

MINUTES

CRESSKILL PLANNING BOARD

OCTOBER 9, 2012

Mr. Vaccaro 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, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Calder 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 September 25, 2012, 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 71 Westervelt Place, Application #1426, Edward Solari. File.

Memo from Pam Sciancalepore, BOH Secretary, regarding the Flu Clinic to be held on November 7, 2012 from 9:30 AM – 11:00 AM. File.

Voucher from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of August 2012 in the amount of \$2,222.53. Mr. Morgan made a motion to approve, seconded by Mr. Calder. All present were in favor. Motion approved.

Notice from Rutgers Continuing Studies for Current Issues in Planning and Zoning for two Excel workshops. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction/Zoning Official, dated October 9, 2012, sending Ms. Jung Sun Yu to this Board for approval. She wishes to open a Tae Kwon Do Studio at 92 Union Avenue. She was previously located at 5 Legion Drive and would like to relocate her business to Union Avenue. The new business would be called "Ace" Tae Kwon Do. Ms. Yu was present. Ms. Yu noted that she will be in the basement of the building.

Mr. Schuster thought that when that building was approved, the basement was supposed to be used for storage only. Mr. Galdi stated that it should be inspected for fire exits and all in the basement. Mr. Schuster also noted that it will affect his parking requirements and everything else there. Mayor Romeo noted that the accountant is the only other tenant in the building. Mr. Azzolina doesn't know about that, but believes that Mr. Schuster is correct about what was testified to previously. We can check that. As far as the parking load, he is assuming this is probably primarily a night time business. This building has very limited parking, only ten or eleven spaces. Mr. Schuster noted that one of the issues when the application was before the Board was the parking and one of the reason he got the approval was based on the fact that there was not going to be a commercial use other than for his purposes.

Mayor Romeo asked how many people will be in the class at one time. Ms. Yu said there will be 25 students, with less than 10 per class. They will be children and high school students. It will be open after 4:00 PM on the weekdays and sometimes on Saturdays. They will be done by 9:00 PM. Mayor Romeo suggested checking what the previous approvals were. Mr. Vaccaro thought that it was said that the basement would be used for storage. Mr. Schuster asked about signage. Ms. Yu said it would be in the marquee. Mr. Galdi said it would be checked out for fire code. Mr. Morgan suggested that we hold it until it is checked out. Mr. Schuster stated that she should come back in two weeks. There is an occupancy issue as well as parking and the sign. Mr. Vaccaro said that the Fire Chief should check it out. Mr. Galdi noted that the Construction Official should also check it out. Mr. Morgan made a motion to hold it for two weeks and let the proper authorities check it out and have Ms. Yu come back with the paperwork she needs for the sign and everything.

Mr. Vaccaro explained to Ms. Yu what she needed to do. Mr. Schuster asked if they were going to be finishing off the basement. Ms. Yu said she will be finishing it, putting in a mat, mirrors and a ceiling. She will not be putting up any walls. She is using the whole basement. Mayor Romeo told Ms. Yu to have Mr. Abrams come in to see the Building Inspector and to come here so we know what is going on. Mr. Schuster asked about bathroom facilities. Ms. Yu noted that the bathrooms are on the 2nd floor. Mr. Abrams needs to speak to the Building Inspector and tell him what they plan on doing before we can proceed.

Subdivision Committee

Councilwoman Tsigounis noted that a new Application #1427, 62 Morningside Avenue, Victoria Chanliecco, was received on September 25, 2012, and is currently under review. Mr. Galdi pointed out that in the letter from Mr. Rossi, it reads "A rear yard variance, where 25 feet is required, they are proposing 26.67 feet, requiring a variance of 3.3 feet." Mr. Calder noted that on the plans it is correct. The letter should state that "where 30 feet is required." Mr. Vaccaro noted that Mr. Watkins already noticed for a Public Hearing for this application for tonight. Mr. Azzolina stated that they are currently reviewing the plans. Mr. Schuster noted that Mr. Watkins called him and what he wants to do is he wants to have it called and then carry it without further notice. If the application is complete, which he told him it was, that is fine, that can be done. If it is not complete, or if there are other problems with the notice, then he can't. Mr. Vaccaro stated that he couldn't do it at the next meeting because he wasn't available, so he wanted it scheduled for the first meeting in November. Mr. Schuster noted that under normal circumstances if you are going to carry a notice, you are not going to carry it for longer than 30 days. When you carry it more than 30 days, then the argument is that the notice is stale and you should re-notify. He has some of the paperwork, but there are a few things that he didn't get, which he assumes Mr. Watkins does have, but he is not sure about that. He has the mailing list but it is not certified by the assessor that it is a complete list.

The other issue that comes into play is that if there are changes made to the plan, then he is supposed to re-notify unless it is a de minimus change. Mr. Vaccaro noted that the plan hasn't been reviewed. Mr. Schuster stated that the argument is that is hasn't even been deemed complete to do this, because technically the plans are supposed to be available at least 10 days before the hearing date. Mr. Vaccaro suggested that Mr. Schuster call him. The plan has not been deemed complete. Mr. Azzolina noted that he started to review it. Typically, single-family site plans are pretty straight forward. Mr. Hubschman did the site plans and he has done a million of them. He doesn't really anticipate anything major. The only thing, and he talked to Mr. Watkins today about it too, is that he did not receive architectural drawings, so that would be the most major thing that he would be looking for at this point in time so that he can confirm that the footprint of the dwelling is the same as what is shown on the site plan, as well as confirm the FAR.

Mr. Vaccaro stated that it cannot be deemed complete. Mr. Azzolina said that the one thing that Mr. Watkins indicated to him was that somebody in the Borough Hall told him to advertise. Everybody finds that a little hard to believe. Mayor Romeo asked if could carry this pending the application being deemed

complete at the next meeting. Mr. Schuster noted that as long as the notices are all accurate and there are no changes to be made to the plan that are not de minimus. Mr. Vaccaro suggested telling Mr. Watkins to send out new notices. Mr. Schuster stated that he can send him a letter saying that it is going to be carried more than a month and it is policy that he has to re-notice. Mr. Schuster also noted that the other argument is that if it is not deemed complete, how can it be available for public inspection? Mr. Schuster will write him a letter telling him that if it is deemed complete at the next meeting, it will be scheduled for a Public Hearing on November 13.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he prepared a memo for Application #1425, Izet Mamo, 102 7th Street. He indicated at the last meeting that the application was substantially complete but there were minor things that need to be addressed. This is the memo that details those items. He e-mailed this to their engineer as well as the builder. He thinks the biggest thing that is holding them up right now is the Bergen County Soil Conservation District approval. He is assuming that that is in the works.

Mr. Azzolina received, at the end of last week, the subdivision map for the Cresskill Plaza project, but he hasn't had the opportunity to review that yet. He will report on that at the next meeting.

Old Business

None.

New Business

None.

Other Business

The resolution for Application #1210 was presented. Mr. Galdi noted that he made a specific reason for granting that variance, and that was because of the necessity of extending the patio was more of a safety reason why he approved it in conjunction with the couple feet of the variance that he is asking for. The safety factor outweighs what he is asking for. That was one of the main reasons, but it is not in the resolution. He made that safety reason specific. Mr. Schuster will add after E "The proposed extension will eliminate a hazard and would make the patio safer and for that reason it outweighs the 6.75 foot variance which they are asking for." Mr. Galdi introduced the resolution, with the addition. Mrs. Schultz seconded the motion. On Roll Call: Mr. Vaccaro, Mr. Galdi, Mr. Morgan and Mrs. Schultz all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

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

Motion was made by Mr. Galdi to adjourn the meeting at 8:10 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for October 23, November 13, November 27, and December 11, 2012, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary