MINUTES

CRESSKILL PLANNING BOARD

DECEMBER 27, 2011

Mr. Vaccaro called the meeting to order 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, Mr. Galdi, Mr. Morgan and Mr. Vieni. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

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Mr. Galdi made a motion to approve the minutes of the December 13, 2011, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

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Correspondence

Note from Mr. Lou Laurita to Mayor Romeo and the Members of the Board resigning, effective immediately.

Application for Soil Erosion and Sediment Control Plan Certification for 33 Crest Drive North, Parviz Roubeni, Application #1413. File.

Copy of letter to Mr. Frank DeCarlo, FDC Contracting, from County of Bergen, Department of Planning and Economic Development, regarding Application #1416M, 338 11th Street. The letter states that the application was reviewed by the Bergen County Planning Board's Subdivision and Site Plan Review Committee at their December 13, 2011, meeting and was granted *conditional* approval. The letter explains the steps to be taken in order to perfect the subdivision. Construction should not commence until final County and Municipal approval has been obtained. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction/Zoning Official, dated December 20, 2011, sending Mr. John Manfredonia to this Board for approval. He wishes to put up a new sign with the name of the business at 120 Piermont Road. Drawings were attached. Mr. Manfredonia was before this Board before for new signage and it was determined that the signs were too big. Now he has new drawings. He is showing signs on both the front and the side of the building. Mr. Schuster noted that the code doesn't differentiate between signs on a corner piece of property. Mr. Vaccaro feels that we can approve it as long as it meets the code, the sign is not too big, etc.

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Subdivision Committee

Councilwoman Tsigounis had nothing new to report.

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Report from the Borough Engineer's Office

Mr. Azzolina reported that he had several back and forth discussions with Mr. Marty Lucibello, who was present tonight. He received revised drawings tonight that address an issue that was discussed a couple of weeks ago. Basically, this plan shows the revised footprint that satisfies the requirements of the code. There are no variances required with this footprint. The applicant still needs to provide the architectural drawings that are in agreement with this footprint, but assuming that that can be provided within the next week or so, he recommends that the Board approve this site plan, subject to the applicant submitting the revised architecturals and he will coordinate with the Construction Officials relative to any building permits and recommend that they not be issued until the plans are received and reviewed by him. The drainage issues that he had have been addressed. He is providing two seepage pits, one in the front and one in the rear. The one in the front has an overflow to the municipal storm drain as recommended. Everything else about it is OK. Initially he had a side loading garage with a very small back-out dimension. The plans are now revised to a front-load garage which is pretty much what the Board was in favor of. There is no pervious concrete driveway surface. It is conforming in all respects to the code.

Mr. Galdi made a motion to approve, subject to Mr. Azzolina receiving the architectural drawings and reviewing them. Mr. Morgan seconded the motion. All present were in favor. Motion approved. Two copies of the plan were signed, with approval memo. One copy to the Building Department, one copy to the file.

Mr. Azzolina stated that he received revised drawings for the Roubeni application on Crest Drive North, Application #1413. The Board has not received them. The plans were revised December 8, 2011. They address the comments in his report to the Board. He would recommend that the plan be approved by the Board at this time, subject to them submitting plans for signature. Mr. Galdi made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved. One copy of plan signed, with approval memo. Copy given to the Building Department. Additional copy will be signed when received from the applicant.

Application #1417, 96 Westervelt Place, Avrahan Lavon has been reviewed by Mr. Azzolina. He is not sure what the Board is looking for. Initially the discussion was is this plan the same as what the Zoning Board approved. To that, he stated the plan was originally submitted in June and heard in August. One of the issues from the original plans that he received from the town (dated June 8, 2011, entitled Schematic Design) shows the footprint of the dwelling, which at that time had an addition on the east side of the dwelling. The Zoning Board looked at that and initially the existing side yard setback was 12.5 feet and they were proposing it to be 9.95 feet. The Zoning Board was opposed to that so they directed the applicant to add the addition to the back of the dwelling. They were OK with the square footage.

They then submitted a drawing dated October 13, 2011, that makes that modification and basically you have the same footprint modified to pick up that square footage that was on the side of the house and is now in the rear of the house. Certain internal modifications were also noted between the June and the October plan relative to the entry to the dwelling. Initially, the front door on the original design was facing Westervelt but the stairs down were to the side yard. The revised drawing shows the front door facing the side yard with the steps still coming down to the side yard area but the front elevation no longer includes the door. That also allows them to pick up a little room. What used to be a covered porch is now a powder room and mud room. There are some slight modifications to the footprint of the dwelling. He doesn't know what was stated at the Zoning Board meeting, but that is a difference he is noting between the June and October plans. Mr. Azzolina noted that having the door facing the side yard is not uncommon because you are dealing with a lot that is 45 feet wide here. That is the existing hardship relative to the shape of the lot, which he is sure is why the Board granted the approvals that they did.

If the charge is, is the December plan the same as the October plan, he will say that it is generally consistent with that plan. The footprint is the same. But, if this were to come to us initially, he would have questioned certain things that do not appear to have been looked at relative to the initial approval. One thing is they are now creating a garage under on this property. There used to be a detached garage on this property and now they are putting the garage in the basement. Mr. Galdi asked if there was a water

problem on this property. Mr. Azzolina didn't know, but that is one of the issues he raised with the applicant's architect this morning. Now they have the driveway pitching down towards the garage and there are no drainage facilities shown on this plan. There is also perhaps the issue of height. This plan doesn't show any elevations. Our code is based on showing the proposed elevation at the two front corners and that establishes your base elevation. From there you add the 25 feet to establish your ridge. What we have done historically, when you have the garage under with a corner where you have the garage below and the corner of the dwelling is higher, they have in the past have averaged those two elevations. They may need a height variance doing it this way. The original proposal always reflected this garage under design, but whether it was realistic that you could construct that garage under without ripping up at least that front portion of the house, he is not sure. They had to have known that the structure was going to have to be modified in order to build that.

Mr. Morgan asked if this started as a remodel. Mr. Azzolina noted that his understanding is that it was termed to be an addition and alteration. The foundation is there today, but in order to build the garage under, they are going to have to raise it probably 24" or so, minimally. It was not necessarily depicted on the original plans. Mayor Romeo asked Mr. Chris Blake, who was present on behalf of the applicant, if he could make this the right height by doing it this way. Mr. Blake noted that he did not draw the plan, but with the architect's measuring tape, the height with the average grade was OK. He is not taking any responsibility to the super correctness that the surveyor accomplished. It was understood that they would get an "as built" survey at the end to prove the height was OK. They intend to make that work. They don't have any intention to go for a height variance. If they have to decrease the ceiling height or change the roof to accomplish all of this, they will make that work.

Councilwoman Tsigounis noted that these things are usually marked out on the plans. Mr. Blake noted that this is what the problem is. On a brand new building these are marked out. This was not a new building and now that it is a new building, they need these things marked. Mayor Romeo asked about the drainage. Mr. Blake noted that he has Mr. Michael Hubschman working on these things. Mayor Romeo stated that we should let Mr. Hubschman make the changes and let Mr. Azzolina look at them. Mr. Galdi feels that if there are changes, it really should go back to the original Board. Nobody wanted to see it go back to the original Board. Mr. Blake noted that it was originally designed as just a little wing before and they didn't want it jutting out the side so they asked that they put in the backyard.

Mr. Azzolina is now involved to pick up the correct elevations, find out about the water table and anything else. Mr. Blake noted that the basement slab is where it always has been. They are starting from there and going up. The garage is at the existing basement floor elevation. They are not going any lower. The main question is the height of the building based on the newly created grade.

Mr. Azzolina noted that there were certain other things that need to be factored in. With any garage under design you are going to have retaining walls on the side of the driveway. Without having any elevations on the plan, it is hard to say with any certainty what the height of the walls will be. That could actually be a variance condition because our code says you can't have anything higher than four feet in the front yard and these walls could be six feet high, and that would be a variance and you would need a public hearing. Also relative to the existing pool, it is shown to be a new pool on the December plan. Right now there is a pool on the property but it is all the spoil from the excavation on the site which was placed in the pool so you can't really tell the limits of it when you go to the site.

Mr. Galdi suggested that they get all the answers and come back again with it and review it again. There are an awful lot of questions. Mr. Azzolina noted that you can't fill in a pool like that. If the pool was intended to be abandoned, it needs to be property abandoned, which is minimally breaking up the concrete into 12" pieces or smaller. Quite honestly this is such a small site and if the intention is to use the rear yard in any meaningful way in the future, you are going to have to eventually take that pool out. Now would be the time to properly remove the pool. Mayor Romeo asked Mr. Blake what the applicant said about the pool. Mr. Blake stated that he is not sure. It is something different every day. There was a pool that was filled in. They originally wanted a new pool, now they are saying they don't want a pool. Either way, they have to properly take care of the pool that is there.

Mr. Azzolina recapped and stated that the Board wants this application to remain with this Board. They have to submit a site plan, which they are already working on. They already filed a site plan application. There is also an existing shed that the plans don't indicate whether it is to remain or not. Mr. Blake noted that they talked about it at the Zoning Board. The Zoning Board decided that it was not in their jurisdiction to do anything about the shed. The Zoning Board felt that they didn't have any right to tell them what to do with the shed. The shed is on somebody else's property which is why it is a problem. Mr. Azzolina noted that the resolution that he was provided doesn't have any verbiage relative to the shed. Mr. Blake asked if they could repair the shed to be on the property line. Mr. Azzolina stated that there is an accessory structure requirement and he wasn't 100% sure how far off the property line it needs to be.

Mayor Romeo noted that the pool needs to be dealt with right away. Mr. Morgan suggested having the engineer get in contact with Mr. Azzolina so he gets everything he needs. Mr. Blake stated that it is all engineering stuff that has been ignored. Mayor Romeo said there is no way he can approve it this way. Changes need to be made. Mr. Blake noted that the Zoning Board was concerned with lot coverage, FAR and height.

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Old Business

None.

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New Business

None.

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Other Business

Mr. Azzolina noted that he got a letter from CSX that is basically not worth the paper it is written on relative to what they were willing to concede with the reduction in price. Three percent is ridiculous. The thing that we were holding in our back pocket was the reduced area. That is going to cut it down in the 40% area. He is going to cut it down and we will be around $200,000.

Mr. Azzolina noted that he is working with his structural engineer on the pavilion. As soon as he has that, he will put the bid packets together. They have to do some concrete work, which they cannot do in the winter.

They had a meeting with DEP about a month ago regarding the walking track. He will have his field crew out here within the next couple of days.

Mr. Azzolina had nothing to report on Allen Street.

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Getting back to Mr. Manfredonia's signs, Mr. Schuster asked about the existing signs on the building. He is not sure if he is entitled to signs on both facings. Mayor Romeo asked Mr. Vaccaro to have somebody go the Manfredonia building and measure the building so they can determine how much signage he can have.

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

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Motion was made by Mr. Galdi to adjourn the meeting at 8:17 PM, seconded by Mr. Morgan. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for January 10, January 24, February 14, and February 28, 2012, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary