

MINUTES

CRESSKILL PLANNING BOARD

MAY 24, 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. Galdi made a motion to approve the minutes of the May 10, 2011, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

Correspondence

Notice from Rutgers Continuing Studies for a seminar on Current Issues in Planning and Zoning on Friday, June 10, 2011 at the Holiday Inn in East Windsor, NJ. File.

Memo from Ms. Barbara Nasuto, Borough Clerk, informing the Board of the Summer Mayor and Council Meetings. File.

Letter of Introduction from Mr. Edward M. Rossi, dated May 12, 2011, sending Mr. and Mrs. Nathan Kipperman to this Board for approval. They wish to open "Mom's Cooking" at 29 East Madison Avenue, Suites 4 & 5, previously occupied by Cresskill Pizza. They will serve salads, sandwiches, soups, stews and hot and cold drinks. They have owned and operated multiple locations in New York City for over 30 years. They also need permission to change the signage to reflect their business name. Mr. and Mrs. Kipperman were both present. Mr. Kipperman noted that they were here a couple weeks ago for a different location. They found the old Cresskill Pizza location and they now wish to use both locations. The other location at 15 E. Madison Avenue is going to be a café called the Farmhouse. This location at 29 E. Madison has the hoods and gas already and they will do the cooking there and it will be take-out at this location. They will cook at 29 E. Madison and bring the food to 15 E. Madison, which will be the Farmhouse. Right now the engineers are working on the parking for 15 E. Madison.

Right now they have a commissary in the city where they cook everything and ship it out. They are now going to do the cooking at 29 E. Madison Avenue and bring it to 15 E. Madison. The engineer will have the plans to present in two weeks for the parking at 15 E. Madison. He is even talking to Mr. Manfredonia to see if he is interested in letting him use some of his space so in the future he can use it for his use also. He also had to hire an attorney, and he is using Mr. Watkins. He cannot use Mr. Manfredonia because it would be a conflict of interest. Mr. Schuster noted that for commercial use you either have to be on the property line or you have to have the five foot setback, so he might need some variances for the property at 15 E. Madison. Also, the square footage might be too small for a commercial property.

Mr. Kipperman noted that they are not putting up an awning. There are no major renovations, just cleaning it up. He showed the current plan and what they are proposing to do. Everything will be up to code. The Building Department will have to do their inspections.

Mr. Morgan made a motion to approve "Mom's Cooking" at 29 E .Madison Avenue, seconded by Mr. Laurita. All present were in favor. Motion approved. Letter of approval sent to Mr. and Mrs. Kipperman, with copies to the Building Department and Ms. Barbara Nasuto.

Subdivision Committee

Councilwoman Tsigounis had nothing new to report.

Report from the Borough Engineer's Office

Mr. Azzolina explained that on the Spasso outdoor seating, initially he thought it was going to be a problem, until he looked at it in the field. He had the plans from when that building was constructed. There is shown a sight easement at that corner which he had concerns about the utilization of that area. Basically given the configuration of that building, they reserved that triangular piece as a sight distance easement at that time. It is not a formal easement, it is not on the tax map or anything, but it is shown on this prior previously approved plan so he had doubts about putting tables in that area. He had one of his engineers meet Lieutenant Cebulski at the site to discuss it. The initial thinking is that the police department had some reservations about having seating this close to a major roadway. The posted speed limit is 35 but people tend to go faster than that. What he noticed tonight is that basically the stop bar is set back from the curbline of Piermont Road at about the front face of the building. But you can't see anything there because the building is to the right. You tend to roll out until you can see to the north, but that doesn't do anything for you because you can't see to the south because the other building really obstructs your view, so you really have to roll out quite a distance so that you are really even with the curbline. Now you can see both ways and that is really the only location where you can see both ways. What would be the seating area is now behind you, so it is not really an obstruction. What on paper appeared to be an obstruction really, given the reality of the existing topographic features out there, most notably to the south on the adjoining property, forces you out so that he thinks these tables will not obstruct the line of sight. You still have the possibility of an errant vehicle that is not able to navigate what is currently a permitted turn into Allen Street, but we are in the process of revising that to a one way circulation so eventually that turn won't be permitted, but currently it is so you do have some risks associated with having tables this close to a street.

Mayor Romeo is more concerned with a car jumping the curb. Mr. Azzolina noted that there is that possibility. Mr. Galdi stated that there are two phases that he brought into this. He's addressing obstruction, but there is also distraction, unless behind that grass area you put a three or four foot barrier of bushes because you are going to have people outside and that's a distraction for people driving. Mr. Azzolina noted that clearly there are distractions. Mr. Galdi stated that that was his question also to the Chief. Mr. Azzolina stated that they are showing a planter but they are not showing any details of it. Mr. Galdi said we should ask for that because his point is that there is an obstruction to the intersection but he is worried that it is going to cause a distraction to people that are driving and looking at the people eating. Mr. Laurita noted that the tables outside are the latest thing. They have them at TPR. TPR went before the Planning Board and they approved it. Mr. Azzolina noted that the plan shows five tables. Mr. Galdi doesn't wish to be part of the lawsuit when somebody runs into them. He wants the Chief or somebody to sign off that they feel that it is safe. He thinks we should tell them they have to put up some sort of a three or four foot barrier that won't interfere with anything. People will still see over them but it doesn't bring it right out to their attention. All he is saying is to make it a little safer so that everybody is protected.

Mr. Azzolina noted that this plan does show a landscaped barrier, but it doesn't define the height of the bushes. It will be at the back end of the brick paver sidewalk. The planter will not be able to withstand the force of an errant vehicle. Mr. Galdi stated that all he wants is something to stop the distraction. If

you don't have that, you will have people moving around that will jump right out at you and distract you. Mr. Azzolina noted that there is about a ten foot space from the building to the edge of the sidewalk. The planter will be within the area between the sidewalk and right-of-way line. The planter will probably be in the right-of-way.

The way it was left at the last meeting was that they have to get approval from the Police. Councilwoman Tsigounis asked where we would stand if someone got injured in an accident here. What is our liability? Mr. Schuster noted that if we comply with the code and regulations, we are not really responsible. The other thing is if he complies can we even say no. Mr. Vieni asked if we could ask him to put a guardrail there. Mr. Azzolina stated that you wouldn't want a guardrail there. Mayor Romeo noted that if you get both lights on Piermont Road, you are going more than 35 miles an hour. Mr. Galdi agreed and continued saying now suppose that something happens and somebody stops and you are looking at the people at the tables, something is going to happen. If you put bushes there, it is going to stop the distraction.

Mr. Azzolina asked if the outdoor seating is something that the Board is willing to accept subject to proper vision and a barrier. The police are not crazy about it. Mr. Galdi restated that he wants a three or four foot barrier so that you cannot see anything except for maybe the heads of the people eating. This would stop the distraction. He wants, in writing, from the Police Department that they are OK with this. Originally Mr. Azzolina thought that limiting the height of the barrier was necessary for cars pulling out of Allen Street. Now he knows that the barrier would not be in the sight line so he agrees that the barrier should be higher to block the view.

Mayor Romeo asked about the pavilion. Mr. Azzolina noted that he has gotten prices on a medium size pavilion. He got some direct prices from the manufacturer that the installer buys from and he got some package prices. There is quite a difference from that price and the installed price. They are going to meet and lay out a couple of different sizes and the committee can tell him what size works. Councilwoman Tsigounis thinks it should be proportionately correct. She didn't like the big railroad size length. Mr. Azzolina stated that they come in eight foot increments for most kits. This is going to go by the Rec Center.

Going back to Spasso's, Mr. Azzolina is going to ask them for a minimum of four foot live barrier. Mr. Galdi stated that it has to be something that they don't have a clear vision of who is sitting at the tables. Mr. Azzolina will tell them that they have to present it to the Board what they are proposing.

Old Business

Mr. Azzolina noted that they received bids for the basketball court and awarded a contract at the last Mayor and Council meeting.

New Business

None.

Other Business

None.

Motion was made by Mr. Galdi to adjourn the meeting at 8:30 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for June 14, June 28, July 12, and July 26, 2011 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary