

MINUTES

CRESSKILL PLANNING BOARD

NOVEMBER 11, 2014

Mr. Vaccaro opened the meeting at 7:33 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 Mr. Ulshoefer. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the October 28, 2014, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated October 14, 2014, sending a representative of G. Lita III, LLC to this Board for approval. They would like to open a pizza restaurant at 10 Madison Avenue. No one was present. Hold for next meeting.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated October 23, 2014, sending Mr. Sal Rusi to this Board for approval. Mr. Rusi would like to construct a pool, terrace and retaining walls at 153 Truman Drive with a building coverage variance of .5%. No application was received. No one was present. Mr. Azzolina noted that he is aware of this application but he did not know it was coming before this Board. Mayor Romeo asked why it was coming before this Board. Mr. Azzolina didn't know. There is an existing dwelling on the property. They are doing extensive remodeling of the entire house and site. The site work is a retaining wall which he had some involvement with that. He told them that they could not construct walls higher than four feet without a variance, so his assumption is that that's what the plan will show as well as they were proposing a cabana structure that was going to put them over the building coverage. Councilwoman Tsigounis noted that the building coverage variance says .5%. She was wondering if that was an error. Mr. Azzolina stated that it was a large lot so it could be correct.

Mayor Romeo wanted to know why they were coming before us. Mr. Azzolina thought that it was going to be a Zoning Board application. Ms. Bauer noted that she has not gotten it yet for the Zoning Board. Mayor Romeo asked Mr. Schuster to look into it and direct it to the right Board.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that at the last meeting two weeks ago, site plan Application #1454, Lumaj Builders, 221 Brookside Avenue, they had not submitted the plans to the Board. They have now submitted the plans. He once again would recommend that those plans be approved at this time. Mr. Galdi asked if they met his criteria on everything. Mr. Azzolina noted that they did. Mr. Galdi made a motion to approve, seconded by Mr. Calder. All present were in favor. Two copies of the plan were signed with an approval memo. One copy to the Building Department, one copy to the file. Mayor Romeo stated that he wants them to address the fence in the backyard. Mr. Azzolina noted that he did speak to the builder and there is currently a question of ownership of the fence. They were going to talk to the neighbor.

Mr. Azzolina noted that on another application for 20 Crest Drive North, there is no application number. The applicants were present. The attorney, Mr. Michael Goodman, noted that two weeks ago they were here and they were faced with the issue of not submitting the site plan. He has the form and submitted the plans yesterday. It is one of these strange situations because this was a Zoning Board approval. What happened was a problem occurred with the taking down of not two walls but three walls which put them before this Board. This Board was kind enough to say that we would go with the Zoning Board application but neglected to see a site plan presented, which they were able to have prepared and submitted to the Board. From that point on he wasn't really sure what to do, but it was just completed yesterday.

Mr. Azzolina noted that that is correct. He just received, via e-mail yesterday, a site plan dated November 4, 2014, for the applicant, Ilan Cohen. He reviewed the plan today and spoke to their engineer. He e-mailed him the architectural drawings that were reviewed by the Zoning Board. He was able to determine that the footprint of the house is the same house. It is identical in all respects to what was approved by the Zoning Board. The only deviation that he notes is with respect to the building coverage. The Zoning Board granted them a variance for building coverage of 20.73, but the Zoning Board neglected to include the deck, which, under our code, is required to be included in the building coverage. The only finding is that the coverage is 23.73% as opposed to 20.73. It is not a huge deck. It was shown on the original plan approved by the Zoning Board, but for whatever reason, it was not picked up by the applicants as requiring a variance and by the Board as an additional unidentified variance condition. They did receive the variance, he is just saying that it is a little more intense than numerically stated in the resolution.

Mr. Azzolina stated that they did submit site plans yesterday, but not enough to distribute. Mr. Morgan noted that there is no application number with this and that is another reason this has not been distributed. Mayor Romeo stated that he is going in to the Borough Hall tomorrow to do all of this. Mr. Morgan noted that it is not here when we need it. Why don't we have it ahead of time instead of behind time. Mayor Romeo stated that it should have been done that way but they tried to rush this thing through after their original plan was stopped. Mr. Goodman noted that he thinks the Board is aware that they currently have a problem where they have the framing done and they have a deteriorating situation. This is almost a desperate situation for them. If they can't get this approved and meet the criteria, whatever that criteria is, they are going to have to close in the entire house.

Mr. Schuster stated that they knew this last time that they had to get their paperwork in by this time and they didn't do this. One of the only reasons we are having a meeting tonight, because it is actually a holiday, is so we could accommodate you and your application and you didn't do what you were supposed to do. We are here to help you, but on the other hand, we can't do it for you. Mr. Goodman noted that he understood. What is not handed in is this application. They did not have these drawings in their hands until very recently. They have it now. They rushed this as much as they could. He understands what Mr. Schuster is saying and maybe they could have done it a little bit faster or better but a lot of it is getting it in their hands. They did and they have a situation that is a bad one. Unfortunately, this is not the Board's fault. This is their fault. They acknowledged that before the Board two weeks ago, and he is acknowledging that now for his client. He saw what happened. He walked there. There were clearly some new boards put up. He is not arguing with that. He spoke to Mr. Rossi about it last week. It is clear they are here before the Board. The Board was kind enough to say use the Zoning Board's plans, but give us a conforming site plan application.

Councilwoman Tsigounis stated that all the Board is saying, with all due respect, is that there is a time factor that you are supposed to get the documents to the Board and you did not. So again we are going to have to overlook that in order to accommodate you once again and you didn't have to put us in that position. Mr. Goodman agrees and apologized for that. They literally did as much as they could do to do it. He doesn't want to put the Board in that position. This is a Board that he respects and has been before on prior occasions with other applications. He respects the Board.

Mr. Schuster noted that one of the other problems here is by getting them in late, you are not only putting the Board in an awkward position, you are doing yourself a disservice, because one of the things that is required is that these documents have to be available to the public to view and if they are not available, you have a potential legal problem down the road. Probably it is not going to happen but it is out there. Mr. Goodman noted that you need to remember that this was the subject of a Zoning Board application.

Councilwoman Tsigounis wanted to know how to deal with the misunderstanding on the extra 3% of the coverage. How does that get resolved? That hasn't been noticed and the public doesn't know about that. Mr. Schuster noted that if a public hearing is required, then the public has to be notified. Councilwoman Tsigounis asked how we handle that. Are we accepting that as a mistake? What liability do we have? Mr. Schuster noted that he has the resolution stating what he got originally. So the next question is what does the application say? Is the site plan being modified? Is it a variance requiring a Public Hearing? If that is the case, then he has to get his notices out once the plan is deemed complete and have a Public Hearing. Mr. Goodman noted that it is his understanding from the last meeting that he would not have to do that. He was to bring before the Board the site plan. He brought before the Board the site plan. He understands that he may not have done it 100% perfectly, but this was part of a Zoning Board application, the public was notified, he appeared at that Zoning Board application. He thinks this is more of a hybrid situation and more of a difficult situation for them. He does not believe they should have to re-notify, but that is the Board's decision. Mr. Schuster noted that a Public Hearing is required for a variance.

Mayor Romeo noted that the deck doesn't really infringe on anything, it is really just rounding off the house. The way they did it was wrong. And you will be appearing before us again and the issue isn't the deck, the issue is the procedure. There is discourse here among some of the people on the Board that don't agree with it. He personally doesn't like the way this was done, but it was already approved by the Zoning Board. Probably the best thing to do is have a vote and if Mr. Azzolina says that everything is now in order, then we can go from there. You will still have to go in and file an application and pay your fees. But there won't be a next time. The next time they will have to wait it out.

Mr. Schuster asked where we were with the whole procedure. He asked if there was an application number. He already has certain variances in hand. Mayor Romeo noted that the deck was left off the original application. Mr. Azzolina explained that there isn't anything missing at this point. Obviously there was a timing issue with it, he received it yesterday and the Board received it today. As he stated previously, the plan is the same as what was reviewed and approved by the Zoning Board. The deck was on the original plans. As part of their zoning analysis, they did not include the deck, even though the code says that decks are included in building coverage in Cresskill. The applicant didn't include the deck and the Zoning Board didn't catch that in their review either. So, they have a building coverage variance of .73 of the footprint of the existing dwelling plus the small addition in the back put them over the 20% coverage already. But with the deck dimensions being the same as previously proposed and as currently proposed it works out to be 23.73% as opposed to 20.73%, so it is 3% greater than, but it is the same as, the plan that was before the Zoning Board.

Mr. Morgan stated that we are dictated to go with the Zoning Board. We are doing it out of the goodness and generosity of our nature. Mayor Romeo stated that we could force them to come back for a lot coverage variance but he thinks that would be counterproductive, but Mr. Morgan is absolutely right, we are doing this because we think it is the right thing to do. Mr. Calder asked if we would be in better standing if we made them reduce the deck to meet the Zoning Board's building coverage approval. Mr. Schuster is not overly concerned about that. One of the things he tries to look at is do you want to have something that is probably aesthetically better looking as opposed to having them cut it back and have

something that is not quite as aesthetically pleasing. That is one of the issues that he is looking at. It is a de minimus type of situation. Mr. Galdi stated that it was included on the original plan.

Mr. Morgan made a motion to approve. Mr. Galdi seconded the motion. Mr. Schuster noted that this is subject to them getting an Application number and submitting his fees. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan and Mr. Calder all voted yes. Mr. Ulshoefer voted no. Motion approved.

Mr. Azzolina noted that Application #1455, 1 County Road, Willow Run Real Estate, LLC, (Applicant – Pulte Homes of NJ, LP) was officially submitted yesterday. Plans were distributed to everyone. The applicants were present. Mr. Azzolina has not done a completeness review on the application. He was waiting for the official submittal. Now that it is here, that will take place within the next two weeks. Mr. James Mullen, the attorney for Pulte Homes was present and noted that he submitted the application. Mr. Azzolina noted that he spoke with the engineer and explained that on the architectural drawings there needs to be dimensions, footprints, areas, square footage of the units, length of the units, depth of the units, etc. Preliminary architectural drawings typically include dimensions. He is not looking for plumbing diagrams or anything like that. He is just looking for dimensions so he can confirm that the buildings as shown on the architectural drawings agree with the designs presented on the site plan.

Mr. Azzolina will do a further review and report at the next meeting. There will be a further escrow requirement. What's requested is an initial deposit. The more complicated, complex applications require supplemental deposits and he will define that as well.

Mr. Myron A. Vigod, architect for Sandam, was present. They have decided to go with option 2, which are tables on the side of the building. There will be nothing on the Piermont Road side. Mr. Azzolina noted that he hasn't looked at this in a while. He noted that the Board had some concerns about the adjoining ball field. Mr. Vigod noted that it was May the last time he was before the Board. Mr. Azzolina stated that he has a survey from way back when. Mr. Vigod is sure that this is on his property. They are only going out 20 feet. Mayor Romeo asked if they own the building. Mr. Necdet Apcin, owner of Sandam, noted that he does not own the building. Mayor Romeo wanted to know if he got permission from the building owner if he could do this. Mr. Apcin noted that he did get information. He produced a letter that stated that he could do a study, but did not actually give permission to do it.

Mr. Azzolina noted that he plans to be 20 feet off the building and there will be another 10 feet to the borough property. Mayor Romeo stated that he needs to have a good buffer screen from the ball field that is next to it.

New Business

None.

Old Business

None.

Other Business

None.

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 8:09 PM, seconded by Mr. Calder. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for November 25, December 9, December 23, 2014, and January 13, 2015, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary