

MINUTES

CRESSKILL PLANNING BOARD

MAY 8, 2018

Mr. Morgan opened the meeting at 7:32 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. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. Mr. Durakis arrived at 7:42 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Calder made a motion to approve the minutes of the April 24, 2018, meeting. Councilwoman Tsigounis noted that the minutes are written exactly as they are said. Mr. Maderos did mention Councilwoman Tsigounis's name and she wanted it to be clear to the rest of the Board members and to the attorney that she was not agreeing with his suggestion that there were only two design alternatives for that site. She wanted it to be clear that there are alternative designs for that site and the Board is not only considering two. His builder might entertain two. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for Application #1530, 37 7th Street, Lumaj Homes LLC. File.

Letter from Gergely and Katalin Barcy to Ms. Patti McKim regarding the Public Hearing scheduled for tonight. Mr. and Mrs. Barczy state that they are voting against the proposed subdivision. The reason is that it is against the town regulations and it would change the nature of the street if there will be 3 houses jammed in that property. Held for the Public Hearing.

Vouchers from Mr. Steven Schuster relative to the Cresskill Planning Board for the month of March 2018 in the amount of \$2,868.97 and for the month of April 2018 in the amount of \$3,134.47. Mayor Romeo made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Letter from the Law Office of Mark Madaio regarding Application #1531, 62 Merritt Avenue, 62 Merritt LLC, asking when this matter will be heard.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he had a completeness determination review for 15 Wakelee Drive Corp., which is property 462 Knickerbocker Road. The preliminary review of the application shows that the plans are complete as presented. He would recommend that the Board schedule that for a hearing. The hearing date was set for May 22, 2018. The applicant was present and was informed of the hearing date.

Mr. Azzolina stated that Application #1530, 37 7th Street, Lumaj Homes LLC, sites plans as well as architectural drawings were received, and he finds that it complies in all respects in terms of the code. There were some discrepancies between the architectural and engineering drawings that were resolved via e-mail today. He has a drawing dated March 26, 2018, revised May 8, 2018. He notes that the applicant's professionals are here. Mr. Chris Lantelm was present. He noted that it was a no variance application. Mr. Azzolina stated that they will remove two trees within proximity to the construction and are constructing a lower height retaining wall in the rear yard. Everything complies with the exception with the two existing non-conformities with respect to the lot width and area. Past practice has been not to require a public hearing for existing non-conformities. The proposed design complies with the requirements of the code in terms of FAR, setbacks, etc. Both trees are in the front yard. Mr. Mandelbaum made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Application #1531, 62 Merritt Avenue, 62 Merritt LLC, is basically a knock down of the existing wood frame structure and maintaining the existing foundation and reconstructing a new dwelling on the existing foundation and a minor modification to the foundation in the rear of the dwelling. On this application, the house as it sits on the property today is 7 ½ feet off the side line on the east side and 9.6 on the west side. They are seeking to rebuild a new house within that same existing footprint. This is a little bit different than what we have seen in the past where people have demolished houses in their entirety and constructed new houses in a different footprint.

Mayor Romeo asked if this was one of the original ranches on Merritt with one floor and no basement. The owner stated that it has a basement. The previous owner added to the back. The side yards are the same. The lot is 74 x 100. They are using the foundation. Mr. Azzolina thinks that perhaps the garage was added on also. This application would require a Public Hearing. The Public Hearing was scheduled for June 12, 2018.

Mr. Azzolina stated that the former owner probably went to the Zoning Board for the garage addition. That would be his guess. It was probably 20-25 years ago. The one story is going to be a two-story. The garage is on a slab.

Mr. Azzolina noted that the Public Hearing scheduled for tonight, Application #1525M, 26 Cresskill Avenue, as currently presented, is incomplete with respect to what the actual design is. The applicant's attorney, Mr. Mark Ruffolo, was present. Mr. Ruffolo noted that he was here for the Public Hearing for 26 Cresskill Avenue, taking the existing lot and making it into three lots, but apparently there is an issue with the engineering and the center line. The issue is the dedication of street frontage depending on where the center line runs. They were here a few weeks ago and anticipated having the drawings to the engineer on time but there were some complications. They did notice the Public Hearing for tonight and he understands that there were people here for the Public Hearing and he did apologize but it was really out of their control. They would like to get back on the agenda as soon as possible. They are still waiting for the updated drawings to come in with the center line.

Mr. Schuster noted that they are going to have to re-notice and republish. The reason being is that the application was not complete for the public to review so therefore they didn't have the opportunity to review it before today's hearing. Since it was incomplete, they couldn't proceed today anyway. Therefore, they are going to have to renotify by mail and by publication.

Mr. Mark Marzocchi, 50 Cresskill Avenue, stated that there were a bunch of people present from the community in that area and he would like to know if they could go on record because really what they are

here about is the widening of the lots and they could express their opinions tonight on record if that is possible instead of inconveniencing them because of a clerical error on the builder's part. He doesn't know what you could do with that because it was a very well-organized meeting that they had set up here.

Mr. Schuster noted that either we have a hearing or we don't. Since we are not going to have a hearing, we are not going to take any evidence from the applicant and we are not going to take any evidence from the public. He thinks it will be in the public's best interest to be able to specifically respond to specific aspects of the application as presented by the applicant at the time of the hearing as opposed to making certain generic comments about the application, especially if they end up moving further on than that. The question is going to be what is appropriately in the record, and if the hearing takes place, you make the comments on the record at the time of the hearing and any court proceedings that would take place, that would be considered evidence in the case. Otherwise, it is not. As he understands it, the right-of-way is deficient in this area. This road is a 45-foot wide road and it should be a 60-foot wide road. Part of the issue is whether or not they would have to come up with additional footage on their side of the roadway for future widening of the road.

Mr. Azzolina noted that the required right-of-way is actually 50 feet, so depending on where that center line is in relation to that widened right-of-way, that would determine where that new street line is established and where the setbacks are measured from. Realistically, this lot has a depth of greater than 100 feet, so it will not have a material impact on the placement of the homes, but it is a technical requirement under the code that you define where the street line is in relation to the center line. The applicant's surveyor/engineer is here, and he knows they have done some additional survey work and he will be revising the plans to depict that.

Mr. John Smith, 43 Grant Avenue, noted that they were notified to come down to this Public Hearing for, basically, that they wanted to subdivide the property into three lots and it is only supposed to be two. That is what they are here for. Whatever type of house they are going to build, or whether they are going to put bushes, or how many feet, or paved driveway, it doesn't matter to them. They are here on the zoning, whether it is going to be three lots or two lots. Mayor Romeo understands that. The Board wants to make sure that the hearing is done properly so if in fact it goes against the builder and he decides to do litigation against the Borough, the Board wants to make sure everything was done exactly right so that the defense is there for the Board's decision if we did oppose it. That is why, when Mr. Marzocchi asked if you could testify tonight, it wouldn't count for the hearing.

Mrs. Janet Tessaro, 9 Cottage Place, asked if she could receive a list of people who are 200 feet away. Mr. Ruffolo said he would provide that.

The Public Hearing was scheduled for June 12, 2018 and the applicant was made aware of the hearing date.

Old Business

None.

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 7:59 PM, seconded by Mr. Ulschoefer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for May 22, June 12, and June 26, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary