

MINUTES

CRESSKILL PLANNING BOARD

JULY 26, 2016

Mr. Morgan opened the meeting at 7:33 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, Mrs. Schultz, Mr. Ulshoefer, Mr. Durakis and Mr. Mandelbaum. 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 July 12, 2016, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, sending Mrs. Mary LaBelle to this Board for approval. She is proposing a sub-division at 67 Phelps Avenue. Application #1485M was received on July 26, 2016 and is currently under review.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, 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. Application #1484M was received on July 25, 2016 and is currently under review.

Letter from the NJAPZA (New Jersey Association of Planning and Zoning Administrators) including a questionnaire for the Board Secretary to fill out. The questionnaire was given to Ms. Bauer.

Memo from Ms. Barbara Nasuto. Ms. Nasuto states that the Planning Board sets its legal and engineering fees at \$1,500 each (total \$3,000) for escrow for your applications. This money is collected before you get the plans. The engineer reviews the plans prior to a public hearing. Several times now, she has received an engineering invoice totaling more than \$1,500. She receives legal invoices several months after the application has been approved by the Board.

Ms. Nasuto notes that she is **not** the private collection service for the engineer or the Planning Board attorney. If they expect the invoices to be paid, they must be presented in a **timely manner** and if they exceed the escrow amount, they must notify the applicant **additional escrow** is needed. They are writing the applicants on a monthly basis and sometimes twice a month for additional fees, usually for engineering services. If the engineer can bill for these services, he can estimate before the application is approved that additional monies will be required.

Ms. Nasuto asks that the Board review the procedures and make the necessary adjustments to the way escrow fees are processed.

Memo from Ms. Barbara A. Nasuto, dated July 14, 2016, regarding Ordinance No. 16-09-1488 Amend Chapter 275-74, Certificates of Occupancy. Mayor Romeo noted that this is from the AirBNB to stop

them from renting. However, they have to do a change. According to State Statute, they cannot go over \$1,000 per occurrence. Mr. Schuster noted that is correct, however, you can put them in jail for up to 30 days. Mayor Romeo noted that they need to change it to comply with the Statute. He also stated that another way to get around that is to say that the violation is per person. Every person there is in violation of the ordinance.

Mayor Romeo wanted to get back to the escrows. He knows that certain things are going to cost more. Mr. Azzolina noted that he is not sure which application Ms. Nasuto is referring to. Mayor Romeo said that she is referring to any application that exceeds the \$1,500 escrow. Mr. Azzolina noted that it is going to be the function of the person preparing the plan. Mr. Hubschman pretty much has the Cresskill system down so chances are those applications meet the \$1,500. The specific one that she may be thinking of is the one we just did on Emerson Street where he had an architect preparing an engineering site plan that had not ever done anything in Cresskill so he was missing five pages worth of stuff so he sent him a five page memo, which probably cost more than \$1,500 to prepare when you review the plan two and three times because you had several back and forths over the telephone and e-mail. There is no way to predict it.

Mr. Schuster stated that the other issue he has always had with her is that you are not supposed to be paying the engineer out of the legal escrow which has been commonly done. Mayor Romeo feels that we should raise it now, maybe to \$2,000 and \$2,000 so they have a little bit more and if they don't use all of it they can send it back. Mr. Azzolina noted that as far as the chase, he personally doesn't follow the bills. Mr. Schuster stated that if you look at the resolutions, at the end there is a provision about the payment of fees. It has been a problem in the past so what he does now is if he finds out from the Borough that they are 30 days past due and they haven't paid the bill, they send them a letter in accordance with the resolution and that if they don't get paid within ten days, they are going to pull all of their permits. They have been pretty successful in getting paid.

Mr. Azzolina noted that as far as timeliness goes, he submits his bills within three weeks of the end of the month. Mayor Romeo stated that the problem is that they are not getting enough up front so she has to chase them so he thinks they should raise it. Councilwoman Tsigounis noted that this has come up in the COW meeting but they never did it. Mr. Morgan asked if \$2,500 was too much. Mr. Frank DeCarlo noted that it is \$1,500 for the legal and \$3,000 for the engineer. It says that on the application. Mr. Azzolina doesn't think he is going over \$3,000 on a conventional single-family. He will check it and see which one Ms. Nasuto is talking about. Mr. Schuster said that \$2,000 was fine with him for the legal.

Subdivision Committee

Councilwoman Tsigounis noted that we received two new applications. Application #1485M, 67 Phelps Avenue, Ms. Mary LaBelle was received on July 26, 2016 and Application #1484M, 177 Fifth Street, Paul J. Chiusana (Frank DeCarlo-Applicant) was received on July 25, 2016, and both are currently under review. Mr. Azzolina noted that he just received it today and he will be in contact with Frank DeCarlo with any issues.

Report from the Borough Engineer's Office

Mr. Azzolina had nothing else to report.

Old Business

None.

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. Ulshoefer to adjourn the meeting at 7:46 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, 2016, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary