

# MINUTES

## CRESSKILL PLANNING BOARD

JULY 14, 2009

Mr. Vaccaro called the meeting to order at 7:43 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. Vieni, and Mr. Laurita. Also present was Mr. Paul Azzolina, Borough Engineer. Mr. Steven Schuster, Attorney arrived at 7:49 PM.

\*\*\*\*

Mr. Galdi made a motion to approve the minutes of the June 23, 2009, meeting. The motion was seconded by Mr. Vieni. All present were in favor of the motion. Motion approved.

\*\*\*\*

### Correspondence

Letter from Mr. Steven Schuster regarding past due bills. Mayor Romeo noted that we have that straightened out. Three of them are waiting for developers fees and as soon as we get them he will get paid. The other one is a dispute with another attorney that we can't get involved with. The other ones are all buildings in town that are waiting for permits and then he will get his check.

Memo from Ms. Barbara Nasuto regarding Our Savior Lutheran Church. The Assessor's Office had a question on the deed for this property. In 2006, the Planning Board granted a subdivision on this property, creating two parcels. She attached the amended resolution for this subdivision. The question that comes up is what is the lot number that the church and the old parsonage sits on. The resolution states Lot 1.01 has a front yard of 19.80 feet. They question if this is the former lot 15 and 16. What about the former lots 1 and 9 where the church is. There is no map identifying lots 1.01 or lots 1 and 9 correctly. The wording in the resolution does not measure up to the maps. Please clarify for the Assessor's Office what the correct lot numbers are. Mr. Azzolina has received this notice but has not had the opportunity to look into it. They have already been assigned. The deed that the applicant's attorney prepared was prepared in an after the fact manner. It is a quick and easy file review and he will be able to answer that.

Letter from Hakim Associates, addressed to Mayor Ben Romeo in reference to the Open Space and Recreation plan inventory update. It sites nine parcels for update. File.

\*\*\*\*

### Subdivision Committee

Nothing to report.

\*\*\*\*

**Report from the Borough Engineer's Office**

Mr. Azzolina distributed his memo regarding the TenCate application, Application #1385, Roosevelt Street. He has also faxed it to the applicant and their engineer. It is dated July 6, 2009. These are the comments that he had on the application. It is an undefined address on Roosevelt at this time. Basically everything is substantially complete. There are some differences that need to be addressed within the zoning table as shown on the architectural and engineering drawings. At the last meeting he indicated that he thought the height was going to be an issue. Upon further review of the plan, and in speaking with their architect, he did not see on the drawings that they are actually constructing the house at a 4 on 12 pitch already, so their height was compliant. There are no height issues with the house. There are just several site plan detail and design issues that need to be addressed. As he indicated to the applicant, as soon as their engineer turns the plan around, he will be able to sign off on the plan once these comments are addressed.

Mrs. TenCate asked if there was any way they could get approval so they could go for their permits and before they get their final plans so they can get things moving along a little. Mr. Azzolina explained that that hasn't been the past policy of this Board, but his thought was that his revisions were minor in nature and that his engineer could turn them around quick. Mrs. TenCate noted that she called him today and he said that definitely within another week. Mr. Vaccaro asked the Board if they would be willing to approve the plans on the condition that when Mr. Azzolina gets the revised plans and reviews them and is satisfied with the changes, he can OK them. Mr. Azzolina stated that he faxed Mr. Ken Job the memo on July 6 and being that the changes were relatively minor in nature, he would be able to get him the revised plans in time to have him review them and be ready to approve them at tonight's meeting. Mr. Galdi noted that we could make it an approval, subject to Mr. Azzolina being completely satisfied when Mr. Job gets him the revised plans. Mr. Vieni asked about the impervious coverage comment in Mr. Azzolina's memo. Mr. Azzolina doesn't know what they are right now and when they submit the revised he will know and, if it is more than allowed, he will not be able to approve the plans. That is why he asked him to quantify the areas of impervious coverage. Mrs. TenCate stated that they made sure they were not over and that was their instructions to make sure that everything was complying. Mr. Azzolina noted that the only reason he brings that up is because there is a bluestone patio shown on the architectural drawings that is not reflected on the site plan. He believes they have enough margin for error, but that is just one little detail that needs to be revised on the plan so that the patio doesn't expand in size during construction.

Mrs. TenCate asked if there was any way they could decide on the number for the house. She noted that the two numbers on either side of her were 158 and 174. They requested 166. Mr. Azzolina will take that to Ms. Nasuto to see if that is OK.

Application #1380M, Rio Vista LLC, Robbins, 180, 188 and 198 Truman Drive, which is the hockey arena within the house. Mr. Azzolina had previously prepared a memo on January 8, 2009. They submitted revised drawings to Mr. Azzolina only. The Board does not have copies of the revised drawings. The deficiencies noted in the memo have been addressed. The plan is substantially complete as presented. They do have some comments with respect to the drainage system as contemplated, but he believes they are ancillary details that can be resolved, when and if the Board approves the plan. The plans as submitted are in a form good enough for scheduling a public hearing if the Board is so inclined to do so. He spoke with Mr. Robbins' attorney, Mr. Watkins, and he is requesting August 11 as their hearing date. He will make it known to him that he needs to submit additional copies of the plans to the Board for their consideration.

The proposal was initially termed a minor subdivision but basically the owner owns five or six lots total. Two or three lots are in Alpine and three are in Cresskill. The proposal is to consolidate the Cresskill lots into a single lot housing a single-family dwelling that happens to contain an ice hockey rink. As defined in our code, a consolidation of lots, when they are owned by the same owner, is not a subdivision. The total area in Cresskill is 132,644 square feet. The lots in Alpine are not reflected as part of this proposal. Mayor Romeo asked if they even need a variance. Mr. Azzolina stated that they do not. The zoning schedule indicates no variances are required. The only sort of grey area, that he doesn't feel is all that

grey is you have an accessory use, which is a little different than most. If this were a tennis court, you are allowed to have a tennis court on another property that you own that is contiguous to yours.

They revised the architectural drawing slightly. Mr. Azzolina showed everybody what it is going to look like. The front and back of the house kind of look the same. The garage is at the northerly side. The height of the structure is 32 feet where 33 feet is allowed. At the basement level of the dwelling is a kitchen, a bedroom, a living room, the lower limits of a racquet ball court, the mechanical closet and a bathroom. On what would be the first floor of the dwelling you have the garage, the ice hockey arena, locker room, the upper portion of the racquet ball court and a clothing and laundry room. The ice hockey rink is 120 x 185. Mr. Morgan asked about the compression of the ice and everything to keep it cold and what about the noise level. Mr. Azzolina had asked them in his initial review where all the mechanicals were located. This set of drawings does not really answer that question. There are some schematic diagrams in the garage area that may or may not be the mechanicals. He will ask that question between now and the hearing. Mr. Vieni asked if they were going to use a Zamboni up there. Mayor Romeo stated that they are not going to have the compressors outside up there because there will be problems if they are.

Mr. Schuster asked how much of this was going to be residence. Mr. Azzolina noted that they are showing only one bedroom. Mr. Vieni noted that this is not a house that has an extra area for an ice hockey rink, this is an ice hockey rink that has an extra area for a house. Mr. Schuster noted that that is his point exactly. Mayor Romeo stated that there is no ordinance to cover this. He is providing a living quarters and he doesn't need any variances at all. Mr. Galdi stated that you can get involved in the decibel readings of the compressors. Everybody agreed. Mayor Romeo noted that this guy has already had complaints about that and he has already been told to deal with it otherwise it will be shut down. Right now there is a temporary arena on this property that has been there for over a year. You can't see it from the road unless you really look hard. Mr. Vieni noted that you can't regulate them from having ten or twelve of their friends over to play and having cars parked there. He is not going to play hockey alone. Mayor Romeo stated that right now you are looking at a plastic bubble and they are replacing that with what looks like a house.

Mr. Morgan asked what the difference was between a hockey rink and an indoor pool. Mr. Schuster noted that it is not so much that as what the building is for. If you have a big house and you have a pool in there, it's a house with a pool. From a zoning standpoint, the point of the matter is, is this a house where there happens to be a hockey rink in it, or is it a hockey rink which just happens to have a bedroom in it. That's the issue here really. Nobody would dispute it if the guy has a big house and he has this attached to it. This is a separate structure which really is only a residence in the technical sense that you want to be able to argue that it is a residential use for purposes of getting by the zoning. Mayor Romeo asked if he took this house and made it very small and behind it he put a pool that size and he covered it in glass, could he do it. Mr. Schuster noted that he didn't think there is any requirement for a minimum size of house on any lot in the borough. Mayor Romeo stated that there are minimums in the R-40 zone. Mr. Azzolina noted that with the pool analogy, the pool would be considered an accessory building. This is presented as a principal structure standing on its own. It is not an accessory structure. He could not do it as a small house and a separate building for the hockey rink as an accessory building, because an accessory building size is limited. The principal building is just limited by building coverage and he has plenty of land for this. The footprint is 16,605 square feet. Mr. Azzolina noted that the accessory building limitation is that no accessory building shall exceed 600 square feet in gross floor area, nor shall the floor area of all accessory structures on the lot exceed 15% of the total lot area. They would be hamstrung by the 600 square foot limitation plus the height limitation, which is 15 feet, for an accessory building. Their premise is that this is a permitted principal structure on the consolidated parcel.

Mr. Azzolina noted that from his perspective, the plans are complete enough to entertain a Public Hearing on the application. Mr. Schuster asked that he demonstrates he has the minimum square footage for the living area. Mr. Galdi suggested that he put in that it is for residential use only. Mr. Schuster stated that he doesn't think he is doing a resolution for this. Mr. Azzolina said that he believes that he is coming for a resolution. He is going to advertise for a public hearing. That was in his first report, that given the very grey nature of the application, he didn't know if they wanted to preclude neighbors from participating in

the application. He thinks they agreed to this. He believes that this is the more prudent course for them to take. Mr. Schuster noted that if they do a public hearing, he will do a resolution. Mayor Romeo's main concern is that you don't hear any noise.

Mr. Galdi made a motion to schedule the Public Hearing for August 11, 2009. Mr. Laurita seconded the motion. All present were in favor. Motion approved.

Mr. Azzolina noted that Application #1384, Ron Katiralefar, 104 Huyler Landing Road, is currently under review. Also Applications #1386M, 1387 and 1388, 37 & 41 Allen Street, 37 Allen Street LLC/Alfonso & Sandra Diaspara are currently under review.

\*\*\*\*

**Old Business**

None.

\*\*\*\*

**New Business**

None.

\*\*\*\*

**Other Business**

None.

\*\*\*\*

Motion was made by Mr. Galdi to adjourn the meeting at 8:20 PM, seconded by Mr. Laurita. All present were in favor. Motion approved.

\*\*\*\*

The next four regular Planning Board meetings are scheduled for Tuesday, July 28, August 11, August 25, and September 8, 2009, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary