

MINUTES

CRESSKILL PLANNING BOARD

DECEMBER 13, 2011

Mr. Vaccaro called the meeting to order at 7:32 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, Mr. Vieni, Mr. Laurita 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 November 22, 2011, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

Correspondence

Copy of letter from Mr. David M. Watkins to Darkwood Builders Inc, regarding Lavon vs. Darkwood Builders Inc., dated December 9, 2011. Mr. Watkins is representing the interests of Avi Lavon, the owner of 96 Westervelt Place, Cresskill. Darkwood Builders was hired to re-frame the existing single family residential structure at this address. They were given specific instructions to secure the house so as to ensure that the walls of the existing structure would remain in place. Based upon their negligence, the structure collapsed and the only structural integrity left would be the footings in question. The breach of contract has caused Mr. Lavon serious economic damage. In addition, Mr. Lavon's approval from the Board of Adjustment from the Borough of Cresskill is now placed in serious jeopardy. Mr. Lavon is now obligated to file before the Planning Board as new construction rather than the addition that was approved as contemplated by the architectural plans in question.

Mr. Vaccaro explained that they went to the Zoning Board to put on an addition but the walls fell down. The FAR was approved by the Zoning Board. There is no deviation from the plan now. Mr. Watkins was present. He explained that he was sent here because the walls fell down. Mayor Romeo noted that this was an accidental knockdown. Mr. Watkins noted that the framer failed to secure the two walls and they fell down.

Mr. Edward M. Rossi, Construction Official, sent a Letter of Introduction dated December 6, 2011, to this Board for 96 Westervelt Place. Mr. Avi Lavon is before this Board for approval. He had originally planned to build a second floor addition with alterations on the first floor. He has gone beyond the scope of the project in that he has removed more than 50% of the structure. This is now considered a "New Construction," in accordance with Borough Ordinance, Chapter 218, Site Development, which requires site plan approval. If he maintains his original plan, variances approved by the Zoning Board, resolution dated August 25, 2011, will still be part of this approved plan upon review by the Planning Board.

Mr. Watkins explained that these plans before the Planning Board are the exact same set of plans that were approved by the Zoning Board. Mr. Schuster asked why they were here. Mayor Romeo noted that they stopped construction because all the neighbors started running down here saying he knocked the house down. Mr. Galdi feels that it should be a continuance. Mayor Romeo stated that he doesn't care how it was knocked down, it was knocked down, and when there are people coming down complaining

because they were at the meeting and they are now violating this, they have to go through the proper channels and do the right thing. That is why this is here.

Mr. Galdi stated that if the Borough Engineer agrees that there is no deviation from what was approved, it should be a continuance and, therefore, we would have no objection. Mayor Romeo asked if we need a hearing. Mr. Schuster doesn't think we do since he already has all the variances and all we need to do is review the site plan. Mr. Galdi noted that the main point that would raise a question is if the guy changed the plan. Mr. Vaccaro asked Mr. Watkins to submit the original plan so Mr. Azzolina could compare the two plans and if he approves it, we will go with the old approvals. Mayor Romeo stated that if Mr. Azzolina says the plans are the same, we will go with the old approvals.

Mr. Schuster stated that as soon as Mr. Azzolina gives his OK, we could vote on it. Mr. Vaccaro suggested that they get the original plans to Mr. Azzolina for him to review and we can vote on it at the next meeting. Mr. Morgan agrees that we should vote on it in two weeks after Mr. Azzolina has had a chance to review it. Mr. Watkins had no objection to that. If there is a problem on it, Mr. Azzolina will let Mr. Watkins know before the next meeting. Mr. Azzolina will be reviewing the old plans to the new plans to make sure that they are the same plans.

Resolution for Application #1413, 33 Crest Drive North, Parvis Roubeni was presented. Mr. Vieni introduced the resolution, seconded by Mrs. Schultz. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Mr. Galdi, Mr. Morgan, Mr. Vieni, Mr. Laurita, and Mrs. Schultz all voted yes. Ms. Bauer was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Subdivision Committee

Councilwoman Tsigounis noted that Application #1417, 96 Westervelt Street, Avrahan Lavon, was received on December 9, 2011, and was previously discussed and is under review.

Report from the Borough Engineer's Office

Mr. Azzolina reported that he spoke with Mr. Marty Lucibello about the site plan and architectural plan for 16 Emerson Street. There are revisions required. He will have his architect and engineer get together and get the corrections done. There is some lack of agreement between the site plan and architectural drawings. He hopes to have that in place by the next meeting.

Old Business

None.

New Business

None.

Other Business

Mayor Romeo asked about the pavilion. Mr. Azzolina noted that he is waiting for the structural engineer to provide him the site design. He talked to him on Monday but he is a little backed up. He will have it to him by the end of the week.

Mr. Azzolina sent the letter to CSX about a week ago and he e-mailed back to him saying he would re-open his file, take a look at it and get back to him early this week. He hasn't heard from Mr. Salvatore as to whether he heard from CSX yet.

Mayor Romeo noted that they got \$27,000 for the Terhune Park. He is thinking of rededicating the park. He will also have the lights fixed on the basketball court there, too.

Mr. Morgan asked about the widening of the road on Madison. Mayor Romeo noted that if CSX goes along with this, it will reduce the price that we have to pay to get the easements and then the next step is to turn it over to CSX for final approval with the County and then we are ready to go. We can't widen the road without their approval. That is what is holding it up. Mayor Romeo explained that there are all little pieces of easement scattered all over. When you put them all together, they total about 15,000 square feet. They are giving us a price of about \$493,000 dollars. But it is not 15,000 square feet because it's useless because they are separated. Between Mr. Azzolina and Mr. Salvatore, they finally got them to agree that if we gave up the air, water and mineral rights to all of this land they would reconfigure this as a separate unit and it would reduce the price. Mr. Azzolina said they are saying we are taking 90% of the value of that land and we argued that we don't need 90% of the value of the land, we just need whatever percentage is contributable to the widening. Mayor Romeo stated that we are looking for 12 feet of the right-of-way to widen the road.

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 7:57 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for December 27, 2011, January 10, January 24, and February 14, 2012, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary