

# MINUTES

## CRESSKILL PLANNING BOARD

JUNE 23, 2009

Mr. Vaccaro called the meeting to order at 7:35 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Mozur, Ms. Tsigounis, Mr. Vieni, Mr. Laurita and Mrs. Schultz. Councilman Brennan arrived at 7:36 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Attorney.

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Mr. Galdi made a motion to approve the minutes of the June 9, 2009, meeting. The motion was seconded by Mr. Vieni. All present were in favor of the motion. Motion approved.

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### Correspondence

Notice for a Water Permit Compliance Seminar in Charleston, SC, or Chicago, IL. File.

Application for Soil Erosion and Sediment Control Plan Certification for 37 & 41 Allen Street, 37 Allen Street, LLC. File

Notice from Ms. Barbara Nasuto regarding the Mayor and Council meetings for the months of July and August. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, sending Mr. Dan Noseworthy, Moosehead Tavern, to this Board for approval. He wishes to relocate his business to 29 E. Madison Avenue, presently occupied as Curves. They will be doing minor renovations. Mr. Noseworthy was present. This was put to new business.

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### Subdivision Committee

Ms. Tsigounis noted that no new applications were received.

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### Report from the Borough Engineer's Office

Mr. Azzolina noted that the Applications currently under review are Application #1384, Ron Katiralefar, 104 Huyler Landing Road, Application #1386M, Application #1387, and Application #1388, which are the Diaspara applications on Allen Street. Also Application #1385, Erik and Kim TenCate, Roosevelt Street, he did have the opportunity to do a preliminary plan review and visited the site. The applicants are present. Mayor Romeo noted that he visited the site also. Mr. Azzolina stated that the applicants propose to develop the site with a single family dwelling. Basically it is a walk-out basement dwelling. In

order to do that, they propose to put a retaining wall in the rear yard area. The maximum height is approximately 5.75 feet, which will be exposed on the east side of the wall, fill will be placed on the west side of the wall in order to create basically a level plateau rear yard area, approximately 40 feet from the corner of the house to the top of the wall.

The plan as presented requires some further revisions. Some information is missing with respect to the sanitary sewer design. The actual height of the house as currently depicted on the architect's plan shows a roof pitch of 8 ½ on 12, which when you do the math, would make this dwelling as currently proposed well in excess of 28 feet permitted in the zone. That can be remedied by adjusting the roof pitch. He will make that suggestion to the applicant. Their other option is to request a variance, which would have to be through the Zoning Board for a variance of that magnitude, because it deviates by more than 10% of the height permitted in the zone. Mrs. TenCate thought it was supposed to be within the permitted height. Mr. Azzolina noted that the schedule says that it is, but it is not when you run through the math. One of the calculations that is missing from the engineer's plan is you have to compute the average grade at the front of the dwelling. This property has a higher elevation on the left side as opposed to the right side. You establish an average value there, then when you apply the height shown on the architect's plan, his numbers he is coming up with are something in the range of 32.8 feet as currently proposed. If they adjust the roof pitch down to a 5 on 12, that would bring it down to a conforming height. That is an aesthetic issue that they need to discuss with the architect.

As far as the plan itself goes, they will have to move a significant amount of soil to build this project as proposed. One of his comments will be that they have to submit soil moving calculations so they can get an idea of how much soil needs to be moved. The retaining wall height of six feet would require some sort of fall protection on top of the wall, be it a fence or railing. That would be another requirement if the Board were to approve the plan. Just regarding the existence of the lot, the plan makes reference to a file map which dates back to 1925 establishing this neighborhood, where everything was divided into 20 foot parcels. Basically this is a consolidation of five 20 foot by 116 foot deep parcels, so it conforms. The only possible question would be whether the lots have merged given the common ownership with the property to the south. It is his understanding of the way our code is written that speaks to non-conforming lots. These five lots in the aggregate would conform, so he doesn't believe that a merger doctrine would apply here. Mayor Romeo asked if they had separate deeds on the property. Mrs. TenCate noted that they had a separate deed. Mr. Azzolina noted that the Borough's tax records indicate two separate properties, the consolidation of the five lots as one property without an address, and the other five properties with the address and the owner being Spola.

Mr. Azzolina noted that the plans show a concrete wall that is functional, but not all that aesthetic for the neighbor to the east. There is a significant wooded area on the east side of wall as well as in the neighbor's back yard. Mayor Romeo asked how far from the back property line would they be building the wall. Mrs. TenCate noted that it is a minimum of ten feet and at one point it is a lot more. The wall doesn't go straight across. There is a wooded area behind the wall. They didn't want any variances. Mr. Azzolina pointed out the existing wall and where the proposed wall is going to be. He stated that the wall is a minimum of ten feet off the property line to approximately 15 feet off the property line. The highest point of the wall is 5.75 feet. Mr. Azzolina stated that there is a retaining on the neighbor's property and then there is a slope to their wall. There is a slope component in the neighbor's property. He doesn't think that they are going to be looking at a blank wall because there is some landscaping there. Even if they were, that could be addressed with some more landscaping or some stone facing on the wall or an alternate method or segmented keystone type of wall, which is a little more aesthetic than a concrete wall and just as functional and usually less costly than a concrete wall. Mrs. TenCate noted that they thought concrete because they thought there was no way that wall was coming down and it was the best and safest wall.

Mayor Romeo asked about the fence on top of the wall. Mrs. TenCate stated that it would be something that you could see through like a black iron fence or a black chain link. Mayor Romeo agreed that that would look nice. Mrs. TenCate noted that they like the trees and they like the woodiness of the area. Mayor Romeo stated that if they are going to do it this way, he has no objection to it at all.

Mr. Azzolina noted that they have the drainage system in front of the wall and that is something that he will discuss with the engineer. He has a perf pipe in the middle of the yard so that should intercept any ground water flows before you have a hydrostatic condition against the wall. Mr. Galdi noted that the hydrostatic condition is what he is worried about with the height. Mr. Azzolina agreed and stated that is why they have the weep holes and perforated pipe. He would ask that they dig a test hole before construction so they can see what is going on with the soil. Mayor Romeo asked if they were going to truck dirt into here. Mr. Azzolina stated that the calculations will verify that. He believes that they will need to bring some soil in to the site in order to create the level plateau. It may be offset by the excavation of the dwelling. It is hard to say without the calculations. That is why with the average end area calculations and cross sections, that will determine how much needs to be imported to the site or conversely exported from the site. The engineer is Ken Jobe.

Mr. Azzolina will get a letter to the engineer and applicant so they can make the final revisions. Mr. Galdi asked about when they will do the test holes. Mr. Azzolina said they would do them when they start the construction and they will modify the drainage based on that.

Application #1380M, 180, 188, 198 Truman Drive, Robbins has submitted revised plans. He is in the process of doing a completeness review, but they presumably revised the plans in accordance with his memo so he should be able to report back to the Board at the next meeting.

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#### **Old Business**

None.

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#### **New Business**

Mr. Dan Noseworthy was present to discuss his re-occupancy of Curves for his Moosehead Tavern. Mr. Noseworthy noted that his current location is going to be demolished by Daibes. He wants to move into the Curves store by Cresskill Pizza. He has been talking to the owners of the property and they have agreed that they can do it. They do not have a signed lease yet. He has had some drawings made up of what he would like to do to the store property. You enter the tavern from the parking lot side and he plans to tint the windows so you can't see in. The back of the bar would be towards the inner part of the mall. They will have one men's bathroom and a ladies/handicap unisex bathroom. Mr. Bill Hasenstab was present with Mr. Noseworthy and he stated that he wasn't sure what the occupancy was. He noted that if you go by square footage on the outside of the bar, it should be around 45 people. He doesn't know how many bathrooms you need for that. Mr. Laurita asked about parking. Mr. Noseworthy noted that on the side of the building there are 13 spots that are not usually used. During the daytime it wouldn't be a problem. During the nighttime, other business would be closed, so that wouldn't be a problem. There will be little high top tables. There will be no cooking. There will be an office on the premises.

Mr. Noseworthy noted that one bathroom is fine. They will have to build the bar. The other bathroom is a dressing room right now that they will turn into a unisex handicapped bathroom. They are moving a couple walls. There will be some high hat fixtures, nothing drastic. Mr. Hasenstab noted that they will extend the pipes off of the existing bath over to the handicap bath. The clean-out for the building is coming in on the outside wall and that is how they are going to pick up the sink in the bar. The entrance is going to be from the parking lot, not from Madison. Mr. Noseworthy noted, however, that that is an alternative exit.

Mayor Romeo also noted that he needs to get a letter to him immediately that's called a "place to place" so he can move the liquor license from one address to another. Mr. Galdi noted that the health department should do an inspection for the bathrooms. This way he is covered so he knows what the

health department is going to ask for based on the amount of seating and what they are going to ask for so they don't spend money doing the plumbing and then realize that maybe they can't do this.

Mr. Hasenstab asked who tells them what the occupancy is. He was informed that the Fire Department does that. Mr. Laurita asked if they are keeping the same name. Mr. Noseworthy informed the Board that he would like to change the name to Cresskill Tavern if that's OK with the Board.

Mr. Galdi made a motion to approve, seconded by Mr. Morgan. All present were in favor. Motion approved. Mr. Noseworthy asked if they could get an extension of the July 8 deadline on their current location to give them time to get their new location ready. Mayor Romeo stated that he will work on getting them an extension. Letter to Mr. Noseworthy noting the Board's approval, with copies to the Building Department and Ms. Barbara Nasuto.

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### **Other Business**

Mr. Azzolina noted that they recently applied to the DOT for a municipal aid grant in connection with the intersection improvement. He applied for a streetscape component which would pay for the decorative lighting, the street furniture, decorative sidewalks, and crosswalks. If they get that, they can apply that in conjunction with the County's project.

Mr. Bertone informed Mr. Vaccaro that there is a man who wants to come in and put up a removable cover over the tennis courts so you can play tennis all winter long. He will bear all the expense and pay the Borough \$20,000. The structure is about 34 feet high. It is a plastic dome. He will do lessons. He will come in and give a presentation.

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Motion was made by Mr. Galdi to adjourn the meeting at 8:21 PM, seconded by Mr. Laurita. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for Tuesday, July 14, July 28, August 11, and August 25, 2009, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary