

MINUTES

CRESSKILL PLANNING BOARD

DECEMBER 11, 2012

Mr. Vaccaro opened the meeting at 7:43 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. Vieni, and Mr. Calder. 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 November 27, 2012, meeting. The motion was seconded by Mr. Calder. All present were in favor of the motion. Motion approved.

Correspondence

Copy of memo from Fire Chief Christopher Ulshoefer to Chairman Vaccaro dated October 25, 2012, regarding monitored smoke detectors. Chief Ulshoefer writes: "A fire doubles in size every minute it burns. The Division of Fire Prevention has been conducting its annual fire inspections throughout the town. One component of fire protection which is very alarming to the Fire Department is the lack of monitored fire alarms in the businesses. While a majority of these businesses are **not required** to have monitored smoke detectors, I strongly believe we need to educate the businesses concerning the lack of monitored smoke detectors. Flie.

Application for Soil Erosion and Sediment Control Plan Certification for 180 Truman Drive, Larry Robbins. File.

Vouchers from Mr. Steven Schuster for services rendered relative to the Planning Board for the month of October 2012 in the amount of \$1,803.13 and for the month of November 2012 in the amount \$1,756.33. Motion to approve made by Mr. Vieni, seconded by Mr. Galdi. All present were in favor. Motion approved.

Notice from PSE&G informing the Borough that they are submitting an application for a permit to the New Jersey Department of Environmental Protection under the Freshwater Wetlands Protection Act. The permit will authorize PSE&G to conduct regulated activities within the PSE&G Service Area. File.

Letter of Introduction from Mr. Edward Rossi, Construction Official, sending Mr. Jed Lee from the Korean Parents Association, to this Board for approval. He is proposing to install an updated digital, lighted permanent sign at 51 Brookside Avenue (Bryan School). Mr. Lee was present and stated that the sign will be an LED sign and will be computerized. The sign that is there now is not lighted and you have to attach the plastic numbers and letters. The new sign is smaller than what is there. Mayor Romeo asked if Dr. Bellina knew they were doing this. Mr. Lee noted they have not discussed it with Dr. Bellina. He didn't know what the process was. He just got the estimate. They will raise the money to do it but he wanted to get it approved before they raise the money for it. They do not have Board of Education permission to do this. Mayor Romeo suggested that he go to Dr. Bellina and get approval from her first.

Mr. Lee asked what he should do if Dr. Bellina approves the sign. Mr. Schuster noted that the school has to OK it first. Mayor Romeo also noted that since it is a lighted sign, it will affect the four houses across the street. The Board of Education has to consider the impact it will have on the people across the street. If they OK it, then he can come back here.

Resolution for Application #1427, 62 Morningside Avenue, Victoria Chanliecco, was presented. Mr. Vieni introduced the resolution, seconded by Mr. Morgan. Mr. Morgan asked Mr. Azzolina if everything was OK on his end. Mr. Azzolina noted that everything was OK. They submitted revised plans and the only thing outstanding was the Bergen County Soil Conservation Approval. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Vieni and Mr. Calder all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

Resolution for Application #1428M, Madison Avenue, 6 Madison Avenue Associates, was presented. Mr. Vieni introduced the resolution, seconded by Mr. Galdi. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Vieni and Mr. Calder all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

Subdivision Committee

Councilwoman Tsigounis had nothing new to report.

Report from the Borough Engineer's Office

Mr. Azzolina reported that on Application #1429, 307 Truman Drive, Gabriel Karlis, the builder was present. Mr. Azzolina noted that there were a couple unique things about this application. There is a stone wall along Truman Drive and Wilson Drive frontages. The statement was that that was going to be maintained. It is being maintained to certain extent. Portions of it will be obstructed with the new construction. He is not certain if that is anything that this Board is overly concerned about. Currently the wall is 13-15 feet high in most of its location, but the proposed design proposes a wall in front of that wall in order to construct the driveway, which as every recalls, the original subdivision contemplated accessing the property from the neighbor's property. They are not going to do that. In order accomplish this they need to construct the other wall, which is then going to effectively cause the visible heights of the wall to be reduced.

Another unique thing about the plan is that they propose an amphitheater in the front yard of Wilson Drive. He is not quite sure what constitutes an amphitheater. Mr. DiStaulo noted that it is a landscape feature. The landscape architect put it in. It doesn't have to be there. Mr. DiStaulo can have them remove it. Mr. Azzolina noted that if it is eliminated, that simplifies things.

The other aspect of it that would represent a variance condition is they are proposing to cut into a natural rock formation against the southerly property line, which is really along the neighbor's property. They are proposing to drop the elevation 12 feet approximately by assumably blasting out or hammering out the rock formation. Basically they are creating a natural retaining wall 10-12 feet high along that side lot line. Mr. DiStaulo noted that it is a cliff not a retaining wall. Mr. Azzolina noted that that is for the Board to determine. Mr. DiStaulo stated that it is not holding anything, it is just there. Mr. Azzolia explained that it is not currently there, it is going to be created by blasting or hammering, however they are going to choose to effectuate that. Basically the code allows retaining walls six feet or higher only within the building envelope and that would lie beyond the building envelope. It is in the side yard setback. The question is if the Board views that as a retaining wall or not and if they do, you would need a variance, and therefore, a public hearing on that.

Mr. DiStaulo explained that there is a rock shelf there and where the house goes, they have to take down 12 feet of rock. Once you take that out, a cliff is created. It is on the Truman side next to the neighbor's house. Mr. DiStaulo noted that there will be a safety issue as well. He thinks maybe they should notch it out and terrace it into four foot terraces. Mr. Galdi noted that that would be safer than someone looking at a real high wall. Mr. Vieni asked if someone could walk off from the other house and fall off this wall. Mr. DiStaulo noted that they could if they opened their fence and get to it.

Mr. DiStaulo stated that maybe four foot terraces would be better. Mr. Azzolina noted that he would need three four foot walls in order to do that. You look at the aggregate height. You need a fence or railing one way or the other, whether it is a 12 foot vertical straight shot or three four foot drops you will need a fence along the top. Mr. DiStaulo noted that next door they put a barrier of pines with a chicken wire fence weaved in.

Ms. Bauer asked about the blasting. People complain very much when there is blasting. Mr. DiStaulo stated the house next door was done without blasting but he doesn't know if it is the same rock. If they can do it with hammering they will. Mr. Schuster noted that they have to notice, do insurance and do a whole bunch of other things before you can actually blast. Mr. DiStaulo explained that they have to do a pre-blast survey and other things before the blasting is done. Mr. Azzolina noted that the construction methodology, the blasting, is not regulated by the municipality. That is a State thing. That is really the builder's issue more than this Board's. The only direction that he needs is how the Board views the rock face, is it a wall or is it not a wall. He is going to need the barrier on top no matter what. The question is whether a public hearing is required. It is just timing. If it is a wall, you need a public hearing.

Mr. Galdi noted that it is a natural structure. It is already there. The only note we can make is you have to have some sort of protection above the wall. Councilwoman Tsigounis agreed with that along with the fact that it has to be terraced, otherwise he has to go for a public hearing, because anything over four feet needs a variance. Mr. Galdi stated that it is a natural structure. Mr. Azzolina noted that in a way it is being built because he is blasting or hammering the rock in order to create it and that is where the determination comes in. It is however you want to look at it. Obviously, Mr. DiStaulo has a different opinion. Mr. DiStaulo stated that he is not building a wall, it is under there and he is just exposing it.

Mr. Galdi stated that even if they terrace it, whoever does that, with the rock hammer or blasting or however they do it, they have to put a seismograph there at the property and that is under the State rules and regulations. It can't exceed a certain amount of decibels.

Mr. Vieni personally thinks that it is part of nature and it's not a retaining wall. Councilwoman Tsigounis agrees as long as it is done gradually like they are saying. Mr. Galdi asked Mr. DiStaulo if he would want to do that and terrace it and put a safety up on top of it. Mr. Vaccaro asked for a motion to approve it as long as it is terraced and there is a safety barrier on top and subject to all of Mr. Azzolina's approvals on the revised plans. He needs to see the revised plans showing the terrace and a couple of review comments.

Mr. Galdi made a motion to approval subject to Mr. Azzolina's review and approval of the revised plans. Mr. Schuster noted that Mr. Azzolina will make a determination whether or not the plans are satisfactory, and at that time Mr. Vaccaro can sign off on the plans. Mr. Azzolina stated that as long as the Board understands that the stone wall is not really going to be visible to the extent that it is now. Mr. Galdi amended his motion to approve it with that additional condition. Mr. Morgan seconded the motion. All present were in favor.

Old Business

Resolution for the Incorporation of Environmental Resource Inventory into the Master Plan was introduced by Ms. Bauer, seconded by Mr. Galdi. On Roll Call: Mayor Romeo, Councilwoman Tsigounis,

Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan and Mr. Vieni all voted yes. Mrs. Schultz was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

New Business

None.

Other Business

None.

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

The next four regular Planning Board meetings are scheduled for January 8, January 22, February 12, and February 26, 2013, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary