

MINUTES

CRESSKILL PLANNING BOARD

OCTOBER 9, 2018

Mr. Morgan opened the meeting at 7:30 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, 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. Durakis made a motion to approve the minutes of the September 25, 2018, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

Correspondence

Dues notice from the New Jersey Planning Officials for the year 2019. Okay to pay.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated September 24, 2018, sending Mr. Vin DeRobertis to this Board for approval. He would like to construct a new single-family dwelling at 182 Madison Avenue. The owners are Joseph & Louann Funiciello. Application #1544 was received on September 28, 2018.

Voucher from Mr. Steven V. Schuster for Services rendered relative to the Cresskill Planning Board for the month of August 2018 in the amount of \$3,354.17. Ms. Bauer made a motion to approve, seconded by Mr. Durakis. All present were in favor. Motion approved.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated September 24, 2018, sending Mr. Patel to this Board for approval. He would like to construct a new single-family dwelling at 105 Westervelt Place. Application #1545 was received on October 5, 2018.

Mayor Romeo asked Mr. DeRobertis if he was taking over the property at 182 Madison Avenue, Application #1544. Mr. DeRobertis noted that it is exactly the same application that was before the Board previously. The footprint is the same and everything is the same. Mr. Azzolina stated that the only plan he received was an 8 ½ x 11 copy. Mr. DeRobertis stated that that is what was requested. He sent in one set of plans. Everything is exactly the same as what was previously approved. Nothing has changed.

Mr. Azzolina asked if his name was on the plans as opposed to Mrs. Lee. Mr. DeRobertis stated that it is JDL. Mr. Azzolina noted that he needs a full-size copy of the current drawings just to make sure that they are in fact identical, assuming the Board would be okay with his subsequent review and reporting to the Building Department. Mr. DeRobertis noted that he submitted a full-size site plan. Mr. Azzolina asked him how many he submitted. Mr. DeRobertis stated that he submitted one because that is what they asked for. They kept calling up and they kept saying 8 ½ x 11, so they made 15 copies of it. He noted that it actually says on the application 8 ½ x 11. Mr. Azzolina stated that typically engineering drawings are 24 x 36. The Board is familiar with this application, so he doesn't see that as an obstacle. He asked

Mr. DeRobertis if he was aware of the County requirements associated with this application. Mr. DeRobertis stated that he was. Mr. Azzolina asked if he posted the bonds with the County. Mr. DeRobertis noted that they didn't do any of that yet. Mr. Azzolina explained that that does need to be taken care of in advance of the permits. He said that if Mr. DeRobertis is able to provide to his office a full-size set of architectural and engineering drawings, he can review them. Mr. Morgan stated that the Board needs copies as well.

Mr. Morgan noted that this house was the one with the flat roof that we had a problem with. Mr. Azzolina stated that it still has a flat roof but there is no access, which was one of the issues. And the stairs were taken out. Mr. DeRobertis noted that the plans that he submitted has no stairs and he leveled out the roof, so it is all one height. The roof is basically flat. Mr. Azzolina's recollection is that the second plan that was approved had a flat roof and never had a stairway. Mr. DeRobertis stated that they never took the stairway out. Mr. Azzolina stated that what he is hearing from the Board is that they want to see the revised drawings full-size for the next meeting. Mayor Romeo asked that he submit 15 full-size plans and find out what is needed by the County and then we can get this approved if it is the same exact plans.

Subdivision Committee

Mr. Morgan reported that a new Application #1545, 105 Westervelt, Hitesh and Heena Patel, was received on October 5, 2018, and was currently under reviewed.

Report from the Borough Engineer's Office

Mr. Azzolina reported that the DeCarlo Application #1542, 94 Heather Hill Road, FDC Development LLC, are accurate and acceptable as presented. There are a couple minor computational drafting errors on the plan. The minimum side yard needs to be corrected to the 35.33, which is greater than the 35 feet. It currently reads 33.33 feet. The FAR calculation at the bottom of the plan has a drafting error. It is shown to be 37.24 and it is actually 34.24, which is a compliant FAR. The site design is in excess of what's required. There are two seepage pits provided. The drainage is adequate. The only minor deviation from the requirements of the code are with respect to the garage under, so he has 25 feet of retaining wall along both sides of the driveway. The first five feet approximately as measured from the dwelling towards the street are in excess of four feet, which, under our code, would theoretically be a variance condition. He knows in the past the Board has accepted that as a minor deviation without requiring the applicant to go through the hearing process, if that is how the Board would like to proceed on this. Mr. Morgan asked if that is the same as the house across the street. Mr. Azzolina stated that it is. Mr. Morgan stated that we should be able to live with that. Mr. Azzolina noted that the property is otherwise non-conforming with respect to its width and area, 75 x 100, as opposed to 100 x 100, which are existing, non-conformities. Once again, the Board has, in the past, recognized those as not requiring Public Hearings. The plan as presented, with those minor drafting corrections, is acceptable from his perspective.

Mayor Romeo asked if Mr. DeCarlo was asking for a waiver. Mr. Ulshoefer asked if the garage was underneath. Mr. Azzolina stated that adequate protective measures are being provided, a trench drain at the end of the garage, sump pump, emergency generator as was required on the other applications. He thinks it has proven successful. He is not aware of any floods on the other properties where this design has been implemented. This house has the benefit of being kind of at the crest of the hill as opposed to the bottom of the hill. He has a berm at the entrance to the driveway, so it is very unlikely that any water from the street will enter the driveway.

Mr. Morgan made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Mr. Azzolina stated that he has had a couple discussions with the applicant's architect for Application #1543, 29 East Madison, Cresskill Tavern, regarding their concept. They would like to present the plan to the Board tonight. Mr. Rosenberg, the attorney for Cresskill Tavern was present, as well as the Architect Mr. Frank Hall. Mr. Dave Patel, the owner, was also present.

Mr. Rosenberg stated that this is just an informal hearing and it is just to get some of the Board's feedback. They have Cresskill Tavern, and next to Cresskill Tavern are two vacant spots, Mom's Cooking and a dentist. Mr. Patel wants to expand Cresskill Tavern into those two spaces in order to have more of a restaurant type operation. He also wants to be able to open the side of the premises that faces Madison Avenue in order to provide some outdoor seating. That is really the nature of the application.

Mr. Hall pointed out East Madison and the store fronts facing the interior of the block. Cresskill Tavern at the west end of the property, the former orthodontics office next door and Mom's Cooking next to that. There are two other store fronts after that. On the other side of the lot there is the Hudson Drug, the dry cleaners, the former Cresskill Pizza, which is going to be the Lobster Shack. Mr. Patel wishes to expand into the adjacent two tenant spaces. The location of the desired outdoor seating is on the Madison Avenue side. It is just the back of the building facing the street now. With this proposed development, it would be more of a front facing the street. The main entrance will remain on the parking lot side, just because that is where the parking is and there is an existing entrance and an existing familiar traffic pattern. It will be possible to come from the other direction as well.

Mr. Hall showed the proposed floor plan. The existing Cresskill Tavern will remain the same, the middle section, the former orthodontic space, will be seating, and the former Mom's Cooking space will be the kitchen and cooking area, food storage, refrigeration and so forth to serve the combined operation. Outside would be the proposed dining. They are proposing to put a roof over that so that while it is seasonal, it could be a little bit more reliable. It will be a hard roof. There is a 10-foot front yard setback requirement over there. The design they are showing requests a little bit of a setback encroachment. He pointed out the 10-foot setback line. They are compliant on one end, but on the other corner there is a little bit of an encroachment. They have six feet where 10 feet is required. They have an excess on the other side. It is because of the nature of the building being at an angle to the street. That is just to give them just enough to have a comfortable roof area for two rows of tables and some small high-top tables. There would a number of accesses to the building on the Madison Avenue side.

Mr. Schuster asked what the distance is between the building and the curb line. Mr. Hall stated that it is about 40 feet. They will be doing some landscaping and making it more attractive. Mr. Azzolina stated that a question was asked about what variances would be required. He noted that a front yard setback and probably a parking variance for the overall uses on the site but recognizes that the kinds of uses are probably not overlapping. Mr. Hall agreed that the peak uses for them would probably not be the same versus some of the other uses on the site.

Mayor Romeo stated that they will have to come in for a formal Public Hearing. Mr. Rosenberg agreed that they would have to do that. Mr. Azzolina noted that one of the unusual aspects of this application is that it is unusual in that we don't have any other in town and that is the outdoor bar concept that they are showing. Mr. Hall pointed out the bar that is basically double sided. At the times when the outdoor dining space could be utilized, they will be able to open up the windows along the side of the bar and patrons will be able to access the bar from both sides. It will be an open indoor/outdoor type of experience. In the warm months, they would see a lot of circulation between inside and outside.

Mr. Morgan asked how big the roof was going to be. Mr. Hall noted that it will be about 20 feet from the building with a series of columns. Mr. Schuster asked if there was going to be a barrier between the seating and the roadway. Mr. Hall stated that there would be. This is not a fully developed site plan. Mr. Calder asked about music that might spill out into the neighborhood. Mr. Patel said he has no plans for live music. Mr. Durakis asked about the roof. Mr. Hall stated that it would be a permanent solid piece of construction. He thinks that from an architectural standpoint, it is actually a more desirable look than a fabric structure that gets a little bit tattered over time. They want it to really look like an appropriate front of the building.

Mr. Schuster asked about removing trees from the site. Mr. Hall said he doesn't anticipate it. The major sizeable tree is on the property line and they don't see themselves encroaching into that. The rest within the area of the roof is just grass and a few shrubs. Ms. Bauer asked about having a bicycle rack somewhere. Mr. Hall stated that this is not a fully developed site plan, so they don't have all of those site amenity details, but certainly that is something they can consider.

Mr. Calder asked about the parking spaces. Mr. Hall noted that they analyzed the parking in terms of the entire property, what would be generated by the existing uses and the proposed uses, including the tavern based upon the number of seats, separately for the seasonally outdoor seats, and the adjacent tenancies in the existing building on a per square foot basis and what is generated by the other building. They are looking at all of the parking and all of the uses on the site.

Mr. Azzolina asked where the mechanical equipment would be relocated because it is all along the back of the building today. Mr. Hall said that they are looking at getting some of the equipment, and within the existing tenant spaces, there is individual split systems for all the spaces, and they are looking to consolidate that into mechanical equipment that serves the entire space in a coordinated way. They will be looking at getting some of the equipment up on the roof in a shielded equipment area.

Mr. Calder asked about the hours of operation. Mr. Patel noted that it will pretty much remain the same, Monday-Thursday they are open from 12:00 PM to 1:00 AM, Friday and Saturday from 10:00 AM to 2:00 AM, and Sunday from noon to midnight. Mr. Calder stated that that is quite an overlap with the Farmhouse. Mr. Rosenberg noted that the Farmhouse is not allowed to use the parking spaces on this property. Mr. Mandelbaum agreed that they are not legally allowed to use the parking now. Mr. Schuster stated that we know by ordinance what you are required to have, but the problem is how do you prove whether or not you have adequate parking without knowing what everybody else is using. Mr. Rosenberg knows the other users within their area. The Farmhouse has no legal right to use any of these spots.

Mr. Hall noted that the formal site plan will have of the details that would answer some of these questions and the appearance of what they are proposing. Mr. Durakis noted that the restaurant would stay open the same hours as the bar currently stays open. Mr. Patel stated that that is correct. He will be serving sports bar type of food. Mr. Rosenberg noted that it will be about two months before they are ready to come back with a complete site plan.

Mr. Azzolina reported that Application #1540M, 35 Westervelt Place, Robert and Theresa Zerrenner was termed a minor subdivision, but it is actually a major subdivision because it has several variances associated with it. That was initially presented as a subdivision/site plan, but the application was not made for site plan, so he had a recent conversation with the applicant's attorney. They basically have withdrawn the site plan aspect of the application, so it is strictly a major subdivision. The site plan information that is provided is more of a concept plan. He has reviewed the submittals and the finding is that they are incomplete on a number of areas. He has prepared a memo outlining the deficiencies. It is strictly to create two 50-foot lots, one of which will have the existing dwelling on it. The other one will have a proposed dwelling on it.

Mr. Azzolina has prepared a report for tonight's Public Hearing for Application #1538M, 403 and 411 12th Street, Lumaj Builders, LLC.

Old Business

None.

Resolution for Application #1536M, 26 Cresskill Avenue, Lumaj Builders, LLC. Mr. Durakis introduced the resolution, seconded by Mr. Mandelbaum. On Roll Call: Mayor Romeo, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Rummel all voted yes. Councilwoman Tsigounis was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Public Hearing – Application #1538M – 403 & 411 12th Street

Mr. Morgan has recused himself from this portion of the meeting. Mr. Matthew Capizzi, 11 Hillside Avenue, Tenafly, was present representing the applicant for Application #1538M, 403 and 411 12th Street, Robert and Maritza Mier. Mr. Capizzi noted that this application is for subdivision and bulk variances. On 411 12th Street the applicants constructed a pool in 2017 and at some point along the way in construction, they deviated from the plan which resulted in a non-conforming impervious coverage situation on 411. As a means of addressing the impervious coverage overage, they are proposing to take some property from 403, which is a contiguous piece of property that they own, give that land area to 411, and also remove some of the non-conforming pool patio area. They will still need an impervious coverage variance, but they are essentially cutting the amount of the non-conforming situation in half. They have the impervious coverage variance for property 411, as well as a side yard variance for property 403 12th Street.

Mr. Michael Hubschman is the engineer and planner on the project. He will go through the specifics on the project. As part of their preparation for this evening, they have opted to modify the plan. As originally proposed, they were going to be taking 10 feet from 403 and giving that area of approximately 1,000 square feet to 411. They have opted to modify the plan to only take five feet in width from 403 and give that area to 411 and Mr. Hubschman will go through the numbers of actually how much land area is being conveyed from one parcel to the other and how that effects the variance they are looking for on 411. To keep the number on the plan of roughly 33%, they will be taking some additional amount of patio area away from pool.

Mr. Michael Hubschman, licensed professional engineer and planner, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. Mr. Hubschman has appeared before this Board many times before. His license is presently in good standing. He was accepted for the purposes of tonight's hearing as both a licensed planner and engineer. Mr. Hubschman stated that there are two lots that are existing, Lot 35 to the south and Lot 39 to the north. Both are 110 x 104 for a total of 220-foot frontage by 104-foot deep. They are on the west side of 12th Street right across from the church. There is a parking lot across the street and the church is a little bit more to the east. The proposal as shown was to subdivide 10 feet from Lot 35 to Lot 39 in order to mitigate some of that additional impervious. But after discussions with Mr. Capizzi, the side yard variance that that created was 6.6 feet, and that was a little tight. They are amending this on the fly to just subdivide five feet from Lot 35 and give that property to Lot 39. The 6.6-foot side yard for the one-story older ranch structure with a garage on the right side, will have an 11.6-foot side yard. That is still a variance of the 15 feet required. It is much more palatable. The total side yard is 38.1 feet and that variance is not being requested. That, of course, changes the impervious. They would like to stay with the 33.4%. Thirty percent is permitted. On the smaller lot, which would be 11,897, the impervious coverage permitted on that property would 3,977 square feet with the variance for 33.4%. The owners would have to reduce and remove some additional patio. The plan did show removing some patio in the pergola area and around the south end.

Mr. Hubschman stated that he looked at the drainage calcs, because he did the original pool plan, and he re-ran it with the larger number, and there is a Cultec chamber, which is sort of like a plastic seepage pit chamber that was installed to the left side of the house and the additional impervious would require a second Cultec chamber to be installed to mitigate the runoff. There is a drain around the pool. Everything drains towards the street so there is no runoff on the neighbors. You can see from the elevation. It is 145 at the pool and the street is at 143. Everything drains towards the street and away from the neighbors. The additional chamber would have to be installed to mitigate that additional runoff.

Mr. Capizzi asked about the landscaping that exists on 411. Mr. Hubschman presented some pictures of the landscaping and it is all existing. There are Green Giant Arborvitaes about 12 feet tall. Mr. Schuster marked the major subdivision 403 and 411 12th Street, revised August 30, 2018, as Exhibit A1. This will have to be revised again. The set of pictures of four photos was marked as Exhibit A2. It is the side yard arborvitaes and rear yard evergreens.

Mr. Hubschman stated that P1 is looking from the street towards the garage on Lot 35. You can see that there are evergreens in the front. P2 is from the rear lot of Lot 35 looking north and you can see the Green Giant Arborvitaes and the cabana/shed and pergola that are being removed. P3 is from the rear looking south and you can see the arborvitaes again. P4 is looking toward the rear showing the existing pool and into the neighbor on Knickerbocker and shows the fast-growing arborvitaes that are planted in the rear that are about 10-12 feet. They are deer resistant. They will grow to at least 20 feet and it becomes a living hedge. Mr. Capizzi asked what the lot area that they are proposing for 411 and the amount of impervious coverage. Mr. Hubschman stated that the lot area would be 11,897 square feet and would be a 115 x 104 lot. The impervious at the 33.4% would be 3,977 square feet.

Mayor Romeo questioned that they will figure to scale how much needs to be taken out on the left side of the pool. Mr. Hubschman said that they will bring it down to the 33.4%. It will be more than likely on the left side of the pool. Mr. Ulshoefer asked if they were going to take those arborvitaes down where they are taking the five feet. Mr. Hubschman said they will remain on the property line. Mr. Ulshoefer asked how they were going to get the additional five feet fitting in. The line is on the diagonal. The way it is shown you don't know where the five feet is going to end. Mr. Hubschman noted that on P1, it is somewhere between the arborvitae and the oak tree. The arborvitae will be more or less along the property line. Mr. Mandelbaum asked how they would handle the fence location. Mr. Hubschman noted that maybe they may have to move some of the arborvitaes. They were pretty recently planted so the fence would be either on the outside or the inside. Mr. Ulshoefer asked if this was going to be staked out if this was going to go through. Mr. Hubschman stated that it is a major subdivision, so they have to put monuments in.

Mr. Calder asked about the original pool plan. Mr. Hubschman noted that they did the pool plan for the pool contractor originally. Mr. Calder asked if it started out as a conforming plan or installation. Mr. Hubschman stated that it was at the 30% and there were some things added. He added the rear of the bar area and the left side. The approval was for 30%. Mr. Calder asked why we would want to agree with 33% now. Mr. Capizzi stated that they handled the drainage concerns and the aesthetic concerns from the additional patio area, which is at grade, so they feel they have addressed any negatives that would result from having the additional coverage.

Mr. Calder stated that they are exacerbating the variance on the adjacent property. Mr. Hubschman said they are creating that side yard variance on that single-family, one-story house where the garage is on that side. It will be 11.6 feet, which is adequate. The patio is all at grade. It is a level lot. Everything drains towards the front. Mr. Calder asked what the side yard setback is today on the single-family house. Mr. Hubschman noted that it is 16.6. Mr. Calder stated that he is missing the logic of trying to solve the problem by creating another one. He wanted to know if there was testimony in favor of that. Mr. Hubschman noted that they are trying to mitigate the impervious coverage. There was some patio added. Both lots are oversized. They are still 10,345 and will go up a little. Mr. Schuster stated that this is a self-imposed hardship and that is the point he is trying to make. Mr. Hubschman noted that they are not here seeking a hardship variance. It is more of a C2 variance. Mr. Schuster said that the special reason is when it is self-imposed. Mr. Hubschman agreed. Mr. Hubschman again stated that it is a one-story house, an older ranch and he assumes that at some point it will be redeveloped. The variance doesn't go with that house. If they add a second story on the garage they could come back for a variance. The variance does not go with lot.

Mr. Ulshoefer opened the meeting to the public.

Mr. Michael Sutera, 386 Knickerbocker Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Sutera and his wife have several objections to the plan as provided. The first statement is

that the characterization of the additional construction of being a mistake is somewhat of a challenge. The timeframe was six months after a Board Inspector looked at the pool and looked at the survey plans. In 2002 he and his wife purchased their home. In 2003, they moved in. In 2003, the owner of 411 sought two variances to increase both the height, as well as to add an additional room with a setback variance that put their property 12 feet off his rear property line. That is not the first time they have had a discussion about this property. When the pool was installed, that was about six weeks of very loud construction. They were very aware when there was a second round of construction went through to increase the impervious coverage. There was a question about self-imposed hardship. The size and scale of that property is very large. There are some other large houses, but he would imagine if you were to see the property as described, you would agree it is somewhat larger than most of the houses on this side of the town as well as the perspective development to this area. He wanted to say, respectively, to the lawyer that he doesn't think they have met the criteria under the statute to either the negative or positive criteria for this variance. It seems that the owners are very well aware when they constructed the pool, Mr. Hubschman has kind of confirmed that people did look at the plans and they were aware that they had 30% impervious coverage when they put in the last piece of stone. Anything that was done subsequent to that was with the full knowledge that it was out of variance. This has been going on since last October, so this situation has been prolonged.

There are two other questions that he would appreciate Mr. Hubschman trying to address about the drainage. We had an incredible rain last year and all the snow, so they have legitimate concerns as rear neighbors. The only thing he knows, and he is not an engineer, but the only thing he does know is that the way that property is probably laid out, the water will not run into their yard, but it will run elsewhere. Quite frankly, he just wanted to voice that statement. They have seen pooling in the neighboring property on 403 as a result of the construction and there is another structure that is currently there. There are other legitimate concerns there. The final point that he would like to raise, because he thinks it is very valid, and he thinks Mr. Hubschman would be able to answer this, hard surfaces are known to reflect sound as opposed to soft surfaces. There is a tremendous amount of stone and an enclosure that creates an acoustic signature that can be heard at a very far distance. He would like to voice his concern why anything beyond 30% has a negative impact, not simply on him, but other members in the neighborhood and community. He doesn't consider that a trivial detail. Frankly, he would like to put on record, that he is not sure why we are having a variance hearing for something that was done knowingly and willfully at the time. It doesn't seem to meet the criteria in terms of why it meets an exceptional situation. It is somewhat self-inflicted.

Mr. Ian Grayson, 376 Knickerbocker Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Grayson stated that he thinks Mr. Sutera pretty much covered all the concerns and one of the concerns that he doesn't think the Miers are really aware of is how much noise is generated from the property from the lack of soft material. He has a letter that his wife wanted him to read but he is not going to read it. He just doesn't think they are aware if they are going to do more work or expand the size of the patio how much noise it really creates when they do have get togethers, at times. He doesn't think that it is something that was intentional, but it does travel. His wife would like to sit in the backyard and the whole area is very, very quiet and their backyard was their sanctuary. They don't really go back there anymore.

Mr. Joseph Skunca, 134 Knickerbocker Road, Dumont, wished to be heard and was sworn in by Mr. Schuster. Mr. Skunca lives across the street in Dumont and in terms of the idea of the acoustics and how they travel from the house, living across the street it does create a sound scape where, at night, late at night sometimes, you can hear it like a disco. And it is quite loud. It is not his place to decide that they are trying to do something bad, but it is a disruption to peace and quiet, which he has heard many times.

Ms. Anna Garella, 382 Knickerbocker Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Garella agrees with the neighbors and the backyards are quiet which they do enjoy because they live on a main road, so she is just another member vouching for what was already said. Also, she is concerned about drainage because of the rain that they get. She is directly behind the property with the ranch and it does pool up and we have been getting unusually heavy rain. That is a big concern of hers because she has been getting water in the back of the house under her washing machine

this year and has never had any problems with that and she has lived in the home since 2006. In 2010, there was an oak tree that came through their house and they were out of their house for six months while it was being repaired. So, to go through that and be displaced for six months and now have some water. Where it is coming from she is not quite sure, but she is just concerned about it.

Mr. Ulshoefer closed the meeting to the public.

Mr. Malone asked if they have the original plan that was approved for the pool and patio. Mr. Hubschman stated that he did have the original plan. He stated that the impervious for the original plan was 29.9% and it was a conforming plan in 2016. Mayor Romeo asked what the difference is between then and now? Where is it? Mr. Hubschman noted that it is behind the bar area and coming around the left side. Mayor Romeo asked if that was all removed, we wouldn't be here, correct? Mr. Hubschman agreed.

Mr. Capizzi would like to have the opportunity to come back before the Board with the revised plan, show the proposed lot line, show the elimination of the additional patio, as well as the additional drainage that Mr. Hubschman talked about, get that back to Mr. Azzolina's office so he can at least verify that the proposed additional drainage is adequate, and then come back before the Board before the vote.

Mr. Schuster asked if they wanted to carry the application to another date? Mr. Capizzi agreed that that is what he wanted to do. Mr. Capizzi asked Mr. Azzolina if a month is enough time. Mr. Azzolina noted that a month would be enough time. Mr. Schuster stated that a month is okay to carry it without further notification. If it is longer than that, they would have to renotify.

Mayor Romeo explained to the public that they want to show the new plan, exactly how it is going to look, so they can see what the changes are going to be, before the Board votes. Mr. Schuster told the public that this would be carried to the meeting on November 13. If he carries it longer than that, he will have to re-notice everybody. The applicant will submit revised plans, which should be available before the next hearing date. They will not receive any further notice by publication in the newspaper or by mail. If it is not on that date, they will receive a notice. Mr. Sutera noted that they are under the understanding that at some point in the future 403 will be redeveloped, so any of the changes they are talking about right now would have to be better explained in terms of how it would impact any potential development. Mr. Schuster stated that the burden is on the applicant to establish the rational for making changes, especially due to the fact that it effects both properties, not just one. Mayor Romeo stated that if 403 is redeveloped, he would be made to center the house, so it will move over accordingly away from his house. That would probably get rid of the side yard variance that he would need because he would have centered it. That would help everybody. We don't know when he would do that. That would be in the future.

Mr. Schuster stated that they will waive any statutory requirements for the Board to act within a certain period of time. Mr. Capizzi agreed. Mr. Schuster stated that this matter is being carried to November 13, 2018, without further notice. Mr. Capizzi stated that the plans will be on file with the Borough at least 10 days before the 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 8:46 PM, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for October 23, November 13, November 27, and December 11, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary