

MINUTES

CRESSKILL PLANNING BOARD

APRIL 8, 2014

Mr. Vaccaro opened the meeting at 7:34 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, Mrs. Schultz, Mr. Vieni, and Mr. Ulshoefer. Mr. Calder arrived at 7:36 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 March 25, 2014, meeting. The motion was seconded by Mrs. Schultz. All present were in favor of the motion. Motion approved.

Correspondence

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of November 2013 in the amount of \$1,084.13 and for services rendered relative to the Cresskill Planning Board for the month of December 2013 in the amount of \$750.23. Mr. Vieni made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated April 2, 2014, sending Mr. John Manfredonia, on behalf of the owners, Mr. and Mrs. Girman, to this Board for approval for a sub-division. They would like to sub-divide 80 Morningside Avenue, Block 164, Lots 18, 19, 20, 31 & 32, into two separate lots. They are seeking any variances that the Board deems necessary. No plans have been received. Mr. Vaccaro asked if it was a major or minor. Mr. Schuster explained that if it requires an extension of the municipal facilities it is a major or if it requires a variance it is a major. Mayor Romeo noted that the lots will be 75 x 100 and 50 x 100. They will be undersized and it will require a Public Hearing.

Letter from Charles O. Vieni dated April 8, 2014, to Mr. Andrew Vaccaro, Chairman of the Planning Board and Mayor Ben Romeo. "It is with great relief on Linda's part, AKA the princess, that I hereby tender my resignation from the Cresskill Boro Planning Board effective at the meeting of April 8, 2014. As you are all aware I have enjoyed my years on the board, working with the great board members serving the wonderful town of Cresskill. With fond regards and farewell, (signed) Charles O. Vieni." (Charles was given a round of applause.)

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that on Application #1445, Verona Associates, LLC, 72 Madison Avenue, he confirmed that they are identical to the plans that were received by the Zoning Board and with that he recommends that those plans be signed by the Planning Board tonight. Mrs. Schultz made a motion to approve, seconded by Mr. Galdi. Two plans were signed, with an approval memo. One copy to the Building Department and one copy to the file.

On Application #1437 and #1438, the single-family site plans on Merrifield Way by Avi Lavon, he has received drawings for each of those properties. They have revised them according to his comments and he recommends that those plans be signed by the Board as well. The Board has not received those revised plans. Mr. Azzolina will have them submit the revised plans for signatures.

On Application #1444, 134 5th Street, DDA Cresskill Assoc., LLC, Mr. Azzolina noted that plans as presented are identical to the plans that were submitted to the Zoning Board. Mayor Romeo stated that they pulled those plans back. Mr. Rossi is going to look at that.

Mr. Azzolina has a report prepared for the Public Hearing scheduled for tonight on Application #1442, 20 Crest Drive North, Ilan Cohen.

Old Business

None.

New Business

None.

Public Hearing – Application #1442 – 20 Crest Drive North

Mr. Vaccaro opened the Public Hearing for Application #1442, 20 Crest Drive North. Mr. Rapaport, the architect, was present with the applicant, Mr. Ilan Cohen. Mr. Cohen presented Mr. Schuster with the proofs of mailing, the notice and a copy of the tax list, as well as the publication. Mr. Schuster asked if they were getting site plan approval for this property. He noted that it does not say that on the notice or publication. It only says that they are looking for a variance. It doesn't specify which variances they are looking for. Mr. Rapaport noted that he went by the sample that he was given by the woman in the Borough Hall. Mr. Schuster noted that the sample is just that, a sample. You are supposed to list the variances you are requesting and that you are coming for a site plan approval. Mr. Schuster reviewed the notices.

Mr. Morgan stated that everything should be in order before we proceed. Mr. Vaccaro stated that that is up to the attorney. Mayor Romeo asked if the people in the audience were here for the Public Hearing. The audience all said they were neighbors.

Mr. Schuster stated that there are some technical deficiencies in the notices. Secondly, we have a report from the Borough Engineer which basically indicates that the plan is not complete and ready to be reviewed. Specifically, we do permit the review of plans that are subject to, but on the other hand, the plans and surveys need to be signed and sealed, even if they are going to be amended at a later date, they have to be signed and sealed for a complete application to proceed anyway. They don't have a zoning schedule on the plans which is supposed to be there. There are a number of other deficiencies,

but they are not critical to the application, at least not to his opinion as an attorney. The engineer makes a determination whether the plans are satisfactory from an engineering standpoint, but looking at the appendix in the report, normally we don't accept an application when the survey is not signed or the architectural plans or not signed or sealed. That is a pretty basic requirement and a fundamental requirement. Mr. Rapaport stated that they received the letter from the engineer today and they didn't have the chance to do it because of the time.

Mr. Schuster understands that. The point he is trying to make is there is a number of things on here and we understand that and they would be subject to and they are not significant matters, especially for purposes of the public. The public has a right to see a signed, certified and sealed set of plans to review, before the date of the hearing. Normally it wouldn't even be scheduled if you don't have a signed and sealed set of plans before the Board to have a hearing. That is something he would think the applicant would know since he told him he was before Boards before. Mr. Rapaport noted that he has copies that are signed and sealed. They wanted to make sure that there were no changes. Mr. Azzolina can testify that the plans are identical to what was submitted. Mr. Azzolina wanted to clarify that the comment about the plans being signed and sealed was in his original memorandum of incompleteness saying that that needed to be done. He has received his copy via e-mail, so it is not uncommon that his copy is not sealed this way, but sometimes there is an electronic signature placed on the drawing. It lacked that so his assumption was that the drawings that were filed with the town did, in fact, have the signatures and seals. The drawings he is looking at are signed and sealed with respect to the engineer's plans. He hasn't seen Mr. Rapaport's drawings. Similarly, the architecture's drawings should be signed and sealed. That comment was in his original correspondence on the matter. There is nothing new there.

Mr. Schuster noted that the plans submitted today, are the same as those submitted to Mr. Azzolina, the difference being that they are all signed and sealed. Mr. Rapaport agreed. He produced them for Mr. Azzolina. Mr. Azzolina noted that the date of the plan is identical. They are dated March 4, 2014, and it does have the signature and seal on them.

Mr. Rapaport stated that in Mr. Azzolina's report, dated today, on page 4, Mr. Azzolina says that they find the subject application to be substantially complete as presented, however, there are a limited number of deficiencies identified. Basically, what he is saying is that the application as such is fine, but they need to take care of some minor items that do not interfere with the sufficiency of the application. Mr. Schuster noted that as he mentioned earlier that it is not uncommon to have certain minor technicalities that you have to address. The big issue he had, that he mentioned before, was that they didn't have signed, sealed plans and surveys, which they do have today. Mr. Azzolina noted that the site plan was prepared by Chris Lantelme, who is a professional engineer as well as a professional land surveyor. He did, in fact, do the boundary survey for this property. This drawing incorporates both of these. The zoning schedule is on there as well.

Mr. Azzolina noted that the other issues in the appendix he generally considers to be minor in nature, and as he stated, his assumption was that the applicant had submitted signed and sealed drawings elsewhere and they just didn't make it to his office. Mr. Schuster stated that the question really is, at this point, that the documentation has been submitted, and is at least available today, and the question is whether the notice is an adequate notice and for purposes of today, he will deem the notice barely satisfactory, but it is satisfactory for our purposes and we will move ahead with the hearing.

Mr. Rapaport wanted to explain a few things about the application and he will try to make it simple because it really is not that complicated. He presented the Board with the FAR schedule and marked it as Exhibit A1. When you design any house you look first at the FAR because that gives you an idea about what size of the house you can have. The ordinance in Cresskill is very advanced because in Cresskill you have a sliding scale, meaning that you can do different FAR for different properties. He thinks this is kind of interesting. Mr. Schuster asked if he was requesting an FAR variance. Mr. Rapaport noted that he was not. He complies with the FAR. He is just saying that Cresskill has a very interesting FAR schedule, but you don't have a sliding scale for the side setbacks. Mr. Rapaport presented Exhibit A2, which shows that if you do keep the requirement of the setback of the side, meaning 35 feet altogether, and 15 and 20, on a 60 foot property, you are left with a 25 foot wide house, which is very

narrow, and they cannot even get to the FAR that they allow, because you allow the FAR, which they propose the maximum FAR, 3,232 feet, and if they keep all the setbacks, they cannot even do that. The ordinance lets them do more FAR, but if they do the setbacks, they cannot do the FAR. They are left with a much smaller house that is only 25 feet, and to have a right layout would be almost impossible, not to mention the aesthetics.

Mayor Romeo noted that it was designed to stop overbuilding. Mr. Rapaport doesn't agree. If you allow so much FAR, but you don't give the setbacks, how are you going to do it? He feels that if you had a sliding scale for the setbacks, everything would match together and everything would work. Mr. Rapaport presented Exhibit A3, which is what he proposed as a sliding scale for setbacks to meet the FAR.

Mr. Rapaport asked for a five minute recess. After the recess, Mr. Rapaport asked to adjourn and come back at the next meeting. Mr. Schuster noted that there are two ways to do this. We can continue the hearing. However, one of the reasons we moved ahead today is because we didn't want to inconvenience the public who are here today. Or you can withdraw it and resubmit it and do your notices in a more appropriate fashion. He had some reluctance about letting it proceed here just based on the form of notice. One of the reasons is he didn't want to inconvenience the public who are here tonight. Since you are going to want to come back again anyway, he wants him to re-notice if he wants to do that. Mr. Schuster explained that when he does his notice he wants him to specifically indicate that he is making an application for site plan approval and a variance. The reason for that is that if he wants to go for a variance only, that is the prerogatives of the Zoning Board. Our jurisdiction is limited to give variances for site plans and for subdivisions. That is how you get here. For straight variance applications, technically you are not supposed to be here, you are supposed to be at the Zoning Board. The other thing you are going to put in your notice is the specific variances that you are aware of that you want and then you are going to put in some language in there after that that is going to say "and any other variances that may become necessary at the time of the hearing" just so that if anything else comes up that slips through cracks, you have it covered. Here is what you are going to do. You are going to re-notice for whenever you are ready to do this. You are going to make sure that all this is incorporated in the notices. As far as who got notices, that was fine. There was no problem with that.

Mr. Rapaport asked if the notice in the paper has to be redone and the notices to the neighbors have to be redone. Mr. Schuster noted that they do and he needs to put the language in it that he just mentioned. He asked if he was ready for the next meeting. The next meeting is April 22. Mr. Rapaport said he would be ready. He also mentioned that the meeting starts at 7:30.

Mr. Schuster asked if anybody in the public had any questions as to what was happening so it could be explained. He explained that there were some technical matters that they were going to take care of with their plans and they were going to take care of technical problems they had with their notices and they are going to re-notice for a hearing which should take place two weeks from tonight and they should get a notice in the mail for that and there will be a publication in the newspaper. The plans should be available for inspection prior to that date. Somebody from the public asked what would happen if they couldn't be here for the next Public Hearing but they are here now. Mr. Schuster noted that if they had a specific objection, to be part of the record, they have to be here. For purposes of notice to the Board, if they want to write a letter about that, it won't be evidence in the hearing, but it allows it to be part of the record.

Mr. Morgan made a motion to reschedule the Public Hearing for April 22, 2014, seconded by Mr. Calder. All present were in favor. Motion approved.

Other Business

None.

Cresskill Planning Board Minutes, April 8, 2014

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 8:38 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for April 22, May 13, May 27, and June 10, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary