

MINUTES

CRESSKILL PLANNING BOARD

AUGUST 14, 2018

Mr. Morgan opened the meeting at 7:34 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. 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 July 24, 2018, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

Correspondence

Letter from the State of New Jersey, Department of Environmental Protection, Division of Land Use Regulation to Mr. David Norris, Esq., dated July 24, 2018, regarding Application #1460, 52 Grant Avenue. The letter is in response to a letter received on July 12, 2018, concerning a previously issued Flood Hazard Area Permit for this single-family dwelling. Mr. Azzolina explained that this house was going to have the finished first floor at 42 feet and it ended up being at 41 feet. They had to go back to the State to okay it. This is the letter saying it was approved at 41 feet. File.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1539, 199 9th Street, Lehavit Lapid. File.

Letter of Introduction from Mr. Bob Rusch, dated August 7, 2018, sending Mr. Lumaj to this Board for approval. He would like to construct a new single-family dwelling at 56 Cedar Street. Application #1541 was received on August 9, 2018.

Memo from Ms. Francesca Maragliano to the Mayor and Council and Mr. Vincent Salvatore regarding the League of Municipalities convention. Please inform her if you are interested in attending the convention from November 13-15, 2018.

Mr. Azzolina noted that Application #1541, 56 Cedar Street, Lumaj Properties, is currently under review. He also noted that the subdivision, Application #1536M, 26 Cresskill Avenue, Lumaj Builders, LLC, is complete enough for consideration for the Board to schedule a hearing. Mayor Romeo suggested scheduling it for the second meeting in September. Application #1536M, 26 Cresskill Avenue, was scheduled for a Public Hearing on September 26, 2018. Mr. Azzolina informed Mr. Lumaj that he will have something for him on Application #1541 at the next meeting.

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of June 2018 in the amount of \$3,472.27 and for the month of July 2018 in the amount of \$3,045.97. Mr. Ulshoefer made a motion to approve, seconded by Ms. Bauer. All present were in favor. Motion approved.

Memo from Ms. Francesca Maragliano regarding Ordinance 18-16-1528, Amend 275, Article XXX – Development Fees for Affordable Housing. Copy to Mr. Schuster.

Letter of Introduction from Mr. Bob Rusch, dated August 13, 2018, sending a representative for The Conservatory of Performing Arts to this Board for approval. They would like to continue the use of the space at 300 Knickerbocker Road, #1100, as a dance and performing arts studio under a new name and ownership. Ms. Analisa Wilson was present. The old name was the Cresskill Performing Arts. The previous owner is Ms. Betsy Daly. Mr. Ulshoefer made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. Letter of approval sent to Ms. Wilson with copies to Ms. Maragliano, Mr. Rusch, the Fire Department, the Police Department and the Health Department. File.

Letter of Introduction from Mr. Bob Rusch, dated August 9, 2018, sending a representative for Edenland Wellness Massage. They would like to install an awning for their business at 21 Union Avenue. He said that he is just replacing the fabric portion of it. The frame is in very good condition. Mr. Schuster noted that it comes down to the actual signage aspect of it, meaning the square footage of the letters and numbers. The building is about 200 inches wide and the awning is about the same size. Mr. Schuster noted that they would be entitled to about 100 square inches of signage. They have about 200 square inches of lettering on the awning. If they just use the actual letters, they will still be over. Councilwoman Tsigounis noted that there are a lot of letters on the awning. Mr. Morgan asked if they need all the information on the awning.

Mr. Schuster explained that if the whole face of the building is 200 inches, they are allowed 100 square inches. Mr. Ulshoefer said that if they take some of it off, it would be better. Mayor Romeo suggested that they leave the phone number, say “massage,” and the name of the business. They agreed to have the name of the business, the type of business, just massage, and the phone number. Letter of approval e-mailed with copy to the Building Department.

Ms. Lois Chun was present for a re-occupancy at 22B Union Avenue. She received a Letter of Introduction from Mr. Bob Rusch but did not have it with her and the Board did not receive a copy. She wishes to open a shop called Arkiv Shop Inc. at this location. She has a store in Edgewater and is hoping to open as soon as possible. It is a resale shop. She will take down the awning. She has been waiting for a spot in Cresskill for a long time. Arkiv Shop is a street clothes and sneaker shop. It is very family friendly. Ms. Chun noted that they don't really need a sign. That is the whole industry of it. People know how to find them. That is how it works. If you look on-line, some of the larger shops in New York City have over half a million to a million followers and they don't need any signage.

Ms. Chun noted that the brand Supreme has a lot of fun accessories. A lot of people are afraid to use the accessories because they are thought to be collectibles. They are very close to Keremo so they wanted to make fresh pudding for them to serve is the accessory cups and they will provide pre-packaged snacks or fresh cut fruit. She has a food background. Mr. Schuster asked if the food items would be consumed on the premises. Ms. Chun said she would allow it if the town would allow it. Everything is disposable and nothing is cooked on premises.

Mr. Schuster noted that the parking requirements for retail establishments that sell clothing is different than what you would have for some place where you are consuming food. Ms. Chun noted that a lot of people tend to grab and go. They usually spend only 10-15 minutes in the store.

Mr. Mandelbaum asked if it was a resale shop, how are they able to get all this merchandise. Ms. Chun said that she already has the merchandise. Everything is legitimate and everything is brand new. Nothing is used. Everything is bought on-line and they know how to authenticate most products. Their hours will probably be 12-7 or 12-8. They can't sell clothes on Sunday but may be open to sell the snacks and accessories. On weekends, they may be open from 11-6 or 11-7.

Ms. Bauer asked what an accessory was. Ms. Chun noted that keychains, water bottles, stickers, pens, snow globes and stuff like that are accessories. They are one of the biggest sticker collectors on the East Coast. She thinks they will bring good attraction to the area. Mr. Morgan is a little uneasy about the

Sunday opening. Councilwoman Tsigounis thinks opening on Sunday is OK, especially because the other shops aren't open.

Ms. Chun noted that Supreme is a New York based streetwear design. They do a lot of collaborations. She promises to keep the store very family friendly. She has a large stash of fashion that she is sure the parents would really hate. They will rearrange all their sticker frames to make sure that it doesn't offend anyone. She knows that schools don't allow vulgar language on campus so it is up to them to do it outside of school. Mr. Ulshoefer stated that she is still promoting kids after school walking around with vulgar shirts on. He thinks that is going in the wrong direction. Ms. Chun noted that for minors, they ask them to have parental permission before purchasing something that is vulgar. She said that some parents don't appreciate it and some parents don't mind it. Some of these pieces are collectibles. Some of the pieces that are too vulgar, she will make sure that they are not promoting them. Some of them they are not even selling because they are so rare.

Ms. Chun noted that Supreme bases their whole brand on the first amendment. She is being honest and upfront about what the fun side of it is and what the worst side of it is and how she will adjust to what makes everyone comfortable. Some people want to come in to see these rare pieces. She understands there is a pristine level of what the Board is looking for. In no way do they promote that they are trying to sell it to someone, but if the child comes in with their parents and they consent to it, they cannot stop them from what they want to purchase.

Councilwoman Tsigounis stated that their concern is that they would prefer there not be any profanity. If she can control that, that is the issue. Mr. Rummel asked how many people come in to the store in Edgewater. Ms. Chun noted that on the first day they had a line from 8:00 AM. They are small peanuts compared to a lot of the major resellers in the city. There is another one in the Garden State Mall that is a lot bigger than them. This isn't her main job. Her main job is to do marketing production for Korea. This is just a nice hobby that they have all come together to enjoy and she thought there were a lot of people who would appreciate this in this area. This is not a franchise. She has an e-commerce website. Edgewater hasn't given her any questions on this.

Mr. Morgan would like to take it under consideration and study it. Councilwoman Tsigounis stated that she will probably not consider it if those items are sold. Mr. Schuster noted that anything displayed in the window could be covered by the sign ordinance because it is a form of advertisement. Mr. Morgan doesn't think he would like anything like this in town. Ms. Chun asked if she took off all the profanity displays, would that be okay. She will do what it takes to cooperate to get into town to do this. What if a shirt is political? She will not display anything that has profanity.

Ms. Chun stated that if you do research, you will find out about Supreme and find that it is something that is enjoyable and it contributes to a lot of stuff in many ways. She won't encourage the profanity and she will make sure it is not displayed. She would rather be honest and upfront about it now. Councilwoman Tsigounis is also concerned about stirring up controversy in town. Mr. Morgan still feels that the store is offensive to him. The profanity bothers everybody more than political stuff.

Mayor Romeo wants to have a conversation with Mr. Angeletti, the landlord. Mr. Morgan recommended that Ms. Chun come back to the next meeting. Mr. Schuster also recommend that she come in with an interior diagram of the store.

Subdivision Committee

Councilwoman Tsigounis noted a couple of new applications were received tonight. Application #1538M, 403 & 411 12th Street, Robert & Maritza Mier was received July 30, 2018 and is currently under review. Application #1539, 199 9th Street, Lehaviv Lapid/Norberto Szerwdszarf, was received August 2, 2018, and is currently under review. Application #1540M, 35 Westervelt Place, Robert & Theresa Zerrenner, was

received on August 6, 2018, and is currently under review. Application #1541, 56 Cedar Street, Lumaj Properties, was received on August 9, 2018, and is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that Application #1539, 199 9th Street, Lehaviv Lapid/Norberto Szwerdszarf, went to the Zoning Board. Ms. Lapid was present and noted that they went to the Zoning Board only for the height variance and they said that they usually don't hear that variance if the height is no more than 10% over. They did not have a hearing at the Zoning Board. Mr. Schuster stated that they are coming here for a height variance and site plan approval. Mr. Azzolina stated that it is an undersized property and it requires other variances, impervious coverage, combined side yards. It is a single-family home in a residential zone. He has reviewed it and it is substantially complete as presented. This can be scheduled for a Public Hearing. The Public Hearing was scheduled for August 28, 2018. The applicant was informed that an attorney needs to be here to represent her as well as the engineer and architect.

Mr. Azzolina reported that Application #1537, 18 Kenilworth Drive, was the subject of a minor subdivision to create two lots. Now we have a single lot with a larger single-family house and a different owner, Mr. Frider. It complies with the FAR, the setbacks, all the coverages are proper, the height is conforming and no variances are required. The architecture was done by Mr. Raul Maderos. Mr. Frider noted that there is a three car-garage on the side of the property. It is an oversized lot in the R-10 zone, with 20,280 square feet. The square footage of the house is 4,322. It is a larger house, which seemed to be the preference of the Board. Certain information needs to be added to the plan, which is minor in scope, relative to some dimensions on the patio and offsets to the driveway to verify that the coverages are what they are stated to be. Right now, the plan is compliant, but they need to confirm that. There is a single driveway entrance on Kenilworth. They will be living in the house.

There are 37 trees to be removed. Mr. Frider noted that he already paid for the permit and left a bond for the new trees. Mr. Ulshoefer noted that in addition to the trees, he is also supposed to have a buffer zone in the back of the property. Mr. Frider stated that they are going to do it for privacy. Mr. Ulshoefer stated that it is also part of the ordinance. Mr. Azzolina noted that on this plan they wouldn't satisfy that requirement because there is a retaining wall approximately five feet off the property line. The pool is tucked into the back. You can plan something within the five-foot area on the top of the wall. The plan doesn't depict an offset. He is showing 9.2 feet to the corner of the pool. He approximates it at 4-5 feet behind the retaining wall. It is not ten feet as required by code. The is the aspect of the code that he thought the construction official would be looking at those things, so he didn't necessarily comment on that. Mayor Romeo said that he would get Mr. Rusch to tell him what he needs to do.

There are no variances required. There are a couple minor details that Mr. Azzolina will resolve with the applicant's engineer, but he would recommend that the plans be approved at this time subject to and then he will coordinate with the Building Department when the permits can be issued. Assuming the engineer will be able to address his comments in a week's time, he would recommend the Board approve the plans if that's their desire. Mr. Mandelbaum made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Mr. Azzolina reported that Application #1540M, Robert and Theresa Zerrenner, 35 Westervelt Place, is currently under review. Also, Application #1539M, Robert and Martiza Mier, 403 and 411 12th Street, is under review. They are shifting the existing lot line. It creates variances on both properties. There is still an impervious coverage variance on the bigger piece. It is termed a minor subdivision, but under our ordinance, it is a major subdivision because they are seeking variances. In essence, they are seeking to move a lot line, plus or minus 10 feet, to lessen the impervious coverage condition that exists on one of the properties. The thing that is unique about this application is the same person owns both properties.

Old Business

None.

Resolution for Application #1529, 23 Legion Drive/25 Division Street, is going to be adopted with the following amendments. On Page 4, the parties agree that sidewalks will be installed on Broadway, Legion and the westerly side of Division Street. On Page 3, the applicant will pay for four affordable housing units to be built elsewhere in the Borough. On Page 11, subparagraph P, will read "not less than 12 trees in appropriate places and appropriate screening."

Mr. Ulshoefer introduced the resolution as amended, seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Mr. Calder and Mr. Durakis were absent. Motion approved. The original resolution shall become a permanent part of these minutes.

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. Malone to adjourn the meeting at 8:48 PM, seconded by Ms. Rummel. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for August 28, September 11, September 25, and October 9, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary