

MINUTES

CRESSKILL PLANNING BOARD

JUNE 28, 2011

Mr. Vaccaro 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, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Laurita and Mrs. Schultz. Also present were Mr. Paul Azzolina, Borough Engineer and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the June 14, 2011, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for Third Street Rec Complex Basketball Court Facility. File.

Memo from Ms. Barbara Nasuto to All Department Heads including the "Whistle Blower Policy." File.

Letter from Rubenstein, Meyerson, Fox, Mancinelli & Conte, P.A., Attorneys at Law, dated June 23, 2011, regarding Application #1408, 16 Emerson Street. On July 14 2010 the property owners, Frank and Frances Saroldi, entered into a contract with Martin Lucibello, Jr., LLC, for the demolition of their home and the building of a new home on the premises. On January 14, 2011, Judgment of Incapacity and Orders appointing the Public Guardian for Elderly Adults of New Jersey as Guardian of the person and property of Frank and Frances Saroldi were entered by Peter E. Doyne, J.S.C. This law firm has been retained by the Office of the Public Guardian to handle any issues arising out of the building of a new home at this address. Mr. Schuster noted that Mr. Lucibello still does not have control of this property. This is a new guardian for the Saroldis and it is all messed up. Copies to Mr. Schuster and Mr. Salvatore. File.

Letter of Introduction from Mr. Edward M. Rossi, sending Refined Homes, LLC, to this Board for approval. They were doing a renovation at 28 Beechwood Road and removed more than 50% of the exterior walls. Application #1410 was received on June 17, 2011 and is currently under review.

Subdivision Committee

Councilwoman Tsigounis noted that Application #1410, 28 Beechwood Road, Refined Homes, LLC, was received on June 17, 2011 and is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he has received the plans for Application #1410 along with a partial architectural plan. Mr. Vaccaro noted that in the letter from the Construction Official it states that the side yards required are 15 and 20. The existing are 13.71 and 8.58 and it needs a variance of 1.29 feet. The combined side yard needs a variance of 12.7 feet. The representative from Refined Homes noted that the only reason that they are here is because they made a mistake when they were doing the renovation. They were supposed to keep a certain percentage of the walls and one of the footings, when they inspected it themselves, was not deep enough they thought. So they took it out, got that inspected, but it wasn't according to the plan. What they should have done was ask Mr. Rossi to come and look at it before they did it. What they are trying to do is the same exact house as they would have done had they gotten his permission to take the footing out and redo it.

Mr. Vaccaro asked if they would have been better off just knocking the whole thing down and building a whole new one. Mayor Romeo noted that they have already knocked it down. Refined Homes noted that basically they were working on plans where they would keep the right percentage and add a little bit in the back. They have done all that work already. What happened was while they were doing the relatively small addition to the foundation in the back, they saw that the footing under one of the walls that should have been kept wasn't sufficient, up to code today, and what they should have done was ask Mr. Rossi to come and see it himself and advise them to take it out and document it that way. They made the mistake of taking it out and putting in the footing the right way and having it inspected, but at that point they took down one wall too many. What they are really trying to do is just build the same exact house they were supposed to be building but now it has to be considered new because too many walls came down. Now they are trying to build the same home, call it new construction, get the new construction permits and the right inspections, but proceed the same way they would have done had they not made that mistake.

Mayor Romeo asked what the side yard from the garage east is. That is the wall that they took down that they shouldn't have. That is the existing home that had the garage and has the new footing to replace the old footing that they thought wasn't sufficient. The side yard is 8.58 feet according to the survey. Mr. Vaccaro noted that that is the existing side yard. Mayor Romeo asked how they are going to take the side yard from eight feet to 20.06 feet. Councilwoman Tsigounis asked if the plan was the most correct plan. That garage wall shouldn't have been taken down, but the footing wasn't sufficient so they took the wall down to correct the footing. The mistake was they should have had Mr. Rossi come and inspect the footing himself and tell him that they should take that footing out and do it again. All they are trying to do is put the wall back exactly where it was, the same height and spot, but now because the wall was taken down where that garage is, it is requiring a different variance. Mayor Romeo asked if they were moving the foundation in a foot on the other side. It was explained that the foundation is still there and that wall is staying there and the wall was never taken down. When you go to the second floor, they are coming in a foot to make sure they have the setback. The existing home would be 13.71 feet. They are leaving that wall exactly where it is, but they are coming in to get to 15 feet on that side. Mayor Romeo noted that this is no longer existing because there is no house here. They are leaving the foundation on that side right where it is and that wall will remain where it is. They are going to push it in a little bit on the second floor so they don't increase the encroachment on the side yard setback on that side.

Mayor Romeo noted that if you knock a house down, the variances go with it. There is no grandfathering on this. Mr. Vaccaro noted that no matter what he does, he needs two variances on this house. Councilwoman Tsigounis stated that the existing is going to remain but the second floor is going to be brought in. Mayor Romeo stated again that the house is gone. The representative from Refined Homes stated that the existing foundation is still there and a wall on the right side.

Mr. Vaccaro noted that the plans need to be reviewed and deemed complete. Once that is done, they will need a public hearing for the variances that are required.

Old Business

Mr. Spasso was present regarding the plans for the outdoor seating area at Spasso's Restaurant. He sent plans via e-mail to Mr. Azzolina. Mr. Azzolina noted that he received something the other day, but it is not exactly what he is looking for. They are looking for more information and they have not received it yet. He requested what type of plant material is being used and what is the construction material of the planter. Mr. Spasso noted that they are made either from cement or aluminum. Mr. Azzolina noted that it needs to be detailed on the plan so that we know. It is just described as an 18" planter. Mr. Galdi stated that an 18" planter isn't sufficient. Mr. Azzolina noted that he is showing an overall height of 3'6", 42" from the ground to the top of the shrub. We had talked about wanting to screen drivers from the tables. He is showing the driver's eye height of 42" basically or just a little bit higher than 42" and he has a 42" screen. If the Board feels that it should be four feet, we can suggest that. Mr. Galdi feels that it should be at least four feet. If you take the average table of 30", by the time you get the head of the person sitting up at the table you can still observe traffic or stopped cars and it can cause one car to run into another one. It is a sight barrier for the people there so the people passing in the cars don't get distracted by the diners.

Mayor Romeo noted that he is not as concerned about the height as he is about the safety part. He wants the planters solid. Mr. Spasso has no problem with that. Mr. Laurita suggested having the planters in the ground. Mr. Galdi noted that it is more for the vision of people driving the cars. Mr. Azzolina noted that a landscape architect has to specify the species of the plants and they have to describe the planter. It sounds like a precast, concrete reinforced planter. It needs to be shown on the plan. As long as he provides Mr. Azzolina with the right information, he can approve it.

New Business

None.

Other Business

Mr. Francis A. Reiner, 59 Carlton Terrace, was present and had some concerns about the tree that was taken down on 3rd Street. The 100-year old oak tree was the second one that was cut down in the last couple of months. He knows that it was approximately 100 years old because he and his daughter actually counted all the rings and when they got to 90 they couldn't count them anymore because it was right at the core. He has been here before and spoke about trees and what he thinks the value of trees are for the town. He was upset that a tree was cut down that seemingly had no reason to be cut down in that park. When he spoke with Kevin Terhune today, the points that he made to him and that he wants to convey to the Board, is that we shouldn't as a community be cutting down trees if we don't have a program in place to replace those trees or the funding to replace those trees.

When he spoke to Kevin about the project that was done on Grant Avenue when they redid the stormwater sewer, he cut down six or seven trees and Kevin indicated that the town planted three or four trees in place of the six or seven trees that were taken down. The problem with that is that the six or seven trees that were cut down were anywhere between 30 and 40 inch diameter trees and they were replaced with three inch diameter trees. Kevin was conveying to him that he felt that was equivalent, that when you cut down a 75-year-old 50-foot high 30" diameter tree, that replacing it with one three inch diameter sapling is equivalent and it is not equivalent. In his opinion, if you are going to cut down a tree that has a certain diameter, say 36", you should replace it with 36" worth of diameter trees. This means that the two trees that were cut down on 3rd Street roughly would be 72", which means you would need to plant 24 3" caliber oak trees in order to do what we as professionals, as landscape architects, would do. The best that we could do is replace the amount of diameter of tree with the equal amount of diameter of tree. It in no way is equivalent when you cut down a tree that is 100 years old, but it is the best thing that we can do as professionals, as stewards of the land. It is upsetting for him to see that over the course of

the last ten to fifteen years our town continues to cut trees down and not have a program in place to replace those trees in any manner whatsoever, and not have the funding available to do that. He would like to ask the Planning Board again to consider putting together a program with funding to basically implement planting trees before you start cutting existing trees. He would ask the Planning Board to ask the Mayor and Council to adopt a Shade Tree Commission, if we don't already have one and he thinks that most people in town shouldn't and don't understand and aren't affected like he is affected when he drives by and sees something like that happen. But as a Planning Board and a group of individuals that spend a lot of time and volunteer time for the community, the goal is to make sure what the town looks like ten or fifteen years from now. He would ask the Board to understand the importance of what that represents to our town in terms of character and value and why people love to live here. It is really important to him and it is OK that he is the only person saying it, but it is important that he say it.

Mr. Laurita said that it stems back to the DPW. He wants to know what authorization did they have to take that tree down. Mayor Romeo noted that it is a town tree and they didn't need permission. It was done because Rockland Electric needs to put a power plant in there. Mr. Laurita stated that Rockland Electric should then be replacing trees in our town in some manner. He agrees with Mr. Reiner totally, because when trees are taken down it does change the whole contents of the town. There are people where there are trees taken down on their property and the DPW comes back to plant another tree and they tell them they don't want it. That should not be. Mr. Reiner believes that trees should be cut down, they get old, get sick, and these trees should be removed, but he believes that if you are going to remove a tree that we should have a program in place in this community to replace those trees.

The other thing that Kevin told him that he wanted to convey to the Board is that the last time he came here, it was indicated to him that none of the trees between the front field and the back field would be removed for the new basketball courts and whatever parking is being planned for there. On the phone today, Kevin told him that in all likelihood all of those trees would be removed. When he comes and he is told that none of them are going to be removed, and then the head of the DPW tells him that in all likelihood they will all be removed, he has a tremendous amount of concern about that because to him he is not sure who is making decisions about what is best for the community. He thinks that the Board, who is in charge with making sure what our town looks like ten and fifteen years from now, should be the ones helping Kevin make that decision. He is the head of the DPW and it should not be his responsibility to make the decision of which trees do and don't get removed or how a program is or isn't put in place to replace those trees that need to be taken down because of age, because of safety issues. Those things need to happen, it's just that we as a community should stand up and say how can we replace those trees. Let's not just cut down trees without having a program in place and a funding mechanism to replace those trees before that 100-year-old tree gets cut down. What he told Kevin today is that if tomorrow we were to plant a tree in place of the tree that was cut down yesterday, his children and some of the Board's grandchildren, would have to be great-grandparents before that tree reached the size, height and maturity of the tree that was cut down yesterday. It was a one-hundred-year-old tree that was a sapling in 1911. That doesn't mean a lot to everybody, but it means a lot to him, and he thinks it should mean a lot to the Planning Board because he thinks that that's part of the responsibility of being on the Planning Board, to make sure that this town in 15 or 20 years, when we are not here anymore, our children and our children's children have a town that they could be proud of and that we were proud of when we were kids.

Mr. Galdi stated that there should be an arborist going out and looking at those trees and see what they are. Mayor Romeo noted that he put Mr. Reiner on the Shade Tree Commission three months ago. Mr. Reiner stated that nobody told him that. Mayor Romeo stated that a group of people came down here and told them they wanted the soccer field fixed. Within sixty days the soccer field was fixed. It was sprinklered, it was leveled out, grass was replaced. Then we got funding to light it and we got funding for the basketball courts. We cut down a couple of trees, a couple of cottonwoods and a poplar. The tree that was cut down the other day, from what he understands, was cut down because Rockland Electric was coming in with a new service and it has to be put in a certain place for the lighting. You can't have it both ways. We can't have the fields for the kids at the quality we want and then save all the trees. We are going to cut trees down, but he does take Mr. Reiner's point and it is well taken. We should have a program in place to replace the trees, but he wanted to explain what happened in a bordering town and

that's why we never passed anything. In a town very close to ours they have an ordinance where you cannot cut a tree down in your own yard without permission from the Borough. If you do, you have to replace it like in kind in the same diameter, sprinkled all around the town, and you as the homeowner pay for it. So you are paying to have the tree cut down and then you are paying for six trees to be replaced and planted around town. Mr. Reiner agreed that this was a little onerous. This is why we never proceeded with that. Mayor Romeo stated that he could get a little funding and can help him now that he is on the Shade Tree Commission. There are going to be trees that are going to be cut down. Another thing we run into is like what happened on Grant Avenue. Most of the people didn't want another tree in their yard. They were tired of raking or blowing or whatever it was. We need to find a place to put these trees somewhere else. Is it right to have someone come in and ask for a permit to cut a tree down and then tell them they have to pay for three saplings to put somewhere else. This is something that the Shade Tree Commission, that has been defunct up until Mr. Reiner got here, could help us with. He doesn't know if we want to be a Tree City. It might be more trouble than it is worth.

Mayor Romeo asked Mr. Reiner if he was down to talk to Dr. Bellina about the trees in front of Bryan School. Mr. Reiner said he was. Mayor Romeo stated that there are six 100-year-old trees there. The plan was to cut them all down and move the wall back and straighten it all out. They met with Land Associates and with Mr. Azzolina, Dr. Bellina and Mr. Terhune. It was decided that they could save all those trees if he were to give them permission to move the wall 18" within the right-of-way, so they can have the wall flexible so it doesn't injure any of the roots. All of those trees have been saved. It is not like we are against trees, we are trying to pick and choose our spots. Mr. Reiner appreciates that and he did not know that. He stated that he was not here to point fingers, he is trying to raise awareness of something that is personally important to him. He appreciates the fact that he worked so hard to do the things he has done with the soccer field, to make those improvements, to save what he thinks are treasures for our town in terms of those trees on Brookside. He is simply here because when he sees something like that happen, he thinks that there is a way where we could have put a program in place where before that tree was cut down, we could have planted 10 oak trees along 3rd Street and then cut that tree. He is not against cutting trees down. He understands that is part of the process. In fact, the last time he came here, he noted that trees get older and they have to be cut down. That is part of the problem. Cresskill's trees are getting so old that they are falling down. Mayor Romeo noted that from Jefferson up to 12th Street from Madison over to Lexington, there is a dangerous situation because of all the old oaks that are ready to fall over. We have a mature tree stock right now. Mr. Reiner noted that the only way to replace those as they come down, because we are going to need to take 15-20 of them down a year, is to start to replant 15-20 or 25 of them a year and that way, 20 years from now, when we cut down 400 old trees, the trees that we have been planting have time to grow and we will be able to replenish what our town looks like. That is the point.

Mayor Romeo said that Mr. Reiner is on the Shade Tree Commission. He will work with him to get him some funding from Open Space. The problem he is going to have is people are not going to want another tree in their yard. We have to find places to replace them in town in different parks and areas where they don't interfere. He will see some other trees taken down for some of the other projects that they are working on. It can't be helped. We will replace them someplace else. The Shade Tree Commission should be activated, which is why he put Mr. Reiner on it. He would love to replace all the maples on Bryan Field. They have been there since the 1890s. They should be replaced with pin oaks, just like they did on Ackerman Place. This has to be done the right way. It can be onerous to make people put another tree back on their property. Mr. Reiner doesn't want it to be. He believes there are plenty of public right-of-ways in front of parks in town that they can find locations for trees to be planted. Mayor Romeo suggested meeting with him and Mr. Terhune to start putting something together.

Mr. Reiner stated that he really does appreciate all the work that is being done. He was one of the individuals that came in about the soccer field and he appreciates all that was done with that immediately helping them.

Public Hearing – Application #1409, 15 E. Madison Avenue

Mr. Vaccaro opened the Public Hearing for Application #1409, 15 E. Madison Avenue, Antonio Manfredonia (owner) and Mr. Nathan Kipperman (occupant). Mayor Romeo recused himself from this portion of the meeting. Mr. David Watkins, with offices in Closter, was present representing the applicant, Mr. Kipperman. The subject site is 15 E. Madison Avenue, Block 80, Lots 9.01, 10, 11 & 12. They received today from Mr. Azzolina, his review letter, dated June 28, 2011, with regards to the application. He wants to stipulate certain things. He can comply with all the terms and conditions as outlined in this letter. There are certain issues that he raised. In Paragraph 3A, he wanted to know the hours of operation. The hours of operation are 7:30 AM to 10:00 PM, seven days a week. The number of employees will be 2-3. This is an operation that will serve coffee, desserts, quiche, sandwiches, soups and stews. There is no need for ovens. There will just be warming facilities for the food. The other issue that was raised by Mr. Azzolina was the patio. The stipulation is that this is a 50 seat restaurant. If the weather is good, they will take some of the seats from the inside, outside. They will not increase the seating capacity.

The application calls for two variances. It is a permitted use in the zone. It is going to be a café. He has the engineer and the architect to testify tonight. Briefly stated, the rear yard currently is 2.25 feet, a pre-existing, non-conforming condition. They are putting a small addition that runs from the rear and comes forward. They are increasing that deficiency by one-half inch, and that is because of the skew of the lots in the rear. The other variance that they are requesting deals with the minimum driveway distance to the property line. The engineer will testify as to why they are doing that. It facilitates parking. The lot is an irregular lot and he is not testifying for the neighbor, who happens to be the owner of this property, but by putting the driveway where they are, if that property is developed, they can increase the parking and make it more feasible for the utilization of both pieces. Those are the only variances they are requesting.

Mr. Schuster noted that he reviewed the notices and everything was in order. Mr. Matthew Neuls, with Hubschman Engineering, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. He is a licensed engineer in the State of New Jersey. He has been licensed for 10 years. He is not licensed in any other states. He has appeared before Planning Boards in the State of New Jersey about 50 times.

The colored rendering of the site plan was marked as Exhibit A1, which consisted of five sheets. Mr. Neuls was the preparer of the plan. Mr. Watkins asked him to describe what currently exists on the site. Mr. Neuls showed sheet five of five. It showed a two-story building. The property is located just east of Piermont Road along the north side of E. Madison Avenue. On the corner is the law office of Mr. Manfredonia and this is the next lot. The building today sits fairly far back on the property. It is a two story building that has been a commercial use in the past. There is a loose gravel driveway on the property as well as grass on the site. The entry area is under a covered porch in the front of the existing building. There is some vegetation along the east side of the property.

The applicant is proposing to retain the existing structure, construct a building addition on the west and south side, the left and front of the building. Where the porch is they are proposing a patio area in the front with a pergola, a paved parking lot with 10 parking spaces, including a handicapped space, a walkway to the parking lot and a walkway to the E. Madison Avenue sidewalk. There are two variances that are shown on the plan. The first one is the fact that the building today sits at 2.25 feet off the rear property line. In the course of constructing the addition, the building is slightly skewed to the property line so as they continue their eight foot addition following the same line as the back of the building, that gets reduced slightly to 2.17 feet. That is a very small change in that dimension. Also, near E. Madison Avenue, the curb line to the driveway is approximately 1.4 feet off the property line, but it fans out to about six feet off the property line the rest of the way.

Aside from the paving with granite block curbs around the driveway, they have concrete pads for the garbage enclosure as well as access for the garbage trucks to pick up the garbage and the walkways. Mr. Watkins asked Mr. Neuls if there was any drainage on the site right now. Mr. Neuls noted that to the best of his knowledge there was not. What they are going to do to facilitate drainage is put a storm catch basin along the left side of the driveway and that water will be directed to a seepage tank that will be

buried beneath the driveway. That drainage system complies with all the applicable standards of the State of New Jersey. This actually exceeds the standards because this project is not considered to be a major project under the major development, but they applied the same criteria anyway. They created the storage volume according to the mandatory reduction as if it were a major project, meaning that they reduce the flow during two, 10, 100-year storms in compliance with State requirements.

Mr. Watkins asked about the parking configuration being based on the configuration of the lot as well as an effort in the future maybe to consolidate the parking areas if that other lot were developed. Mr. Neuls noted that that was true. Mr. Watkins asked if Mr. Manfredonia consented to this application and has certified that he has reviewed it. Mr. Neuls stated that he has.

Mr. Watkins asked about the positive and negative criteria. They have a vacant piece of property that they are proposing to improve the area and improve the drainage. From a standpoint of the Zoning scheme, plan and intent of the Municipality of Cresskill, is that positive or negative? Mr. Neuls noted that it was positive. They are taking a property today that is noted as not in use and improving its aesthetics and the look of the building with a modest addition. It is going to be a modern, maintained property. Mr. Watkins asked if the variances that they are requesting pose any negative impact on the zoning scheme, plan or intent. Mr. Neuls stated that they don't because the variances are, as noted before, a very minor increase of the rear yard variance, which abuts a parking lot for other businesses, and with regard to the driveway in the front yard, it is just a standard of locating the driveway, but in this case they have already spoken with the neighboring property owner, who actually prefers it this way.

Mr. Watkins asked Mr. Neuls if he had the opportunity to review Mr. Azzolina's report dated June 28, 2011. Mr. Neuls said he did. Mr. Watkins noted that he went over the hours of operation and the use of the patio. He asked if there was anything in the letter that they cannot comply with as it relates to the requests that Mr. Azzolina has made. Mr. Neuls noted that there is nothing at all. Mr. Watkins referred to Mr. Azzolina's Exhibit A, which consists of 30 items. Mr. Neuls has reviewed those items. He can comply with all those items.

Mr. Watkins called his next witness. Mr. Chris Blake, 130 County Road, Tenafly, NJ, was sworn in by Mr. Schuster. Mr. Schuster noted that Mr. Blake has appeared before this Board in the past and is deemed an expert in architecture. Mr. Watkins asked Mr. Blake what he was asked to do with this property. Mr. Blake noted that the goal was to update the existing structure to accommodate the café for the clients to move in to. The existing structure is a two-story structure. The first floor currently consists of an L-shaped plan with a front porch filling in the rectangle. The second floor is just apportioned over the original guts of the first floor.

What they are proposing to do is add an 8'4" section to the left side of the building, continuing the rectangle, and enclose the original porch and make it a functional interior space, and above and beyond that create another porch. The other porch will be a pergola over a paver patio, approximately 12 x 28 in dimension. All this is to upgrade the facility. The addition started out by the need of a walk-in refrigerator and need of a dishwashing area. The whole space is 1,405 square feet. It is modest in size. They are not talking about building a monster structure. The original building structure is a little tight and small to accommodate what they need. The modest addition will make them comfortable. They will keep the original staircase in the building and the original roofline, but will stretch it a little to cover the new area. The existing building is 889 square feet.

Mr. Watkins asked Mr. Blake what was going to be on the first floor. Mr. Blake noted that the addition would be for the walk-in refrigerator and then some. There will be 50 seats and they will not increase the seating capacity greater than 50 if there is outdoor dining. Upstairs they are carving out part of the area to create a two story space. It is meant to be a loft balcony look. The whole look and feel is to be kind of a woodsy feel. It is called the Farmhouse Café. Upstairs they are planning on having kind of lounge sofa seating for things like coffee and snacks. It is not necessarily for restaurant function upstairs.

Mr. Watkins asked about the aesthetics of the exterior. Mr. Blake noted that they are proposing to upgrade the exterior like in-kind. They will replace the windows and have more light and airiness in the

upstairs. They are proposing to have the whole building wood. They are using tongue and groove cedar. It is real wood. It has a craftsman artistic feel to it. Mr. Watkins asked Mr. Blake if he perceived that the way he designed this building would be aesthetically more pleasing now than what currently exists. Mr. Blake noted that it definitely would.

Mr. Schuster asked how big the existing second floor was now. Mr. Blake noted that it was 520 square feet. They are removing 195 square feet of the second floor to create the loft. Mr. Schuster asked if they were going to have internet access. Mr. Blake did not know. Mr. Schuster asked about the fencing on the east and north side and if they were going to clean those areas out. Mr. Blake noted that they are renovating and upgrading everything and they will make sure they clean it out. Mr. Morgan asked if they were extending the roof higher. Mr. Blake noted that they are not. Mr. Watkins noted that the height in the zone is 28 feet and they are at 22.02 feet.

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

Mr. Schuster noted that for the record, Mayor Romeo recused himself from his hearing, and that withstanding this fact, that Board maintains a quorum and can vote on this application.

Mr. Laurita made a motion to approve the application, seconded by Mr. Morgan. Mr. Vaccaro noted that whatever is approved is subject to Police Department and Fire Department approvals and anything that is in Mr. Azzolina's report. Mr. Watkins has no problem with that and it was already stipulated with what Mr. Azzolina has. However, as a generic statement, he has no idea what they are going to stay. The administrative reports should be in before the hearing so he has an opportunity to comment on them. By way of example, if the Board approves this and the Fire Department says "whatever," that means he has to come back. He is going to stipulate to it so long as the requests are reasonable. If they are not reasonable, he reserves the right to come back.

Mr. Schuster noted that this is the problem we have with doing it before the reports are in. Obviously, we can make it subject to the reasonable requirements. Mr. Watkins noted that reasonable requirements are fine.

On Roll Call: Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Laurita and Mrs. Schultz all voted yes. Motion approved.

Motion was made by Mr. Galdi to adjourn the meeting at 8:39 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for July 12, July 26, August 9, and August 23, 2011 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary