

MINUTES

CRESSKILL PLANNING BOARD

APRIL 27, 2021

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, Councilman Kaplan, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera, and Ms. Furio. Ms. Tsigounis arrived at 7:45 PM. Also present was Mr. Paul Azzolina, Borough Engineer, and Mr. Stamos, Board Attorney.

Mr. Rummel made a motion to approve the minutes of the April 13, 2021, meeting, seconded by Ms. Bauer. All present were in favor of the motion. Motion approved.

Correspondence

Memo from Ms. Patti McKim advising the Board that the Primary Election is on June 8th this year, which is a meeting date. Mayor Romeo advised that there will be no Planning Board meeting June 8th.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 13, 2021, sending a representation for Reform Kids to this Board for approval. They would like to move their business and sign from 15 Broadway, suite 105 to suite 106.

Application for Soil Erosion and Sediment Control Plan Certification for 67 Westervelt Place, Ashley Norris. No application has been received yet.

Subdivision Committee

Nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he received revised plans for Application #1565, 150 10th Street, Ronald York. The revised architectural and site plans as well as retaining wall calculations have addressed the comments that were set forth in his letter. Mr. Robert Roselli is the engineer for the application. There are no variances required. Both the architectural and site plans were revised in accordance with the comments in his review memorandum dated March 3, 2021. It is an oversized property. It has a three-car garage, and they can only deduct 440 square feet for the FAR, but they do have the ability given the oversized lot to create a conforming structure. This backs up to Smith Terrace to the east, but Smith Terrace doesn't go through. The property has been in the owner's family since the 1920s. He is building the house for his niece. Mr. Azzolina recommends approval of the revised plans. All were in favor of approving the plans.

Subdivision Application #1566, which is at the corner of Merrifield Way and Grant Avenue. He has reviewed the plans and they are substantially complete as presented. He recommends that the Board schedule a hearing for the next available date. Mr. Brian Young, the neighbor across the street asked what it was going to look like. Mayor Romeo advised him that the house that is there is staying. They are taking the garage down and moving it over so it is all on one lot. They will put a house between the two existing houses on a 75-foot lot. It will be set back even with the rest. The only variance it needs is lot frontage.

Other than that, it shouldn't interfere with anything. Mr. Dickstein was also present. He is the neighbor up Grant Avenue. They were both informed by letter informing them of the Public Hearing. They both wanted to see the plans which were presented to them.

Mr. Stamos stated that Mr. Madaio actually noticed for this meeting and has asked if we can carry the notice. Obviously, these two gentlemen did receive it and that is why they are here. Mr. Madaio asked, subject to Mr. Stamos confirming that the notices are appropriate because we don't have his affidavit of service and affidavit of publication. If those are not in order, he will have to re-notice for the second meeting in May which is May 25. They will not get another notice unless there is an issue with Mr. Madaio's first notices. The Public Hearing will be on May 25.

Mr. Azzolina noted that we received a site plan for Application #1567M, 268 E. Madison Avenue, Jane Reilly, c/o Mr. Capizzi, which was received on April 19, 2021. It is currently under review. He will have a report on that at the next meeting.

Old Business

None.

New Business

The owners of Reform Kids noted that they are currently tenants at 15 Broadway, Suite 105, and they are simply moving right next door to Suite 106. They are a children's boutique that sells clothes and accessories and they have been in business for a little over a year. They opened right before COVID and they are doing very well. They are busting out of where they are and 106 is double the size of 105. Mr. Rummel made a motion to approve, seconded by Ms. Bauer. All present were in favor. Motion approved. Letter of approval sent to Reform Kids with copies to Mr. Robert Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 22, 2021, sending Mr. Ajay Jetley to this Board for approval. He is seeking a driveway waiver at 22 Merritt Avenue. Mr. Stamos noted that he gave him a call because the Building Department asked him to call because he has a narrow driveway entrance and he wanted to expand it but there is a very large, beautiful tree right next to his garage which leaves him to have it go around the tree which brings him to two feet from the property line. He got this letter from Mr. Rusch stating that he needs a waiver to have the driveway two feet from the property line. Mr. Jetley has a set of drawings and a picture of the tree. The driveway will be two feet from the bushes only in the area where it goes around the tree. He spoke to the neighbors and they don't care. He doesn't want to chop down the tree.

Mayor Romeo said that the Board can grant a waiver. Mr. Ulshoefer is all for preserving trees. Ms. Florio agrees. The rest of the Board was in agreement. Mr. Stamos will prepare a quick letter to the Building Department stating the Board's decision. Letter sent to Mr. Jetley stating the Board's decision with copies to Mr. Bob Rusch and Ms. Francesca Maragliano.

Resolution for Application #1559, 1 Union Avenue, Malas Builders Corp. Mr. Stamos explained that the key issues in the resolution is the one three-bedroom unit as the low income unit. They are going to pay the .2 (or 20% of one unit) which he believes was calculated at approximately \$41,600, but that was subject to confirmation with the Borough's consultant. He tried to address all the issues the Board members had. More importantly the conditions, the affordable unit being three bedrooms, deed restricted as required by law for 30 years, has to be marketed in accordance with the Borough's requirements. He mentioned the removal of the magnolia tree that they are going to donate to the Borough. The Borough will have to remove it. The Fire Chief did have some specific requirements that he made sure they are addressed. The payment

of the partial unit. There was some concern about the landing on the steps, which is required by code anyway. They agreed to address it. The chairman had some concern about the type of trees and changing them from the proposed trees to oak or maple trees. They said they would consider that. They would be subject to the Board Engineer's approval. The same for any stormwater management plan. The important part, too, is the signage. It was agreed to let them have the metal backplate. As long as everyone fits within the metal backplate, they can have their corporate design signage. If they are going to exceed that or change that structure, they would have to come before the Board. They are subject to all approvals. They should have a developer's agreement. Mr. Azzolina can determine if any kind of bond is needed for work to guarantee performance. They will have to comply with all other Borough officials, like the Construction Official, Engineer, Police and Fire Departments. Same thing for a soil movement permit. It has to be in accordance with Mr. Azzolina's direction.

Councilman Kaplan asked if their plan was originally proposed or was it revised to conform with the requirements of the Fire Department. Mr. Stamos stated that they will be required to do so. They stipulated that they will do it anyway. It is going to be in the resolution, so they are going to have to do it. They don't have a choice.

Mr. Sutera asked, given the size and scale of the construction, is there any contingency if they are unable to complete the building structure or any recourse if they have only a partial build or anything short of an actual building there. Mayor Romeo noted that they would be fined every day. Mr. Stamos explained that you can't force someone to finish a development on a private property. They have to finish any public improvements or improvements within the right-of-ways and things like that. But certainly you can have a performance guarantee and you have the ability to issue violations if it is left in an unsafe manner. Mayor Romeo believes this guy will finish it because he does good work from what he understands.

Mr. Malone introduced the Resolution, seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Councilman Kaplan, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera, Ms. Tsigounis and Ms. Furio all voted yes. Mr. Mandelbaum was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Other Business

None.

Mr. Ulshoefer opened the meeting to the public. No public was present. Mr. Ulshoefer closed the meeting to the public.

Motion was made by Mr. Malone to adjourn the meeting at 7:59 PM, seconded by Mr. Sutera. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for May 11, May 25, June 22, and July 13, 2021 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary