

MINUTES

CRESSKILL PLANNING BOARD

AUGUST 6, 2013

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

Members present at roll call: Mayor Romeo, Mr. Vaccaro, Councilwoman Tsigounis, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Calder and Mrs. Schultz. 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 23, 2013, meeting. The motion was seconded by Mr. Calder. All present were in favor of the motion. Motion approved.

Correspondence

Second notice from Ms. Barbara Nasuto regarding the League of Municipalities Convention scheduled for November 19-21, 2013. If you will be attending this year, please let her know so she can make hotel reservations. File.

Copy of notice in The Record rescheduling tonight's meeting from August 13, 2013.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official/Zoning Officer, dated August 9, 2013, sending Mr. and Mrs. Ozhan to this Board for approval. They wish to open a French crepe, gourmet coffee, fresh juices and homemade lemonade business at 8 Union Avenue. The property is owned by the Scofield's. Mr. Ozhan was present. This is the store next to Jan's Barber Shop. The name of the new store will be Gourmet Retail Crepe. They will make coffee and fresh squeezed juices. There will be only two benches and maybe a table. There will be seating for a maximum of eight people. It is a small place and it will be mostly take out for breakfast or lunch. No cooking, just crepes.

Mr. Schuster asked about parking. Mr. Ozhan noted that there is dedicated parking in the back. It is part of the drugstore and Jan's Barber Shop. Mr. Ozhan noted that he didn't discuss it with John Scofield but he is guessing about four or five spaces. Mr. Schuster asked how many people will be working there. Mr. Ozhan said that only two people will be working there. Mr. Schuster noted the parking issues that other people have been having in town. There is no rear entrance. If they park in Scofield's parking lot, they will have to walk around the drugstore to get to his store.

Mr. Schuster asked how many square feet the store was. Mr. Ozhan noted that it is about 510 or 525 square feet. All the prep is going to be on the site. You just make the dough for the crepes. He doesn't need an oven or stove. He just needs the crepe makers, where are round. They are electric. There is no hot food. There will be cold food. He will have juices and smoothies.

Mr. Galdi asked about the awning. Mr. Ozhan noted that there is an awning there already and he will change it to his name. He will keep it green. Mr. Galdi made a motion to approve. Mr. Schuster asked if he was going to get at least four spots from his landlord. Mr. Ozhan said that he would because there is at least 14-15 spots available. Mrs. Schultz seconded the motion. All present were in favor. Motion

approved. An approval letter was sent to Mr. Ozhan, with copies to the Building Department, Ms. Barbara Nasuto, the Fire Chief, the Police Chief and the Board of Health. Mr. Ozhan estimates that he will be opening by the end of September.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official/Zoning Officer, dated August 6, 2013, sending Mr. Avi Lavon to this Board for approval. He is applying for a sub-division of 34 Merrifield Way and would like to construct two new single-family homes. He will require one combined side yard variance. Both homes will require technical variances. Application #1436M was received on August 6, 2013 and is currently under review.

Mr. Lavon was present. He explained that there are two identical homes. He needs one variance for a combined side yard. There will be two identical lots. Mr. Azzolina thought that Mr. Lavon's engineer/surveyor was working on this. Mr. Lavon said that he was. Mr. Azzolina noted that the plan that was submitted was from the Architect, Mr. Chris Blake. The engineer is Mr. Christopher Lantelme. Mr. Azzolina explained that architects can't do subdivisions. Mr. Lavon explained that the subdivision was done by Mr. Lantelme and Mr. Blake put in on the plan with the proposed footprints. Mr. Azzolina noted that this plan depicts the proposed footprints within the proposed lot lines. The lot lines have not yet been established. That is the subdivision.

Mayor Romeo noted that this lot used to be on three deeds and now it is on two. Mr. Galdi stated that he is asking for three minor variances. Mayor Romeo asked when we were going to have the subdivision plan from Mr. Lantelme. Mr. Lavon stated that you have it. Mr. Blake just put it on his plan. Mr. Azzolina noted that he does not have Mr. Lantelme's plan. He thought that was what was being distributed tonight. Mr. Lavon will get Mr. Azzolina the subdivision plan tomorrow.

Mr. Galdi made a motion to schedule a Public Hearing for August 27, 2013. Mr. Morgan seconded the motion. All present were in favor. Motion approved.

Notice of Public Hearing on August 28, 2013, was received from the Borough of Tenafly regarding 101 N. Summit Street, Charnow Associates, Inc. They are looking for site plan approval to permit the construction of an expanded parking area. File.

Subdivision Committee

Councilwoman Tsigounis reported that Application #1435, 182 Madison Avenue, Jane Lee, was received on July 30, 2013, and is currently under review. Ms. Lee was present and showed pictures of the proposed house. There is currently no house on the lot. It is between 8th and Jefferson. Ms. Lee bought the property last year. Councilwoman Tsigounis asked if there were any variances. Mr. Galdi noted that there are two pre-existing conditions, one is the lot area and the other is the lot width. Mr. Azzolina noted that he hasn't completed his review of the plan yet. Ms. Lee stated that it is a one-family residence, with three bedrooms. The roof is only accessible through the roof hatch. It will only be used for maintenance.

Councilwoman Tsigounis asked what the exterior material was made of. Mr. Taeik Kim, the architect, noted that it is pretty much wood and brick. Mr. Kim showed on the plan that the only variances they are requiring are the pre-existing conditions. They comply with everything else. Mr. Schuster asked about the deck and its impact on the rear yard. It is 30.50 feet to the building. Councilwoman Tsigounis noted that the stairs do come out further than that and asked Mr. Azzolina if that would be a variance condition. Mr. Azzolina stated that he would have to research the code to make sure. There are some technicalities on permitted projections. Mr. Kim stated that if it is an issue, maybe they can shrink the deck.

Mr. Vaccaro noted that Mr. Azzolina will review it and report back at the next meeting. Mr. Kim asked if he should come back as well. Mayor Romeo advised him that he should attend the next meeting as well. This house is unique. Mr. Kim introduced himself and his qualifications. He noted that this is a beautiful project. Mayor Romeo agreed that Mr. Kim was more than qualified. His concern was with what the

neighbors were going say about this style of house. Mr. Kim noted that at night it is very open so people can see through. Upstairs is private.

Councilwoman Tsigounis was curious about the materials being used. Earlier Mr. Kim mentioned brick and wood and on the plans it mentions stucco and aluminum. Mr. Galdi doesn't feel like it fits with the neighborhood. Mr. Kim explained that there is a lot of glass. He feels that the outcome will be very pleasant. Councilwoman Tsigounis noted that masonry block and brick are very different. Based on what she sees on the plan is not as acceptable as brick and wood and glass and stone. This is reading block and porcelain tile. What Mr. Kim is saying is contradictory to what is written on the plan.

Mr. Kim noted that when he says indigenous it doesn't have to specify as just brick. Brick can be very broad. Councilwoman Tsigounis stated that the Board's recommendation is to keep things as traditional as possible. Mr. Kim noted that he did a house in Alpine at 520 Dogwood Lane and 43 Buckingham Drive. Those houses are completely different than this house. He feels that sometimes when there are no historic elements in the area, sometimes you have to gradually encourage rather than stand out alone. Mayor Romeo understands where Mr. Kim is coming from but he will be gone and the homeowner will be living there with all the neighbors, it is best to get on the right foot right from the beginning than it is to be the only house that people drive by and look at it like it doesn't fit in. He is not criticizing the work. Ms. Lee stated that she doesn't mind if people look at her house. She really want's this design and beautiful house in Cresskill.

Mayor Romeo noted that one of his concerns, if this is approved, is that the front has to be very subdued and not some sort of tile but some almost like a natural wood so it blends right in to the front of the house. Mr. Kim noted that there is so much glazing in the front. It looks like there is very limited wood in the front of the house. Mayor Romeo just doesn't want it to offend any of the other people that live in the area. Mr. Azzolina will review and touch base with the architect. He is currently reviewing the plans. He asked Mr. Kim if he could send him a PDF as he had some trouble reading the small print on the plans. Mayor Romeo asked them to come back on August 27.

Report from the Borough Engineer's Office

Mr. Azzolina had nothing else to report.

Old Business

None.

New Business

None.

Other Business

None.

Discussion of Dual Use Zone

Mr. Schuster noted that we have been reviewing properties in town and what the possible development is going to be. Even though this is not a normal year to review the Master Plan for revision, periodically we go through and evaluate the properties that are there. Based on that review, there are some issues of concern about the development of the Dual Use Zone and about whether or not we should recommend some changes to the Mayor and Council based on what's been done as far as developing properties. We have a development here on Madison Avenue, which is being built and will be completed shortly. We are doing some work on Allen Street. There are a limited number of properties that maybe will be in play in the near future and some of these are located in the Dual Use Zone. One of the things that is part of that is there has been a recommendation from the Planning Board in 2004 in the Master Plan that we should review and possibly make some changes to the Dual Use Zone.

Mayor Romeo stated that back in the '70s and early '80s, this was zoned as a Dual Use Zone, which really has no meaning at all. He thinks they just did this as a stop gap to stop all of the litigation between Pendergast and the Borough of Cresskill. It is sitting there and now people are progressing and getting older and this has to be dealt with because in the last two Master Plans it clearly says in the narrative that we were told to deal with this Dual Use Zone and define it and refine it to get it into something that it should be used for. The Dual Use Zone now calls for part of it being residence and the rest can be offices and possibly even commercial. He thinks that everyone will agree that we really need to define this zone. We have done some research and we are trying to find the one thing that we can put in there that's the least offensive to everyone but on the other hand it is also helpful to our town.

Mayor Romeo had a planner look at this and his idea was maybe some offices and stores, and maybe some apartments upstairs. He really, in his opinion, thinks that if he had to make his choice, it would be townhouses because townhouses are property owners, they pay taxes, and they take care of their houses just like we do. We have enough houses right now. We have satisfied our COAH for three rounds. There is really no need for anymore. There will be plenty more coming down the road. Right now, what we should do is define this and get it out of the way. It is 3.2 acres and what he thinks his recommendation would be, and we have talked about it and written an ordinance, is to mirror the townhouse zone that is at Stonegate, coming more into the 20th Century with the new architectural fashion that is in vogue. There would be setbacks, 35' high, and they have taken that ordinance and removed all of the COAH out of it and just made it into a regular ordinance for the 3.2 acres. The 35' high would basically be hidden because there is a five foot drop from County Road down to where the property starts and the property grades all the way down. His recommendation is to go to a townhouse zone. They are going to call it the TR2 Zone. It will mirror the property that is on Knickerbocker Road, Stonegate, and it will be welcomed by the people that live on Broadway because around Christmas time they cannot even get out of their driveways.

The Pendergasts have not said it, but Mayor Romeo's feeling is that eventually they are going to want to sell. D'Ercole's Farms has just sold and there was an article in the paper about what is going to happen to their property. Mr. Vaccaro believes there are a couple more in play also. The same people that went the D'Ercoles have also already been to D'Angelos. He wants to be ahead of it and do what we have to do to cut it off at the pass. His recommendation is to take this (he passed out an ordinance that has already been written for everybody's review and comments) and make a recommendation for the Council to consider this zone change or defining of the zone. This is only the Pendergast property that they are talking about. What makes this dangerous is that the Costa property has a COAH overlay for apartments. While that is still sitting there, if we deal with this, we can do this one at a time. If everybody agrees, Mr. Schuster can write something up recommending that the Mayor and Council consider this.

Mr. Galdi thinks this is the best bet for the town. Mr. Morgan asked about the Supreme Court ruling a couple months ago about not doing this for one property. Mayor Romeo noted that they had Mr. Ken Meizer come in, who is a zoning expert in New Jersey, and there is an actual case on this that we are not doing reverse spot zoning because this was not requested by the owner of the property, this was requested by town officials, meaning the Master Plan. The first thing that was brought up by Mr. Salvatore was "is this spot zoning?" Mayor Romeo stated that it is not because it was instituted by us and

they have been trying to get this done for the last 10 years. Now we are getting to other things so now we need to act on this.

Mr. Morgan feels that the townhouses would be more feasible taxwise. Mr. Galdi noted that it was also brought in by the town planner who feels it is a better situation for the town and that is why we are acting on it. Mr. Calder asked what Stonegate is zoned. Councilwoman Tsigounis explained that we are just taking the zone from Stonegate and copying it basically. Mayor Romeo stated that we are taking another zone and mirroring it, except there is no affordable housing. This new zone would only apply to that property. That's what the Master Plan called for, just to deal with this property. That is why we are doing it. The Dual Use Zone is the Pendergast property. Very rarely does one property owner consist of a whole zone. Councilwoman Tsigounis stated that technically Dual Use Zones shouldn't be allowed.

Councilwoman Tsigounis noted that reading these studies makes you want to eliminate the Dual Use Zone anywhere. Ms. Bauer stated that you have to be careful with the coverage so it still looks fairly green. Mayor Romeo noted that they will make sure that it is done right. Councilwoman Tsigounis was concerned that whoever comes in will ask for more than 13 townhouses per acre. Mayor Romeo stated that they won't win in court. They already checked it out with Meizer. The fact that you upped it and dealt with it, the town has acted, he is not going to be able to do anything.

Mrs. Schultz thinks it is a good idea. Mr. Schuster stated that the resolution is going to be that the Dual Use Zone be modified to a TR2 Zone to provide for a townhouse development. Mr. Galdi made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved.

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 8:36 PM, seconded by Mr. Morgan. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for August 27, September 10, September 24, and October 8, 2013, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary