motion was made by Mr. Galdi to adjourn the meeting at 8:35 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for Tuesday, January 26, February 9, February 23, and March 9, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary