

MINUTES

CRESSKILL PLANNING BOARD

OCTOBER 8, 2013

Mr. Galdi opened the meeting at 7:40 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Vieni, Mr. Calder, Mrs. Schultz and Mr. Ulshoefer. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Morgan made a motion to approve the minutes of the September 24, 2013, meeting. The motion was seconded by Mr. Mrs. Schultz. All present were in favor of the motion. Motion approved.

Correspondence

Voucher from Azzolina and Feury Engineering, Inc. for professional engineering services rendered for the Master Plan Update – TR-2 Zone, County Road, in the amount of \$3,715.25. Motion made by Mr. Galdi to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Memo from Gail Warming Tanno, Municipal Clerk, Borough of Alpine, regarding Ordinance 737, dated September 25, 2013. The ordinance is an ordinance of the Borough of Alpine to Amend Chapter 220 "Zoning," Section 2 "Definitions" and Section 18D "Application Fees for Variances." It was introduced at a meeting of the Mayor and Council on September 25, 2013 and will be further considered for final passage on October 23, 2013. File.

Memo from Ms. Barbara Nasuto, dated October 3, 2013, regarding Ordinance No. 13-09-1452, Amend Chapter 275 – Zoning – Article XXXVI, TR2 Townhouse Residence Zone 2. Letter of agreement sent to Ms. Nasuto stating the Board's agreement with the ordinance. File.

Subdivision Committee

Mr. Vieni noted that a revision for Application #1431, 79 Cedar Street, Avi Lavon, was received on October 1, 2013.

Report from the Borough Engineer's Office

Mr. Azzolina noted that the revised plan for Application #1431, 79 Cedar Street, Avi Lavon, shows that they are now requiring a height variance. This plan was previously approved but they are now proposing to go up in the height. They need a public hearing. Mr. Galdi made a motion to schedule the Public Hearing for October 22, 2013. The motion was seconded by Mr. Vieni. All present were in favor.

Mr. Lavon also requested to hear the Merrifield property on October 22 as well. Mr. Azzolina said that he doesn't have it so it is tough to say if it is ready. He has not seen it yet. Typically he reviews it first. Mr. Lavon noted that it will be ready tomorrow and will get it to Mr. Azzolina. Mr. Azzolina noted that these lots are not yet deeded.

Mr. Schuster noted that usually you are supposed to have the deeds before hearing the site plan applications. Mr. Azzolina agreed. Mr. Galdi thinks it is too fast. Mr. Avi stated that Mr. Maryanski took care of all the deeds and he told him he was going to give them to Mr. Schuster. Tomorrow morning he will have the plans from Chris Lantelme. Mayor Romeo felt that we should leave it up to Mr. Schuster and Mr. Azzolina to determine if he has everything ready for the next meeting. If not, he has to wait for the first meeting in November. Mr. Galdi thinks it is kind of fast.

Mr. Schuster stated that normally what would happen is you have to record the deeds first. For title purposes, it is not going to show up right away anyway. Mr. Azzolina asked if the subdivision plans were revised. Mr. Lavon stated that yes, of course. Mr. Azzolina noted that he has not seen them. He will bring them to Mr. Azzolina's office tomorrow. He will bring Mr. Schuster the deed tomorrow.

Mayor Romeo noted that Application #1431 is set for a Public Hearing on October 22 and Mr. Schuster and Mr. Azzolina will determine if Merrifield can be heard as well. Mr. Azzolina explained to Mr. Lavon that he has to submit 15 copies to the Borough Clerk.

Mr. Azzolina noted that he received revised plans for Application #1434, 90 Roosevelt Avenue, Vadav and Maayan Gottesman. He received revised architectural drawings that are in agreement with the revised site plan that he had previously reviewed. On that basis, he recommends that the Board approve the site plan, dated July 16, 2013, and revised August 19, 2013. Mrs. Schultz made a motion to approve, seconded by Mr. Vieni. All present were in favor. Motion approved. Two copies were signed with approval memo. One copy to the Building Department, one copy to the file.

Lastly, Mr. Azzolina had a conversation with the Bergen County Planning as well as the former applicant, Mrs. Tonuzi, who sold the property to the Lees. They are still trying to hash out exactly what needs to be done along the County road, who is doing it and when it is to get done. Mayor Romeo noted that Mr. Salvatore got a call from the attorney of these people like we were holding it up. Mr. Azzolina explained that it is a County issue. Are they willing to waive what would be their former requirement, which their joint report specifically states "there shall be new curb and sidewalk along the entire frontage" That, to him, is clear. There is no new curb and no new sidewalk out there, and on top of that, there are certain other drainage improvements that need to be done in order to develop the proposed lot. That was his question to the Lees. He wanted to know from the Lees if they bought the property with the contingency that they are responsible for doing these things that are not yet done, or is the owner still responsible. It was news to them. They didn't know that these conditions existed. He threw it back at them and their engineer for them to investigate it further but it hasn't gone real far. He did receive a phone call from Mrs. Tonuzi kind of disclaiming responsibility, but he doesn't see how she can.

Mr. Galdi thinks we should hold up until we get this resolved. Mayor Romeo agreed. He was concerned with matching the curbing once they put new curbing in on those two properties. Mr. Azzolina noted that you would be able to match it on the 8th Street side of it and transition it down to the existing. Mayor Romeo read from the County report. Number 5 states: "Existing curb and sidewalk along the County Road frontage will be removed and replaced with new full height curb 8" and a sidewalk in conformance to the County engineer's design standard." This was committed to by the previous owners.

Mayor Romeo asked if the deal is null and void if the money has exchanged hands over this. Mr. Schuster noted that normally once the deeds have exchanged hands, the seller has no further obligations to the buyer. Mr. Azzolina noted that this is really the County's call. They are the ones that are making the requirement. He is simply pointing it out. If they say now they don't need the curb and sidewalk, then we don't need the curb and sidewalk.

The other ramifications of the earlier approval, though, are the plan that they are sighting as the approved plan shows a turn-around, which is something they commonly typically require. They don't want you backing out onto a busy street. You either have a circular drive or provisions to make a K-turn within your driveway area. The plan that's referenced as being approved shows a turn-around area. The plan that was submitted recently by the architect and Mr. Keffner, doesn't have a turn-around area. That is another thing that is a main thing, as far as the County approval goes. Once again, if they are going to eliminate that turn-around area, the County needs to know that and basically approve that.

Mayor Romeo stated that he is not in favor of eliminating that K-turn either. Mr. Azzolina agreed. He thinks they should have a turn-around. Mayor Romeo noted that on this house, the garage is underneath. This is not going to be an easy thing. He is going to have to dig out the hill. Mr. Azzolina said that it is doable but it is an additional expense that these people probably didn't contemplate when they purchased this property. Mr. Galdi would like some kind of confirmation from the County when they approve it and that it includes all this. Once we get that, then we can act on it. Right now he wants to put a hold on it. Mayor Romeo noted that we may have to live without the curb and sidewalk, but not without the turn-around. Mr. Azzolina thinks that the turn-around would probably be the buyer's obligation, but the stuff within the right-of-way, he is thinking they would argue that that is something that is the seller's obligation. Mrs. Tonuzi will fight it.

Mr. Morgan asked if we were liable because we subdivided it. Mayor Romeo explained that the subdivision was subject to County approval. She hasn't got County approval yet because she hasn't satisfied the County requirements. Mr. Azzolina showed the plans that we approved and that the County ultimately approved as well, which shows the turn-around. The proposed design at that time, is different than what is contemplated. This was basically at grade. They are proposing a garage under. That presents a different problem. You are going to need a retaining wall along the side, which is all doable, but is an additional expense.

The other hidden expense they have, and this plan is misleading in that, looking at this you would think there is an existing B inlet there, but there is not. They need this B inlet in order to tie in the drainage system. Once again, that is another cost element. The B inlet goes into the storm drain. There is an existing pipe coming down but you can't just tie into a pipe, you have to tie into a structure. If the structure existed, that is easy to do. If the structure doesn't exist, you have to spend about \$3,000 to build the structure.

Right now we can't do anything but wait. This is between Tonuzi and Lee. This has nothing to do with us.

Resolution for Application #1436M, 34 Merrifield Way, Avi Lavon, was introduced by Mr. Morgan, seconded by Mrs. Schultz. On Roll Call: Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Vieni, Mr. Calder, and Mrs. Schultz voted yes. Mr. Vaccaro was absent. Motion approved. The original shall become a permanent part of these minutes.

Old Business

None.

New Business

None.

Other Business

None.

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

Motion was made by Mrs. Schultz to adjourn the meeting at 8:05 PM, seconded by Mr. Vieni. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for October 22, November 12, November 26, and December 10, 2013, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary