

MINUTES

CRESSKILL PLANNING BOARD

October 25, 2011

Mr. Vaccaro called the meeting to order at 7:39 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. Morgan, and Mr. Laurita. 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 October 11, 2011, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

Correspondence

Dues notice from the New Jersey Planning Officials for 2012.

Notice from the Borough of Alpine Planning Board regarding a Public Hearing scheduled for Tuesday, October 25, for Montammy Golf Club to install a new replacement swimming pool and accessories. File.

Subdivision Committee

Councilwoman Tsigounis had nothing new to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he received a revised site plan for Application #1413, 33 Crest Drive North, Parvis Roubeni. The plans have been revised in accordance with his previous review memorandum dated September 21, 2011. From his perspective, this plan is complete and a public hearing can be scheduled if the Board desires to do so. The next available date is November 8 but that is Election Day. Mayor Romeo stated that a meeting can't be held on November 8 because voting is held in this building. It was decided that the Public Hearing will be scheduled for November 22.

Mr. Vaccaro stated that there will be no meeting on Election Night.

Mr. Galdi made a motion to schedule the Public Hearing for Application #1413 on November 22. Mr. Laurita seconded the motion. All present were in favor. Motion approved. Mr. Roubeni was present and informed of the meeting date.

Mr. Azzolina stated that Application #1414, 158 Truman Drive, Abigail Alvarez, has been reviewed for completeness. He finds it to be incomplete. He has prepared a memo dated October 25, 2011. He distributed copies of the memo to the Board members. One of the issues is the front door. The

applicant's engineer was present. Mayor Romeo pointed out that this is a corner lot and showed where the two roads were located. The ordinance reads that we decide where the front door is. The front door is facing a neighbor and not facing the road. This is one of the issues.

Mr. Azzolina noted that the primary discussion point would be the yard locations. Basically there is a file map for the lot on which the garden sits that shows two front yard setbacks along Pendergast Court as well Truman Drive. There is an earlier file map that also shows a front yard setback line along Truman drive. Beyond that, this Board had approved a plan in 2005 for the development of that property for a single family home at the time that similarly showed front yard setbacks along both Truman Drive as well as Pendergast Court. Mr. Azzolina recognizes that it is an unusually shaped piece of property, but he doesn't really see the negative associated with labeling the setbacks properly and perhaps shifting the house a couple of feet if necessary. He is not even sure that it is. He believes the applicant's engineer has done some review of the plan and he can comment. To be consistent with the way that this Board and his office has interpreted the code over the years, he doesn't see any way in which a yard that is adjacent to a street could be considered anything other than a front yard setback area. He knows that the Zoning Officer had a different interpretation. He believes he did meet with the applicant's architect. He has discussed this with the Zoning Officer and basically they have a disagreement relative to how that is computed, the front yard setback area. He doesn't see it as a major hurdle. He thinks it can be overcome either by shifting the building slightly if necessary, or if worse comes to worse, then the applicant is able to request a variance if the Board sees fit.

This is actually two lots. The applicant's engineer noted that the previous owner had actually excavated the hole to build the house way up against the corner. Mr. Azzolina asked if the previous owner and the current owner are one and the same. The engineer noted that it is the children's property now. The parents were the ones that originally developed it. The engineer noted that he doesn't know who technically owns it but the applicant is Gia and Victor, who are the children. If that is going to help in any way to transfer ownership, he should know that, because Mr. Azzolina keeps mentioning the previous application was approved as having a certain front. If there is a new owner, what does the previous application have anything to do with this one. Mr. Azzolina explained that there is actually a section in our code that once a front yard setback is established, that it has to be honored by any subsequent owner. To him it could be semantics based on how the home is ultimately placed on the lot. He asked them to show the current depiction of yard areas on the plan, in other words the northerly property line is the front yard according to the plan. The engineer noted that they would like to consider the northerly side the front yard, which is the side yard to the neighbor. He then showed the rear and side yards. The builder noted that depending on which yard is considered the rear yard, they may have to shift the house.

The builder noted that the rear yard and side yard as depicted conform. If the side yard is a rear yard, they may have an issue. The engineer noted that Mr. Rossi and the architects have met to review this plan prior to them developing it to the level that they have developed it. Mr. Rossi said that his interpretation was, whichever way the front door faces is determined the front yard. That is why the architects took this design scheme to the next level and developed it the way it is. Councilwoman Tsigounis stated that that explanation only makes sense when you look at just this site. When you look at it contextually it doesn't make any sense. The front yard does not relate with your neighboring front yards. Mr. Azzolina noted that it is not uncommon for people to situate their houses differently. He is within the allowable front yard setback along Truman Drive. Councilwoman Tsigounis noted that as long as they are meeting all the requirements of the code, she doesn't think it should be an issue. The builder noted that if the northerly yard is considered the rear yard they only have 67 feet which would not comply.

Mr. Azzolina noted that this is where he tends to agree with Mr. Rossi on this point. The rule of thumb is that the rear yard is opposite the front door, but there needs to be some flexibility, especially when you have a situation like this. He doesn't see any argument with which yard is called the side and which yard is called the rear yard. The engineer asked if everything works the way it is now, why does it really matter what they call the different designations in terms of side yard or rear yard. Mr. Azzolina stated that for consistency, so that the Board can recognize what we are talking about and so that it makes sense to somebody in the future, the front yard should be designated properly on any mapping so that there is an accurate record of what transpires.

Mr. Morgan asked how far the driveway was from the neighbor. The builder stated that the house is under construction. The engineer noted that the driveway is approximately 12-15 feet from the property line. Mr. Schuster asked who actually owns the property. The builder didn't have the deed with him, but noted that both properties are owned by the same owner. He thinks that in the last transfer they were both but in the same deed so they are combined. He believes it came from the Alvarez Sr. to the Alvarez Jr. Mr. Azzolina noted that that is one of the questions in the memo.

Mr. Azzolina noted that there are other comments in his memo that need to be addressed. The builder pointed out the overhang over the driveway. Mr. Azzolina noted that if there is a roof structure to it, that would be considered part of the building. The builder noted that if that was the case, and that was the rear yard, they would not have 75 feet. Mr. Azzolina noted that the applicant could shorten up that roof or play with the yard designation so that it becomes a side yard, depending on how they want to present the rest of the setbacks. The engineer noted that it is a roof to collect rainwater and it collects in a system that they want to try to reuse to water the garden. The builder noted that their objective is to collect all the rainwater and try to use it in the sprinkler system on the site with a storage system below ground so they can reuse all the rainwater in the remainder of the yard. They haven't sized that yet. They have come up with a system for the stormwater if they don't put in the cistern system. They could put in seepage pits that will return the stormwater. They would prefer putting the large cistern in here to collect the water and reuse it all right on the sight so they are essentially using it instead of a sprinkler system.

Mayor Romeo asked where the solar panels were. The builder pointed out the solar panels on the embankment in the pit. This proposal includes an eight foot fence in the bottom of the pit. Mr. Vaccaro stated that an eight foot fence is not allowed. The engineer noted that the eight foot fence is proposed at the bottom of the pit and the only place it is visible is through the opening on Pendergast Court. They could maybe drop that fence down lower.

Mr. Azzolina noted that the ball is in their court. They need to revise their plans in accordance with the content of his memo and the ensuing conversations. The builder stated that he now knows that he has two front yards and they have to opt which other yard is the rear yard and they have to try to conform to them. Mr. Azzolina noted that if they can't, there is the variance option.

Old Business

None.

Public Hearing – Application #1416M – 388 11th Street

Mr. Schuster noted that there are a few technical issues. Mr. Bell needs to notarize the affidavit of publication. Mr. Bell noted that he will do that. Mr. Schuster noted that he needs the affidavit of service signed. Mr. Bell did that. Mr. Schuster noted that this is listed as a minor subdivision application. Mr. Bell stated that he was going to deal with that. He saw that in the engineer's letter. Mr. Schuster noted that it is a two lot subdivision where a variance is required. This is actually a major subdivision under our ordinance. In the past we have waived certain requirements for that as part of the application process for small subdivisions like this one. He doesn't know what the Board's pleasure will be as to that. One of them is certain technical requirements as far as the type of plans that must be submitted as part of the application. The other issue is whether or not we are going to do a subdivision deed or a subdivision plat which obviously is significantly different. He doesn't know what the engineer's feelings or the applicant's feelings are as far as that is concerned. Those are the issues that we have at this point in time.

Mr. Bell noted that they don't have any objection. It is a two lot subdivision, he has always maintained that there is nothing in the land use law that says that if you need a variance that it becomes a major.

They don't have any opposition to it being called a major. It means they have to file a map and put in monuments. They know that. In the past, sometimes, he knows on other subdivisions they have in effect called it a major, but said it could be perfected with a deed. They will abide by whatever the Board requests. Mr. Schuster noted that as far as the technical parts of the application, that is really an engineering question. He assumes the plans are satisfactory as far as Mr. Azzolina is concerned. Mayor Romeo asked Mr. Azzolina what has been past practice.

Mr. Azzolina noted that this application is a little bit different in that it is not just the issue of variances. Beyond that, he is also extending municipal facilities, being the storm drain improvements. Mr. Bell agreed. He thinks for that purpose he would move to amend their application to call it a major and also to request final subdivision approval simultaneously. They will submit the required map that Mr. Azzolina will need. Mr. Schuster noted that for our purposes as far as proceeding today, he is going to say that whatever has been submitted is OK for today. Mr. Azzolina noted that in that regard, at this stage there is not a significant difference between what is required under a major and what's required under a minor. The difference is our code is rather dated in that it makes a big thing about sanitation classes, S1, S2, S3. We have sanitation sewers throughout the town so that is no longer a concern. At this point the only difference would be a future submittal which is the final plat indicating the monument locations and certain other information. He would say that at this stage, the application is good under either classification.

Mr. Schuster noted that we are going to amend the application to a major and they have agreed to comply with the final requirements of a major subdivision.

Mr. Allen Bell, representing the applicant, started his presentation. He noted that this is a request for a two lot subdivision. The lots require two variances each for lot area and frontage and one of the lots, 30.02, which is a corner lot, requires a side yard variance. The Board will hear testimony about the fact that the applicant, who lives in the area, has built here before, knows the drainage conditions in the area, is sensitive to it, and is agreeing to install a storm drain up 11th and down Lexington to the existing storm drains in 12th, which we think will greatly improve the drainage situation in this area. They feel that that will be a real benefit to the neighborhood. He has two witnesses tonight, Mr. DeCarlo, who is the applicant, and Mr. Michael Hubschman, who is the engineer and professional planner.

Mr. Bell called Mr. DeCarlo as his first witness. Mr. Frank DeCarlo, 376 12th Street, Cresskill, was sworn in by Mr. Schuster. Mr. Schuster noted that Mr. DeCarlo is the contract purchaser of the property at this point in time. Mr. Bell noted that that is correct. Mr. Bell asked that the subdivision map that the Board has before it be marked as Exhibit A1. It was so noted. Mr. Bell asked Mr. DeCarlo where he resides. Mr. DeCarlo noted that he lives at 376 12th Street, which is within 200 feet of the property. He is familiar with the area. He is a builder and general contractor and developer and has been in town for over 20 years. He has built houses in Cresskill. He is the contract purchaser for the property in question, 388 11th Street.

Mr. Bell asked what the property was used for today. Mr. DeCarlo noted that the property currently is a single family R-10 zone property, with a house that is approximately 50-60 years old. There is also a detached two-car garage on the property. He is proposing to build two single-family homes that are modest in size. The design was basically to try and meet the R-10 zoning with lots that aren't exactly the size that they need. They are trying to make modest size homes that fit in the area and blend in the neighborhood to the best of his ability. Mr. Bell asked if he had any renderings of the proposed homes. Mr. DeCarlo showed two proposed homes that are similar in size. The exteriors are different so you have a nice view from the street. The two elevations are different, different colors, different roof lines, so you get a nice curb appeal on both homes. One will be on the inner lot and one will be on the corner. It does not matter which house is on which lot. They did label one as the corner lot and one as the interior lot. Mr. Bell labeled the corner lot as Exhibit A2. Mr. DeCarlo noted that both homes would have four bedrooms, two-car garages, 2 ½ baths. Mr. Bell labeled the interior lot rendering as Exhibit A3. The facades will have some stone and siding. They will have basements. Mr. DeCarlo is familiar with the other homes in the area. He feels that these homes will be similar to the character of the homes in the area. He lives in the neighborhood and he has built four or five homes in the neighborhood and they will be built to the size of the lot.

Mr. Bell asked Mr. DeCarlo if he was aware that this property was the subject of a prior subdivision application. Mr. DeCarlo noted that he was. He asked how this application differs from that prior application. Mr. DeCarlo noted that the prior application originally was proposing to leave the existing dwelling on the corner and subdivide off the back yard, which back in the '80s created an incredible amount of variances for the existing home. By them creating two equal lots and facing them on the same street, they actually create homes with only one variance and that is due to street frontage and not due to the size of the house or property. Mr. Bell stated that the proposed building lot was smaller than the lots that Mr. DeCarlo is proposing now. Mr. DeCarlo noted that the proposed lot was considerably smaller than what they are proposing now.

Mr. Bell wanted to offer the resolution from 1984 in evidence. The Board can see that it lists the number of variances needed for the application and that this application is substantially different and would not in any way be barred by this prior application. He marked it as Exhibit A4. The resolution was dated November 14, 1984. Mr. Bell noted that this application is different in one other significant respect than the prior application as well. He is aware that in this area, in times of heavy rains, there are some drainage problems. He asked Mr. DeCarlo what he is proposing to do to alleviate or improve the drainage problems. Mr. DeCarlo noted that to try to improve the drainage problem, he consulted with Mr. Hubschman and he helped them design a way to run a pipe from one of the existing manholes down to 12th Street. That is going to help eliminate or better the situation that is there greatly. Mr. Bell noted that this is another distinction between this application and the prior application and that is that Mr. DeCarlo is intending to install a storm drain from the catch basin shown on the plan, up Lexington and down to 12th. Mr. DeCarlo noted that it will go down 11th Street to Lexington and then down to 12th.

Mr. Bell noted that his next witness was going to refer to a colored rendering and he marked it as Exhibit A5. Mr. Michael Hubschman, 263 S. Washington Street, Bergenfield, was sworn in by Mr. Schuster. He was accepted as an expert licensed professional engineer and planner. Mr. Hubschman noted he prepared the plan that is before the Board. Although it is labeled as a minor subdivision map, they are now going to call it a major subdivision. Mr. Hubschman stated that he will change that.

Mr. Bell asked Mr. Hubschman to describe the property as it exists today. Mr. Hubschman noted that sheet 4 showed the existing property. It is 104 feet by 154 feet. It is on the corner of 11th Street. It is serviced by all necessary utilities. Gas, water and sewer are all available. There are some drainage facilities in the street. The area is all single-family houses and there is the Reformed Church on the corner. The applicant is proposing to remove the house and the garage in the rear and redevelop the site with the two modest size homes that Mr. DeCarlo's sister designed. They are about 2,600 square foot floor area. They were sized to fit the approximately 8,000 square foot lots. They are seeking the one variance of a 10 foot side yard in order to hold the 25 foot front yard on the corner lot. The property is irregular in shape. It is sort of a trapezoidal shape. The houses are skewed slightly on the property in order to have them be parallel to the street. That is another reason why there is the variance of the side yard. The distance between the two houses is 30 feet. There is a 15 minimum and 35 total in the zone and they are trying to hold the 10 and 20 between the two homes. Mr. Bell noted that, notwithstanding the fact that they are requesting a five foot variance or a ten foot side yard rather than 15, there is still 30 feet between the houses, so from an appearance standpoint it would be as if it was conforming. Mr. Hubschman agreed and stated that 30 feet between the houses is adequate.

Mr. Bell noted that the other two variances of lot area and lot frontage are functions of the size of the lots themselves. Mr. Hubschman noted that they tried to subdivide it exactly in half. As it exists today, it is the largest lot in the neighborhood. In all other respects, other than the variances that were just mentioned, these lots conform fully to the requirements of the zoning ordinance. The FAR conforms. They fronted the houses on 11th so it gives the other houses to face the backyard now instead of a side yard which is a pretty good positive for the two neighbors.

Mr. Bell asked Mr. Hubschman if he was familiar with the drainage issues in the neighborhood. Mr. Hubschman noted that he is very familiar with the issues. He stated that when the Reformed Church did the subdivision, they installed drainage and seepage pits and there was a 15" pipe connected that flows

north but there was never any extension connected by the Church when they subdivided it. They are proposing to do that connection as shown on sheet 2. They are proposing to extend the 15" pipe to the corner of 12th Street to the drainage system.

Mr. Bell asked Mr. Hubschman if he had an opportunity to review Mr. Azzolina's report. Mr. Hubschman stated that he has. The report asked if he had the opportunity to review going straight up 11th Street. Mr. Hubschman stated that the pipe in 12th Street continues north and cuts back to 11th Street. They looked at going straight up 11th Street and it is a lot more cumbersome because they are crossing in front of about five or six houses going that way. Also the street looks like it was just paved. That is why they proposed to cross in front of the Church which is very non-obtrusive to the whole neighborhood. This way is less pipe and logistically better.

Mr. Bell asked, from an engineering standpoint, if Mr. Hubschman feels as a professional engineer, in his opinion, that the installation of the pipe proposed by the applicant will improve the drainage situation in the area. Mr. Hubschman noted that 100% it will. Right now, when the pits fill up, the water basically ponds in the road. They are also adding pits for their site, which holds about four inches of water. Mr. Galdi asked about the elevations and the water going from point A to point B. Mr. Hubschman noted that it is all gravity. Mayor Romeo asked if the new seepage pits proposed for the new houses would be connected into the drain. Mr. Hubschman noted that they are connecting the overflow into that.

Mr. Bell asked Mr. Hubschman if he investigated the size of lots in the area. Mr. Hubschman stated that they usual consider lots in about a 200 foot radius. Mr. Laurita noted that Mr. Bell stated that the houses in the area are basically the same. When he looks at the lots around it, some are larger, so really it is not the same as the rest of the neighborhood in that particular area. Mr. Hubschman noted that within 200 feet, not including the Church, there are 23 lots. Of those 23 lots, 12 are non-conforming, and they vary in size from 60 foot lots, some 70 foots, some 80s, and then there are some other lots that are 120 on 11th, but generally there are 52% that are undersized. In his opinion, as a professional planner, the proposed lots would be more in conformity than the existing lot. They will be keeping with the size of the lots in the area. They have eliminated the side yard. They would otherwise have a larger house with probably a 15 foot side yard on the easterly, so they have alleviated that problem.

Mr. Bell asked what purposes of zoning would be advanced by granting this relief. Mr. Hubschman noted that this promotes one of the purposes of appropriate population density. They are advancing the general welfare by providing a substantial improvement with a 360 foot drainage extension and alleviating the whole ponding problem. In his opinion, the benefits of granting the requested relief would substantially outweigh any detriments. He doesn't think there are any detriments. The houses fit right into the neighborhood. There are 90 foot lots across and their lots are approximately 80 feet so they are fitting in. The architecture fits in and he thinks it is a real enhancement to the neighborhood. The drainage improvement would be a benefit not just to this property but to the general welfare of the whole neighborhood. The granting of the requested relief can be done without substantial detriment to the public good for the same reasons. They designed the project to provide a very nice streetscape. There is a lot of green area in front.

Mr. Bell noted that the Borough Engineer's report also asked if they investigated widening 11th Street in front of their property, particularly by the turn. Mr. Hubschman noted that he looked at it with Mr. DeCarlo and in his opinion he would leave it the way it is. They are not adding any substantial traffic to the road. It is a nice streetscape. There is a nice cherry tree right on that corner. All the curbing is all new. Mr. Bell asked, if that road was widened, is there a possibility that it could become a traffic short cut. Mr. Hubschman noted that the cars would go faster and it would just create a larger paved area and it would be a detriment for more drainage. You are trying to reduce impervious coverage.

Mr. Bell asked if the relief they are requesting could be granted without substantially impairing either the intent and purpose of the zone plan or the zoning ordinance. Mr. Hubschman noted that yes it could for the same reasons. They are advancing the general welfare and they designed the houses in accordance with the zoning ordinance. There is 30 feet between the houses. They are trying to keep the rear yards

and coverages within the zoning. They would also say that one of the reasons is that the houses and lots that are proposed are in conformity with more than half of the size of lots in the area.

Mr. Morgan asked about the drainage. There is 15" on 11th Street down to 12th Street. He wanted to know if that tied in all the way down 12th Street. Mr. Hubschman noted that they are tying in at the intersection and then it runs down 12th Street. Mr. Morgan asked if that was 15" all the way in the tie-in or is there a lesser pipe. Mr. Hubschman noted that it shows a 12" and they will check that out. Mr. Morgan stated that it seems to him that they will be creating another problem. He thought if you go straight down 11th Street instead of 12th Street right to Grant to where the main is or in that vicinity it would be a better flow. Mr. Galdi suggested replacing the 12". Mr. Hubschman noted that they can reconstruct that 12" into a 15" and the basin would be reconstructed. Mr. Galdi suggested working that out with the Borough Engineer. Mr. Morgan asked about the pitch. Mr. Hubschman noted that the pitch was there.

Mr. Vaccaro opened the meeting to the public. Ms. Rosalyn Taveroni, 343 Lafayette Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Taveroni was concerned about the drainage. She wanted to make sure that those two properties wouldn't be higher than her property so that she would be getting any excess run off. Mr. Hubschman noted that everything pitches back towards 11th Street. Ms. Taveroni wanted know what she is going to be looking at. How far would the houses be from the property line? Mr. Hubschman noted that the houses would be 30 feet from the property line. Ms. Taveroni asked about a fence. Mr. DeCarlo stated that they don't have a fence proposed yet, but that probably will be looked into. Mayor Romeo stated that something should be put there, either a fence or some bushes. Mr. DeCarlo noted that there is a fence there now but he would probably be replacing it but hasn't gotten that far yet. Ms. Taveroni asked how tall the houses would be in relation to what is there now. Mayor Romeo noted that the house can't be higher than 28 feet. Ms. Taveroni asked when they plan on starting. Mr. DeCarlo noted that, weather permitting, sooner rather than later. Ms. Taveroni wanted to get in writing about the drainage and that she is not going to have a problem. Mr. Hubschman noted that the lot is pitched to the front and they are adding drainage. Mayor Romeo stated that there is going to be a developer's agreement that will spell out that he is going to improve the drainage so it will be in writing showing what he is going to do so she doesn't have to worry about it.

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

Mr. Bell noted that this type of situation was dealt with by the New Jersey Supreme Court in a case called Kaufman vs. the Planning Board of Warren Township, where you had a similar situation where the area surrounding the property was mixed in terms of lot sizes and the lot was the biggest lot in the area. The court said that where the proposed lots are more in conformity with what is actually developed in the area, that that's an appropriate population density. The court also said that where the application presents an opportunity for improved zoning and planning, the Board should grant the relief. The opportunity for improved planning here is the fact that we can improve upon an existing condition, a drainage condition, in the neighborhood that everybody recognizes needs to be worked on. This pipe that his client is proposing to install will greatly improve that situation. He doesn't think there is any detriment. They have been very sensitive to the neighborhood and in creating two equal lots, two equally sized lots, that are pretty large, roughly 80 foot lots, they only require one variance that is a function of what he calls a bulk variance, a side yard variance that they spoke about. The other two are functions of the lot sizes, but the side yard variance really won't be visible because you have 30 feet between the houses and, by allowing that variance, they are able to keep the houses parallel to the street, which from a streetscape standpoint makes sense. It is consistent with the way the other houses are located on the street. For all of those reasons, they respectfully request that the Board grant the relief they are requesting.

Mr. Galdi made a motion to approve with conditions. Even though the lots are going to be slightly undersized and the variance that he is requesting, he believes that the drainage and piping that are going in are going to alleviate a possible problem of infestation of mosquitos and West Nile and everything in that area where the water is now prevalent. It is a great help to the health of the people in that area. With that in mind, he is in favor of approving it. Mr. Morgan seconded the motion. Mr. Laurita stated that for too long, lots have been split in most towns. The Planning Board here is to make sure you don't end up

with a house every two feet. He feels strongly and he doesn't want to see that. In the future we will have to be very sensitive about refusing anybody who wants to do the same thing who doesn't build as well as this man. This is the responsibility that we have. On Roll Call: Mayor Romeo noted that incorporated in the approval will be a Developer's Agreement that Mr. Bell will work out with Mr. Schuster and that the fence in the back will be taken care of. Mr. DeCarlo will be working in conjunction with Mr. Kevin Terhune for the materials and they can work all that stuff out for the drainage. Based on that, Mayor Romeo voted yes. Councilwoman Tsigounis and Mr. Vaccaro voted yes. Mr. Galdi wanted to make sure that they work on that 12" pipe with the Borough Engineer to make sure that it is the right capacity and he voted yes. Mr. Mogan and Mr. Laurita voted yes. Motion approved.

New Business

None.

Other Business

None.

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

Mr. Galdi made a motion to go into Closed Session at 8:51 PM. Motion seconded by Councilwoman Tsigounis. Motion approved.

Mr. Morgan made a motion to end the Closed Session at 8:55 PM. Motion seconded by Mr. Laurita. Motion approved.

Motion was made by Mr. Morgan to adjourn the meeting at 8:56 PM, seconded by Mr. Galdi. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for November 22, December 13, December 27, 2011, and January 10, 2012, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary