

MINUTES

CRESSKILL PLANNING BOARD

APRIL 12, 2022

Mr. Ulshoefer 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, Councilwoman Schultz-Rummel, Mr. Ulshoefer, Ms. Bauer, Ms. Furio, Mr. Malone, Mr. Rummel, Mr. Sutera, and Ms. Tsigounis. Also present was Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

Mr. Rummel made a motion to approve the minutes of the March 22, 2022, meeting, seconded by Ms. Tsigounis. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch dated April 6, 2022, sending Ms. Eunji Ko-Kang to this Board for approval. She would like to open Blue Ribbon Academy at 41 Union Avenue (above Hanami). The business would be an after-school education center. Ms. Ko-Kang was present. There was a school there previously and it has been empty. They are not going to do any construction. They are just changing the face of the sign. It will be exactly the same sign just putting a new name on it. Mr. Sutera made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. A letter of approval was sent to Ms. Ko-Kang with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department.

Letter of Introduction from Mr. Bob Rusch dated March 28, 2022, sending a representative for LCL Development Group LLC to this Board for approval. They would like to construct a new single-family dwelling at 7 New Street (formally 163 East Madison Avenue). The owner, Mr. Louis Baez was present. Application #1582 was received on April 1, 2022. Mayor Romeo asked Mr. Baez if it was the house on the corner that has the big stone wall in front of it and asked what they were going to do with the wall. Mr. Baez said they were keeping it. Mr. Baez asked if there was some significance about the wall. Mayor Romeo noted that it is connected to an old estate up there which is three houses down that was built in the 1800s. It goes all the way up to the corner on Union Avenue.

Mr. Baez stated that what they are doing is changing the property from 163 E. Madison to 7 New Street so they are going to front the house on New Street. What that does is it is going to leave a gap where the old driveway into the property was. What his plan was is to leave the existing wall up until where the garage is and then move the portion so it connects with the rest of the wall.

Mr. Azzolina stated that they just received the plan, so they haven't completed their review. The one thing that jumped out at him is the fact that they are repositioning the dwelling on the property. We have a section in our code that they may or may not be aware of that basically states that once a frontage has been selected, which the dwelling currently fronts on East Madison Avenue, that this is to be maintained. That may represent a variance condition. We have encountered this before, he believes on the corner of Godfrey and Deacon. Mayor Romeo stated that as long as he moves the wall and keeps it, it is okay with him if he moves it the other way. Mr. Baez noted that he did check with Mr. Rusch before he drew up the plans and according to him, as long as he went through the appropriate moves to change the address with the tax assessor, it was fine with him. He wasn't aware of that ordinance. Mr. Azzolina said that Mr. Rusch may not be either. He is relatively still new to the position. There is that section in the code and it is perhaps a

variance, perhaps a waiver. He will have to look into it a little further and discuss it with the Board attorney. They just received the plans at the end of last week and they have not yet reviewed the plans. They will report at the next meeting as to the next step.

Mayor Romeo explained that in two weeks, Mr. Azzolina will have reviewed the plans and will have some answers. He instructed Mr. Baez to come back then, and we will see what needs to be done. Mr. Stamos noted that if it was determined that a variance was necessary, they would have to come back for a public hearing. If it is just a waiver, the Board can handle it more informally. At the next meeting, we will certainly have an answer as to if it is a variance or a waiver.

Mr. Greg Mueller, attorney for Samdan, was present with the owner of Samdan. The owner's name is Mr. Yusuf Simsekiymaz. Basically what Mr. Simsekiymaz is looking to do is get a portable trailer. Mr. Mueller passed out a few pictures of what they are looking to do. He pointed out where they are looking to put the trailer, tucked out of the way. It is back where the dumpsters are. The reason is that they don't have any storage in the restaurant. He is upgrading the place and making it much nicer. He has a liquor license and putting in a bar. He needs storage for that. Ms. Florio asked if this was temporary storage until he has redone the restaurant. Mr. Mueller doesn't know how temporary it is going to be. They are talking about leaving it there for a while. It may be indefinitely.

Mayor Romeo stated that if we grant this, there are 41 stores in town that could ask for the same thing. Then what does he do. Mr. Mueller recognizes that that is a potential problem. They do have the space on the property. They are happy to put it in some kind of fence or some kind of surrounding barrier to make it look attractive to the neighborhood. Mayor Romeo is trying to think of how they can do this so it doesn't look like somebody is parking their trailer. He would almost feel better if it was a permanent container or Pod and put a fence around it rather than this. He knows there are other stores that are going to want one. There is no room for these things around town.

Ms. Tsigounis asked what they were storing in there. Mr. Simsekiymaz said they were going to store the rest of his chairs, tables, tables covers because his restaurant doesn't have the storage, but he wants to clean up his restaurant to make it look more fancy. He is not going to put the liquor in the storage container. Mayor Romeo stated that he wants to help but he is afraid of what is going to happen. Ms. Florio asked about the high fence and lattice and greenery to hide it like Hungry Peddler did with their outside seating area. Mayor Romeo agreed with hiding it, but you can't have these all over Allen Street. It is too crowded and then the rest of the town will want them. If you do one, then you will end up doing them all.

Mr. Mueller stated that that is the thing about a variance. There is plenty of room on the property. It is not like it is in the public eye. You are not going to be able to see it looking south from the ball field. They are happy to screen it any which way to make the Board happy.

Ms. Tsigounis asked what this was considered, an accessory structure, or what. What are the guidelines of our code? Mr. Azzolina noted that it is not a structure. It is a temporary motor vehicle storage. Ms. Tsigounis worries about vandalism and protecting what is inside. Ms. Furio said if you can make it look like it is temporary, then it might be an easier thing for the town. If it looks like it is a more permanent thing, then there is going to be more people up in arms wanting them. Mayor Romeo noted that if you put a fence around it then maybe it looks like part of the building. If you put it right next to the building with a fence around it with a lock, then anyone else from Allen Street can't do that because they can't put one next to their building because they don't have the space to do that. It is easier than doing something on wheels. He just knows that everybody is going to want one.

Mr. Mueller agrees that the Mayor makes a fair point. They would love to get the storage if they could possibly get it. They have big dreams and big plans for the property. Mayor Romeo said to measure the height of the pods and see if you can get it fenced in to hide it. Mr. Mueller stated that they can talk about a higher fence if that will work. Mayor Romeo asked the Board members what they thought. Mr. Ulshoefer thought it was good in the first place. He was listening to everybody, but to him it is pretty simple. He understands that, yes, anybody down in town might want one, but they don't have spaces and they don't have the space to put anything in, so it is not like 40 people are going to have it. If we were going to vote,

his vote is yes. He thinks it would work good and it would look good. It should look nice with a fence around it and there is plenty of ways to do it.

Mr. Azzolina noted that the grass next to the building may be borough property perhaps. He thinks that building is close to the property line. He asked Mr. Mueller if he knew. Mr. Azzolina stated that he has something in the file, but he hasn't looked at it in years. From memory, he is thinking that that building goes right up to the property line. We had talked about allowing the restaurateurs to use that grass area for tents and what not, but now, if he is understanding the Mayor correctly that perhaps that would be a spot, but now you are on borough property and there would obviously be some sort of agreement. Mayor Romeo stated that if it is on borough property and it was dressed up to look like something ancillary to the building, he could live with that, but he doesn't see having something with wheels on it.

Ms. Tsigounis said she thinks it would be criticized amongst the fellow store owners. You want it to look good and want it to be attractive. If you get a permanent pod and put a fence around it, Mayor Romeo thinks you could sell that. Ms. Tsigounis agrees. Mr. Mueller noted that he has been talking to Mr. Simsekyilmaz about some kind of a storage shed that would be nice and of course would be hidden behind the fence anyway. Mr. Simsekyilmaz said he doesn't need something bigger than 12 feet. Ms. Furio noted that if you are going to build a shed you are going to have to put in a base. You are going to have to dig down a little bit and put in QP and rock. If you put it right on grass or on a sled of two-by-fours, it is going to be a little rickety. If it is going to be permanent, then it needs to be permanent otherwise it won't be sturdy.

Mr. Simsekyilmaz said that if you are talking about a trailer it is going to take up one parking spot. If you are talking about a storage shed, it will take up two spots. Mayor Romeo was worried about what the other tenants would say if two spots were taken. What is Moo Moo going to say if he wants one. Mr. Simsekyilmaz said that he is okay because he talked to them and they said if they let you, he can put one too. Ms. Tsigounis said that is what they are worried about. Mr. Simsekyilmaz stated that is why they want to put it by the wall because it is by his side. Mr. Azzolina asked if this property was owned by Yaz. Mr. Simsekyilmaz said it was. Mr. Mueller said it was discussed with Yaz.

Mayor Romeo asked about putting it in the grass behind the parking spots. If it is on the grass, you can still keep the parking spots. Ms. Tsigounis thinks the further away from the building it goes, the nicer it becomes. She thinks if anything, if it is attached to the building, people might not notice it. Mayor Romeo stated that you have to keep in mind that there will be two of them because the other guy will come in for one too. Mr. Simsekyilmaz said if he puts it on the side of his restaurant, they will not come in for one. If he puts it in the parking lot, they will come in for one. He really needs it because he wants his restaurant to look good, but he does not have enough space.

Mr. Simsekyilmaz wanted to know what the problem was with putting it on the side of the building. Mr. Mueller explained that if they let him do this, they will have to let everybody do it and all of a sudden there are trailers all over town. That's one concern. The second concern that was raised by Mr. Azzolina is that the town's property is very close to the building, so he might be putting it on the town's property. That is a problem that needs to be thought about.

There was more discussion about different places to put it. Mayor Romeo stated that we need a survey to see who owns what and then we will know where to position it. This will cascade into more, so we have to be prepared for it. Mr. Sutera said that he is very concerned about setting a precedent. If there was some opportunity where it is not in perpetuity, he would have a lot more comfort saying we will revisit it in some frequency so that other people don't think somebody is getting preferential treatment. Ms. Tsigounis just thinks it is going to be like a pimple. She is having hard time justifying this.

Mr. Perez was present looking for a waiver for impervious to put a pool on Deacon. The Zoning Board is getting overcrowded and is asking the Planning Board to look at some things. Mr. Perez stated that he needs a 2.9% variance for his pool. He currently has a non-conformity with his patio and his shed and is at 38.2% impervious coverage. He is taking all that stuff out. He is taking more out than what he is putting

in. He will still be non-conforming, but he won't be as non-conforming. Mr. Perez showed what was coming out and where the pool was going.

His yard is lower than his neighbors' yards. He has a three-foot retaining wall in the rear. No run-off will flow into the neighbors' properties because his yard is lower. He will be putting in stepping stones. He has not calculated the total impervious, but it will be less than what he currently has.

Mr. Stamos asked if he had an application on file. Mr. Perez said he doesn't. Mr. Stamos stated that these matters normally go to the Zoning Board. From a jurisdictional standpoint, if Mr. Perez would stipulate to the Planning Board having jurisdiction over the application, it is a question of timing more than anything else that may benefit him. We would still need an application. He would have to stipulate that the Planning Board will hear the application so we can grant the variances. Ms. Furio stated that it should probably be heard and handled as it would have been on the Zoning Board with all the bells and whistles only the Planning Board is sitting in for it. He has to stipulate that he accepts the Planning Board's decision on the application. Mr. Perez noted that the reason he is here is because the pool was supposed to be done in August but the guy has all the stuff. He pushed his engineer to hurry this up.

Mr. Stamos instructed Mr. Perez to file the application and Mr. Azzolina needs time to review it. We could probably hear in it May.

Subdivision Committee

Ms. Tsigounis reported that Application #1582, 7 New Street, LCL Development Group LLC, was received on April 1, 2022, and is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he already reported on Application #1582. He advised the Board about the location of the structure.

Old Business

None.

New Business

None.

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 8:10 PM, seconded by Mr. Rummel. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for April 26, May 10, May 24, and June 14, 2022, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary