

MINUTES

CRESSKILL PLANNING BOARD

MAY 23, 2023

Mr. Ulshoefer 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 Schultz-Rummel, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Ms. Tsigounis and Mr. Peleg. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

Mr. Malone made a motion to approve the minutes of the May 9, 2023, meeting, seconded by Ms. Bauer. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 22, 2023, sending a representative for The Tutoring Loft LLC to this Board for approval. They would like to take over the current tutoring center at 145 County Road, Suite #4. They are a small group of teachers that will be sharing space for tutoring. They tutor K-12 students in all subjects. Mr. Malone made a motion to approve, seconded by Ms. Tsigounis. All present were in favor. Motion approved. A letter of approval was sent to The Tutoring Loft LLC, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department. File

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 23, 2023, sending Mr. Scott Roberts to this Board for approval. He would like to open Scotty's Bar and Grill at 172 Piermont Road. He will also be installing new signage. Mr. Roberts was present. Mr. Rummel noted that the signage is already up. Mr. Roberts noted that the signs are just vinyl and he just replaced what was there. If the Board is not okay with that, he can just take them out of the boxes. He is replacing the exact same boxes except he is putting one additional sign in the front which is a three-foot by twelve-foot illuminated block letter sign. That one is not there yet. It is on the front façade. Mr. Rusch did the math with the signs and the sides of the building. There is a painting on the side of the building facing the parking lot.

Mayor Romeo asked him if he named the bar after himself and he said he was never called Scotty, but his father-in-law said they should call it Scotty's. His menu will have hamburgers, cheeseburgers, calamari, fries, etc. He shared a sample menu. He has a 100" TV and 15 smaller TVs. He will have eight beers on tap. Happy hour is 4:30-6:00. He just needs a resolution, and he is on the docket for June 7 for the resolution. June 8 is his soft opening, and his official opening is June 15 providing June 7 goes well. He is using all local suppliers. His hours will be 4:30-midnight Sunday-Wednesday and 4:30-2:00 AM Thursday-Saturday. The kitchen will close at midnight Thursday-Saturday and 10:00 PM on Sunday-Wednesday. They have the outdoor area also. There are no decorations except the TVs. His mother-in-law is an artist for Disney. She did impressionistic art in the bathrooms. The one area with the bar is going to be the dining room area and the other area is where he put the pool tables and the dart boards. There is seating for about 63 in the bar area and then seating for about another 60 and 40 outside. Mr. Peleg made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. A letter of approval was sent to Mr. Roberts, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department. File.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1587, 101 Heather Hill Road, 101 Heather Hill Road, LLC. The Board approved this application about six weeks ago. File.

Resolution for Application #1588, 171 Magnolia Avenue, Tenaflly Rentals 2 LLC, was introduced by Councilwoman Schultz-Rummel and seconded by Mr. Malone. Mr. Stamos explained that this is on the corner of Magnolia and 9th. They re-oriented the house from facing Magnolia to facing 9th Street. Originally it was towards the home on 9th, and they had a conference call, and they slid the house over so that is compliant and away from the neighbor. They created a front yard variance on Magnolia, but the prior condition was 11 feet, and it now will be 19 feet. Mr. Mederos and Mr. McClellan were the expert witnesses that testified. The variances were the front yard to Magnolia, the impervious coverage and a building coverage. They are both very small variances. The only conditions we had were they are now going to have a structural engineer regarding the retaining wall they are proposing and they represent that they are going to have some Green Giants or arborvitaes along that retaining wall to give a buffer to the neighbor from Magnolia. On Roll Call: Mayor Romeo, Councilwoman Schultz-Rummel, Ms. Bauer, and Mr. Malone all voted yes. Mr. Berger was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Subdivision Committee

Ms. Tsigounis reported that a new Application #1591, 49 Westervelt Place, Gil Gerstl and Naomi Sender was received on May 19, 2023, and is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina reported on Application #1591. He noted that Mr. Capizzi was here at the last meeting and briefly introduced the application. It is a mixed-use application. The application is currently under review. There are a couple things that he noticed that he needs to discuss with them. He will have a completeness determination and most likely it will be before the next meeting because of the time between this meeting and the next meeting. Most likely the application will be determined incomplete. He needs to speak with them and mention a few things to them. Right now, there are two homes, the Bark Avenue dog groomer, and the professional office use in the single-family home converted to offices which is now currently vacant.

Mr. Malone said that one thing he finds weird is that it is still going to be deeded as two separate lots, but they are going to share a wall. Mr. Azzolina thinks that one of the things he is going to tell them may make that go away. As it stands now, they are proposing two apartments plus the commercial use on the bottom. Under the code there is a density restriction. Two units doesn't sound like a lot, but when you put two units on this lot, that is 17.5 dwellings per acre, so that would represent a jurisdictional issue where we would not be able to review the application. The Zoning Board would have to hear the application. Beyond that, there may be a need to introduce the planner to this because of the low-income housing issue that is spelled out in the ordinance. It is not absolutely necessary, but at this stage, plus the ordinance with the affordable housing contributions, he believes we are current, but do you want to bank something for the next round. Mr. Azzolina said that you get one unit, but right now the plans don't show that. They are building four residential as the plans are presented. Under our code at least one of them would have to be a COAH unit. And beyond that, COAH would also require, based on experience, that it would be three bedrooms and there are no three bedrooms units on the plan.

There are a number of issues that need to be resolved. Mr. Azzolina stated that to him the fix is to consolidate the lots, drop the number of apartments down to three, then the math works, it stays with this Board and each kid would have one-half ownership. Mr. Malone asked if they had three, would they still need a COAH. Mr. Azzolina said that the third one would be a COAH. It would have to be a three-bedroom

COAH. Mayor Romeo asked about taking a contribution instead. Mr. Azzolina said that is where the planner would have more insight. Mayor Romeo stated that they have opened it up and they are taking money, so that might help. Mr. Stamos noted that there are several towns that have been resistant in taking the money because with the cost of construction and the cost of property, that contribution, whether it is \$160,000 or \$200,000 a unit, you can't build anywhere. It is not enough. He had a request in Old Tappan and was rejected and they offered \$250,000.

Mr. Azzolina stated that this is currently under review, and he needs to discuss it with their professionals and our planner and make a determination between now and the next meeting.

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 Ms. Bauer to adjourn the meeting at 8:08 PM, seconded by Mr. Rummel. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for June 13, June 27, July 11, and July 25, 2023, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary