

MINUTES

CRESSKILL PLANNING BOARD

AUGUST 12, 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. Calder and Mr. Ulshoefer. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the July 22, 2014, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated August 7, 2014, sending Mr. Efrain Ramirez to this Board for approval. He would like to construct a new single family dwelling at 155 Jefferson Avenue. This property had recently gone to the Zoning Board and was approved for variances. Unfortunately they ran into difficulties and had taken down too much and it is now considered a new construction. No application has been received. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated July 24, 2014, sending representatives of the Mona Lisa Salon to this Board for approval. They would like to open a new hair salon at 6 Madison Avenue, Suite 604, as proposed in the plans provided in their file located in the Building Department. Ms. Regina R. Fuso was present representing the applicant. She stated that the business is a hair salon that offers hair services and waxing. No nail services. She noted that they haven't staffed themselves yet. They are still in the process of building and developing the salon. They are scheduled to have six seats for hair and a small room on the side for waxing and they will offer products for sale. Mr. Morgan asked if she was licensed. Ms. Fuso stated that she is not licensed but her partner is licensed. Mr. Vaccaro noted that she will have to come back for her signage. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter to the Mona Lisa Salon, Ms. Barbara Nasuto, the Building Department, Fire Department, Police Department and the Health Department stating the Board's approval. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated July 28, 2014, sending representatives of the proposed Café/Deli to this Board for approval. They would like to open a new Café/Deli at 6 Madison Avenue, Suite 104, as proposed in the plans provided in their file located in the Building Department. Mr. Danny Daibes was present for the Café. He wishes to open a Mediterranean style café with wraps, juices, coffee cakes, with six to eight tables and probably about six to eight staff members. They may have outdoor seating if possible. Their hours would be late breakfast/early lunch to dinner. It will be mostly lunch and dinner. They have no plans for breakfast yet. They have plans for seven tables with no other plans for seating. They have 2 designated parking spots, but the rest will be the general parking that is there. They are taking 1,450 square feet of space. It is two sections. Mr. Galdi made a motion to approve, seconded by Mr. Calder. All present were in favor. Motion approved. Letter to Mr. Danny Daibes, Ms. Barbara Nasuto, the Building Department, Fire Department, Police Department and the Health Department stating the Board's approval. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated July 29, 2014, sending R&J LLC to this Board for approval. They would like to construct a new single family dwelling at 86 East Madison Avenue that will require two variances for the front yard and rear yard. No plans have been received. File.

Copy of a letter from the County of Bergen, Department of Planning and Economic Development, dated July 31, 2014, to the Municipal Clerk and the Municipal Planning Board regarding the County of Bergen Comprehensive Farmland Preservation Plan. The Plan will become an element as part of the County Master Plan following its adoption by the Bergen County Planning Board. A CD copy of the Farmland preservation Plan was attached. A public hearing will be held on Tuesday, September 9, 2014 at 5:00 PM at the Bergen County Administration Building, One Bergen County Plaza, Freeholders Public Meeting Room, 5th Floor, Hackensack. Copy to Mr. Schuster. File.

Copy of a letter to Mr. Pete Muller, Ramapo Developers, LLC from the County of Bergen, Department of Planning and Economic Development, dated August 4, 2014, regarding Application #1440, 400 11th Street. The letter advises that this application was reviewed and given final approval by the Bergen County Planning Board on July 15, 2014. File.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina reported that Application #1447, 113 Jackson Drive, Julian Singer, was revised to his satisfaction and he recommends approval at this time. The revision date on the Plan is July 14, 2014. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Two copies of the plan along with an approval memo were signed. One copy to the Building Department with the approval memo and one copy to the file.

Mr. Azzolina noted that he had the final plat for Application #1441M, 15 Wakelee Dr. Corp., Park Avenue Subdivision. This plat is in accordance with the preliminary plat. He recommends that this drawing be signed at this time. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Plat was signed.

Mr. Azzolina prepared separate reports for both applications scheduled for tonight.

Public Hearing – Application 1449M - 74 Park Avenue

Mr. Vaccaro opened the Public Hearing for Application #1449M, 74 Park Avenue, Mr. Richard Baretta, Jr. Mr. John Manfredonia was present representing the applicant, Mr. Richard Baretta, Jr. Mr. Manfredonia noted that they submitted an application and a plan that illustrates the proposed subdivision that they seek. This piece of property is currently 100 x 100 foot lot and they wish to subdivide it into two separate lots 50 x 100 each. It is their position that this property, at one time, was separately deeded and was treated as two separate parcels and then over time it came under the ownership of the Baretts. If you visit the property, you will see that on the lot where the house exists, it is situated in the center of one lot, and the lot next to it, nothing has been built on it and today they seek approval to subdivide so that they can build on that lot.

In order to do so, there are several variances that they are seeking. One is the lot area. They want to seek a variance for a 5,000 square foot lot area, instead of the 10,000 square foot lot area required by the borough ordinance, the lot frontage they are asking for is 50 feet versus 100 feet that is required. They are proposing that this Board at this time also approve the proposed side yards for the buildable lot. Then there are going to be side

yard variances for the existing home as well after the subdivision. Mr. Schuster confirmed that the application talks about site plan approval but they are not going to look for site plan approval today. Mr. Manfredonia agreed and stated that they are amending their application to be strictly for the subdivision and certain variances relative to the structure of the future improvement.

Mr. Manfredonia noted that he has one witness who is a professional planner and architect. Mr. Douglas Doolittle stated that he is actually an engineer/surveyor and planner. He is with McNally Engineering, 169 Ramapo Valley Road, Oakland, New Jersey. He has a license to practice in New Jersey. He has testified before Boards before. He was sworn in by Mr. Schuster. He is a graduate of New Jersey Institute of Technology in 1979 with a Bachelor's of Science in Civil Engineering. He is licensed as a professional engineer in 1984 and a land surveyor in 1988 and a planner in 1989. He worked in Northern New Jersey for 35 years of which 28 of those years he had his own private practice. In 2008, he joined McNally Engineering. He has been qualified in front of numerous Zoning and Planning Boards, Mayor and Councils, and he was also qualified in front of this Board about two years ago. Mr. Schuster noted that he was going to be acting today as a planner and an engineer.

Mr. Manfredonia asked Mr. Doolittle to explain the proposed subdivision. Mr. Doolittle explained that the subdivision itself is located on the south side of Park Avenue. Its address right now is 74 Park Avenue. It is, on their drawing, identified as Block 167, Lot 19. It is 100 x 100 foot lot. It is a square piece of property. It has a small dwelling on the easterly, or left hand side of the property as you look at it from the street. It sits primarily on the 50 foot half of the property to the east. To the right is currently a vacant area. It is lawn with a few trees and it does have some fences around it. There is a macadam driveway and a concrete walk that exists which comes in from the roadway on the east side of the property (the left side of the property).

Mr. Manfredonia presented a series of photographs that were marked as Exhibit A1. It consisted of five photographs of 74 Park Avenue. Mr. Doolittle noted that they represent a fair depiction of the property. The top picture is an aerial view taken from Google Earth that shows their parcel in red and in general shows the block in the neighborhood with the adjoining homes, with the superimposed tax lot lines on top of it. The second picture was taken when the field survey was done for the subdivision, which was probably back in late March or early April and it is as the property exists today as well. The third page is a picture of the actual existing dwelling at 74 Park Avenue from the street looking south into the front of the home. The second picture you are standing just a little to the right of the home about in the middle of the property in the street. It depicts the lawn area, which is actually the area where they would like to put the new dwelling. The fourth page is standing in the middle of what would be the newly depicted lot about in the middle of where the new footprint is looking to the rear yard of the old dwelling. The last picture is standing right along the walkway looking south at the home behind what would be the 50 foot lot that would be subdivided off and it shows that it is lawned with substantial shrubs along the perimeter of the property.

Mr. Manfredonia asked Mr. Doolittle if he visited the neighborhood and looked at other homes in the area to see if this proposed subdivision would be compatible. Mr. Doolittle noted that he did. There are a substantial number of other 50 x 100 foot lots in the neighborhood. If you look at the property, there are three of them directly behind them. If you look at the key map, there are two of them to the east (or left) of them if you stand in the street. There are two of them directly across the street. The area generally consists of homes and properties from 50 x 100 up to 100 x 100 with the larger number of them being between 50 and 75 feet wide.

Mr. Manfredonia asked Mr. Doolittle if, based on his observation of the homes in the area, it is his testimony as a professional planner that the proposed subdivision would be consistent with homes built in that area. Mr. Doolittle agreed. Mr. Manfredonia asked if the proposed subdivision was to accommodate a single family home. Mr. Doolittle agreed that it was. Mr. Manfredonia asked if based on his observation of the neighborhood and the fact that a single family home is going to be built on this subdivided lot, is it his testimony that the variance will promote the intent and zone plan and zoning ordinance of the Borough of Cresskill. Mr. Doolittle noted that it is. Mr. Manfredonia asked if based on his observation of the neighborhood and the proposed plan of the subdivision is it his testimony that this variance can be granted without a substantial detriment to the public good. Mr. Doolittle agreed. Mr. Manfredonia asked if it his opinion as a professional planner that this variance can be granted without substantially impairing the intent and purpose of the zoning ordinance. Mr. Doolittle agreed.

Mr. Manfredonia noted that they received a memorandum from Mr. Azzolina today regarding the plan. Mr. Doolittle reviewed the memo. He noted that the Board's engineer's memo identified certain variances associated

with the lot where the house is to remain. Mr. Doolittle reviewed that. He explained that the lot area required is 10,000 square feet and they are proposing 5,000 square feet. The lot frontage required is 100 feet and they are proposing 50 feet. The front yard setback required is 25 feet and it is existing at 19.9 feet so that is a variance for an existing non-conformity. The side yard setback required is 15 feet and the existing and proposed is 4.2. Side yard setback for both is required to be 35 feet and they are proposing 9.5. The building coverage is required to be at 20% and they are proposing 21.92% and the impervious coverage is required to be at 35% and they are proposing 45.64%. Mr. Manfredonia stated that the building engineer's notes indicate that there may have been an in-exact scaling of drawings that the impervious coverage may be at 35.5. He asked if Mr. Doolittle has had a chance to look at that. Mr. Doolittle has not had a chance to look at that. Mr. Manfredonia will stipulate that the variances that are identified in the Borough Engineer's memorandum are accurate and that they seek those particular variances in connection with this approval tonight. These variances are existing for the house that is there right now.

Next they are going to talk about the variances for the new lot where a new house is going to be built. Mr. Doolittle noted that the new lot, which would be the vacant lot should it be approved, is required to have 10,000 square feet, they are proposing 5,000 square feet. The lot frontage is required to be 100 feet and they are proposing 50 feet. The side yard setbacks are required to be a minimum 15 feet, they are proposing a minimum of 10 feet. The side yards combined is required to be 35 feet and they are proposing them at 20 feet. The building coverage is required to be at 20%. They are currently proposing them on their plan at 27%. Mr. Manfredonia noted that the Borough Engineer's memorandum suggests that they drop the building coverage variance and defer that to a later date when the site plan application is being submitted. They concur with that. So the variances that they seek today are the lot area, lot frontage, side yard setback one yard, side yard setback both yards. Those are the variances they seek in connection with the other lot. They will defer the building coverage because that could be driven by how the house is built.

Mayor Romeo wanted to ask about the side yard setbacks on the existing house. He asked about the 4.2 foot existing setback. Mr. Doolittle explained that the side yard on the left side is 4.2 feet right now. The new house is going to be 10 feet.

Mr. Manfredonia explained that the Borough Engineer's memorandum also identified certain design waivers that would be required based on his review of the current application. Mr. Doolittle has reviewed that. Mr. Manfredonia drew his attention to the design waivers discussed in Section 6, Paragraph 2. He asked Mr. Doolittle to describe which items they need a waiver on and which items they comply with. Mr. Doolittle explained that they need a waiver on (a) "all existing structures in wooded areas within the portion to be subdivided and within 200 feet thereof." They would like to get a waiver from that 200 feet. They can show any existing wood areas and structures and certainly trees on their lot and will be submitted at the time of site plan application. They will provide the Tax Map Sheet Number on the drawing. They are asking for a waiver of (c) "All streets or roads and streams within 500 feet of the subdivision (Key Map indicated as "not to scale" and without delineation of limits of 500' radius.)" They are requesting a waiver at this time for (d) "Supporting evidence as to the availability of public water supply and public sewers (existing utilities not shown although known to exist within Morningside Avenue and Park Avenue)." They know there are utilities there and they will show them at the time of site plan approval.

Mr. Manfredonia noted that in Paragraph 3, there are a number of other items in which the Borough Engineer is asking whether or not a waiver is sought. Mr. Doolittle has looked at those. Items 19, 20, 21, 24, 28, 29, 30, 31, 37, 38, 39, 41, 42, 44, 45, 46, 47, and 48 they are requesting a waiver at this time for all of those and they will be addressed at site plan approval. Mr. Manfredonia explained that these items, for example, topography, proposed floor layout plan, those are all items that you would typically see in a site plan application so they are seeking a waiver for those now but with the understanding that when the site plan application is submitted at a later date, those items will be provided. Mr. Manfredonia asked about the sidewalk. Mr. Doolittle noted that they would defer that also. There were no other waivers. Mr. Schuster asked if they were going to waive #7. Mr. Manfredonia noted that they would expect that they would ask for a waiver because there are no sidewalks in that particular area, but he thinks this is more germane for the site plan application, so they will defer it to that time.

Mr. Manfredonia stated that they identified tonight those waivers that they are seeking in connection with this subdivision application with the understanding that a large number of them will be addressed in the site plan application at a later date. On the last page of the Borough Engineer's memorandum it notes that this particular

application is subject to obtaining from the County of Bergen Planning Board a Finding of Exempt Application. They will also go to the Tax Assessor and get the lots and house numbers.

At this point, Mr. Manfredonia would like to open it up to any questions the Board may have. Councilwoman Tsigounis wanted to get clarification on what exactly the Board was being asked to approve tonight. She wanted to know if the Board was being asked to approve a house envelope based on a schematic. Mr. Manfredonia explained that they are asking for just the side yards and not the entire envelope. Councilwoman Tsigounis asked if that can be done on a schematic. She can see approving the subdivision and the existing variances, but she thinks the other lot would come in as a separate lot once the house is developed as a footprint with the required variances being asked for at that time. She finds it odd to grant variances on schematics. Mr. Manfredonia noted that there is nothing that says you can't do that. The reason for doing it is to get the subdivision approval, they want to demonstrate to potential people out there that might be interested in building that this is at least part of the envelope that you are going to be able to build on and to complete that envelope, you are going to have to go to the Board and submit a whole site plan application. But the very minimum for the side yards, you know you have this particular dimension.

Mr. Vaccaro opened the meeting to the public. Mr. Anthony Scianna, 62 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Scianna noted that he lives next to the proposed subdivision. He noted that the required number of side yard is 15 feet and they are requesting 4.2 feet so they are asking to be three times less the size than what is required. Mayor Romeo noted that that is existing, the 4.2. That is not going to change. On the new house, he is requesting 10 and 10. He is not requesting 4.2 on the new house. You have to live with the one that is there unless you tear it down. Mr. Scianna asked if the new one is asking 4.2 feet. He was told that the new one is 10 feet. Mr. Manfredonia noted that the 4.2 is the distance between the two existing homes. The new lot will have a 10 foot side yard.

Mr. John Lang, 51 Margie Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Lang had several concerns, not so much with the lot if it is approved and the sides, the 10 feet on either side, he understands that. He has a question about the variances in total. The reason he wonders is why would you be granting these types of things now when you haven't granted them for 40 years. For instance, there are several houses that fit this same criteria throughout the area, throughout the R-10 Zone. His concern is, if you grant this one, then every other person would do the same thing. In addition to that, anybody that has a 100 x 100 lot would come to ask you to knock that house down and subdivide it into two. This already has an existing use variance for a two-family home. He didn't hear that mentioned. Second of all, why are we adding homes when everybody else for the last thirty years has had to conform. Everybody else, there are some on Margie Ave., some on Park, some all over the town, what they have been doing is knocking down the house and building one more valuable house, which helps in the tax base. You are building a second house right next to it and you are cluttering the town, which apparently you didn't want to do because that's why it has been that way for 40 years and now all of a sudden you are adding to the school tax base because you are going to have more students going to the school, fire department, etc. He doesn't understand the purpose of approving such a variance in the first place that would destroy the character of the town. If you feel that that is what you want, then he feels you should change it for the whole town, or at least the R-10 Zone, not just for one individual when you haven't approved any such variances in 30 years. As a matter of fact, they applied for one 30 years ago and they were turned down.

Mayor Romeo asked where Mr. Lang's lot was in comparison to the subject lot. Mr. Lang noted that it was perpendicular to the back yard. His lot is 65 x 100. He doesn't want to do anything with his lot. If he owned a 100 x 100 lot he would come to the Board and say, OK, he has a 100 x 100 and right now people are knocking down that house that they have and building a new one with a bigger footprint on the 100 x 100, but if you approve this type of variance, he would come to the Board and say, OK, he owns a 100 x 100 lot, let's split it in two and he is going to build two houses.

Mr. Vaccaro noted that every case is an individual case. You have to look at the area, look at what is being proposed and you can't say because if we approve this we have to approve the next one. Mr. Lang said you don't have to but you are setting a precedent. He stated that there is another one across the street from 74 Park, aside from the one directly across the street that is going to be talked about tonight, and if you go up the end of Park toward County Road there is an additional one. So right there on Park Avenue, and there is also another one on Margie Avenue, so right there you have five houses in two blocks, if you take that and multiply it by the R-10

Zone, he is sure it would be quite a few. He doesn't think it is right. He thinks it would change the character of the town.

Mrs. Laura Broadhurst, 57 Margie Avenue, wished to be heard and was sworn in by Mr. Schuster. Mrs. Broadhurst concurs with everything Mr. Lang had mentioned. She thinks that there are good reasons why the current zoning laws exist and that granting these variances is a slippery slope. It could lead to an overall trend of similar variances in the area. Like Mr. Lang mentioned, it could set a precedent. In her opinion, the subdivision of the property and the addition of another home on that land would definitely negatively affect the essential character of the neighborhood. The additional home on such a small piece of land, 50 x 100 feet, would be out of place or inconsistent with the theme of adjacent properties. Aesthetically it would look like it would be squeezed in. Subdividing the property by squeezing in this extra home would also make the neighborhood obviously more crowded resulting in a higher population density, more crowding on the street parking. And, therefore, since the essential character of the immediate neighborhood would be negatively affected, the property values in the neighborhood would be negatively impacted as well.

Mr. Andy Salva, 79 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Salva concurs with Mr. Lang. He thinks it is opening up the flood gates for every house on that block to subdivide and to put row houses in. They moved there, they liked the spaciousness of the properties. They were told if they wanted to subdivide, they would have to buy the property next to them to make it a 75 x 100. He feels this is going to ruin the neighborhood. There will be more traffic on the street, more cars and there is a two family house there right now. Now he sees that it will open the flood gates for everyone else on the block.

Mrs. Broadhurst had a letter from Mr. Hei King of 65 Margie Avenue, who was unable to attend because he was out of town. He opposes the subdivision and the letter was marked in for identification.

Mr. Scianna agrees with everybody else. He feels the same way. He noted that since he moved here four years ago, he has seen nothing but construction around. He knows the house across the street from him is going to be torn down eventually. The house three houses up the road is going to be torn down eventually. He doesn't want to see construction for the next three plus years. Plus with everyone else who is going to be wanting to do it after one person does it, it will turn into a domino effect. People will be walking in and saying if they did it, so how come we can't. Plus, you are talking about a 50 x 100 foot lot with 10 feet on one side and 4 ½ feet on the other side. You are squeezing a tiny house on that lot. Mr. Scianna was informed that the new house will have side yards of 10 and 10. Mr. Scianna said that you are going to build a tiny house next to his and it is just going to look funny and it is going to bring down the value and curb appeal of the street.

Mayor Romeo explained that the 4.2 feet is on the other side of the existing house with another house. It is not going to be toward this new house.

Mr. Schuster explained that there are zoning regulations, development regulations and building regulations, so in other words, if someone comes in before the Planning Board or Zoning Board, the application has to notify that basically they are asking for exemptions or variances from the building aspects from it. These other things deal with technical matters concerning how the plans are drawn and mostly those types of things as opposed to things that have to do with the substance of the actual construction. Mr. Scianna asked if there was a construction plan to put on there yet. Mr. Schuster noted that there is not. Part of their application for relief was asking for site plan approval but they indicated that they were going to withdraw that. They are not going to do that at this point in time because they are not ready to do that and they want to come back in for site plan approval at a later date assuming they get approved today for a subdivision.

Mr. Salva asked about the water running down the street right now from all the houses being built. Mr. Schuster noted that there is supposed to be a zero runoff standard right now so there is supposed to be tanks in the ground to retain the water on the site at least for a period of time. That should not be a material problem if they do the proper engineering.

Mrs. Schultz made a motion to close the meeting to the public. Mr. Galdi seconded the motion. All present were in favor. Motion approved.

Mr. Calder wanted to hear from the expert about the number of homes on 50 foot lots. He has heard from the public that there were not a lot of 50 foot lots in the area. What is the disconnect? Mr. Doolittle read off the key map and stated that there are two right next door to them to the east, both single family homes. Mr. Manfredonia asked if these other houses that he has identified in the area are on 50 x 100 foot lots. Mr. Doolittle said that they were within the immediate area. Mr. Schuster asked if there were any particularities about the present circumstances of the two lots that would indicate that they are consistent with the Zone Plan and Zoning Ordinance of the town.

Mr. Manfredonia stated that we have heard a lot from the public about how this might establish a precedent for others to take their 100 x 100 lots and divide them into two. This is not that kind of case. This case is unique. Their position here is that at one time these lots were two separate deeds. They were separately owned. Over time, no one built on this other lot and nobody expanded the home onto this other lot. So essentially, they preserved that lot over time and now they seek to subdivide so they can build on that lot. The other properties that they are referring to are not like this. This is a unique situation. This particular approval, this particular subdivision, is not going to establish precedent to subdivide into smaller lots. This application is unique to this specific piece of property. They have demonstrated, they believe, that there is sufficient justification to approve it. Yes, they did spit out a lot of waivers and to the lay person they may be concerned about what are all these waivers, but he thinks the Board attorney has adequately explained that. The approval for the actual home to be built on the property, that will be part of the site plan, which you will receive notification again. Contrary to what some of the people said here, he believes that this house will improve the neighborhood. Mr. Doolittle agreed that this house will improve the neighborhood as well.

Mr. Galdi asked Mr. Doolittle if he saw any downside with this. Mr. Doolittle doesn't. Mr. Vaccaro stated that the people in the back don't want two houses on this piece of property if he understands correctly, they want one house. Right now they have an existing, non-conforming two-family home. He wants to know what they should do with that. He stated that you have to look at the whole picture.

Mr. Vaccaro opened the meeting to the public again. Mr. Lang, 51 Margie Avenue wished to be heard again. Mr. Lang stated that his counterpoint would be that if you want to build a new two-family house, take the whole property and build it. He wouldn't have any problem with that.

Mr. Andy Salva, 79 Park Avenue, wished to be heard again. Mr. Salva wanted to know when that house was built. He wanted to know what the justification was that this should be done.

Mr. Anthony Scianna, 62 Park Avenue, wished to be heard again. Mr. Scianna again stated that if this doesn't set a precedent, what is the one that is going to be heard after this one, which is asking for the same thing. If there is no precedent, then why are you asking to do the same thing on the house across the street at 80 Morningside. If there is no precedent, and they are all individual, then what's to say a week from now, hey we got two of these that just got approved here, so we are doing it once. How can you say there is no precedent when you are doing two at one time.

Mr. Galdi made a motion to close the meeting to the public. Mrs. Schultz seconded the motion. All present were in favor. Motion approved.

Mr. Morgan asked if those properties were individually deeded. Mr. Manfredonia noted that currently they are one deed. Mrs. Schultz stated that originally they were two separate deeds. Mr. Manfredonia noted that if you look at the character of the neighborhood, contrary to what some of the people have said here, consistent with his professional planner, is that there are many homes in that specific area that are on 50 x 100 foot lots. At one time, those lots were conveyed as such. What they are saying is that the lots that are the subject of their application were likewise 50 x 100, and for whatever reason, they now have two lots together and they simply want to split them and they believe that is consistent with the character of the neighborhood. They believe that whatever home is built on this particular parcel will fit the property. There are other new homes that have been built on 50 x 100 parcels in Cresskill. They look really nice and they are smaller houses. They do not propose to exceed the FAR variance and overbuild on this lot. They want to be consistent with the Board's zoning requirements when it comes to construction. That will be the subject of the site plan application.

Mr. Schuster asked about the new house. He stated that they must have some idea about how big it is going to be. Mr. Manfredonia noted that they would stay within the 39% FAR. He asked Mr. Doolittle what size house would fit on this property staying within the 39% FAR. Mr. Doolittle noted that you are probably looking at somewhere around 2,000 square feet with a one-car garage. Mr. Schuster asked how big the other houses were in the area. Mr. Doolittle said that they were about right in the middle.

Mr. Galdi noted that he sees some of the questions they are raising do have some merit. But at the same token, this is an isolated case in that area. Furthermore, you are going to have two tax incomes here for the town instead of one, which is something that is going to affect all of us down the line to keep the tax rate within reason. As much as it does create some problems, we got them to go along with 10 feet on each side so they have been trying to come and still develop something that is sellable and is good to the area. In light of it all, he thinks that the best position for all concerned, and the town, we would be better off approving it. They are going to have to come back with the plans to show us what they want to build and keep it within reason. Other than that, in today's market where you need homes, sooner or later things are going to change and you have a unique situation here that doesn't make it, in other words, setting a precedent for everybody else to come in and chop up property. The way we go through every piece, we try and really hold to what we can to keep the town in the condition it is and the state it is for as many years as possible so our kids and grandchildren can enjoy it.

Mayor Romeo stated that it is important, in his estimation, that the people in the neighborhood are explained fully exactly what is happening here so they understand why it may or may not happen. We sat and we listened and now he wanted to give a little bit of information so they may understand. Someone mentioned that if someone took a 100 foot lot, what would stop them from knocking a house down and building on two 50 foot lots. That wouldn't happen. These two applications that are here today were at one time on separate deeds. Both of these houses, this one and the one across the street, were originally, back in the 40s, owned by a development company, Cresskill Heights Park, and they built a bunch of the Cape Cods and the little Colonials on 50 foot lots on Margie, on Park and on Morningside. At that time, we were selling the lots as either 20 foot lots or 25 foot lots. These particular streets were 25 foot lots and they were buying two lots and they were allowed to build on 50 foot lots. In this particular case here, they built the house on one lot, but they owned both lots. When they moved out, new owners came in and over time three or four owners came and the other lot was never used, but it stayed as a building lot, even though it had merged, it had stayed as a building lot because it was approved as a building lot back in 1946.

On 3rd, 4th, 5th, 6th and 7th Streets, which is the older section of town, even 8th Street, if you go up and down those streets, as he has, you see anywhere from 40 to 65 foot lots. This isn't the first time someone has come in to ask for their lot to be split in half to build on. Back in the 50s, as one quick example, there was a guy named Ollie Pratt, who was in WWII, who at the end of the war, when he came home his dad had bought two 50 foot lots on 6th Street. The father built on one when the boy was away in the Army. When he came home, the State in its infinite wisdom had decided, well if the owner of the property is in the same name, you can merge all the lots together, forgetting about the fact that that was a building lot. So the town turned down the building lot for Ollie Pratt. Ollie Pratt went to court and the Superior Court judge said no you just don't get to do that. That is a building lot. That is the same thing that has happened on three or four different occasions on 5th and 6th Street. But it had to have been a separately deeded piece of property. In the same width as all the other houses in that area, this fits that criteria, as does the house across the street. The only difference with the house across the street is they actually have their own street frontage, so that lot only has to be split in half from front to back and there is a 50 foot lot that is allowed there. This particular lot here was a 100 x 100, but it clearly shows on here that it was two 50 foot lots, but the owner chose never to build on it. Several times this has happened and we have been defeated in court. They are allowed to get a subdivision on this because it was an existing building lot for the last 50 years. They are not asking for something that is out of the realm of reality.

Mayor Romeo stated that the question rings true, what if somebody on a 100 foot came in and said they want to knock it in half and build it. It doesn't work that way. That was a 100 foot lot with a house located in the middle, so you don't get to split it down and build two lots. They are not asking for that here. They have a house on one side, clearly on 50 feet. They have an open space on the other side asking for 50 feet to be built there. This is not out of the ordinary. We have approved probably about a half a dozen of these and you have a limited amount because we have actually counted how many of these are left in town. There is under a dozen left in the whole town that this can happen to. So you don't get to take a 100 foot lot and cut it down to 50. Now you may not like

the idea that there is going to be another house in there, but legally if we go to Superior Court in Hackensack, the judge is going to give them the subdivision to build another house.

Mayor Romeo doesn't think at this time tonight we should be discussing any footprint to that house. He thinks that the public deserves, if the building lot is granted, to see a full picture of what is going to be going in there so they can help tweak it and have some input in it. But as far as a 50 foot lot, they are entitled to the 50 foot lot, because they had it that way. He would be happy to answer any of their questions because he has been researching this for two weeks and this isn't the first time this has been done and that's why the lot will be centered to be away from both of the other houses. But they both were on separate deeds and we have been taken to court on similar cases because if you do the history they are all back from about 1942 to about 1955. That is when the building boom was here and that is when all these 50 foot houses were built. All down Margie is either 50 or 60 feet. There is a lot on Margie at the top of Dogwood Lane that was subdivided off. From time to time these do come up. They are rare, but they are entitled.

Mr. Lang noted that the property that Mayor Romeo was referring to was subdivided and it was two 50 foot lots put together so that they could meet the existing variances in the 60s to build on a 100 foot lot. That person owned a 50 foot lot and they were told they couldn't sell it off at that time. They teamed up with the neighbor and sold another 50 foot lot and now they have a 100 x 100 foot lot. He also wanted to know, if they truly had a building lot, why was the variance they applied for 30 years ago turned down. It is the same subdivision that they are asking for now. They asked for it 30 years ago and it was turned now. That was close to 1980. Mr. Baretta noted that they did apply in around 1983 and they were turned down. Mayor Romeo noted that since then is when they were being taken to court and losing, probably in the 90s and early 2000s. That is why the last 10 or 12 of these that have come in, they were granted but they were in such a way with the FAR so that the house would not really impact. It would be on a 50 foot lot but it would be built so that you would not be overcrowded and the FAR would come into force and the height variance so you would not be killing your neighbor next door so you would not be overshadowed. Mr. Galdi noted that you had to get something to fit that criteria.

Mr. Galdi made a motion to approve. Mrs. Schultz seconded the motion. Mr. Schuster noted that the application as stated so far by the applicant is that they are requesting the subdivision, no site plan approval and certain enumerated variances and waivers. They are withdrawing their site plan approval request. Mr. Manfredonia stated that they will withdraw the request for the side yard variances and will defer that to the site plan application. The variances that they are seeking today are listed in the Board's memorandum, with the exception of the side yard variances (the side yard and the side yard combined).

On Roll Call: Mr. Vaccaro noted that usually when these things come up about new houses going in, we always look at traffic problems or the impact on the school. No matter what you do here, it will be just what you have now. What you have there now is a house with two cars. With a two family house makes four cars. If you build two houses, you still have four cars. Basically speaking, this is not going to increase any traffic, not going to increase the schools. With all this in mind, he voted yes. Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mrs. Schultz, Mr. Calder, and Mr. Ulshoefer all voted yes. Motion approved.

Public Hearing – Application #1448M – 80 Morningside Avenue

Mr. Vaccaro opened the Public Hearing for Application #1448M, 80 Morningside Avenue, Frank and Cecelia Girman. Mr. John Manfredonia was present representing the applicants, Mr. & Mrs. Girman. Mr. Manfredonia noted that they are seeking to subdivide the property into two lots, one lot is going to be 75 x 100 and the other lot is going to be 50 x 100. The 75 x 100 lot will be fronting Morningside Avenue and the 50 x 100 foot lot will be fronting Park Avenue. They seek variances with this application as they did with prior one. They will limit the variances on the new lot, the buildable lot, to the lot size and lot width (frontage). He called his witness, Mr. Doolittle.

Mr. Douglas Doolittle, was sworn in by Mr. Schuster, who confirmed that his qualifications are still the same as they were in the first application of the evening. For our purposes today, he will be an expert engineer and planner. Mr. Doolittle noted that the property in question is identified as Lots 18 and 31 in Block 164. The existing dwelling is at 80 Morningside Avenue and the parcel they are looking to subdivide off fronts on Park

Avenue to the south. The property is between Morningside and Park and has two street frontages currently. There is currently a dwelling on the Morningside portion which will be the 75 x 100, proposed Lot 18, with a detached framed garage, some driveways and other amenities. The parcel, which will be proposed Lot 31, currently is vacant. It has lawn, some trees, some shrubs and is fenced with a wood stockade fence.

Mr. Manfredonia presented a series of photographs that were marked as Exhibit A1. This is a series of six photographs. The top photo of the packet is a picture from Google Earth with the tax map superimposed on it. Mr. Doolittle noted that these pictures are an accurate depiction of the property as it exists today. The parcel in question is outlined in red on the first photo. It identifies the roadways, the physical improvements, the existing dwellings on all the adjoining tax lots, to give you an overview of the homes and the properties in the neighborhood. On page two, this is a picture of the home on Morningside Avenue, standing to the right of the property looking to the southeast at the front view of the home standing in the actual right-of-way. Sheet three is standing on the other side of the home, standing in the street, looking west down the driveway, which is on the left side of the home. You can see the detached garage in rear. Sheet four is standing in the patio area on the right hand side of the property just behind the building. You can see to the left the brick wall that is the side wall of the existing garage that is depicted on the site plan and if you look through you can see a lawn area directly to the back about in the middle of the picture and then you can see the stockade fence which is along the property line on Park Avenue and the home to the south of that which he believes is across the street. Picture five stands you just behind the garage area just in on the proposed Lot 31, which would be the rear yard facing south or the back of where the possible house could be constructed. This gives you a clearer view of the trees, the vegetation and the lawn. This piece is completely enclosed with the wood stockade fence down to Park Avenue. The last picture is standing in Park Avenue looking north at this lot currently, which is surrounded by this six-foot high stockade fence, there are gates in the middle which are for easy access. This is basically the rear yard of the existing dwelling now, which is actually a front yard because this property exists on two streets.

Mr. Manfredonia asked if Mr. Doolittle visited the surrounding properties and if so, what did he observe. Mr. Doolittle noted that he did and stated that he observed a substantial number of 50, 60, 65, 70 foot wide by 100 foot lots. There were a few 100 x 100 foot lots, but again, most of the homes are on substandard size lots. The dwellings are consistent with the size of the 50-75 foot lots as far as what has been constructed.

Mr. Manfredonia asked, based on his observation of the properties in the surrounding area, and as a professional planner, in his opinion, would this subdivision be compatible with the other properties. Mr. Doolittle said that it would because it is basically a vacant 50 x 100 foot lot and it is consistent with the other 50-65 foot wide lots with homes that are about the similar size in which they are looking to construct.

Mr. Manfredonia asked Mr. Doolittle to describe to the Board what variances are associated with this subdivision application. Mr. Doolittle started with the proposed Lot 31 which fronts on Park Avenue. They require lot area where they are proposing 5,000 square feet where 10,000 square feet is required. It would require lot frontage where they have 50 feet and 100 feet is required. That would be the only two variances that they are requesting on that lot at this time. Mr. Manfredonia noted that, as with the other application, they are going to withdraw their request for any side yard variances with respect to this application as well as any building coverage. Mr. Doolittle agreed.

Mr. Manfredonia asked Mr. Doolittle, based on his observation of the surrounding properties, this particular lot that will be 50 x 100, will granting the variances to allow for that subdivision, will that promote the intent and purpose of the zone plan and the zoning ordinances of the Borough of Cresskill in his view. Mr. Doolittle agreed because the lot will be consistent with the size of the lots in the neighborhood and the surrounding area. It would fit in. It would be a similar home with what's been constructed there today and it would enhance the neighborhood. Mr. Manfredonia asked if providing those variances can be granted without a substantial detriment to the public good. Mr. Doolittle agreed. Mr. Manfredonia asked if they could also be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Mr. Doolittle agreed.

Mr. Manfredonia asked Mr. Doolittle to explain the variances being sought with respect to the lot where the current home exists fronting Morningside. Mr. Doolittle noted that that is known as 80 Morningside Avenue, proposed Lot 18, where they would require 10,000 square foot area and they are proposing 7,500 square feet, where they would require a 100 foot frontage and they are proposing 75 feet. The front yard setback is currently existing at 19.9 where 25 feet is required. The side yard requirement is 15 feet for one side where the existing

and proposed is 6.3 feet. The impervious coverage required is 35% and they are at 41.85% and the building height is required to be at 28 feet where it exists at 32.75 feet. There is an accessory structure, the garage, that is proposed to be .9 feet off the rear line and the building height needs to be under 15 feet and it is roughly 15.5 feet and that is existing.

Mr. Manfredonia asked Mr. Doolittle, in his view, if granting those variances would promote the intent and purposes of the zoning plan and zoning ordinance of the Borough of Cresskill. Mr. Doolittle agreed because it is consistent with the type of development in the area. The lot size is 75 x 100. The home is typically sized towards the homes in the neighborhood. There are a few detached garages. He thinks it would lay out nice all within a 75 x 100 foot dimension. Mr. Manfredonia asked if this subdivision changes the view or streetscape of the front of the house. Mr. Doolittle noted that it would not at all. Mr. Doolittle was asked if these variances, in his opinion as a professional planner, associated with the lot where the existing home exists, could be granted without a substantial detriment to the public good. Mr. Doolittle noted that they could. He was asked if they could also be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinances. Mr. Doolittle agreed.

Mr. Manfredonia asked Mr. Doolittle if he reviewed the memo from the Borough Engineer. Mr. Doolittle noted that he did. Mr. Manfredonia pointed out Section VI that deals with Design/Detail Waiver and De Minimis Exceptions and Paragraph 2. Mr. Doolittle noted that they would like a waiver for (2a) "All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof." They will provide the Tax Map Sheet Number. They would like a waiver from (2c) "All streets or roads and streams within 500 feet of the subdivision (Key Map indicated as "not to scale" and without delineation of limits of 500' radius). And a waiver from (2d) "Supporting evidence as to the availability of public water supply and public sewers (existing utilities not shown although known to exist within Morningside Avenue and Park Avenue)." Mr. Manfredonia pointed out the additional waivers noted in Paragraph 3. Mr. Doolittle noted that they would like to seek a waiver for items 19-48 in Paragraph 3. These items will be addressed in a site plan application. Mr. Manfredonia stated that they are seeking waivers for items identified in Paragraph 3 in the Borough Engineer's memorandum on pages 6 and 7 of 9 because many of those requirements are germane to the site plan application and not the subdivision application so they defer those requirements until a later time.

On item #7 they would seek a waiver on that as well. Mr. Doolittle noted that there are no existing sidewalks in the area at this time so they would seek a waiver on that. Mr. Manfredonia noted that as part of this application they would stipulate that as identified in Section VII that this application is subject to governmental approval by the Planning Board County of Bergen which they will seek a letter of exemption at the appropriate time.

Mr. Vaccaro opened the meeting to the public. Mr. Andy Salva, 89 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Salva stated that on the first picture it looks like each property is divided into 25 foot lots. Does that mean that all of those can be divided up in the future? Mr. Schuster noted that we don't render advisory opinions on matters that are not pending. Mr. Salva stated that before they were saying that these other properties can't be divided up but if you look at this it is deceiving. Mr. Schuster noted that we were talking about historically how lots had been divided up. Mr. Salva also stated that on his block he doesn't really think there are any 50 x 100 lots. They are all west of his block. His block are all pretty much 60 or 100 x 100. He thinks that these pictures are deceiving.

Mr. Anthony Scianna, 62 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Scianna stated that about 30 minutes ago they were told that this was not going to set a precedent for subdivisions and obviously this is not true. So now that we all know how the Board is going to vote for this, what happens to the town when we are going to have overcrowding in the schools, and what's going to happen with hiring new teachers and our taxes going up. He would like to know what the plan is for that. By the way, if you have three houses with two cars, it is six cars not four, so now if you have four houses with two cars, it is eight and if you have several children, you are now talking about 10, 12, 13 cars and that is something to be concerned about. Also, what can happen with potential overcrowding in the schools and potentially having to add on to the schools and hire new teachers or busing or having to send kids out of district. What is going to happen to our taxes?

Mayor Romeo asked Mr. Scianna what his address was. Mr. Scianna gave his address and said he doesn't know what his address has to do with anything. He would like to know what is going to happen with the surrounding houses, and the taxes raising and if we have to add on to the schools. Mayor Romeo stated that he doesn't think

that is going to happen because there is only a limited amount of these like he told him before. Mr. Scianna understands that if we have ten, like the Mayor said there was another dozen, so the whole dozen of them happen and each home holds four kids, that's 40 kids in the school and that could lead to more classrooms and more teachers and more aides and more kids needing to go out of district. Mayor Romeo understood and said that he had a valid point but he doesn't think that is going to happen. The amount of houses that this could happen to is limited. We are almost out of them. Mr. Scianna feels that he understood that the dollars that the new houses are going to bring in is the most important thing. With that being said, how is that going to affect the rest of our taxes? Is it going to raise the value of our town? Does that mean that our property is going to be worth more and I will have to deal with two houses going up within 150 feet of me and have to pay more taxes? How is this going to affect him? How is it going to affect him financially? How is it going to affect his neighbors financially? Mr. Schuster stated that it depends on a number of things that we don't know are going to happen.

Mr. Scianna stated that we do know this. According to the planner, we do know that it is going to bring value to the town and to their street. With that being said, is it a pretty good determination that their taxes are going to go up because of it? Mayor Romeo stated that his house would be worth more but that doesn't mean his taxes would go up.

Mr. Schuster said that that if there is an additional improvement on the block, that is an additional ratable that comes into the town. On one hand you are taking some value from the existing parcel because it is going to be smaller now, so in theory the value of that parcel will be somewhat less because it will have less property. Now you have an additional line item next door to this property that has an improvement on it. So you are going to net certain property taxes from that. The other part of the equation which we really don't know is whether or not there is going to be a net gain or loss and that will be depend on a whole bunch of variables which we don't really know. If a professional family moves in there with no children, there will probably be no negative impact on it at all. There will be a limited demand on services. If somebody goes in there and they have five children, there is probably going to be a much more substantial demand on the services.

Mr. Scianna asked if before everyone says they agree, they accept, they vote yes, are these things that the Board are all thinking about or is it just that they see more tax dollars coming in. Mayor Romeo noted that they didn't vote on it because of more tax dollars. They voted on it because this man is entitled to a subdivision because it fronts on two separate streets. It has been a building lot since 1946. He can take us to court and spend \$20,000 to lose or we can stop the bleeding right now and give him the subdivision that he has been entitled to for the last 45 years. It has nothing to do with tax dollars. It will bring revenue in but it is not the main reason we are voting on this. It is to cut our losses. We have had to do this several times. Do we like doing this? No. But sometimes as a Planning Board we have to make decisions. For example, you take the church property, we had people coming in for a three story garden apartment. Should we have approved that or five houses? Planning – ten years in advance. We are looking at all of these things.

Mr. Schuster stated that a property owner is entitled to a reasonable use of their property. In other words, for most purposes, for us to say that we are not going to give you a subdivision because you are going to put more kids in the school is not a legitimate reason of the Land Use Act for us to do that. Obviously there is a number of factors we consider, of course, of which that would be one. But if that's the sole reason for us to say we are not going to give it to you, it is not going to hold up. Mr. Scianna asked about all the variances they are asking for to be deferred to a later date. Mayor Romeo noted that that is when you would come back to see the plans for the house that is being built. Mr. Scianna asked about what happens if they are given these parameters and you are saying we don't want to worry about that now we will worry about that later, how do you necessarily make that work if you say you are not going to worry about that now, we will worry about turning the house this way, or doing it that way, or pushing it here or there, what are going to be our options. Mayor Romeo stated that there will be options or they won't build.

Mr. Galdi noted that we put a lot of time and effort into those things to see what they come back with. In other words, if someone comes in and wants to exceed the height limit of a building, we tear the plans apart and see, are they asking for 10 or 12 foot ceilings and then want to go above the code or is it because of the water table that they want to bring the house up. There is an awful lot of things that come into play. We don't just give side lines and anything away. We have been tough on that stuff for many, many years. We try and watch each one. We know how many times we have been to court and we can emphasize a certain amount of power and things to get what we want but there is still a law that says that the person has a right to appreciate his property and we

can't just throw stones at it. We look at the whole picture, more homes, more kids, more school, more teachers, everything. We live in the town too and we give our time to try and make as best as we can for everyone concerned. Mayor Romeo suggested that Mr. Scianno take a look at 5th and 6th Street and the really nice houses that were built on 50 foot lots and he will see that they are not intrusive on any of the properties around and they were so designed through our ordinance to protect the people around them. He knows Mr. Scianno has a young family and he is concerned and he should be but he will see that we are looking out for the welfare of everybody. They will be notified when they come back in with the house plans and he will be able to see and have some input.

Mrs. Diane Salva, 79 Park Avenue, wished to be heard again and was sworn in by Mr. Schuster. She lives right next door to the property. They have a 100 x 100 lot. She has a house on one side of the property with a driveway down the middle and a piece of property on the other side. She assumes she can do the same thing. If she did, they would have two houses right next to each other. Her concern for this property is the way the property is by her. She has a wall and wants to know how that affects her. What does she have to do if that house is built? Is she going to have to build a new wall? Mr. Doolittle noted that the wall is behind the fence. He noted that if it is not on their property, they are not going to touch it. On site plan approval, they will have to address that. Also, anything they construct is going to leave whatever is on the property line where it is today. They are on the downhill side of Mrs. Salva's property so any runoff is going away from her, not on to her. This will all be addressed during the site plan review. Mayor Romeo explained that the wall will all be looked into with the engineer so when they come back they will be able to discuss it. They can also look at the plans ahead of time and meet with the engineer.

Mr. George Luhrsen, 85 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Luhrsen wanted to know why we have these ordinances passed as part of the law and we grant variances that are only half of the ordinance. If you have an ordinance for 100 feet and you cut it in half, you are granting variances for 50 feet, it is only half the ordinance. Why do you bother to have an ordinance? Mr. Morgan explained that these properties were 50 feet years ago. Mayor Romeo stated that that was a building lot before the ordinance was put in. You couldn't come in with a 100 foot lot now and just subdivide it and build two houses. This was on a separate deed. It was a separate building lot since back in the 1940s. You wouldn't be allowed to do it today. Mr. Luhrsen stated that it still doesn't make sense to him. He still doesn't understand it.

Ms. Mijoung Shin, 80 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Ms. Shin asked about not making the sidewalks. Her children walk to Merritt School every day and she said that a lot of kids walk to school. She wanted to know if there was a chance that they were going to make sidewalks for the kids. In middle school and high school, there are kids that walk from Park Avenue and she hears kids screaming from cars passing. She doesn't know why nobody asks questions about that. She is asking why they are getting a waiver from the sidewalk requirement. Mr. Doolittle noted that for them to put in sidewalks as part of the subdivision, they would only be putting in 50 feet where there is no other sidewalk on the entire strip. He thinks at some point down the road if they want sidewalks, it would have to be done at the Mayor and Council level where they did it down the whole street across the entire sideline of the properties within the right-of-way. He thinks that may be something that she may want to approach the Mayor and Council with. They are asking for a waiver at this point for the sidewalk in the municipal right-of-way. It doesn't mean they get out of it should the town put it in, they may do it as a special assessment. They would still somehow be affected by the sidewalk that would go in. Their point is they are waiving it right now, maybe not in the future, because to put 50 feet in front of their yard serves no purpose when the whole street doesn't have sidewalks.

Mr. Hyoung Kim, 78 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Kim's concern is about putting two or three more houses is going to ruin their whole area. It is going to ruin their quiet place. They have kids playing in front of his house where there is a lot of property. Mr. Kim asked if they wanted to divide all the properties like this, will the Board approve them too. Mayor Romeo stated that they wouldn't. These are two properties that had separate deeds for the last 50 years. We would not allow someone with a 100 foot lot to knock their house down and build two houses on two 50 foot lots. It is completely different than this.

Ms. Salva stated that she could do that because her house is on one side with the driveway down the middle. Mayor Romeo asked if she had one deed or two deeds. Ms. Salva noted that it has to be on two because it was built in 1926 and it is one of the oldest houses on the block. Mayor Romeo said that she has to look at her deed because it was either meant to be a 100 foot lot or two 50 foot lots.

Mr. Galdi made a motion to close the public portion of the meeting. Mrs. Schultz seconded the motion. All present were in favor of the motion. Motion approved.

Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. Mr. Schuster noted that we are voting on the subdivision of the two lots, the variances related to the existing lot and the variances for the frontage and lot size for the new lot. Mr. Morgan asked if this was a major subdivision. Mr. Schuster noted that it was a major because it requires variances. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mrs. Schulz, Mr. Calder and Mr. Ulshoefer all voted yes. Motion approved.

Mr. Azzolina noted that a plan has already been done for a subdivision plat for this application as required for a major subdivision.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. Mrs. Girman wanted to thank the Board for taking the time to hear her application and voting favorably.

Mr. Galdi made a motion to close the meeting to the public, seconded by Mr. Morgan. All present were in favor. Motion approved.

Motion was made by Mr. Galdi to adjourn the meeting at 9:34 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for August 26, September 9, September 23, and October 14, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary