

# **MINUTES**

## **CRESSKILL PLANNING BOARD**

**JUNE 8, 2010**

Mr. Vaccaro called the meeting to order at 7:50 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. Mozur, Mr. Vieni, and Mr. Laurita. Mr. Morgan arrived at 8:16 PM. 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 May 25, 2010, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

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### **Correspondence**

Voucher from Hakim Associates for Professional Services from May 1, 2010 – May 31, 2010 for the Municipal Master Plan 2010 in the amount of \$1,885.00. Motion to approve from Mr. Galdi, seconded by Mr. Vieni. All present were in favor. Motion approved.

Letter from Piermont Associates, LLC, to Mr. Vincent Salvatore, dated June 3, 2010, regarding the plans for 32 Piermont Road, changing the proposed bank to a Dunkin Donuts. File.

Memo from Ms. Barbara Nasuto regarding the League of Municipalities Convention to be held from November 16-19, 2010. She is requesting that anyone who is interested in attending please contact her so she can make hotel reservations. File.

Letter from Sgt. Raymond Coleman, Cresskill Police Department, to Chief Edward Wrixon, regarding 35 Madison Avenue. The letter notes that the Police Department has reviewed the plan for 35 Madison Avenue and are in agreement with the widening of the driveway for easier entry/exit of the parking lot. They request "No Parking Anytime" signs posted along Madison Avenue on the north and south side of the roadway, from the Tallman House to 3<sup>rd</sup> Street. Also "No Parking on Bridge" on Madison Avenue north and south to prevent the numerous truck/trailers parking to access the store. They request the outside lighting to be consistent with the lighting of the existing building. File.

Memo from Harold E. Lafield, III, to all Department Heads regarding the Department Budget reports, attaching the budget report for the Planning Board as of June 2, 2010. File.

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### **Subdivision Committee**

Councilwoman Tsigounis noted that there is nothing new to report.

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

Mr. Azzolina handed out a memo for Application #1401, 93 Heather Hill Road, John Dowling. He noted that the plans are substantially complete as presented. He has enumerated the items in his memo that need to be taken care of. The primary item is that Bergen County Soil Conservation District approval is needed. Coverages are shown in the zoning table but are not detailed on the plan as typically required. The drainage design is adequate with two 1,000 gallon seepage pits. He recommends that the applicant have his architect revise the plans. If this is all taken care of within two weeks, he can recommend at that time that the plans be approved. It is all minor stuff. He told Mr. Dowling before the meeting that there is a relatively new law that states that you have to have Bergen County Soil Conservation District approval whenever you demo a house and redevelop the house right away. There are other things that need to be addressed as well, so if they are all taken care of within the next two weeks, he could recommend approval at the next meeting.

Mr. Azzolina noted that the Piermont Associates applicant was present. They noted that they are pretty much just building a little extension to make the drive-thru for the Dunkin Donuts. He submitted the plans. There was a drive-thru canopy on the original plans for the bank. They are not building the canopy, but just a little extension. Mr. Azzolina noted that the extension is approximately two feet from the building about nine feet in length. The one piece of information not on the submittal is the side yard setback, which is really a front yard setback. This is not an intensification of the setback. He has an existing setback of 16 feet to the corner of the building. The new addition is 16.38. It doesn't intensify the existing non-conforming. They are eliminating the canopy which was at a one foot setback. This was previously proposed and approved. That has been removed and replaced with the drive-up. He shows a five vehicle queue which is what was discussed. He has a canopy over the pick-up window. It is illuminated. There is a menu board where you place your order and then drive ahead. There are no residents in the immediate area to be impacted by noise.

Mayor Romeo asked if there was parking on both sides of the street. It was noted that there is only parking on the north side. Mayor Romeo noted that there should be no parking on the south side of Broadway. Mayor Romeo asked if they were coming back for signage. They noted that they would be coming back for the signs once they find out what is allowed in town and when they do the interior.

Mr. Azzolina was concerned about any wording that may be in the resolution due to the fact that this was originally approved for a bank. Mr. Schuster was looking at the ordinance regarding uses. It talks about retail stores, food stores, luncheonettes. There is no provision for fast foot type of establishments. There are seats inside to eat. Mr. Schuster noted that in certain instances we have classified that as luncheonettes. The owner noted that they have a complete lunch menu now. Ms. Tsigounis stated that she thinks it is OK to classify it as a luncheonette. Everybody was in agreement.

Mr. Azzolina noted that there was no loading zone proposed for the original plan and there is similarly no loading zone proposed here. All deliveries are made early in the morning, most likely, and will park out in front. The hours will most likely be 6:00 AM to 10:00 PM or midnight. Mayor Romeo noted that the original plan was approved by the Police and Fire Departments. The only difference is now instead of the bank there is a Dunkin Donuts and they have eliminated the canopy. There will only be an awning up over the drive-thru window. The color of the awnings and canopy were discussed. They agreed to work with brown or green.

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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 the intent was to use the portion of Mr. DeCarlo's property until the structure next door was demolished. The discussion was that we would do this by way of easement that would be extinguished upon demolition of the property. He received from Mr. DeCarlo's lawyer on Friday a license agreement, which is normally not recorded. It says it is not giving any property rights and it also states that it can be terminated on six months notice. Basically what it says is that if Mr. DeCarlo goes in and builds his house and sells it, six months later they can notify Mr. and Mrs. Chung that they can no longer use the property.

The other point is the small piece of property in the back that is not owned by Mr. DeCarlo. That needs to be addressed, but the immediate problem is the driveway used by Mr. and Mrs. Chung. Right now they are using it to get to their garage in the back. Without it they cannot get to the garage. What he got was a license, not an easement. Mayor Romeo noted that we agreed that Mr. DeCarlo would give them an easement to use that piece of property until such time as the house next door is demolished and at that time, the town would make them move that house over so they wouldn't need the access to the driveway and they could give Mr. DeCarlo back the piece of property. Mr. Schuster noted that all the easement does is give them the right to use the property, but the title still rests with Mr. DeCarlo.

Mayor Romeo noted that what Mr. DeCarlo's lawyer sent was a license to use it, but with a right to revoke it at any time. He stated that if the new owners get into an argument with the neighbors, they could revoke their right to use the driveway and they would have nowhere to park their cars. Mr. Schuster also noted that the license is not assignable, therefore, Mr. DeCarlo cannot assign it to any future owners of the property.

Everybody agrees that there should be a permanent easement until such time as the house next door is demolished and a new house is built, at which time the new house can be moved over and the easement would be extinguished.

Mr. Schuster noted that he called the lawyer today and informed him of the problems with this license. He is waiting to hear back from him.

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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. Vieni to adjourn the meeting at 8:30 PM, seconded by Mr. Galdi. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for June 22, July 13, July 27, and August 10, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary