

MINUTES

CRESSKILL PLANNING BOARD

SEPTEMBER 13, 2016

Mr. Morgan opened the meeting at 7:32 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mrs. Schultz, Mr. Ulshoefer, Mr. Durakis and Mr. Mandelbaum. Mr. Moss arrived at 7:34 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Ulshoefer made a motion to approve the minutes of the August 23, 2016, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Letter from the County of Bergen, Department of Planning & Engineering, to the Cresskill Planning Board, dated August 25, 2016, regarding 104 Morningside Avenue, Application 1477M, 15 Wakelee Drive Corp, stating that they are in receipt of a Subdivision Application for this property. File.

Application for Soil Erosion and Sediment Control Plan Certification for 104 Morningside Avenue, Application #1477M, 15 Wakelee Drive Corp. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated July 22, 2016, sending a representative for CRG Financial LLC to this Board for approval. They would like to move their financial investment firm from 92 Union Avenue to 100 Union Avenue. No one was present. File.

Memo from Ms. Barbara Nasuto, dated September 13, 2016, notifying the Board that the Presidential General Election is on Tuesday, November 8, 2016. This would be a normal scheduled date for the Planning Board meeting. After discussing it, it was decided to move the Planning Board meeting to November 1, 2016. Memo sent to Ms. Nasuto notifying her of the Planning Board's decision.

Resolution for the Borough of Cresskill: WHEREAS it is necessary to secure a permit from the New Jersey Department of Environmental Protection (NJDEP) for construction of sewer mains; and

WHEREAS, it is necessary to assure the NJDEP that the Borough of Cresskill consents to submission of the permit application, that the existing sewers being connected have adequate conveyance capacity, that the permitted sewer will be and was constructed in accordance with the approval plans and specifications and that the Borough of Cresskill will operate and maintain these mains once constructed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor or Borough Clerk is authorized to execute applications, on the recommendation of the Borough Engineer, and correspond with the NJDEP regarding applications for construction and operation of sewer mains.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a copy of this resolution to the

Borough Engineer, Planning Board, Zoning Board of Adjustment, and the Superintendent of the Department of Public Works. File.

Subdivision Committee

Councilwoman Tsigounis noted that we received architectural plans for Application #1484M, which is on the agenda tonight for a Public Hearing. A new application #1487, 182 Madison Avenue, Jane Lee, was received on August 24, 2016, and is currently under review. Mr. Azzolina noted that we looked at this application about three years ago. The applicant is here and he spoke to her before the meeting. She advises him that the plans are the same. The architect is here to offer some brief testimony on whatever changes were made. She tells him the footprint is the same. He hasn't had the opportunity to confirm that, but he will be able to report at the next meeting on that. The new architect, Hojoon Chung, was present. Mr. Chung noted that everything is the same including the footprint. There are some changes in the structural design. They tried to submit it to the Building Department and they were told to come here because the approval was years ago.

Mayor Romeo asked about the curbing and the turn-around in the driveway. Mr. Azzolina agreed that all of the conditions from the original approval still remain. He said that his package did not include the site plan. They in turn resubmitted the site plan that was submitted which was the site plan that was prepared a couple years ago by Kesner & Associates. If the Board members do not have them, they need to go back to Kesner and have him prepare the requisite number of copies for all the Board members.

The turn-around in the driveway was one of the points of discussion. The plans from previously does show a turn-around. There was a connection of the drainage system to the county drainage system. They need to get a connection permit from the County. The statement by the applicant is that everything remains as it was three years ago but he just doesn't remember off the top of his head whether they had satisfied each and everything that was required.

Report from the Borough Engineer's Office

Mr. Azzolina is currently reviewing the revised plans for 269 E. Madison Avenue, Mr. Kim, Application #1486. He also received a letter of introduction regarding an application for Avi Lavon, 51 Phelps Avenue. There was an issue discovered. The applicant and his counsel was present. Mr. Mark Marianski, on behalf of the applicant, introduced himself. He noted that they are here because Mr. Lavon constructed a new single-family home on the property at 51 Phelps Avenue, and there was a mistake made during the course of construction. His client will testify at the Public Hearing as to the details on how it all occurred. At the end of the day the result is when they applied for the Certificate of Occupancy, it turns out that the front yard setback, rather than being the 25 feet required by ordinance and approved on the site plan, in actuality it is 24 ½ feet to the façade of the enclosed front porch, which is the forward most portion of the new structure and it is a little more, 24.7 feet to the foundation of the front porch. This was discovered when they applied for the Certificate of Occupancy, so rather than tear the front porch apart and move it back six inches, they are applying to this Board for an amended site plan approval and a six-inch front yard variance.

Mayor Romeo asked Mr. Lavon if he was working toward getting the fence resolved with the guy next door. Mr. Lavon noted that he finished with that. Mr. Azzolina will take a look at it to see what else has to be done to put this to bed. The Public Hearing was scheduled for September 27, 2016. The applicant was notified of the hearing date.

Mr. Azzolina also had a report prepared for tonight's Public Hearing for Application #1484M.

Old Business

None.

Public Hearing – Application #1484M – 177 Fifth Street

Mr. Morgan announced the Public Hearing for Application #1484M, 177 Fifth Street, Paul J. Chiusana. Mr. Schuster noted that there is a problem with the application. It is his understanding that there were two prior applications for the development of this site. Without the information about the prior applications, the Board couldn't possible do a determination as to that fact. Also, the public would have the right to review that documentation of the prior applications as part of the public file. For purposes of tonight, we are not going to hear this matter. If you want to carry it for two more weeks to be able to get those materials together, we will consider that with this application.

Mr. Dean Stamos was present on behalf of the applicant. He is familiar with the fact that there were two prior applications. He just received the prior resolutions yesterday. He thought they could discuss it, because it is a question of is it a different application. Mr. Schuster stated that we don't have all the information before the Board at this point in time. It was not part of the application when it came in. It was never submitted as part of this file for the public to review it prior to this hearing. It's not like it is a de minimus thing like an error on the plans. Especially due to the fact that this has been heard twice before.

Mayor Romeo asked how many people were here for this application. There were three people from the public here for this application.

Mr. Stamos noted that he has the resolutions with him. He doesn't know if the Board can review them since we are here. Mr. Schuster noted that he is not going to tell him how to put his case together. He doesn't think the resolutions by themselves are enough anyway as far as whether or not the Board should hear the application. He saw the resolutions today and he doesn't think they answer a lot of the questions he would have about the prior applications. Mr. Stamos asked what documentation he would want to see. All he has is this. The application is from thirty years ago. Mr. Schuster doesn't want to tell him how to prove his case, but he would think he would want to have the prior application, the prior plans, minutes from the meeting and he thinks they would be the important documents to have at the very minimum. If he was reviewing this, those are the things he would want to see.

Mr. Stamos noted that if that is the direction he is providing the Board, he will certainly have to submit that documentation and come back. Mr. Stamos said that he will try to find some other documentation. Sometimes with applications this old, they are lost in a flood or lost in some other manner. Mr. Schuster stated that if the town says they are not there, well then they're not there, and that's just how it is.

Mr. Schuster said that since there is not a problem with the notice aspect of the application, we are not going require you to file a public notice for the next hearing date. The matter will be carried without further notification requirements on the applicant, with the understanding that they are going to be willing to stretch the requirements for the Board to act on this application. Mr. Stamos noted that that was acceptable. This matter will be carried for two weeks. They will not be required to send out further notices by mail or by publication.

Mr. Morgan stated that this hearing will be rescheduled for two weeks, September 27, 2016.

New Business

None.

Other Business

None.

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

Motion was made by Mr. Ulshoefer to adjourn the meeting at 8:04 PM, seconded by Mrs. Schultz. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for September 27, October 11, October 25, and November 1, 2016, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary