

MINUTES

CRESSKILL PLANNING BOARD

April 12, 2011

Mr. Vaccaro called the meeting to order at 7:38 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, Mr. Laurita and Mrs. Schultz. Also present were Mr. Paul Azzolina, Borough Engineer and Mr. Steven Schuster, Board Attorney.

Mr. Morgan made a motion to approve the minutes of the March 22, 2011, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

Correspondence

Vouchers from Mr. Steven Schuster in the amount of \$984.90 for services rendered relative to Application #1406, 78 Prospect, and \$2,896.68 for services rendered relative to the Planning Board for the month of March 2011. Mr. Vieni made a motion to approve, seconded by Mr. Galdi. All present were in favor. Motion approved.

Mayors Advisory from the New Jersey State League of Municipalities regarding the new Financial Disclosure Reporting Requirements. The notice contains new information on the consequences of a local official failing to file timely and completely. File.

Memo from Ms. Barbara Nasuto regarding Ordinance No. 11-05-1407, Amend Chapter 275 Zoning, Article XXX, Development Fees for Affordable Housing. The Board agrees with the Ordinance and notice sent to Ms. Nasuto stating the Board's agreement.

Memo from Ms. Barbara Nasuto regarding Ordinance No. 11-04-1406, Amend Chapter 38, Article III – Provisions Application to Both Planning Board and Zoning Board of Adjustment – Fees. The Board agrees with the Ordinance and notice sent to Ms. Nasuto stating the Board's agreement.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated March 31, 2011, sending Mr. Nathan Kyperman to this Board for approval. He is seeking approval to open a food establishment at 15 East Madison Avenue. They will serve salads, sandwiches, soups, stews and desserts and hot and cold drinks. The food will be delivered from a central commissary off-site. The new tenants have multiple locations in New York City for over 30 years. See EatDrinkNY.com website. The new tenants have plans drawn by Chis Blake, Architect, and will be changing the interior to accommodate about 10 tables both upstairs and downstairs. They would also like to add a walk in refrigerator on the side of the building and clean up the parking area and outside of the building. They will also need permission to change the signage to reflect their business name. Any other signs on the property will be removed.

Mr. Kyperman was present and noted that the salads and sandwiches would be international. They specialize in soups and stews. They take dishes from every country and customize them. His wife is a chef and they have places in the city for the past 30 years in many locations. In the last ten years, they are focusing on soups and stews. They have a commissary in the city and they make everything in one place and ship it out so they cut costs and the quality is better. Mr. Kyperman lives in Tenafly and he saw

the spot and thinks it is an amazing spot and thinks it could be a very nice business. Mr. Galdi asked how many people they are intending to seat. Mr. Kyperman noted that it was explained to him that it has to do with the amount of parking spots, so the formula is very simple. However many parking spots he can do, he multiplies by five and that's how many seats he can have. He got that formula from the Building Department. He will also have take-out. Mr. Schuster asked if he was going to pave the front. Mr. Kyperman noted that whatever has to be done, he will do. He doesn't want to use asphalt. He would prefer to use stone. He wants to put grass and trees.

Mayor Romeo asked about the second floor. Mr. Kyperman stated that the idea is to cut half of the second floor so he has a higher ceiling when you go inside, like a cathedral ceiling and he can put skylights. He would like to open half of the second floor and have a mezzanine so you get the light and the height so you are not sitting under a seven or eight foot ceiling. He is trying to create it in a style of very Americana. All of their locations have a look of the 30s or the 40s. They put up old posters and they don't use new furniture. The idea is when they open the place, it looks like it was there since the beginning of the century. That is the style of the locations that they do in the city. Part of the attraction is that it is old Americana. It is not high tech.

Mr. Kyperman also stated that they won't have a kitchen here so from the beginning, the idea of doing any other food is not an option. The food is delivered each day. Mr. Chris Blake was present and passed out drawings of what they are proposing on the site. He wasn't sure how they needed to proceed. He is proposing to build an addition where the existing covered porch is. They are also talking about putting a pergola porch in front of that. They are adding a walk-in refrigerator along the side of the building. The building is set back in the corner of the property so he doesn't know if setbacks are a problem.

Mr. Kyperman noted that with the sandwiches and the salads, some of that can be prepared on site. The cooking they don't do on site. They will have an oven because they get par-baked bread and they will finish baking them on the premises. They will also have quiche. They will have a stove, but everything will be electric.

There was some question about the side yard setback requirement. This is in the commercial zone. Mr. Kyperman noted that they have 40 different soups. This is a permitted use in the zone. Mr. Vaccaro suggested that they submit an application, and basically they will determine whether they need a variance or not and which board they need to go to, the Planning Board or Zoning Board. Mr. Blake noted that the Building Department sent him here to find out what they needed to do. Mr. Kyperman asked what other information they needed to present for the application. Mr. Vaccaro informed him that in order for us to review this, we need to get an application. The engineer will keep one to review in the meantime. It is a permitted use in the area.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated March 22, 2011, sending Mr. Mike Foca to this Board for approval. He is seeking approval to relocate his established business, an existing wrestling school in Ridgefield Park, to 5 Legion Drive (sub-lease of Renzo Gracie). He has 21 years of experience as head instructor of Hackensack recreation. He'll be teaching 12-15 students on the mat. Drop off and pick up. The hours of operation will be weekdays from 5:00 to 10:00 PM, with some weekends. He would also like permission to hang new signage indicating the name of his business. The owner of Renzo Gracie, Mr. Kurt Otto, was present and explained that he took over space in the Cablevision building a little over a year ago for his martial arts business. Within his space, he has 1675 square feet of unfinished space on tap for when they grow again, for the same use. Rednose Wrestling School, LLC, is looking to come in to that unused space. He will be sub-leasing the space from Renzo Gracie Academy. Mr. Foca noted that he is a former marine and has four children of his own.

Mr. Schuster asked if he was going to be using the same space as Renzo Gracie Academy. Mr. Otto noted that they have roughly 5,500 square feet and they finished the lion share of it and left a separate individual entrance for another business to come in. The only difference between the two spaces is that he has ju-jitsu mats and Rednose Wrestling will have wrestling mats. Mrs. Schultz asked about parking. Mr. Otto noted that their classes start at 6:30 at night which means that Cablevision is closed and the day-care school is closed so it is empty back there and the parking lot is huge. He thinks there is about 70 spots. He usually has about 15 people and Rednose Wrestling will have about 12-15 people so parking will not be an issue. Mr. Morgan asked about remodeling. Mr. Foca noted that they will only

have to add a door. Mr. Otto showed their existing plan from last year and pointed out the entrance and the locker and bathroom facilities and a hallway that goes back to the main grappling space. He also pointed out the room for the wrestling with their entrance. They will be sharing the locker room space and bathroom facilities and they will be putting in a common doorway, and they have already applied for the permits for it. It has already been approved by Mr. Rossi.

Mr. Morgan made a motion to approve, seconded by Mr. Vieni. All present were in favor. Motion approved. Letter of approval sent to Mr. Foca, with copies to Ms. Barbara Nasuto and the Building Department.

Letter of Introduction from Mr. Edward Rossi, Constructon Official, dated April 6, 2011, sending Mr. Gary Flink to this Board of approval. He would like approval to open his physical therapy office at the newly renovated Piermont Square at 22-32 Piermont Road. The name of the business is Excel Orthopedic Rehabilitation. Mr. Matt Gibbell was present. He is Mr. Flink's business partner. They are physical therapists. Mr. Morgan asked about parking. Mr. Gibbell noted that they will have nine staff members there at the most. There will be three physical therapists at the busiest times. Tuesdays and Thursdays are slower. The most patients per therapist are two per hour. They run a low volume business. Their first office is in Fort Lee. They have four other locations and Cresskill will be their fifth location. Most of the patients from this area have to go to Fort Lee. They found a space that is the perfect size for their patients that are from the Alpine, Tenafly and Cresskill area. Mayor Romeo asked that their staff park in the back. They are open five days a week from 7:30-7:30. The busiest times are after school. Fortunately, that is when the yoga studio and the travel agency are the slowest. The landlord has told them that they can have four of the spaces right in front. They have a back exit door, but they don't want patients entering from the back because they need to have a common receptionist so people can sign in. The landlord has assured him that four of the spots out front will be assigned for Excel Physical Therapy. They do see more Medicare patients and retired patients in the mornings.

Mr. Morgan asked about signage. Mr. Gibbell noted that there is already an awning there and they just have to have the lettering put on it. Mr. Galdi made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved. Letter of approval sent to Mr. Flink, with copies to Ms. Barbara Nasuto and the Building Department.

Subdivision Committee

Councilwoman Tsigounis had nothing new to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he has done a review of Application #1407, 164 Truman Drive, Ronald Haboush. He has reviewed the site plan that was last revised February 24, 2011. The zoning and design are found to comply with the requirements of the code. They had some questions regarding the stormwater management. He has received some revised calculations that address his concerns. On that basis, he recommends that the Board approves this application as presented. The applicant has also provided a stability analysis of the proposed boulder walls at the front of the dwelling. The questions that he had for Mr. Hubschman was relative to the material, is it definitely a boulder or is it possibly a segmental concrete block. Mr. Haboush noted that it is most likely a segmental concrete block. Mr. Azzolina noted that if it does turn out to be segmental concrete block, he needs to submit revised calculations for that design before he builds that wall.

Mr. Morgan asked about the blasting possibility. The builder noted that the new footprint of the house pretty much lays where the foundation that is existing is. There will be some areas where they are going to have to over dig and maybe fill. The only area that is definite is probably the pool. They haven't determined yet whether they will be able to hammer it or if they will have to go with blasting. Mr. Azzolina noted that no variances are required. It complies with the zoning with respect to FAR, coverages and has

met all the criteria. The only other thing that bears mentioning is the six foot height of the gate on the driveway. Mr. Galdi made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved. Two copies of the plan were signed with an approval memo. One copy to the Building Department. One copy to the file.

Mr. Azzolina noted that he reviewed Application #1408, 16 Emerson Street, Mr. Lucibello. Mr. Lucibello was not present. He stated that there were several issues that need to be addressed. He passed out his memo dated April 12, 2011, that details the incomplete items. There are a couple of issues for discussion. The driveway is proposed to be pervious concrete. Mr. Lucibello owns Colonial Concrete and they produce what is called pervious concrete. He has applied a factor relative to the impervious coverage. He is recognizing the driveway area to be basically 60% impervious, 40% pervious. That is not anything that is specified in our code. It has larger voids in it. He has never seen this product in use but has seen videos of it. He has contemplated using it on one of the projects in town. He calculated the driveway area at 60% of its actual area. He is saying the void ratio is 40% which is the common value used for the voids between stones. He hasn't seen anything scientific that backs that up necessarily, it's really just a question of whether this Board accepts that reduction factor. If not, then he needs a variance for impervious coverage. Mr. Galdi asked about the base for that. Mr. Azzolina noted that he didn't give him any details for that. That is one of the questions asked is to provide us with the detail of that. Another issue relative to the driveway is its dimension. Basically its 24 feet deep, the landing area opposite the garage, and he has only five feet to the property line at that landing area, whereas our code requires 10 feet. He has ten feet at the throat of the driveway, but at the upper portion he is down to five. With the five, he only has 24 feet of pavement. If he took off the flares, he would be under 30% in coverage, but it would be very difficult to pull a car into the garage directly with a 20 foot dimension. The only option available to him, and he is sure he selected this design for aesthetic reasons, is a front-load garage. From an aesthetic perspective, most people prefer and it is more marketable, to have a side-entry garage.

Mayor Romeo asked what the width of the lot is. Mr. Azzolina noted that it is a 100 foot wide lot. It is a conforming lot at 100 x 100. Mayor Romeo noted that the owner of the house will not be able to pull into his garage without doing several back and forth maneuvers. Mr. Azzolina agreed that if you had a large vehicle, that would be the case. Mr. Galdi suggested they change it so they don't have this problem. Mayor Romeo noted that they are only 2% over on the impervious. If he moves the house over, he would need a side yard variance. He currently has 15 feet on the other side. His other option is to shrink the house.

Mr. Azzolina noted that he has requested a waiver for the driveway offset at five feet. From his perspective, it is a waiver in that it is in the site plan section of our code, it's not in the zoning requirements. He believes the Zoning Board has a different take on that, and they call it a variance. Variances, by definition are deviations from the zoning ordinance. We don't have anything in our code under the zoning. Mayor Romeo noted that in the past, up on the hill, we have given five feet off the line. Mr. Azzolina agreed that we have done it and it is something he believes this Board is able to do. Mr. Galdi doesn't think that makes it right. For a property that size and for that big of a house, he could shrink that house easy enough to give him the proper driveway and proper clearance. Mr. Laurita asked, if it was a smaller piece of property, if the Board would allow him to do what he is asking for. Mr. Morgan noted that he couldn't do it. Mr. Laurita stated then he has to do the right thing. Mr. Galdi stated that because it was done once doesn't make it right.

Mr. Azzolina noted that there are other aspects of the plan that he is not able to understand without architectural drawings, which he has requested. Mayor Romeo asked if he would not be able to get into his garage without that five foot waiver. Mr. Azzolina feels that the only other doable option here is a front-load garage, and for aesthetic reasons, he prefers it to be on the side of the house. For clarification, Mr. Azzolina stated that Mr. Lucibello may have talked to Mr. Rossi who looks at the zoning schedule, and on that basis, everything looks fine and he doesn't need a variance. What he does is different than what Mr. Rossi does. He is pointing out things that he may or may not even look at. That is what his function is. Mr. Azzolina would like some direction on the porous concrete. Mayor Romeo asked if it was similar to what was granted on Palisades Avenue. Mr. Azzolina noted that it was similar but that was not a solid surface. That was a plastic grid with stones placed within it. That truly looked like a pervious type of surface. He has seen a demonstration of this product and it is kind of amazing. It looks like a rough

concrete and they had a demo where they dump water out of the back of a concrete truck and as fast as the water was coming out of the truck was as fast as it was sinking in, not a drop was running off.

Mr. Francis Reiner of 59 Carleton Terrace was in the audience and noted that he knows about pervious concrete. It does work but the problem is that over years solvents get stuck in the pores so that although it will work when they pour it and you can pour water on it and the water will flow right through it, over a number of years, sediments fill in the cracks. Mr. Azzolina noted that there is definitely a maintenance aspect to it. Mayor Romeo wanted to know why he is doing it when he is only looking for a 2% variance for impervious, which we have given in the past. Mr. Azzolina didn't know the reason. Mr. Galdi mentioned that they have to have the proper base for this otherwise you are going to have a major problem here. Mr. Azzolina noted that that is noted in his report.

Mr. Azzolina wanted to know if the Board was willing to agree with the 40% void credit that he is taking for the driveway. Councilwoman Tsigounis stated that she is not. It is not long enough on the market to prove that it will remain pervious. Mr. Azzolina agreed that it will require maintenance. Mayor Romeo stated that if he didn't ask for this, he would need a 2% impervious variance, and we have granted that. Councilwoman Tsigounis feels that we should not accept it and he needs to go for the variance. Mr. Azzolina stated that he will then need a public hearing and it needs to be identified as such on the plan. He does have the option to make this a front-load garage. He should really come to the next meeting.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. Mr. Francis Reiner of 59 Carleton Terrace wished to be heard. Mr. Reiner wanted to ask the Board to consider a couple of things. He grew up in Cresskill. Over the last 15 years he thinks there has been a lot of tree loss that has happened in the town, both street trees and just general trees. A lot of it is due to trees getting older, storms knock them down, and you have to cut certain trees down. He knows there's a sales tax for Open Space money. He would like the town to consider, on an annual basis, to plant a nominal amount of street trees, even if it were as little as 25 street trees a year, it would be about \$8,000. If you were to do that, it would probably take about 20-30 years to replace the number of trees we have lost over the last 15-20 years. That doesn't count the number of trees we are going to lose over the next 15-20 years from now. Everybody knows the benefits of street trees, but some of the other benefits that you might not know about is that cars drive slower on streets that are lined with trees, so not only are they protecting children from a safety standpoint because they create a barrier between the car and the pedestrian, cars actually literally drive slower when there is a rhythm of trees down the street. He thinks it is important that the Planning Board consider how to implement the program to replant trees in Cresskill over the next 15-20 years.

The town has done an incredible job with the work that has been done at 3rd Street. It is really phenomenal the facilities that we have. He knows that there are plans for a basketball court, which he thinks are great. He thinks that there may be trees cut down for this, which is part of the process. Mayor

Romeo noted that no trees will be cut down for the basketball courts. Two trees fell down but no more trees are being cut. Mr. Reiner stated that towns were designed to have lots of little neighborhood parks. If you think about it, the majority of kids under the age of 14 or 12, most of those children can't access 3rd Street fields on a daily basis. They go home to their parents and go to their local neighborhood parks, John Henry Field, Bryan School, Terhune Park, and others. They actually end up using those parks predominately. They get the most use. What is the town park, 3rd Street, is what happens on weekends with the fields for softball, baseball and soccer and all that. As you are all aware, Bergen County has a 50% matching open space grant on an annual basis. The applications are due in October. He would ask the town and the Planning Board to consider on an annual basis to try to fix, redesign, or do some work maybe on one park per year, for five or six years. You can submit an application, so long as the town is willing to spend 50% of the money, the County will put the other 50% of the money, so instead of having \$175,000 a year, you could have, in theory \$350,000 a year. It could be done both on municipal property and Board of Education property, so long as there is an inter-local agreement between municipal and the Board of Ed. He thinks these are the types of programs that the Board has already initiated. The town has already done some wonderful things with the town and the parks that we have. He just wants to think about how we can make it safer for kids from a street tree perspective. Make sure that there are future generations that have the great open spaces that we had growing up that we can bring those back and give those to the residents for future generations. As you all know, there are a lot of people that grow up in Cresskill and move away and come back to raise their families. He would like to be able to give his kids and his kids kids those kinds of opportunities.

Mr. Galdi noted that we take that into consideration every time we review a plan. Mayor Romeo stated that, first of all, we are doing a park a year. We did the Carolyn Schultz park. The next park is the Terhune park. The park after that is either Cranford or 11th Street. He noted that they are also trying to do a pocket park start down on Delmar or West Morningside Avenue. The second part of that is that we agree on the trees. We have tried for years to get the Shade Tree Commission up and running but there is not enough interest. We do apply every year to the Bergen County for Open Space funds and every year we have gotten money. All the money for the basketball courts, tennis courts and the lights are from the Open Space, plus the one cent tax that we have. He asked Mr. Reiner if he would have any interest in helping with the trees. Mr. Reiner said that he would.

Motion was made by Mr. Morgan to adjourn the meeting at 8:43 PM, seconded by Mr. Galdi. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for April 26, May 10, May 24, and June 14, 2011 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary