

MINUTES

CRESSKILL PLANNING BOARD

DECEMBER 14, 2021

Mr. Ulshoefer opened the meeting at 7:27 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, Councilman Kaplan, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, and Mr. Sutera. Ms. Tsigounis arrived at 7:35 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

Ms. Bauer made a motion to approve the minutes of the November 23, 2021, meeting, seconded by Mr. Sutera. All present were in favor of the motion. Motion approved.

Correspondence

Letter from Mr. Mark D. Madaio, Attorney for Application #1578M, 33 Westervelt Place, Jameli and Drita Ferati, enclosing 15 sets of this application, which was received on December 14, 2021.

Letter of Introduction from Mr. Bob Rusch dated December 9, 2021, sending a representative for Jameli & Drita Ferati to this Board for approval. They would like to subdivide the lot at 35 Westervelt Place into two lots of 50 feet each. Application #1578M was received on December 14, 2021. (Letter from Mr. Madaio stated the lot was 33 Westervelt Place.)

Letter of Introduction from Mr. Bob Rusch, dated November 30, 2021, sending Mr. Rhee to this Board for approval. He is purchasing the business at 2 Piermont Road. Café Rx will remain a deli. Mr. Rhee was present. This is a commercial change of ownership from Kyong Il Yu to Danny Rhee.

Letter of Introduction from Mr. Bob Rusch, dated December 9, 2021, sending Mr. Richard Gonci to this Board for approval. He is seeking a driveway waiver (as per 218-E(1)(c)) at 118 14th Street.

Letter of Introduction from Mr. Bob Rusch, dated December 9, 2021, sending a representative for Han Sung Church to this Board for Approval. They would like to construct a permanent sign at 168 Lexington Avenue. They previously applied to the Board in January 2020 but have since modified their proposal. The installation must be in accordance with Borough Code 275-44. In addition, he has noted that according to the Borough Code 275-51 D, the colors red and green cannot be used on a sign on a corner lot.

Letter of Introduction from Mr. Bob Rusch, dated November 30, 2021, sending a representative for Cresskill 243 LLC to this Board for approval. They would like to construct a new single-family dwelling at 243 East Madison Avenue. No plans have been received.

Resolution: "WHEREAS, the Borough of Cresskill is required, pursuant to the Municipal Land Use Law (MLUL), to conduct periodic Master Plan Re-examination Report; and

"WHEREAS, the Borough has requested quotes from various Planners to provide consulting planning services in preparation of a Statutorily required Master Plan Re-examination Report; and

"WHEREAS, Burgis Associates, Inc. has presented a Proposal dated November 2, 2021, for the preparation of the Statutorily required Master Plan Re-examination Report; and

"WHEREAS, a copy of the Proposal is attached hereto and incorporated herein as if set forth in its entirety; and

"WHEREAS, the Planning Contract for professional services shall not exceed fourteen thousand dollars (\$14,000.00) without prior Council approval;

"NOW THEREFORE BE IT RESOLVED, that the Council does hereby appoint Joseph H. Burgis at Burgis Associates, Inc. to prepare the Statutory Master Plan Re-examination Report as outlined in their Professional Service Proposal incorporated herein;

"BE IT FURTHER RESOLVED, that a certified to be true copy of this Resolution be served upon Joseph H. Burgis at Burgis Associates, Inc.; Robert Ulshoefer, Planning Board Chairman; Borough Administrator, Ed Wrixon; Borough Clerk, Francesca Maragliano, Borough CFO, Alison Altano."

Subdivision Committee

Ms. Tsigounis noted that Application #1578M, 33 Westervelt Place, Jameli & Drita Ferati, was received on December 14, 2021. It is currently under review.

Application #1577, 105 Heather Hill Road, Ori & Ziv Dermer, was received on December 3, 2021, and is currently under review. Ms. Bauer noted that this has been passed by the Zoning Board. Mayor Romeo asked Mr. Stamos what his opinion was on this. He would prefer that they come to the Planning Board first before they go to the Zoning Board on a new structure. Mr. Stamos noted that legally what they have to do is get the FAR variance, which is a variance they get from the Zoning Board. Before we can even really look at it, it would probably be better that they get the Zoning Board approval, just from a legal standpoint. If we go and say it is fine from a site plan standpoint, you don't want any appearance that we are granting variances when it is a D variance. Ms. Bauer said that they could still turn it down if it is too big for the lot.

Mr. Malone asked if the Zoning Board grants everything, what can the Planning Board do from a legal standpoint. If it is an FAR, it has to go to Zoning. And Zoning can approve everything in addition to the FAR? Mr. Stamos said that is correct. That is what happened here. The resolution from the Zoning Board approved all the variances. Mr. Stamos stated that they are here because we have a practice of having new construction come before the Planning Board. They were granted all the variances by the Zoning Board. Mr. Malone wanted to know what we could do, if anything.

Mayor Romeo stated that that should not have happened, and under no circumstances should this happen again. Ms. Tsigounis wanted to know how this happened to begin with. Mr. Stamos stated that we should have the practice that they come here first in the future and then we will tell them where to go from here. Mayor Romeo doesn't think the Zoning Board has the capability to approve some of these variances. That is why we have an engineer on this Board. Mr. Malone wanted to understand the process. It goes to Zoning before Planning if it needs an FAR. Mayor Romeo stated that that is all they are supposed to rule on and then it is supposed to come to us for site plan approval and all the other stuff. The Zoning Board approved all the other stuff when they shouldn't have.

Mr. Stamos stated that under the Municipal Land Use Law, when the subject matter jurisdiction vests in the Zoning Board based upon the D variance, they are granted the authority to grant all other variances. This is a difficult situation. Ms. Tsigounis stated that she has never seen this happen before.

Report from the Borough Engineer's Office

Mr. Azzolina reported that both Application #1578M, 33 Westervelt Place, and 1577, 105 Heather Hill Road, are currently under review.

Old Business

None.

New Business

Mr. Richard Gonci of 118 14th Street was present. He is requesting a driveway waiver. Mr. Gonci stated that he has an existing driveway that is pretty small. It only fits a single vehicle. He is looking to extend it beyond the existing driveway about 10 feet by eight feet. It wouldn't impede on anything that the driveway isn't already impeding on. He just wants to elongate it so he can fit the two vehicles in the driveway. He is not widening it he is just lengthening it by 10 feet further back. It will be 10 feet long by eight feet wide. The lot is 130 feet deep, so it doesn't bother the impervious coverage. Ms. Tsigounis made a motion to approve, seconded by Mr. Malone. All present were in favor. Motion approved. A letter of approval was sent to Mr. Gonci, with copies to Ms. Francesca Maragliano, Borough Clerk, and Mr. Bob Rusch, Construction Official.

Mr. Danny Rhee was present. He is buying Café Rx which is located at 2 Piermont Road. He is buying the existing business. They don't have the pharmacist license, so they are just getting rid of the Rx part and continuing with the deli. They will continue to have the outside dining. They are buying just the business not the building. The name will stay the same. Ms. Bauer made a motion to approve, seconded by Ms. Tsigounis. All present were in favor. Motion approved. Letter sent to Mr. Rhee with copies to Ms. Francesca Maragliano, Borough Clerk, Mr. Bob Rusch, Construction Official, The Fire Department, The Police Department and the Health Department.

Mr. Andrew Yang from FiSigns, representing the Han Sung Church, 168 Lexington Avenue was present regarding the new sign. There is an existing freestanding sign there that is 42" x 52" that they are proposing to replace. It is 15.17 square feet. Right now it is cemented into the ground. They are going to take that out and put the new sign back in. The new sign is 15.28 square feet. It is slightly bigger. The last proposal was made by the pastor of the church. This time they hired FiSigns. He knows there is an ordinance issue with the color being green. This is so that it is not confused with a traffic signal on a corner. No one on the Board had a problem with this sign being green due to the placement of the sign. Mr. Malone made a motion to approve, seconded by Ms. Bauer. All present were in favor. Motion approved. Letter of approval sent to Mr. Yang stating the Board's approval with copies to Ms. Francesca Maragliano, Borough Clerk, and Mr. Bob Rusch, Construction Official.

Other Business

None.

Mr. Ulshoefer opened the meeting to the public. No public wished to be heard. Mr. Ulshoefer closed the meeting to the public.

Motion was made by Mr. Sutera to adjourn the meeting at 8:01 PM, seconded by Mr. Malone. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for January 11, February 8, February 22, and March 8, 2022, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary