

MINUTES

CRESSKILL PLANNING BOARD

JULY 12, 2016

Mr. Morgan 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. Morgan, Ms. Bauer, Mr. Calder, Mr. Moss, Mr. Ulshoefer, and Mr. Durakis. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Ulshoefer made a motion to approve the minutes of the June 28, 2016, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Copy of letter from Police Chief Edward Wrixon to Mr. Edward Rossi, Building Department, in regards to 159 Magnolia Avenue, property owned by Mr. Finetto. Chief Wrixon continues to receive complaints from residents regarding the property. Trash is abundant, vegetation is over grown throughout the property with the front sidewalk area being affected and he personally witnessed a large rat scurrying down the driveway side of the property. According to Rich Vincentz, several letters were sent to Mr. Finetto regarding this situation. To date Mr. Finetto continues to disregard any and all correspondence to rectify the situation. He has asked several times to have complaints drawn up (which he offered to sign personally) to no avail. He is perplexed, to say the least, as to why this condition is allowed to continue. He has written two correspondences to the Borough, forwarded complaint e-mails and fielded several complaints of residents appearing at his personal home on weekends complaining about the situation. This situation was brought up at last night's COW meeting as well. As you are aware, the Borough has the right to have the property cleaned (Department of Public Works) and charge the property owner for the cleanup. While I feel the DPW has more important tasks at hand, it remains a viable option. Please advise of the Borough's course of action and a time frame Mr. Finetto is expected to comply so I have an answer for the residents in the area. Ms. Bauer noted that he had a case pending before the Zoning Board and was on the agenda but he never showed up.

Mayor Romeo noted that the DPW cleaned the property up yesterday. Whatever the bill is he will have to pay before he gets a building permit. He was here with his lawyer two weeks ago and was told to clean it up. He will be sent a bill and it will be attached to his tax bill. That will be a tax lien and he will not get a building permit until he pays the fine. The DPW will send a bill to him.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated June 28, 2016, sending a representative of A+ Urgent Care to this Board for approval. They are proposing to replace an illuminated sign and three awnings at 46 Union Avenue. Dr. Desai was present representing A+ Urgent Care. He noted that there has been a lot of snafus along the way but it is progressing. They should be up and running shortly. They have been held up by the insurance companies. The credentials with them takes about 90 days. They are taking the existing signs and changing them to A+ Urgent Care with the phone number. They will be the same scale and size. Wherever the awnings are they will be the same. They will remain green. The sign outside will be red. They will be affiliated with Englewood Hospital. His

partner works in the Englewood Hospital Emergency Department right now. Their schedules allow that one of them will be there at all times. If it catches on, they hope to hire more either mid-levels and/or another physician and staff it for whatever the community needs. Once they get up and running and generate revenue, then they can hire a nurse practitioner to come in on days as well to help facilitate the flow. Their goal is that they have enough volume from here and everywhere else to hire as many people as possible and have it open for as long as possible. Right now they are aiming for 12 hours a day, 8:00 AM to 8:00 PM, depending on what the scenario is, maybe even 10:00 to 10:00, or whatever the community needs. He knows from personal experience that a lot of volume happens in the afternoon hours especially after school and after work, so if they have to stay open a little longer to accommodate that, so be it. Right now they will be 12 hours and weekends 8:00 to 4:00 and 10:00 to 2:00 on Sundays. They will not stay open 24 hours. Mr. Calder made a motion to approve, seconded by Mr. Moss. All present were in favor. Motion approved. Memo of approval for the signs sent to Mr. Rossi.

Dr. Desai stated that they are hoping to be open by August 1 or the first week in August. They are in the process of getting accredited by all insurances. They can be somebody's primary care doctor if necessary as well.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated July 7, 2016, sending Mr. Frank DeCarlo to this Board for approval. He would like to construct a new single-family dwelling as part of a sub-division at 177 5th Street. He will require variances. No application has been received. Mr. DeCarlo was present and noted that he has not submitted the plans.

Resolution for Application #1481, 142 Heather Hill Road, Lumaj Builders.

Subdivision Committee

Councilwoman Tsigounis noted that revised plans for Application #1483, 5 Emerson Street, James Goett/Scuta Construction One, LLC, were received on July 6 and again on July 12. Both were distributed tonight.

Report from the Borough Engineer's Office

Mr. Azzolina noted that for Application #1483, 5 Emerson Street, James Goett/Scuta Construction One LLC, two revisions have been received. The first revision was received on July 6 and the second revision was received on July 12. He has reviewed the latest plan. The revision on July 6 still had some minor errors with respect to areas of the dwelling and some other little things that have been corrected on the revision that was received on July 12. The plans received on July 12 address his comments from his memo dated June 24, 2016, and from his perspective, the plans are acceptable as presented and he recommends that the Board approve the plans.

Mayor Romeo asked about the minimum lot width. Mr. Goett noted that this was a result of a review where he went specifically by the schedule of FAR that was submitted by the Building Department where they used lot frontage. Upon further review by the Engineering team, that was questioned with the parallel line standard that was incorporated so he lost seven feet in the process and in the process also lost FAR. If he were to follow the actual frontage of the lot which is slightly irregular, not pizza pie, slightly irregular, they were at FAR of 31.5% and he thinks they submitted just below 31%. Unfortunately, with the new directive, that then shaved about 50 basis points off the FAR percentage and sunk his battleship. Mr. Azzolina noted that the FAR is based on the lot width, not the frontage. They are currently at 28.9% and they are permitted 30.36%.

As Mr. Goett correctly stated, on the sliding scale for the narrower lots you have a greater FAR percentage, but since this lot gets larger as it goes back, that is the basis. The lots width, which is the

two lines parallel to the street line drawn at the front of the dwelling, the back of the dwelling and when you use that standard given the pie configuration, the average lot width is 97½, so now you approach 30%, which is what would be permitted for a 100-foot frontage, as opposed to the 38 or 39% that is permitted for the 50-foot-wide lot. The ordinance treats irregular shaped lots to account for the increase in area. It wasn't anything that he thinks was thrown at the applicant, it is stated in the code. Mr. Goett doesn't think it was thrown at them. The thing was that they had met with the Zoning Official for two months prior before he put together his plans and the frontage calculations and the parallel lines were never brought to their attention. Obviously, it is the responsibility of the architect that is involved to read the town statute. They were caught off guard. It is an irregular lot by slight standards. It tapers off. It is a pretty flat, just sub of 10,000 square feet lot, so they took the schedule that was given and ran all the measurements from that. They did not press FAR.

Mayor Romeo asked if he was over or under the FAR. Councilwoman Tsigounis noted that he was under the FAR. She questioned Mr. Azzolina about lot frontage. Mr. Azzolina noted that there is actually no standard in our code for frontage. The code has a lot of ambiguities to it. It does define width and width is what was used as the basis for the FAR sliding scale. Councilwoman Tsigounis asked what our code says for frontage for R-10. Mr. Azzolina stated that it doesn't and that is one of the problems, which is why we used the width standard when we developed the sliding scale.

Mr. Goett stated that the table, at the very least, should include an asterisk that expresses this parallel line calculation for frontage. Councilwoman Tsigounis agrees that an asterisk is a good idea to explain this situation. Mr. Azzolina said that the table says it is based on the lot width so you would then look up the definition of lot width and that is in the code. It says lot width is defined as a line drawn parallel to street line and the front and back of the dwelling. The other argument would be lots on cul-de-sacs. Sometimes they have 40-50 feet of frontage and fan out. Mr. Goett is compliant with the revision. He did in fact have to make the dwelling smaller, but that is just the way the code is written.

Mr. Durakis made a motion to approve, seconded by Mr. Ulshoefer. 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.

Old Business

None.

Mr. Ulshoefer made a motion to approve the resolution for Application #1481, 142 Heather Hill Road, Lumaj Builders, LLC, seconded by Mayor Romeo. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Moss, Mr. Ulshoefer, and Mr. Durakis all voted yes. Mrs. Schultz and Mr. Mandelbaum were absent. Motion approved. The original resolution shall become a permanent part of these minutes.

New Business

None.

Other Business

None.

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

Motion was made by Mr. Moss to adjourn the meeting at 7:58 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for July 26, August 9, August 23, and September 13, 2016, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary