

MINUTES

CRESSKILL PLANNING BOARD

AUGUST 28, 2012

Mr. Vaccaro opened the meeting at 7:37 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, Mr. Vieni, Mr. Calder and Mrs. Schultz. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Schuster made a motion to amend the Board Agenda to reflect that we will be sitting as the Zoning Board of Adjustment for purposes of hearing the Batistic Application #1210. For purposes of that, there will only be four members of the Board that will actually be hearing and taking testimony on this. They will be those persons who are Class IVs with the most seniority. They are Mr. Vaccaro, who has the highest seniority, and since he is the Chairman of the Planning Board, Mr. Schuster suggests that he preside as Zoning Board Chairman as well. The other members will be Mr. Galdi, Mr. Morgan and Mrs. Schultz.

Mr. Schuster was presented with the tax list, proofs of mailing, affidavit of mailing and affidavit of service. Everything was in order.

Mr. Vaccaro opened the Public Hearing for Zoning Board Application #1210, Mr. and Mrs. Batistic, 140 Phelps Avenue. Mr. Schuster stated that the Planning Board is hearing this matter in lieu of the Zoning Board of Adjustment because there is a conflict of interest involved in the Zoning Board to hear this matter. Therefore, pursuant to Statute, the Planning Board is permitted to hear these matters in lieu of the Zoning Board and we are exercising that authority today to do that and our actions are the same in all respects as to the Zoning Board requirements.

Mrs. Margita Batistic, 140 Phelps Avenue, Cresskill, was sworn in by Mr. Schuster. Mrs. Batistic is the applicant. She explained that she is here tonight to seek a variance from lot coverage. They are proposing to install a 10 x 25 foot patio in the rear of their house at 140 Phelps Avenue. Because she is a member of the Zoning Board, she could not appear before the Zoning Board, and therefore, she made an application before the Planning Board. The variance is 2.15%. There are existing side yard variances which they are not changing. Also, the frontage is 80 feet which is also an existing variance. The lot is 80 x 125 feet. The patio will be pavers installed in sand. There won't be any concrete. It is porous. They are just looking for an impervious coverage variance.

Mr. Schuster asked the reason they need the patio. Mrs. Batistic noted that they like to spend a lot of time outdoors and their existing patio with the barbeque grill and the furniture is too tight. They like to have people over and would like to expand their patio. Mr. Schuster asked how much bigger this would be than what is there now. Mrs. Batistic noted that the existing is about 15 x 15 feet and it is a raised patio with a railing around it. The proposed is going to be two steps down on grade, 10 x 25 for the whole width of the back wall of the house. The size of the lot is 10,000 square feet, 80 x 125.

Mr. Schuster asked if there was anything peculiar about the lot that requires them to lay out the patio in this fashion. Mrs. Batistic noted that the lot is slightly narrower than the ordinance requires. The ordinance requires 100 feet but their lot is 80 feet. It is also 25 feet deeper than what the ordinance calls for. Mr. Morgan asked how far they would be from the rear line. Mrs. Batistic noted that it is 43.4 feet.

Mr. Schuster asked if they ever got the green cards back from the mailing. Mrs. Batistic had the green cards as well as the 5 letters that came back. Mr. Schuster asked for them so he can have them as part of the file.

Mr. Vaccaro opened the meeting to the public. No public wished to be heard. 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. Schuster asked if there were any other similar patios like this in the neighborhood. Mrs. Batistic noted that the second house to the east has a similar paver patio.

Mr. Galdi stated that after reviewing the plan and the application, he doesn't see any impairment to the neighbors. It is far enough from either one of them that it won't cause any problems. It is a good safety feature because someone could fall off of it being narrow, and what they are asking for is more of an improvement in the safety factor. Based on that, Mr. Galdi made a motion to approve. Mrs. Schultz seconded the motion. On Roll Call: Mr. Vaccaro, Mr. Galdi, Mr. Morgan and Mrs. Schultz all voted yes. Motion approved.

Mr. Galdi made a motion to adjourn the portion of the meeting for Zoning Board business, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Mr. Galdi made a motion to approve the minutes of the August 14, 2012, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

Correspondence

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for Application #1422, Refined Homes, in the amount of \$1,014, Application #1414, Mrs. Alvarez, in the amount of \$1,466.40, and for services rendered relative to the Planning Board for the month of July 2012 in the amount of \$2,255.53. Mr. Vieni made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated August 16, 2012, sending Mr. Kevin Martin, to this Board for approval. He wishes to construct a new single-family dwelling at 71 Westervelt Place. Application #1426 was received August 20, 2012, and is currently under review.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated August 15, 2012, sending Mr. Mamo to this Board for approval. Mr. Mamo wishes to construct a new single-family home at 102 7th Street. Application #1425 was received on August 17, 2012, and is currently under review. Mr. Azzolina noted that only an architect plan was received with this application. There was no engineer's site plan. He informed Mr. Mamo of this and offered to talk to the architect and explain to him what was needed.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated August 23, 2012, sending Ms. Michelle Copland and Ms. Alexis Oliveri to this Board for approval. They are seeking approval to expand their existing CoolHotYoga studio at 15 Broadway, Suite 105. They have been in business for over ten years and were in front of this Board two years ago to open their business at 32 Piermont Road. They need more space to accommodate more classes. They will also need to have new signage approved as per the town and building regulations. Ms. Copland and Ms. Oliveri were present. They explained that the new space is 525 square feet. They explained that their classes overlap each other and they need another small space to run some of the classes. They love the location and don't want to move. The parking is not an issue at this building. There will be no more than 10 people at one time.

There is not much renovation that needs to be done. It was part of the Color Room. Generally they offer classes early in the morning and late at night so it is before and after business hours mostly. The sign will be whatever they already have on the building. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter of approval sent to Ms. Michele Copland with copies to the Building Department and Mrs. Barbara Nasuto.

Resolution for Application #1423, 5 Michelle Court, Virginia Quinn, was introduced by Mr. Galdi, seconded by Mrs. Schultz. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan and Mrs. Schultz all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

Subdivision Committee

Councilwoman Tsigounis reported that new Application #1425, 102 7th Street, Izet Mamo, was received on August 17, 2012, and is currently under review. Also, Application #1426, 71 Westervelt Place, Ed Solari and Kevin Martin was received on August 20, 2012, and is currently under review.

Report from the Borough Engineer's Office

Mr. Vaccaro noted that they sent the information regarding the Allen Street utilities to Senator Weinberg's office and asked her to call the BPU. The reason for that is because Verizon is saying that the cost is going to be \$500,000 and that they want the money up front. That is what they are working on right now and they are hoping that Senator Weinberg can do something for them. Mr. Azzolina noted that that is Verizon's standard agreement. He spoke to Weinberg's aide and she asked for the documents that we had. In the agreement, the language says that we agree to pay this sum of money up front and if you go with the complete underground option it would be \$500,000. That is before they will even talk to you about the design. The problem he had with the process was that the rules kept changing. Initially they started off with they will need a small engineering escrow that turned out to be \$8,000. The second conversation he had with them was \$25,000 and then it changed to their standard form agreement and if you read the language it is payable up front before they will even talk to you. To him, for a municipal project, it doesn't make sense. That is why they are getting Senator Weinberg to speak on their behalf. He thinks they will go to Verizon first, and if they don't get satisfaction from Verizon, then they will go to BPU.

Old Business

Mayor Romeo noted that we are waiting for plans on the parking lot on Third Street. He asked Mr. Azzolina about the walking tract and the bridge. He wanted to know if we were on track to at least get DEP approval so we can continue the job. Mr. Azzolina noted that we are probably about a month to six weeks away from having that finalized. Mayor Romeo asked if we needed any permits or anything for lighting the football and the soccer fields at the high school. We have the proposal from Musco and we have the money and everything is all set. Mr. Azzolina noted that it depends on where they are in relation to the brook. Theoretically, you probably would need something. You can probably get a permit by rule, which is the quick and easy permit that they got for the pavilion, depending on where they are in relation to the riparian zone, which is 300 feet away from the top of bank. Mayor Romeo noted that they are going to be within 300 feet. Mayor Romeo also noted that Dr. Bellina wants to do over the courtyard in the high school and it is within 300 feet and she thinks she needs to go for DEP approval to change shrubs in there. He asked Mr. Azzolina if that was true. Mr. Azzolina noted that something like that really depends on exactly what the scope of the work is. There are certain activities that qualify for either permit by rule or a general permit and as long as you meet those thresholds. For the lighting foundations,

basically you are allowed to fill five cubic yards within the flood plain, so depending on the size of the footings above the grade, that may or may not qualify for that permit.

Mayor Romeo asked Mr. Vaccaro to get the estimate from Musco and give it to Mr. Azzolina to see what he has to do so we can get it approved so when we are ready to do it, and we have the money, we can get it over with. He stated that since they are in partnership with the Board of Ed, they want to do it the right way.

Mr. Azzolina only mentioned it because when he walked the Third Street site with the head of the Wetlands Division, he noted the lighting foundations that were there and asked if we had permits for them. Mayor Romeo stated that he wants to do it the right way and get it done.

Mayor Romeo noted that Mr. Vaccaro is applying for a grant tomorrow for the 12th Street park for Open Space. Mr. Vaccaro noted that it is already done.

New Business

None.

Other Business

None.

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

Motion was made by Mr. Galdi to adjourn the meeting at 8:13 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for September 11, September 25, October 9, and October 23, 2012, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary