

MINUTES

CRESSKILL PLANNING BOARD

FEBRUARY 25, 2014

Mr. Vaccaro opened the meeting 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, Mrs. Schultz, Mr. Vieni, Mr. Calder and Mr. Ulshoefer. Ms. Bauer arrived at 7:38 PM. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the February 11, 2014, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

None.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina stated that Application #1439, 289 Brookside Avenue, Mr. Katznelson submitted revised plans. There were concerns with the neighbor's retaining wall. That has been addressed. There were several issues relating to the design of the house. He has been back and forth with the engineer and the architect. They have finally been resolved. He received an e-mail with revised drawings. The applicant handed in the revised plans today. They were handed out at the meeting. This plan now complies with the FAR requirement. There are existing non-conformities associated with this property. It is undersized and has a small frontage. In the past, the Board has recognized that and has not required that they go for formal variances. The house has been revised to provide proper drainage. It is now a garage under, which drains to the street. There is a retaining wall in the front along the edge of the driveway, which the plans indicate the calculations will be provided prior to construction. The applicant's engineer was present. Mr. Azzolina noted that there were no variances associated with this application except the existing non-conformities. His recommendation to the Board is that the plans presented, which are plans revised February 19, 2014, as well as the architectural drawing of the same date, be approved by the Board at this time.

Mr. Azzolina noted that the setbacks are compliant. The frontage as well as the area, which is approximately 8600 square feet, as opposed to 10,000 square feet, are the only deficiencies and are pre-

existing. The frontage is 77 ½ feet approximately where 100 feet is required. The FAR, building coverage and height all comply. There is a typo in the zoning schedule. The side yard setbacks are 16.7 and 18.7. The zoning schedule shows 15.7 instead of 16.7.

Mr. Galdi asked Mr. Azzolina if he was satisfied with this. Mr. Azzolina stated that he has been looking at this for a while. This is the 6th time he is looking at this plan and he is satisfied. He received this by e-mail last Friday and spoke with the engineer yesterday. Mr. Galdi asked about the drainage. Mr. Azzolina stated that he is providing a 1,000 gallon seepage pit with an overflow to the inlet in Brookside Avenue right at the base of their driveway. The garage is underneath but higher than the street so it slopes down to the street. Mr. Azzolina noted that an earlier version had the driveway pitching toward the garage and he told them that that was not a good idea. He agreed and they revised it. Drainage-wise, height-wise, zoning-wise, this plan complies with the ordinance, except for the existing non-conformities.

Mr. Galdi asked about the drop between the driveway and the street. The engineer stated that it is a little over a one foot drop between the garage and the street. This plan shows the retaining wall by the neighbor is to remain with no grading proposed in the area. Mr. Galdi made a motion to approve, subject to the Borough Engineer being satisfied and with any other recommendations he has. Mrs. Schultz seconded the motion. All present were in favor. Motion approved. Plans need to be revised before being signed.

Mr. Azzolina received revised plans via e-mail for Application #1435, Ms. Lee, 182 Madison Avenue. This is currently under review. They still need to address some issues with the County on that, but the primary revision made was the home was reduced in size to comply with the building coverage that they had previously required a variance for. The architecture still looks the same.

Application #1443, which is the Cohen application, 20 Crest Drive North, has been reviewed and is found to be incomplete. Mr. Azzolina prepared a memorandum of the incomplete items noted and distributed copies to the Board. The memo was dated February 19 and it was forwarded to the applicant's architect and to the applicant. The applicant will get an engineer to prepare a site plan to address those deficiencies.

Application #1443, 55 Magnolia Avenue, Lyle Allen and Joanne Festa, is currently under review. Mr. Azzolina met on Friday with Mr. Lyle and advised him that a site plan as submitted to this Board is required. What they submitted is what is called an architectural site plan. It has some but not all of the information that is required by code. He spoke with their builder earlier in the week. He indicated that he was going to have an engineer prepare a site plan. He has not yet received that. Mr. Allen stated that as of 4:00 this afternoon he was still waiting for an answer. Mr. Azzolina stated that as soon as he receives it, he will expedite it. He realizes that they have been waiting a while. He thinks the best way is for him to submit a plan that complies. They also talked about another option of making it comply.

Mayor Romeo asked for the dates in March when a Public Hearing could be scheduled. Ms. Festa stated that they already had a Public Hearing. They had a complete Public Hearing with notices in the paper and sent out to all the people within 200 feet. Mr. Schuster stated that if they have a variance application here they need a Public Hearing. He asked if they were relying on any approvals they got at the prior Board, meaning the Zoning Board. Ms. Festa stated that in reading the code, the Planning Board and Zoning Board are merged and there is a directive on Public Hearings and it doesn't look like it has to be specific to either Board it just means the public has to have the opportunity to review the plan as stated. The plan as stated remains the same. It was available here to anyone that wanted to come see it. It was put in the paper what the date was. They did actually have their neighbor come. They have had a Public Hearing of this proposal. Mayor Romeo asked if they voted on it. There was no vote on it, so therefore, there was no Public Hearing.

Mr. Schuster explained how it works. Back in 1982 they decided that they were going to change the law and make it so you have what you call "one stop shopping" which meant that you could go to the Zoning Board for variances and/or basically permits to build houses. And you could get minor site plan approval there and minor subdivisions there. But, you could also go to the Planning Board and get site plan

approval, subdivision approval and variance approval for non-use variances. Major subdivisions are exclusive province of the Planning Board and use variances are exclusive province of the Zoning Board. Other than that, there is an overlap in the powers. In this specific case, which kind of goes back to the old days in the '70s and before, where you had to go to two Boards for certain types of applications, the situation is this, if they received the necessary variances for this application at the Zoning Board and you are submitting the same application now, without any changes as to that, then of course you had your Public Hearing. You already got those, those are in your pocket, sort of speak. However, if you change the plan, then it doesn't apply, because it is a new plan. Ms. Festa said that it the same plan.

Mr. Azzolina stated that he can say, and he wasn't at the Zoning Board, but he did review the minutes, and from what he can tell, there was no conclusion to that hearing. They didn't vote. That, to him, indicates that there was, in effect, no application before the Zoning Board. Ms. Festa asked if the Public Hearing has already been achieved. Mr. Schuster noted that the relief they requested was never granted. Mr. Azzolina noted that this may be much ado about nothing because that is one of the questions he has on the plan. The architect is identifying the setback to what he thinks is basically a free-standing chimney on the side of the home. That is a permitted projection in the Cresskill code. They are allowed to project two feet into the yard. That wouldn't even be a variance condition. That is perhaps one of the errors here. He doesn't necessarily think, depending on the exact construction of that, as he looks at the plans, it looks like it is cantilevered and there is no foundation to it. It is not part of the structure, per se, when it projects like that. That may not even necessitate a variance. The hearing aspect of it may go away. He needs to get a little bit more information from the architect and from the engineer relative to the other aspects of the application. The height of the building and the drainage design and if it is provided on a plan that makes sense, then this can be reviewed and approved by the Board hopefully at the next meeting.

Mayor Romeo asked if they were tearing the house down to the ground. Ms. Festa stated that they were tearing the house down to the foundation. The foundation is staying. Mr. Azzolina noted that that was the thing that was not recognized initially. They are proposing to raise the elevation within the basement. In order to do that, you have to either elevate the whole house, which you can do, or knock the entire structure down and start over but maintain the existing footprint. Mr. Azzolina noted that the one side yard is 10.2 feet existing where 15 feet is required. This is an existing, non-conformity that they are wishing to maintain. Mr. Vaccaro asked if the chimney is not counted if they would not need a Public Hearing. Mr. Azzolina noted that that is correct. The lot is 10,000 square feet.

Old Business

None.

New Business

None.

Other Business

None.

The meeting was opened to the public. Mr. Michael Girmen wished to be heard. He lives at 80 Morningside Avenue. He noted that his wife was sick and he needs to raise some money. He has three lots that front on Morningside Avenue, and back-to-back with that he has two more lots that front on Park

Avenue. On his title, all the parcels are merged, but he gets billed separately by the Borough. He gets one bill for 80 Morningside Avenue and a separate bill for Park Avenue. He would like to subdivide those lots. He came in four or five years ago and filed an application. He stated that he hasn't had very good luck with lawyers so he thought he would come in tonight and ask how he could proceed with this.

Mayor Romeo stated that he needs an attorney and an engineer. Mr. Girmen said that he thinks all the engineering requirements have been satisfied. Mayor Romeo noted that he needs a new map. Mr. Vaccaro explained that he would need to refile his application. Mr. Girmen stated that he has remarried since his first wife passed away and now his second wife is sick and he would like to retire and he has a lot of debt so he would like to sell that lot without having to move. He would like to subdivide and sell the 50 foot lot.

Motion was made by Mr. Galdi to adjourn the meeting at 8:02 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for March 11, March 25, April 8, and April 22, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary