

MINUTES

CRESSKILL PLANNING BOARD

AUGUST 26, 2014

Mr. Vaccaro opened the meeting at 7:36 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. Borce Martinoski, in attendance for Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the August 12, 2014, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter from Mr. Michael Hubschman, Hubschman Engineering, dated August 19, 2014, enclosing the original mylar final major subdivision plat for the 400 11th Street subdivision that was recently approved by the Borough Planning Board. This is submitted for signature. Letter to file. Mr. Azzolina has the mylar.

Voucher from Mr. Steven V. Schuster for services rendered relative to the Cresskill Zoning Board as fill in Zoning Board attorney, Invoice #860, in the amount of \$733.08. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Report from the County of Bergen, Department of Planning and Economic Development, dated August 13, 2014, to 15 Wakelee Drive Corp., regarding 128 & 130 Morningside Avenue and 121, 123, & 125 Park Avenue Subdivision. The letter states that this application was reviewed by the Bergen County Planning Board's Subdivision and Site Plan Review Committee at their August 12, 2014 meeting and was granted *conditional* approval as set forth in this report. Construction should not commence until Final County and Municipal approval have been obtained. File.

Memo from Ms. Barbara Nasuto regarding the League of Municipalities Convention being held November 18-20, 2014. Anyone wishing to attend should contact Ms. Nasuto.

Subdivision Committee

Councilwoman Tsigounis had three new applications to introduce. Application #1450, 86 E. Madison Avenue, R&J LLC, was received on August 15, 2014. Mr. Azzolina noted that his office received the plan last week and he has done a completeness review on this application and he finds this plan to be substantially complete. If the Board wanted to schedule a hearing for the next meeting he would be prepared to issue a report. There are a couple odds and ends that need to be taken care of, but as far as hearing it, it is in the position to be heard. Councilwoman Tsigounis mentioned that this was the one that she asked if they could keep within the required FAR and impervious and they seemed to have done that.

There are some minor site plan issues that will not impact having the hearing. Mr. Galdi made a motion to schedule the Public Hearing for September 9, 2014, seconded by Mrs. Schultz. All present were in favor. The applicant and their attorney were present and informed of the date and were told to send out notices.

Councilwoman Tsigounis noted that Application #1451, 155 Jefferson, Efrain Moreno and Lina Gomez-Osorio, was received on August 18, 2014. Mr. Azzolina noted that he has not looked at the plans yet. The only comments he can offer is that the applicant initially went to the Zoning Board. He believes they started construction and then elected to knock the whole house down. They were issued a stop-work order. The Construction Official has directed them to this Board. Mr. Moreno was present and stated that they planned to use part of the house. He explained that to Mr. Rossi and Mr. Rossi told him he had to keep 50% of the perimeter. He noted that when he was away, the framing company came and knocked the walls down and put it into the dumpster. When he saw that, he called Mr. Rossi and explained what happened. He asked Mr. Rossi if there was any way he could use the walls. Mr. Rossi told him he would have to stop him and he would have to go to the Planning Board.

Mayor Romeo asked him if he needs any variances now. Mr. Moreno noted that he is doing exactly the same house that was approved from the Zoning Board. Mr. Ulshoefer stated that his FAR and impervious coverages are out of sync. Now they are making a house twice the size as it was before. Mr. Moreno explained that it is exactly the same way it was approved by the Zoning Board. Mr. Azzolina noted that if it is the same plan as was reviewed and approved by the Zoning Board then it should be acceptable to this Board. Mr. Ulshoefer said that he was concerned by the FAR that is exceeded and is concerned about the impervious coverage and he realizes that the house got knocked down basically and now they are building a new house. What they are telling us is basically this is the same plan that they are using, but it is not an addition anymore, now it is a new house. Councilwoman Tsigounis stated that there is a note that says that those variances were approved by the Cresskill Zoning Board. We just need to find out what the right thing to do is.

Mayor Romeo asked Mr. Moreno if he changed the plan at all. Mr. Moreno stated that he did not change the plan. It is exactly the same plan that was approved by the Zoning Board. These variances were all approved by the Zoning Board. He has the approved plans from the Zoning Board. Mayor Romeo noted that we can't hear it again. It would have to go back to the Zoning Board for the FAR and then have him come back here again. This house has already been approved. His framer knocked it down which he shouldn't have done. Mr. Rossi told him to get new plans from the ground up and bring them here to show that they did not change from what was approved from the Zoning Board. If there are no variances required, other than the four that were already granted, he should get the approval to start the house from the ground up, after the plans have been reviewed. Mr. Azzolina noted that it wouldn't be from the ground up, there is still the foundation there and augmented with some repairs from what he was able to tell.

Mr. Galdi asked if there was anything that he is changing by building the new house. Mr. Azzolina noted that it is the same plan as was approved by the Zoning Board. Mr. Moreno stated that the framing guys knocked the walls down because they said it was easier to work without the walls. Mr. Martinoski stated that if they maintain the same house and don't knock down the footing, they should just put up the original wall that was there before the framers actually knocked it down. Therefore, you are going to maintain the same house, on the same footing, and then you are going to replace the old knocked down walls with a brand new wall. Then you are going to continue with the addition. Mr. Galdi noted that it will be in the same area because the variances that were granted were granted for something that was already standing, which is no longer there, so the variances no longer apply unless he puts the walls back up. Mr. Martinoski agreed that he needs to put the walls back up in order to mitigate the damage and comply with the variances. Mr. Galdi noted that then the variances approved would now tie in to the existing structure.

Mayor Romeo noted that we can't approve the FAR, so he would have to go back to the Zoning Board if we needed to hear this again. Mr. Galdi stated that the easiest way to do it is to let him put the walls back up. This way the structure ties in with what was approved. Mr. Moreno stated that it was approved and

he is following exactly the same drawing that was approved by the Zoning Board. Mr. Ulshoefer stated that he is not crazy about the idea. Mrs. Schultz noted that they are not expanding the foundation, they are using the existing foundation. Mr. Ulshoefer said that they are extending the foundation in the back. Mr. Vaccaro stated that we can't change what the Zoning Board approved. Mayor Romeo noted that the only thing we can do is have another hearing and approve what we have jurisdiction over and then send them back to Zoning for another hearing for an FAR. Why would you do that when the things that are approved here were already done by the Zoning Board. It was just unfortunate that the guy that does the framing knocked down the walls when he wasn't supposed to and that is what is causing all these problems.

Mr. Galdi made a motion that he replaces the walls that they took down and to approve the plans. Mrs. Schultz seconded the motion. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mrs. Schultz, and Mr. Calder all voted yes. Mr. Ulshoefer voted no. Motion approved. Two copies of the plan were signed with the approval memo. One copy with approval memo to the Construction Official. One copy to the file.

Councilwoman Tsigounis noted that Application #1452, 187 14th Street, Mr. Mamo, was received on August 22, 2014. This application is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina reported that on Application #1440M, 400 11th Street, Ramapo Developers, LLC, he has received the final plat and it is accurate and acceptable as presented. He would recommend that the Board grant final approval of the application and sign the mylar tonight. Mr. Galdi made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. Mr. Joe wished to be heard. Joe noted that they have no objection on Lot 179, Mr. Campoli. Initially he thought they were looking to put in two rows of townhouses. He wanted to make sure it is a single family dwelling. Mayor Romeo stated that it is a one family home. Joe was confused about which property they were talking about and he was informed about the correct site.

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 7:58 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for September 9, September 23, October 14, and October 28, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary