

MINUTES

CRESSKILL PLANNING BOARD

AUGUST 13, 2019

Mr. Morgan opened the meeting at 7:28 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. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, and Mr. Malone. Also present were Mr. Schuster, Planning Board Attorney, and Mr. Azzolina, Borough Engineer.

Mr. Ulshoefer made a motion to approve the minutes of the July 23, 2019, meeting, seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated August 7, 2019, sending Mr. Lumaj to this Board for approval. He would like to construct a new single-family dwelling at 8 Burton Place. Variances will be required. Application #1552 was received on August 9, 2019.

Letter of Introduction from Mr. Rusch, Construction Official, dated August 7, 2019, sending Mr. Lumaj to this Board for approval. He would like to construct a new single-family dwelling at 23 Burton Place. Application #1553 was received on August 9, 2019.

Letter of Introduction from Mr. Rusch, Construction Official, dated July 29, 2019, sending a representative for Valley Optimal Spine to this Board for approval. They would like to take over the existing chiropractic office (formerly ACA Chiropractic Center) at 80 Broadway, Suite 1A. Dr. Frank Altenrath was present. He stated that he is a chiropractor and has been in business in Tenaflly for 15 years. He was in a condo in Tenaflly for 15 years in the downstairs with no windows and a sale came up in 80 Broadway. He looked at it and thought it would be a step up from where he was. It is only 10 minutes away so his patients would easily find him. He will have to put some walls up. It is about 1,200 square feet. There is a lot of parking. The guy that rented before him had a limo company and he was renting from the guy before him so all the cars will be gone, so there is plenty of parking. Because it is so close to Tenaflly and he was at 2 Dean Drive, it is a convenient drive. He will only have one or two staff members. His hours will be Monday-Thursday and Friday and Saturday by appointment. He has a lot of patients that come from Manhattan so he will stay late when he knows they are getting off the bus. He tries to make it amenable for people that come from the city. He may stay open until 8:00 PM. It is a specific practice focusing on spinal correction. There is no marque outside, but the signage is inside the building. Mr. Durakis made a motion to approve, seconded by Mr. Mandelbaum. All present were in favor. Motion approved. Letter to Dr. Altenrath stating the Board's approval, with copies to Ms. Francesca Maragliano, Mr. Robert Rusch, The Fire Department, Police Department and the Health Department.

Notice from Ms. Francesca Maragliano stating the Cresskill Planning Board has cancelled its August 27, 2019, meeting.

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of June 2019 in the amount of \$4,206.48. Mayor Romeo made a motion to approve, seconded by Councilwoman Tsigounis. All present were in favor. Motion approved.

Subdivision Committee

Councilwoman Tsigounis noted that two new applications were received. Site plan Application #1552, 8 Burton Place, Lumaj Homes, LLC, was received on August 9, 2019. Site Plan Application #1553, 23 Burton Place, Lumaj Homes, LLC, was received on August 9, 2019. Both plans are currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina stated that he spoke to Mr. Lumaj earlier in the week. Twenty-three Burton is the property that has no variances. He took a quick look at that plan today. His associate actually looked at it. He said it looks okay. He thinks Mr. Lumaj is concerned with the timing since the meeting in two weeks is cancelled. With the Board's permission, he would like to complete his review and, assuming he doesn't find anything major, he would like to approve the plan and allow them to go to the Building Department for permits in a week or two as opposed to a month from now. Mr. Mandelbaum asked Mr. Azzolina if there were no variances. Mr. Azzolina noted that that is what the plan proports. He will confirm that and if there are, in fact, no variances and whatever minor plan revisions need to be made, if any, he would look to effectuate those between now and the next couple weeks, instead of having the applicant wait until the second week in September. The applicant wants to get started. That is for 23 Burton.

The other property, 8 Burton Place, they are asking to be scheduled, at this time, for the Public Hearing on the first meeting in September. He needs three variances for side yards.

Mayor Romeo explained that Mr. Lumaj would like to come in for a Public Hearing on September 10 for 8 Burton Place and he would like the Board to approve 23 Burton, subject to Mr. Azzolina's approval, and then he could start building. Mr. Azzolina stated that that is his understanding. Mr. Lumaj agreed that that is what he wants. Mr. Ulshoefer realizes that there are no variances, but he just received the plans and hasn't had a chance to look at the plan. Mr. Morgan noted that Mr. Azzolina will review the plans before he gives his approval. It is a knockdown and the house is about 2,000 square feet. There are no trees and he will put trees back.

Mr. Lumaj will work with Mr. Azzolina on 23 Burton. He will look at it to make sure everything is covered and if anything major comes up variance-wise, he, obviously, can't approve it. But if he is correct that no variances are required and if there are minor plan revisions that are required, he will coordinate that with his engineer within the next week or so and once everything is conforming, he will report to the Construction Official and he will be able to apply and receive building permits. The other lot, which is 8 Burton, he is asking to be scheduled because he is recognizing that he has variances on that lot, so he would like to be on the first meeting in September. Application #1552 was scheduled for a Public Hearing on September 10, 2019.

Mr. Azzolina stated that the only other application that he is working on is the Zerrenner application, 35 Westervelt, Application #1540M. He received revised architectural drawings that are actually the same as what we received previously. At this point, he doesn't know that the plans are going to change significantly. They need a number of variances, which are not necessarily accurately depicted in the zoning schedule, but he will be able to work through that and have a defined presentation of all the variances required as part of his report. There is a large house on the existing parcel, and they are proposing a long dwelling on the proposed lot that complies with the FAR, but it just has a big footprint, so it has a building coverage variance as well as certain other dimensional variances that are required. He doesn't think this plan is going to change appreciably no matter how many times he goes back and forth with their engineer.

Mayor Romeo asked about the piece in the back and the buildings. The one lot where the existing house is, they are proposing to keep all those accessory buildings. He doesn't know what the reason is. His understanding is that the Zerrenners do not live there anymore. He doesn't know if they operate a business out there, but the plan depicts keeping those structures, which those are certain of the major variance conditions. There are a couple on the property line. They occupy a larger percentage of the area of the lot as well. There are a number of variances required. Mr. Morgan, Mr. Schuster and Mayor Romeo all asked if they were allowed to run a business in a residential area and why would the town allow that. Mr. Schuster doesn't think the town would allow that and Mayor Romeo stated that we probably wouldn't. Mr. Schuster asked if there was electric service to those buildings. Mr. Azzolina doesn't believe there was a separate electric service. It's probably serviced through the existing dwelling. There has to be power to those buildings, but he didn't notice any wires. They are pretty finished looking buildings. Mr. Azzolina stated that when he was there a couple months ago, they didn't look like they were actively being used. They were sort of abandoned looking.

Mr. Azzolina wanted to know if the Board wants to entertain a Public Hearing on it. He hasn't spoken to their attorney recently, who is Mr. Capizzi. They had submitted architectural drawings that he thought were going to be revised in some substantial way, but they haven't been. The proposal is the proposal. He doesn't think the Board got the last revised ones, but they are the same as the ones that were received in April. If you have the April submittal, you have them. Mayor Romeo asked if there was a second deed there. Mr. Azzolina noted that he asked Mr. Capizzi's office to investigate that and they didn't come up with anything. He does not believe there is.

Mr. Calder stated that the plans were submitted four months ago. He wanted to know if we can ask them to submit the plans again. Mr. Azzolina noted that they revised the subdivision plat, which we received in July. Mr. Azzolina showed everybody the plan that was submitted in July. The lot is 100 x 142. They want to split it into two 50s x 142. Mr. Azzolina will contact them to see if they want to schedule the Public Hearing on September 24.

Old Business

Mayor Romeo stated that they are investigating changing the FAR. Mr. Madaio came to him with a plan for a house on Hillside Avenue on a big lot, 100 x 275. When he came in, he said this should not have to go for an FAR. The town's FAR is confiscatory, and they should not have to go for it. We limit people to the first 125 feet of depth, and it has worked all these years. After checking with a bunch of people, half said "no, that's not true" and the others said "yes, they think it is confiscatory" and maybe it should be changed. Statute says that the FAR has to be at the Zoning Board and the Planning Board feels more comfortable if it was at the Planning Board. When Mayor Romeo looked at the plan, he called the attorneys to start working on the Habitable Floor Area.

With this particular plan, there is no FAR because this is a 100 foot lot and the FAR doesn't apply. If you see the plan of the house, he covers 60% with impervious coverage. The Habitable Floor Area would replace the FAR and it could be handled at the Planning Board. Councilwoman Tsigounis stated that this is critical when it comes to additions. It is critical to eliminate the McMansions on these smaller lots by additions. They are not eliminating the FAR, they are replacing it. The question is the additions. They have to go to the Zoning Board. Mr. Azzolina noted that it does apply to additions. Mayor Romeo stated that they are going to continue to work on it and will keep tweaking it until they get it right.

Resolution for Application #1543, 29 East Madison Avenue, Cresskill Tavern, Dip Swig LLC. Mr. Ulshoefer introduced the resolution, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, and Mr. Malone all voted yes. The original resolution shall become a permanent part of these minutes.

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. Ulshoefer to adjourn the meeting at 8:01 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for September 10, September 24, October 8, and October 22, 2019, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary