

# MINUTES

## CRESSKILL PLANNING BOARD

JUNE 22, 2010

Mr. Vaccaro called the meeting to order at 7:32 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, Mr. Galdi, 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. Galdi made a motion to approve the minutes of the June 8, 2010, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

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### Correspondence

Vouchers from Mr. Steven Schuster for the following: services rendered relative to Applications #1386M, #1367 and #1368, Allen Street LLC, in the amount of \$1,237.60; services rendered relative to Application #1392, 234 Vaccaro Drive, in the amount of \$735.00; services rendered relative to Planning Board meetings for month of January in the amount of \$1,224.75; services rendered relative to Planning Board meetings for the month of February in that amount of \$1,561.85; services rendered relative to Application #1380, 180, 188 and 194 Truman Drive, Rio Vista LLC, in the amount of \$1,713.60. Mr. Galdi made a motion to approve, seconded by Mr. Laurita. All present were in favor. Motion approved.

Memo from Ms. Barbara A. Nasuto dated June 17, 2010, regarding Ordinance No. 10-16-1395, Amend Ordinance No. 10-09-1388, Forward Planning Committee. All are in agreement. Memo to Ms. Nasuto stating the Board's agreement with the ordinance.

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. Mr. Schuster questioned if that was a permitted use in the zone. Mayor Romeo asked Mr. Schuster to check into it and this will be held until the next meeting.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated June 9, 2010, sending Imran Khan and Father Aziz Hadodo to this Board for approval. They would like to construct a new single family dwelling at 152 13<sup>th</sup> Street. Application #1403 was received on June 10, 2010. Councilwoman Tsigounis noted that this application was just received and is currently under review. Mr. Azzolina noted that he has not had the opportunity to review the plan. Mr. Schuster asked if it was going to be a tax exempt property. Father Hadodo explained that it will be a single family dwelling with no variances. Mr. Imran Khan will be living there. Father Hadodo is the contractor. He explained that before he became a priest he was a civil engineer. Mr. Azzolina stated that he will have comments for the next meeting. He will be in contact with the engineer in the mean time.

Notice from Ms. Barbara Nasuto regarding the Mayor and Council meeting schedule for July and August. File.

Letter of Introduction from Mr. Edward Mr. Rossi, Construction Official, dated June 14, 2010, sending Mr. Scott Kim to this Board for approval to open a grocery store/deli at 50 Piermont Road. This application was rescinded the same day.

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### **Subdivision Committee**

Councilwoman Tsigounis noted the only new application received is Application #1403, 152 13<sup>th</sup> Street, that was previously discussed.

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

Mr. Azzolina noted that for Application #1401, 93 Heather Hill Road, John Dowling, the architect has submitted directly to his office revised drawings that address the comments contained in his memo to the Board dated June 8, 2010. He finds the revisions to be satisfactory. They address all the comments. Mr. Dowling still needs the Bergen County Soil Conservation District plan certification. Once that is in place, he would then recommend that the Board sign the plans. For now, he would go on record that the plans are approved by him subject to Mr. Dowling obtaining Soil Conservation District approval. Mr. Dowling noted that for some reason the architect didn't want to file the application until he had a blessing on the plans because the plans also have to be submitted with the application and he wanted to make sure no other changes had to be made prior to submitting the application.

Mr. Galdi made a motion to approve, subject to Bergen County Soil Conservation District approval and him proceeding at his own risk until we get all the paperwork. Mr. Vieni seconded the motion. All present were in favor. Motion approved. Mr. Dowling had revised copies of the plan. He was advised to submit them to Ms. Nasuto at the Borough Hall so they could be properly checked in.

Mr. Azzolina noted that for Application #1398, 144 Truman Drive, Song, c/o Kulick Development, the plans have been revised in accordance with the memo prepared by his office dated May 11, 2010. The revisions satisfactorily address the comments. The latest plan was revised June 17, 2010. He recommends approval on the application. Plans were not submitted to the Board. He will contact the applicant to submit plans to the Board so they can be signed. Mr. Galdi made a motion to approve, seconded by Mr. Vieni. All present were in favor. Motion approved.

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### **New Business**

None.

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### **Old Business**

Resolution for Application #1396, 187 Broadway, Frank DeCarlo. Mr. Schuster noted that they have been going back and forth with the lawyer to get the easement done. He called him last week and his called was returned on Friday when Mr. Schuster was not in the office. He will try again tomorrow or Thursday to try to get this resolved.

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### **Other Business**

None.

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**Public Hearing – Application #1399, 45 Monroe Avenue**

Mayor Romeo recused himself from this portion of the meeting.

Mr. Allen Bell, from the law firm of Jacobs & Bell, was present representing the applicant. This is an application to permit the owner of 45 Monroe to demolish an existing house that has been condemned by the Municipality. It has mold throughout the walls and inside the walls. It also has electric problems that could be dangerous. The house that the applicant proposes to replace it with is going to improve several of the substandard conditions that exist now with regard to front and side yard setbacks. It is actually going to eliminate a non-conforming condition with regard to the front yard setback. It also will provide a house that is connected to the sewer line, whereas this house has a septic. Having said that, Mr. Bell noted that he has two witnesses, Mr. Valenti, of 15 Wakelee Drive Corp, the owner of the property, and Mr. Michael Hubschman. He also indicated that he previously submitted proof of notices and affidavit of publication to the Board. Mr. Schuster noted that he did review them and they appear to be in order.

Mr. Bell called his first witness, Mr. Mario Valenti. Mr. Valenti, 127 S. Washington Avenue, Bergenfield, was sworn in by Mr. Schuster. He is a builder and has built houses in Cresskill before. Mr. Schuster noted that the applicant is actually 15 Wakelee Drive Corp. Mr. Bell asked Mr. Valenti what his connection is to 15 Wakelee Drive Corp. Mr. Valenti noted that he is a principal of 15 Wakelee Drive Corp. Mr. Valenti stated that he built the house next door to this property. This was part of a subdivision granted by this Board. This lot was actually a pre-existing non-conforming lot that was just confirmed by subdivision by this Board. Mr. Bell asked Mr. Valenti what he originally intended to do with this house when subdivision approval was obtained. Mr. Valenti noted that initially he was going to renovate it and when he finally got into it and realized the amount of mold and the electrical problems, he stated that it was beyond making an intelligent decision to renovate it. Mr. Bell stated that, in fact, subsequent to this application, it was condemned by the Borough. Mr. Valenti agreed that Mr. Rossi condemned it. It is still condemned today. Mr. Bell asked if the mold that exists in the house is throughout the house and inside the walls. Mr. Valenti agreed. Mr. Bell also stated that this house is not connected to the sewer system. It has an old septic system.

Mr. Bell asked what Mr. Valenti proposed to do if the approvals that he is seeking are granted. Mr. Valenti is proposing to construct a single family home on slab, and basically it will be very similar to the house that is next door with the exception of the front façade, which the house next door is a brick façade and this will be stone. It will have a two-car garage, four bedrooms and 2 ½ baths. He presented a plan that he is going to do. He didn't go out and buy a plan until he is hopefully approved. What he presented is a house with a basement. The house he is proposing will not have a basement. The plans were actually for a house on 6<sup>th</sup> Street. The difference between what he wants to build and these plans is that the front of the house will have stone and there will be no basement. Mr. Bell offered these plans as Exhibit A1. These are not the plans for the house but are similar.

Mr. Bell stated that the new house will be connected to the Borough sewer line. The sewer line exists in the street currently. Mr. Valenti agreed with these statements. Mr. Bell had no further questions of this witness.

Mr. Michael Hubschman, 263 S. Washington Avenue, Bergenfield, was sworn in by Mr. Schuster. He is a licensed professional engineer and planner. He has appeared many times before this Board and was accepted as an expert professional engineer and planner. Mr. Bell asked Mr. Hubschman to describe the property as it exists today. Mr. Hubschman noted that it is an existing 50 x 100 foot lot. It is 50 feet east of Waverly Place, which is a paper street. The rear lot of the fire house is to the right. It looks like an old bungalow style house. He presented pictures of the house as it exists today. The pictures were marked as Exhibit A2. The pictures show how outdated and dilapidated the house looks. The footprint is currently 1,398 square feet.

The existing house is only 9.9 feet off the front line, 9 feet off the westerly line and about 9 feet off the easterly line. They are proposing to remove the house and construct a house that is identical to the one to the right of it except for the façade. It is a 28 x 42 house. They are proposing to set it 12 feet on the

west because the house west of this is maybe five or six feet off the line, so they are pushing it to the east. They are holding 10 feet on the east and 25 feet in the front and 33 feet in the rear. They are decreasing a lot of those existing variances.

Mr. Bell restated that the front yard setback is going from 9.9 feet to a complying 25 feet. The side yard setback on one side is 8.7 and that is going to 10 and the other side will be 12 feet. Mr. Hubschman noted that the house is 28 feet wide, which is the barebones minimum you really need for a two-car garage. The building coverage is presently 27.9 and they are going to 24.4, including the front porch, per Mr. Azzolina's request. That is an improvement over what exists today, about 4% less. The maximum impervious coverage is the other variance that is requested. The existing is 35.9% and they will be at 32.3%. With a two-car driveway, there is no other way. The FAR complies. Mr. Bell stated that all the non-conforming conditions are being improved and the front yard setback, that is non-conforming today, is being eliminated. Mr. Hubschman agreed that they are all being decreased. They are also changing from a septic to connecting to the sewer line in the street. Mr. Bell asked what advantage is there to the municipality to have a new house serviced by a sewer as opposed to this house serviced by a septic. Mr. Hubschman noted that the septic would just leach back to the parkland and they are less than 300 feet from the brook, so it is a big advantage to have the sanitary connection. It is a small lot and is not really meant to have a septic system.

Mr. Bell asked Mr. Hubschman if, in his opinion, the benefits of granting this relief substantially outweigh any detriment. Mr. Hubschman noted that there are obviously many benefits. Removing the blighted structure, the front yard is in keeping with the neighborhood, it provides a new home for someone, more of a normal working type person in Cresskill, so it is a big benefit. There is no garage on the existing house and the new house will provide two garages, so the cars could be parked enclosed, out of sight. There is no driveway across from this driveway. Mr. Bell asked Mr. Hubschman if, in his opinion, can the relief that is requested be granted without substantial detriment to the public good. Mr. Hubschman stated that it could for the same reasons as stated before. They are decreasing all of the existing non-conformities and they are removing the blighted structure that is unsafe. Mr. Bell asked how the new house would be drained. Mr. Hubschman noted that everything drains to the rear, so they are proposing a seepage pit for the roof leaders and the driveway runoff runs down to the drainage system at the end of the street. At present there is nothing. What is proposed is a total improvement.

Mr. Bell asked if the requested relief can be granted without substantially impairing either the intent and purpose of the Zoning Plan or the Zoning Ordinance. Mr. Hubschman noted that it could. The Master Plan is very positive towards creating varied housing stock and enhancing the residential area. This is in keeping with the Zoning Plan. This is more in conformity with the Zoning Ordinance with a 22 foot total side yard and 25 foot front yard, which is much better than what exists today. Mr. Bell had no more questions for this witness.

Mr. Schuster asked if this is in the Flood Zone. Mr. Hubschman noted that the Flood Zone is just in the back. Mr. Laurita asked if Mr. Valenti purchased this house through the town. Mr. Valenti noted that he bought it through a realtor. Mr. Laurita asked if taxes were being paid on it. Mr. Bell noted that taxes are currently being paid and are up-to-date.

Mr. Galdi glanced through Mr. Azzolina's letter and noticed questions on wetlands and wanted to know the answers on those questions. Mr. Hubschman noted that he and Mr. Azzolina discussed this and they have to apply for a Flood Hazard Area general permit. They had the delineation done and it was ordinary resource value wetlands in the back. He needs a Permit by Rule. This regulates taking trees down and they are not taking any trees down. Mr. Bell noted that they understand that any approval by the Board would be subject to that. Mr. Galdi noted that the approval would be subject to all the questions that Mr. Azzolina raised being dealt with. Mr. Bell agreed and stated that they have no problem with that.

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

Mr. Galdi made a motion to close the meeting to the public. Councilwoman Tsigounis seconded the motion. All present were in favor. Motion approved.

Cresskill Planning Board Minutes, June 22, 2010

Mr. Galdi made a motion to approve, subject to all the engineer's requests being completed to his satisfaction and subject to receiving a complete set of plans to be reviewed. Mr. Laurita seconded the motion. On Roll Call: Councilwoman Tsigounis, Mr. Vaccaro, Mr. Galdi, Mr. Vieni, Mr. Laurita, and Mrs. Schultz all voted yes. Motion approved.

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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 8:15 PM, seconded by Councilwoman Tsigounis. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for July 13, July 27, August 10, and August 24, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary