

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**SEPTEMBER 11, 2018**

Mr. Morgan opened the meeting at 7:39 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. Ulshoefer, Mr. Malone and Mr. Rummel. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

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Mr. Ulshoefer made a motion to approve the minutes of the August 28, 2018, meeting, seconded by Ms. Bauer. All present were in favor of the motion. Motion approved.

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#### **Correspondence**

Letter of Introduction from Mr. Bob Rusch, dated August 20, 2018, sending Mr. Patel to this Board for approval. He would like to expand the Cresskill Tavern to the two former neighboring spaces to add a commercial kitchen and dining room to create a full restaurant at Cresskill Tavern, 29 East Madison Avenue. No one was present, and no plans/layouts were received.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated September 11, 2018, sending a representative for Jack's Lobster Shack to this Board for approval. They would like to install a new lit sign for their business at 38 Union Avenue. They will be using the existing electric sign box and will not be increasing the size. The representative noted that it is the same size, same box and same electric. They plan on opening in mid-October. Mr. Morgan asked if there was a time limit on the lights. The representative noted that they can put a timer on the sign. Mr. Ulshoefer made a motion to approve, seconded by Mr. Calder. All present were in favor. Motion approved. An approval letter sent to Jack Tabibian, with copies to Ms. Maragliano and the Building Department.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1533M, 462 Knickerbocker Road, 15 Wakelee Drive Corp., c/o Mario Valente. Copy to Mr. Schuster. File.

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#### **Subdivision Committee**

Councilwoman Tsigounis reported that a revised plan for Application #1538M, 403 & 411 12<sup>th</sup> Street, Robert and Maritza Mier, was received on September 7, 2018. Mr. Azzolina noted that the only change is the title of the drawing. It was initially presented as a minor subdivision and it is a major subdivision because they are seeking variances. That is the only change on the drawing. It is the same internal transfer of properties between the same owner. This is scheduled for a Public Hearing for October 9, 2018. This is to address the impervious coverage issue that exists. Mr. Azzolina's understanding is that he exceeded what he was permitted to do, and he is trying to correct it. It is not 100% corrected and he still requires variances. This will result in a six-foot side yard on the one property with a one-story framed dwelling.

There was some discussion about alternatives to taking the whole 10 feet. One alternative would be to take only five feet and request an impervious coverage variance. Mr. Azzolina explained that another alternative would be that he would have to take out the extra patio area that he created when he constructed the pool. When the pool application was presented to the Building Department, the patio was a certain dimension and then it was determined after the fact that it was built to a larger dimension and that created the impervious coverage variance condition. This is the attempt at solving it. Either way he has to have a Public Hearing for a variance either for impervious coverage and/or for the side yard variance.

Mr. Azzolina noted that he does not show on the plan what the impervious coverage currently is and what it is proposed to be with moving the property line. He will have the applicant be prepared to present that information at the Public Hearing.

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

Mr. Azzolina reported that there are no new applications. Mr. Lou Zimick was present to discuss his "as built" condition on his property at 70 Park Avenue. The builders put a patio in the back and added two additional rows of pavers to the patio because they thought it was too small. Now the "as built" shows it is over on the impervious, so he is asking for a de minimus waiver. Mr. Azzolina explained that the plans that were submitted to the Board originally depicted a deck at approximately the same dimensions but, under our code, decks, for whatever reason, do not count toward impervious coverage, whereas, paver patios do. This speaks to free flow of water, so, assuming that you do not have an impervious surface underneath the deck, whatever water comes through can seep into the ground. Paver patios, theoretically, runs off. This is really just a numerical thing that this was a 50-foot lot that was created by a subdivision and the applicant obtained a variance to a specific percentage of impervious coverage. The "as built" was submitted. Mr. Azzolina does not have the power to grant variances above and beyond what was approved. Mr. Calder asked what was approved and what it is now. Mr. Azzolina noted that it was approved at 39.2% and it was constructed at 41.84%, which is 2.64% or 132 square feet. It is the same dimension as what the deck was going to be. He does not have the ability to approve that. He needs to sign off on the CO, which is why Mr. Zimick is here.

Mr. Morgan thinks the Board should go ahead and approve it. Mr. Zimick explained that he has the table and chairs back there now and the chairs are spilling off the patio, so they wouldn't have been able to use the deck. They are not builders, but they were in the fortunate position to build a house. In the planning stages, when you look at it on paper, that looked great. But in practicality, in real life, it wouldn't have worked. They weren't trying to build something that big and intrusive on their neighbors, they went with what was approved thinking that it wasn't an issue. The patio is 9 x 11 or 9 x 12. Mr. Azzolina noted that they are approximately 15 feet from the rear line to the edge of the patio.

Mr. Calder made a motion to approve the de minimus waiver for the patio. Mr. Durakis seconded the motion. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. Motion approved.

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### **Old Business**

None.

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Resolution for Application #1539, 199 9<sup>th</sup> Street, Lehavit Lapid/Norberto Szwerdszarf, was introduced by Mr. Ulshoefer and seconded by Mr. Morgan. On Roll Call: Mayor Romeo, Mr. Morgan, Ms. Bauer, Mr.

Ulshoefer and Mr. Malone all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

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**New Business**

None.

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**Other Business**

None.

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

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Motion was made by Mr. Durakis to adjourn the meeting at 8:06 PM, seconded by Ms. Bauer. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for September 25, October 9, October 23, and November 13, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary