

MINUTES

CRESSKILL PLANNING BOARD

APRIL 24, 2018

Mr. Morgan opened the meeting at 7:31 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, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. 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 April 10, 2018, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 23, 2018, sending Mr. David Mandich of Revive Body & Mind to this Board for approval. He would like to install a new sign at 39 Broadway. Mr. Mandich distributed copies of the drawing of the sign. The sign appeared to be 96" x 48". It is a stand-alone sign in front. The building is owned by Mr. Zimick. There is currently no sign there. There are apartments on the second floor. Mr. Schuster asked how much frontage was on the building. Mr. Mandich didn't know. He explained that it was a stand-alone sign. He stated that somebody approved it a few weeks ago and he had an e-mail to that fact. He said that the e-mail was from us and he was told that he had to come here to get the actual colors and the look of the sign approved. Mayor Romeo was shown the e-mail from the Construction Official.

Councilwoman Tsigounis stated that when we approve these things, there is usually a specific location for signage. Whether or not a lawn sign is permitted she does not know. The sign is eight feet wide by four feet high. Mr. Calder asked if there was a visibility issue. Mayor Romeo feels that the sign is a little too big. Councilwoman Tsigounis feels uncomfortable right now because she doesn't know what is allowed there and it is large. It is the size of a sheet of plywood. Mr. Mandich noted that he only went with what he was told.

Mr. Ulshoefer asked Mr. Mandich who he got the e-mail approval from. He said that he submitted to the Building Department a picture and they said it was fine and they have to come before the Planning Board to get the actual colors and sizing approved. They are a cryotherapy business. Mr. Ulshoefer wanted to know what cryotherapy was. Mr. Mandich explained that it is a new-age medicine where basically – in short – inflammation is what is causing all disease, body aching, tiredness, everything bad in your body comes from inflammation. Cryotherapy is three minutes in a nitrogen bath that freezes your body and reduces the inflammation, thus replacing pain killers, replacing medicine. It is a homeopathic cure. It is new-age. It is very big in Europe now. It's going to be bigger here in the next ten years. It is the same concept as when you put an ice pack on your knee when you hurt your knee to reduce the inflammation. Every big athlete is doing it. They are all swearing by it. A couple of Giants were in their Garfield location the other day.

Councilwoman Tsigounis asked if they were going to be able to decide this tonight. Mr. Schuster said that this was an office building and the only thing they are entitled to is a directory sign. This is too big for that. Mr. Mandich stated that they are the only business in the building. It is residential upstairs and they have the whole downstairs. Mayor Romeo doesn't know what the dimensions are that are allowed on a free-standing sign. Mr. Schuster is looking in the ordinances. This building is in the Professional Office Zone. Councilwoman Tsigounis noted that when this building was approved, knowing that there was a tenant on the bottom, there should have been somewhere in the design scheme of things where the signage was supposed to go. They usually reserve a spot for it. Mr. Azzolina remembers that at the time they had a tenant that was like an internet vacuum cleaner business that didn't require a whole lot of signage, so he doesn't know that that was ever contemplated in connection with the original application. Mr. Schuster stated that generally they are not permitted.

Mr. Schuster remembers that there was a big discussion about PNC Bank up at the circle. There was also an issue when they had the CVS going in. Mr. Morgan stated that we should do some research on it and get back to Mr. Mandich. Mr. Mandich stated that without a sign they are dead. They have to have some kind of sign. Mr. Schuster said he is not saying they are not going to have one. Normally they are on the building proper, not in the front yard. This is larger than the directory would be permitted anyway. Mayor Romeo stated that it is his opinion that he is not going to get an eight-foot sign. Councilwoman Tsigounis said that she thinks the issue is that we don't permit signage for tenancies as a lawn sign unless it is a directory. This is what we are trying to figure out. Mr. Schuster read that "no sign shall be permitted within any required yard." That basically says that it has to be a building sign.

Mayor Romeo noted that, actually, he needs a Public Hearing for a variance. He doesn't think there is any objection to a sign, it's just a matter of what kind of sign. Mr. Calder asked where exactly it is in relation to the building. It is hard to tell from the illustration. Mr. Mandich noted that it is a decent amount away from the street. He noted that when they were here for the approval for the business a few months back, they mentioned the sign, and somebody had mentioned that it can't be out towards the street and that is why they ended up moving it back against the building. Mr. Calder asked if it could be placed on the building. Mr. Mandich stated that the landlord doesn't want it on the building. Councilwoman Tsigounis asked who the landlord was. Mr. Mandich noted that it is Mr. Zimick. Councilwoman Tsigounis noted that Mr. Zimick should know better and that we have ordinances. It is not a question of whether the landlord wants it, it is a question of what the town permits. She is not concerned about the size right now, she is concerned about the lawn sign and whether or not we can permit that because, as you can imagine, we don't want lawns sign appearing for every business.

Mayor Romeo stated that he is not sure what the answer is, but the meeting needs to proceed. Tomorrow, he will talk to the Building Department and see what can be worked out. Since it is not allowed, he would need a Public Hearing for a use variance because it is not a permitted use on the site in that area. If Zimick allowed him to put in on the building he wouldn't need a variance. Mr. Schuster noted that basically what he is entitled to is whatever the frontage of the building is, he is entitled to 1/4 of that in square footage for sign area. If the building frontage is 40 feet, then you are entitled to 10 square footage of sign. You can't cover a window and you can't cover a doorway. Mayor Romeo will call the Building Department and have them tell him what size sign they can put in. If he agrees to that size and puts in on the front of the building, we are done. If he wants a second sign in the back for the entrance, he will have to make the front sign smaller. Mr. Mandich noted that the entrance is a glass door and the tenant before them had a decal on the door. Mayor Romeo said if he wants to do that again that is fine. Mr. Mandich was told that if wants to put the lawn sign in, he will have to go for a variance.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 11, 2018, sending Mr. Lumaj, Lumaj Builders, LLC, to this Board for approval. He wishes to construct a new single-family dwelling at 37 7th Street. Application #1530 was received on April 17, 2017. This is currently under review.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 11, 2018, sending Mrs. Hamani to this Board for approval. She would like to construct a new single-family dwelling at 277 Highland Street. No application has been received.

Memo from Ms. Barbara Nasuto, Borough Clerk, regarding 462 Knickerbocker Road, 15 Wakelee Drive Corp. Plans have been submitted for a subdivision application for this property. However, they cannot be processed because she has not received any fees for it. Ms. Nasuto needs to know what fees should be collected and if a Developer's Agreement is going to be required.

Subdivision Committee

Councilwoman Tsigounis reported that Application #1529, 23 Legion Drive/29 Division Street, Legion LLC, was received on April 10, 2018. This is currently under review.

Application #1531, 62 Merritt Avenue, 62 Merritt LLC, was received April 17, 2018 and is also currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he had nothing else to report other than what has already been discussed. He prepared a report for tonight's Public Hearing, which is Application #1528.

Old Business

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 3, 2018, sending a representative for Café RX to this Board for approval. They would like to install two awnings and four signs at 2 Piermont Avenue. Mr. Young Min Jun from TL Sign in Ridgefield was present. Mr. Jun noted that the awnings are in the back and are forest green in color. Mr. Schuster asked how much signage there was on the building. The lawn sign is already there for the address. It is a free-standing sign. It is 4' x 3'4" and is existing. They will just reface the sign. In the back they will put at the top a round sign that just says CafeRx. On the entrances there will be an awning over each entrance. There will be a sign that says Café and a sign that says Pharmacy over each window in front. Café is 2'6" wide and 7.5" high. Pharmacy is 5'2" wide and 7.5" high. Mayor Romeo noted that this whole thing has changed around since we started. When this started out it was a café on the left and behind it was the pharmacy. Now, maybe not, but it looks like the pharmacy moved front and center on the side and the import/export office moved. The warehouse looks like it became the pharmacy. He will send the Building Department over there to see what is going on.

Mr. Calder asked who directs them to come here for signage. He wanted to know if we could get the Building Department to have them come here with the building dimensions. Mayor Romeo instructed Mr. Jun that he needs to go back to the owner and get the dimension of the building and the side of the building and the back of the building. They need to determine if the signs are the right size. If they are, they can be approved. Mr. Jun said that he will get all the information and give it to the Building Department.

Public Hearing – Application #1528, 27 Clark Street

Mr. Sean McClellan, 101 West Street, Hillsdale, NJ, was present representing Mr. Ilan Doran, the applicant for Application #1528, 27 Clark Street. Mr. McClellan is a licensed engineer in New Jersey. He has been licensed since 2004. He has appeared many times before this Board. His license is presently in good standing. He was accepted as an expert in the area of engineering for today's hearing.

Mr. McClellan noted that 27 Clark Street is a non-conforming lot in the R-10 Zone. It is non-conforming in area with 7,479 square feet where 10,000 square feet is required. It is non-conforming in lot depth with 95 feet where 100 is required. It is non-conforming in lot width with 78.73 feet where 100 feet is required. Also, non-conforming on the lot is the building coverage. It is 25% where 20% is required. Also, impervious coverage, they are at 32.7% where 32.1% is required. There is also an existing shed at the rear left portion of the property which has to be five feet off the rear line and five feet off the side line and it is two inches off the rear line and about eight inches off the side line, so that is non-conforming as well.

What they are proposing to do is build a new two-story dwelling. The dwelling will have a front-loading two-car garage. There will also be a few variances required for that. They will have a combined side-yard variance of 24.6 feet where 35 feet is required. Two side yard setback variances of 12.3 feet are required where 15 feet is required. They will have a building coverage variance of 21.86% where 20% is required, but they will be reducing that from the 25% that is currently there. They will also have an impervious coverage variance. They will be increasing that slightly from 32.7% to 33.95% where 32.1% is required.

On the site, they will also have a walk, patio, and a one-thousand-gallon seepage pit that will take the storm-water run-off for the entire house. The current house now, the roof leaders just run off to the ground, so they will be improving any type of drainage situation on the property. Four trees are marked for removal, two in the front yard which will be within the 15 feet of the building foundation. They also have two small trees, a four inch and eight-inch pine at the rear of the property where they show a proposed retaining wall. Soil movement is fairly minor. They will be removing approximately 208 cubic yards off site.

Mr. Schuster marked the architect's plan as Exhibit A1. Mr. Raul Maderos, Imagine Architecture, 24 West Railroad Avenue, Tenafly, New Jersey, License #18571, was sworn in by Mr. Schuster. He has appeared before this Board many times before and his license is in good standing. He was deemed an expert for today's purposed in the area of architecture.

Mr. Maderos stated that along with the pre-existing, non-conforming conditions of this lot, the existing house also has side yards, the combined side yard, building coverage and impervious coverage non-conforming conditions. The proposed building is also seeking variances for the individual side yards, the combined side yard, the building coverage and impervious coverage. They are improving, technically, the current non-conformance of the building coverage, which is currently 25%, and they are reducing it to 21.86% where 20% is required. For impervious coverage, it is a little over the requirement currently and they are going from a current condition of 32.7% to 33.95%. They initially finalized these plans December/January and they had a FAR variance included here, which was reviewed before the Zoning Board in Cresskill. They were denied, so afterwards they reduced the house by taking ten inches from the rear of the house and bringing that in across the distance of about 36 linear feet which was what they needed to eliminate the FAR from the equation.

He understands that they have the side yard variances that they are requesting on a lot which is 78 feet and change in width, but they are also a little bit challenged by the fact that the lot is less than 100 feet deep, it is 95 feet deep. With arranging a house like this, with what you would expect on the first floor, foyer, living room, dining room, family room and kitchen, mainly, there are two main ways to arrange the house. One is a very common center hall, which is what they propose here, where you come in the foyer, the two formal rooms, the living room and dining room are on either side, and then you progress into the less formal parts of the house, the kitchen and family room, where folks spend their day casually. Another take on this would be to have the foyer on one side and have the living room and dining room in tandem, front and back of one another. But in this case here, if they were to make the house narrower, to better conform to the side yard conditions, that would now push the house extra deep because of the dimensions that the dining room and living room would have to be. And the family room being a very important component of a house on a day-to-day basis, it's where the folks living there would spend most of their day. So, all of these rooms stacked back-to-back would then create either a rear yard variance or a front yard variance. In order to avoid having to encroach into the front yard or eat away at a rear yard, they chose to pursue this design, which was the center hall, and it came with some extra width, which triggered the additional side numbers that they have here.

Mr. Maderos noted the distances from houses to houses, neighbors side to side, but there is also the distances from the private area in the rear yard and the distances to the neighbors on the back end of the house there. He has seen some of the houses in this area and it seems that the distances could feel kind of close. When that is the houses' rear yard, their back yard where they would spend time outside on their private property, he thinks it would be the wrong way to go if they ate away at that and brought the backs of these house too close together and kind of switched the amount of open air and density and private area in the back yard. For all these reasons they chose to go with the center hall which resulted in a little bit of a wider house. Again, to speak about the 10" that they took across the back, they would have loved to have reduced the width by the amount necessary to eliminate the variance for FAR, but it would render these rooms useless if they took any width away from the living room and dining room. Any narrower and they just don't function for their purpose in a house of this scale. So, they chose to take the dimension across the back.

Mr. Schuster asked if the house was almost 4,000 square feet. Mr. Maderos stated the house is technically, in terms of FAR, 2,520 square feet. Each house on the corner of this block appears to be a two-story and built out house compared to this house and its neighbor, in particular, in the middle here, which are one-story ranches. He doesn't think it would be out of context what they are proposing. There is a house built across the street new and he has done two houses around the block on Heather Hill, which 128 Heather Hill Road was 2,830 square feet and that is closest to the rear of this house. Mr. Schuster noted that the basement was finished in this house. Mr. Maderos stated that this is quite common in new construction of this size to finish the basement. Mr. Calder asked what size the property was on Heather Hill. It was stated that it was probably 75 feet wide. Mr. Maderos said that that sounds right.

Mayor Romeo wanted to know how far this house is from the houses on the north and south. Mr. McClellan stated that both the house on the north and the house on the south are 11.6 feet from the property line, so it would be 11.6 plus 12.3, or 23.9 feet. Mayor Romeo asked if he was testifying that the houses on the north and south have smaller side yards than what they are looking for. Mr. McClellan noted that he measured them today with a laser. It wasn't surveyed but that is what he got. Mayor Romeo asked if either side was new. Mr. McClellan said that the house on the north is a one-story ranch and the one on the south is a pretty large two-story house. He doesn't think it is that new.

Councilwoman Tsigounis asked if the side yards on the existing are larger. Mr. McClellan said that the existing home has side yards of 14.9 to the south and 16.9 to the north. Councilwoman Tsigounis asked if they were really comfortable with the side yards they are proposing. Mr. Maderos said that he was. Councilwoman Tsigounis stated that she sees the consolidation of the dining room and living room and everything, but it is new construction. Mr. Maderos noted that there are the four major spaces that kind of set them up with the side yards that they have ended up with that they are proposing. Starting on the left, they have a two-car garage, a two-car garage being an expected amenity in a new construction in this part of town. They could go a little less than twenty feet. Councilwoman Tsigounis noted that she sees the constraints in that the dining room is only 12 feet wide, the living room is only 12 feet and it is dictating the necessity of increasing the side yard variances from what was originally there. Mr. Maderos testified that that was the better of the two evils instead of going to the back.

Mr. Maderos stated that he has come before this Board with the other model house that runs deeper than this one. In fact, an earlier project that was introduced that he prepared the plans for, was that type of house where it is deeper. With a 95-foot-deep lot, they have a 25-foot front yard, 30-foot rear, which amounts to 55, minus the 95, leaves them with a 40 feet deep house. A 12-foot living room, 12-foot dining room, with six inch walls, giving them 13 and 13 and then the remainder, leaves them with 14. It would be 13, 13 and 14, if they were to conform. Fourteen is just a disservice to what a family room should be and it's just not viable and so they would have to kind of eat away either towards the front, which if they were already pursuing a variance, that is the direction they would first pursue to see if they could preserve a little bit of the family's rear yard. But, again, he is not sure which one the Board feels would be the lesser of the two evils, the side yards they are proposing here or encroaching into the front yard and kind of creating a precedent. He knows that is not a real common thing in Cresskill that there is a house that projects into the front yard. Or, again, getting the bulk of the rear of these houses to come

closer together in the back, where he feels there is already a feeling of tight space, where you want to spend time and feel outside and open. For all these reasons, they chose this direction and they hope the Board understands.

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

Mr. Calder asked Mr. Maderos how he starts a project. He knows what size the lot is. Does he start out thinking he wants to design a home that conforms or does he start with wanting a five bedroom, four-and-a-half bath house so the lot size is less relative? How do you get to this point where you have a too large of a house on this size lot and the request for variances? Mr. Maderos said that it is a little bit of all of that, but basically regardless of the number of bedrooms or what have you, it always begins on the first floor. They are typically trying to accommodate what you see here at a minimum. A two-car garage, a dining room, living room, foyer, family room and kitchen and a powder room, which tends to become part of the mudroom space. So, it is a matter of putting these spaces together in a way which would best conform to the conditions on the property. The side yard requirements that exist in Cresskill, with the combined requirement in particular, on a lot like this that is only 78 feet wide, that starts to create a very difficult condition for them to be able to create this arrangement of all these rooms. So, the first thing, usually when they have this constraint in terms of width is that they prepare that other model house where you have the rooms in a row so they stack more deep than wide. You have the foyer, and along side the foyer you have the living room in the front, dining room in the middle, making it closest to the kitchen for serving, and the family room at the rear because the family room wants to have a connection to the backyard. In this case, not only do they have a narrowness of 78 and change in feet, but they also have less than 100 in terms of depth, they have 95. That five feet makes the difference in that if they did have that five feet, they could stack those rooms. They could have the living room say 13 feet accounting for the thickness of the walls, dining room also 13 feet with the thickness of the walls. The rooms themselves would be a minimum dimension of 12 feet inside, like they are showing here. And then in the back you would want to have a family area like they have here proposed at 16 feet. If you add all these numbers together and you are at a house of about 45 feet deep. If they had a lot that was 100 feet deep, all of this would conform and that is the starting point that they would take. Since that didn't exist here, and they had this kind of abnormal little amount of depth, it became this type of house. And then there are little in between. Because of the room sizes, it's either that these rooms that you are expected to fit on the first floor are back-to-back or it is a center hall. For all these reasons, this is where they ended up, and because of the minimum sizes that these rooms can end up being, they ended up with the width that they are proposing today.

Councilwoman Tsigounis noted that there is 11.6 feet from the property line to the other house and 12.6 from this house to the property line, so there is 23 feet between homes and the height is under 28. That is a taller house and a minimum amount of space between for breathing room. It is tight. Mr. Maderos stated that the house they are referring to is on the south side. Councilwoman Tsigounis said that you could look at it either way because you can always envision development or something like that happening so you have to foresee what might happen. Mr. Maderos noted that on their property, on the left side where the garage is, it is a one story, and on the second floor they are four feet in from the side wall of the garage, with a much smaller bedroom that kind of encroaches over the garage. There is really only 12 or 13 feet of this bedroom depth that is on that side at least. So, it is a little softer because of the four-foot one story and the 13-foot-deep bedroom on that side which continues in either five-and-a-half or nine feet before it becomes a full house.

Mr. Calder noted that if they are not built out to the width of the garage or powder room, he is struggling with why the arrangement couldn't be more efficient. Mr. Maderos stated that if designing a house was more amoebic and rooms didn't need the space that they need, of course they could crunch this down into whatever form, but the shape that it has taken is the result of the needs of each individual room and relationship of each room to the neighboring rooms. If it is not so simple to just shift the garage room, because then the other room that is necessary on the first floor has to go somewhere else. And that room only makes sense in relation to other ones. They can't just take the dining room and shift it next to the mudroom because the dining room in that part of the house just doesn't make any sense. Of course it's next to the kitchen, but the dining room is a formal space that works with the concept of a center hall

where you arrive and you experience the formal rooms first, the dining room and living room and the formal showrooms, and the kitchen and family room tend to be the more casual spaces that folks spend time in. The only way that this would make sense the other way would be to have the living room, dining room and family room in series, which would result in an extra deep house requiring either a front yard variance or a rear yard variance instead of the side yards. Like they have been discussing, they could go that route, but this seemed to make more sense for this property because of the shallowness, the lack of depth. This has to be one of the few times that he has encountered a lot that is less than 100 feet deep. It was not easy to figure this out and choose this direction. The side yards are what they are.

Councilwoman Tsigounis asked Mr. Schuster what the applicant needs to show as far as detriment or hardship. Mr. Schuster noted that this is essentially a C Variance. That means that they don't have to show hardship, although they can show that, but they have to show special reasons. That is the requirement. Mr. Maderos noted that the C Variance would be the case in either scenario. The C Variance exists if they are proposing a wider house and a C Variance exists if they are proposing a deeper house. The hardship here is the narrowness and shallowness of the lot. It is a non-conforming lot and if were to conform, the house would probably work just fine on the property. These tight conditions are what is making the challenge here. Councilwoman Tsigounis stated that they testified that they went with the side variances so they could keep it back from the front yard, yet in the front yard they are taking down two maples. She is trying to understand if they are really working well with the context they are given. Mr. McClellan noted that the one tree falls in the driveway and that is why that tree is coming down. Councilwoman Tsigounis stated that that is based on the design. She asked again if they are working within the context of the site. Are they maximizing the potential of the site or are they plopping a house down. There are constraints that they can work within and that is why there are zoning regulations to try to keep things in conformity. Is the design lending itself to the most economical use of space? Every square inch is used, yes, but the layout of it is demanding that we grant the side yard variance that she is not quite so sure is justifiable.

Mr. Schuster asked how big the existing house was on the site. Mr. McClellan noted that the footprint was 1,282 square feet. Mr. Durakis asked if the house was for sale. Mr. Doran noted that it is not for sale. Mr. Doran is the owner of record.

Mr. Azzolina noted that from an engineering perspective, there are no issues with the plan. It is strictly a planning puzzle, with respect to the side yards. Just one question for the engineer regarding the tree location based on the ordinance revision. He stated that those trees are within that 15-foot distance of the house. He scaled it and got a number a little greater than 15 feet. He recognizes that the one tree is in the driveway and that is not to say that his reading of the ordinance does indicate that you can't take the trees down, it's that you would then have to plant replacement trees elsewhere on the property. That is the purview of the Building Department. The way the ordinance is worded, he wanted the Board to be aware of the tree situation. Two trees in the rear of the property are not trees under the ordinance. They are less than 10" in diameter and he observed them personally this evening and they are not in very good health as probably are all the other trees in the backyard appear to be overgrow and mature and probably could stand to be removed anyway. He doesn't know if that will be part of the applicant's discussion with the Construction Official regarding replacement plantings on the property. For him, the primary issue is the side yards. As stated in his letter, it improves the situation on one side of the house and makes it a little bit worse on the other side of the house. As Mr. McClellan stated, the separation distance between the houses will be equal on both sides. That is a decision for the Board to determine if the positive outweighs the negative substantially.

Mr. Maderos stated that if it is not this plan, the next viable arrangement is a deeper house that would maybe encroach into the front yard or the rear yard or a combination for a total of about five feet or so. They have already reduced this as much as they possible could. Of course, the Board is voting on the application before you, but if they are not approved, that is the backup plan, another variance but eating away at the backyard. Mr. Schuster noted that they could make the house smaller. Mayor Romeo asked what the length of the backyard as proposed. Mr. Maderos noted that it is 33 feet at the rear of the kitchen and 35 feet from the family room. The other scenario would take ten feet from what they are proposing here into the backyard. That would leave a 25-foot backyard, where 30 is required. Mayor Romeo asked what that would do to the side yards. Mr. Maderos stated that they would be reduced.

Councilwoman Tsigounis isn't convinced that that is the right way to argue. We are voting only on this application and doesn't think it is appropriate to introduce a new scenario. Mr. Schuster noted that we could talk about it, but the fact of the matter is there is an application pending which will be voted on one way or the other and the only other alternative would be if they want to amend their application in some way.

Mayor Romeo agrees with Councilwoman Tsigounis 100%. Mr. Schuster noted that they have the right to have us vote on the application as presented. They have the right to try to amend the plan if they want to do that. Or, if the Board wishes, we can give them the opportunity to carry this application to revise the plans. The only thing about revising the plans is that they are going to have to renotify everybody.

Mr. Maderos noted that if it is an agreeable option, they would like to see what they can do with the current application, before they go to vote, and pick up where we left off next time. Mr. Schuster stated that they are going to waive the statutory limits of time for us to act on the application. He explained that we are going to give them additional time to do what they have to do, but we are not going to be bound by the fact that we have to act within a certain period of time if they are going to do that. If they do not agree, we have to vote on the application tonight. If the hearing is going to be carried and they are going to make a significant change to the plans, they will have to re-notice.

Mr. Maderos agreed to waive the statutory time limit and will take the necessary notification steps if they go in the direction of changing the plan. The hearing was held over to the May 22, 2018, meeting.

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. Durakis to adjourn the meeting at 9:12 PM, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for May 8, May 22, June 12, and June 26, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary