

MINUTES

CRESSKILL PLANNING BOARD

JULY 26, 2011

Mr. Vaccaro called the meeting to order at 7:42 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Mr. Vaccaro, Mr. Galdi, Mr. Morgan, 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 July 12, 2011, meeting. The motion was seconded by Mrs. Schultz. All present were in favor of the motion. Motion approved.

Correspondence

Voucher from Mr. Steven Schuster for services rendered relative to Application #1409, Kipperman, in the amount of \$994.50. Motion by Mr. Galdi to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Freshwater Wetlands Application for 265 Piermont Road, Jacob Vivat, Cresskill, to establish the boundary of freshwater wetlands on this property. Mr. Azzolina noted that he just received the application today. File.

Notice from Rutgers Continuing Studies for the Summer 2011 Land Use Seminars. File.

Letter from Mr. Francis Reiner thanking the Board for allowing him the opportunity to speak about the need to develop a program to replace existing trees which are in need of being cut down in the public right of way due to age, safety or other issues. He attached a draft tree ordinance for everybody's review. Copy to all members. File.

Mr. James Kim was present regarding the sushi corner at Kings. Mr. Vaccaro noted that he had the letter of introduction in his office. The current sushi vendor is leaving kings. They have about 50 square feet. There is no seating. They are leaving it the way it is. All they do is make sushi there. The company is called Sushi Maru Express and they are out of Ridgefield. They are taking over all the sushi corners in all the Kings supermarkets. He will need health inspections. Mr. Morgan made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter of approval sent to Mr. Kim with copies to the Building Department and Ms. Barbara Nasuto.

Subdivision Committee

Nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina had nothing to report. Mr. Vaccaro asked about Allen Street. Mr. Azzolina noted that they are still trying to finalize the utilities. The basketball courts are progressing. The wiring should be completed tomorrow. The painting is scheduled for next week. Mayor Romeo noted that the fence is pending. He stated that they are going to give it 90 days to see if works out without the fence. If the fence is needed after that time, they will put it up. Mr. Azzolina stated that the only caveat is that there are certain limitations on fencing that can be placed within a flood plain and that is a flood plain. The reason it is depressed the way it is, is because you have to build it at an elevation that's lower than the flood elevation, so they may or may not be able to put a fence around the entire perimeter of it.

Mayor Romeo also noted that there may be a buffer of trees put in. Mr. Azzolina noted that that can be done no problem. It probably won't be a solid one like at the tennis courts, but a staggered evergreen planting to allow 6-8 feet in between the plants so police can look in to see what's going on. Mr. Morgan asked about the lighting. Mr. Azzolina noted that it has a timer and he is assuming they are using the same time as the tennis courts, which is 10:00 PM. Mayor Romeo noted that they will try it at 10:00 and if it gets out of hand it will go to 9:00 PM. The soccer field will be 9:00 PM. The tennis courts, as long as everybody is quiet and behaves, they can keep it at 10:00. Otherwise, they will close it at 9:00 also. He will leave it up to the cops to decide.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. Mr. Mark Flusche, the attorney for Refined Homes, LLC, 28 Beechwood Road, wished to be heard. He noted that he submitted revised plans for this Application #1410. Mr. Azzolina noted that he had sufficient information to report to the Board. The opinion of the Board is that the variances that were pre-existing before the house was demolished are no longer in place and they will need to obtain new variances. The information on the plan is sufficient to recommend that the Board can schedule a Public Hearing.

Mayor Romeo asked what the side yard was. Mr. Azzolina noted that the proposed side yard is 15.08 feet and 20.06 combined, where 15 and 35 are required. Mr. Flusche briefly explained again that this was intended to be a renovation of an existing home where certain walls were supposed to be kept and the second floor pushed in to conform to the side yard setbacks. What happened was one too many walls were taken down, but the entire foundation work was done. The plan shows the exact state of affairs on the property where what was supposed to happen was to retain the bulk of the house on the first floor and come in on the second floor to conform to the side yard setbacks so you don't make the encroachment any worse. What ended up happening was that the one wall that was supposed to be kept, because the builder didn't think the footing was sufficient for that wall, he ended up taking out the

footing and the wall and redid it. They ended up with only one wall standing. The builder stated that they only reinforced the footing, they didn't remove it and redo it. Mr. Flusche pointed out on the plan the exact state of the property. He showed that the original plan was just to keep the foundation and expand it a little bit.

Mayor Romeo asked what the side yard was from the garage to the property line. Mr. Flusche noted that it was 8.58 feet. Mayor Romeo noted that if they had come in and gone straight up, the Zoning Board would probably have looked favorably on this because it was pre-existing. Mr. Flusche noted that that was what they were trying to do. He is now just trying to get permission to build exactly the same home they were going to do.

Mr. Vaccaro noted that the letter from the Construction Official states that they need a 13.7 foot variance on one side. He asked them if they agreed with the letter. They agreed. Mayor Romeo asked if they were going straight up with 8.8 feet on one side. They said that they are planning on building the same exact house they got permits for before. Mayor Romeo stated that we normally wouldn't give an eight foot side yard on this size property. Mr. Flusche stated that this is an existing non-conforming condition. Mr. Galdi noted that taking that wall out got rid of the grandfathered existing non-conforming condition.

Mayor Romeo asked what the side yards are going to be. Mr. Azzolina noted that they are going to be eight feet and 13 feet on the first floor and 15 and 20 on the second floor. Mr. Flusche noted they are trying to meet the side yards on the second floor. They admitted that if that wall wasn't taken down, they wouldn't be here.

Mr. Schuster stated that this is now new construction and they have to come in for a Public Hearing. Mr. Azzolina noted that they have enough information on the plan for the Public Hearing. Mr. Galdi made a motion to schedule the Public Hearing for August 9, 2011. Mr. Morgan seconded the motion. All present were in favor. Motion approved.

Mr. Vaccaro closed the meeting to the public.

Motion was made by Mr. Galdi to adjourn the meeting at 8:06 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for August 9, August 23, September 13, and September 27, 2011 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary