

MINUTES

CRESSKILL PLANNING BOARD

FEBRUARY 28, 2017

Mr. Morgan opened the meeting at 7:37 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. Ulshoefer, Mr. Durakis and Mr. Mandelbaum. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Durakis made a motion to approve the minutes of the February 14, 2017, meeting. The motion was seconded by Ms. Bauer. All present were in favor of the motion. Motion approved.

Correspondence

Notice from the New Jersey Planning Officials regarding the 2017 NJPO Winter-Spring Programs. File.

Voucher from Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of October 2016 in the amount of \$1,716.53. Motion by Mayor Romeo, second by Mr. Schuster. All present were in favor. Motion approved.

Subdivision Committee

Councilwoman Tsigounis noted that revised applications were received for Application #1497 and Application #1496, 104 and 106 Morningside Avenue, 15 Wakelee Drive Corp. Also, a new Application #1499, 5 Crest Drive North, Crest Drive North LLC, Lehavit Lapid and Norberto Szwedzszarf, was received and it is currently under review. Mr. Azzolina noted that this one is most likely incomplete as it is strictly an architectural plan and there is no site plan. He will contact their architect to see if there is a site plan coming.

Report from the Borough Engineer's Office

Mr. Azzolina reported that the builders for Applications 1496 and 1497 are present, 15 Wakelee Drive Corp. The Board may recall that the subdivision was done back in April creating two lots which are 62.5 feet wide by 100 feet deep. In connection with the subdivision approval, the Board granted certain variances which carry through to the site plan, most notably the side yards. The applicants are here tonight to basically present the architectural drawings. The drawings that are submitted are consistent with the footprint and setback and the variance that was granted by the Board.

Mr. Azzolina noted that both houses comply with the FAR. The coverages are all in keeping with the ordinance. They just have the required variance that was granted in regards to the setbacks. The side

yards are 12.25 on each side. The aggregate being less than 35 feet. They also have the lot width and lot area not being conforming as they were originally approved. This is basically a presentation of the houses that the builder will be constructing on these two properties which are basically identical. Mr. Azzolina recommends that the Board approve the plans at this time. He is still waiting for the stormwater management report. Mr. Durakis made a motion to approve, seconded by Mr. Mandelbaum. All present were in favor. Motion approved.

Mr. Azzolina noted that on Application #1498, M3M Builders, 112 Westervelt Place, the Board asked him to review the application for compliance two weeks ago. The plans as presented were found to be complete. At this time, he recommends that Board schedule them for the next available hearing date. He spoke to their attorney today, who advised him that the notice actually went out with the wrong date. He thinks some of the people in the neighborhood are here tonight for a hearing that is not going to happen. Mr. Schuster noted that the attorney called him also. First of all, the plans were not complete until today. Mr. Azzolina agreed and stated that they submitted them two weeks ago and he said he would turn them around in two weeks. Mr. Schuster noted that the issue now is whether or not we are going to continue the notices to the next hearing date without requiring them to re-notice.

One neighbor would like to make a suggestion that this person does this filing after he owns the property. He talked to the owners today and he doesn't own it yet. From what he is seeing on the notice, it says that "the undersigned attorney for the owner of 112 Westervelt Place" and he hasn't closed on it yet. From what he understands, in his realm of business, you either own it or you get permission from the owner to do this. Mr. Schuster stated that he didn't have the application in front of him as to whether the owner signed it or not. The neighbor said there should be a piece of paper saying that the owner is allowing him to proceed. Mr. Schuster said it should be part of the application process. As a matter of law, you don't have to own the property in fee to be able to file an application for site plan approval or a variance. All you have to show is that you have an interest in the land, which can be a lease or a contract to purchase. If he has a contract to purchase and he has the permission of the homeowner to file the application to do this, then he has the right to be here. What he is getting from the neighbor is that he may have a contract but he is definitely not the owner of the property. The neighbor said that that is correct.

The contractor was present and he stated that he is supposed to close within days. He already has the CO. Everything is going well. They are just finishing the estates because it is not only the house but there are a lot of items that have to be taken care of. Mr. Schuster understands all of that but he represented on the application that he is the owner of the property and that is not true. The contractor stated that he put on the application that he is the applicant not the owner on the application. In the notice that went out, it says that he is the owner of the premises. Mr. Schuster assumes that he has the permission from the owner to do this. The contractor said that he does and it is part of his application. Mr. Azzolina didn't receive anything that would document the contract purchaser. Mayor Romeo asked the contractor if he had the legal document giving him permission to file the application. The contractor said he has it but not with him right now.

Mr. Schuster noted that he has some technical issues. He is not going to let him just adjourn this without notices. He is going to have to re-notice and make the notices accurate as far as what the true aspect of the application is and he is going to need the permission of the homeowner to make this application. He is also going to have to re-publish as well. As far as the plans are concerned, they are supposed to be here 10-days in advance of the Public Hearing. Mr. Morgan noted that the Public Hearing for Application #1498 will be scheduled for March 12, 2017, and the applicant will re-notice and re-publish with the correct information.

Mr. Azzolina noted that he received revised drawings, subdivision as well as site plans and architectural plans for Application #1489M, Avi Lavon, 46 Pershing Place. The plans have been revised in accordance with his prior review memorandum dated October 25, 2016. He did have one question for the applicant's architect. He did call him earlier today and he did not return his call yet, relative to two of the variances they are seeking which is for the height of both of the proposed dwellings. He is wondering why. It is a flat lot. The other variances that they are seeking he thinks are a function of the proposed width of the lot.

The fact that they are seeking variances for height he thinks is something that needs to be explored. The FAR is compliant. Councilwoman Tsigounis asked, getting back to the height issue, if it is because they are putting something in the attic. Mr. Azzolina stated that they are not according to the drawings. He thinks it is simply aesthetics of the roofline. Ms. Bauer asked how much they were looking for in the height variance. Mr. Azzolina stated that they were looking for a 2 ½ foot height variance. They would have to justify that and wanted to discuss that with him as to the why if they really wanted to proceed with that. It would still come to this Board. That was the direction that this Board gave him. The Board wanted to see the subdivision as well as the site plans and wanted the site plans to conform to the FAR.

Mr. Morgan asked if there was any blasting needed. Mr. Azzolina noted that there is no blasting needed. There are no rock issues. Mayor Romeo stated that we are not going to schedule anything at this time. Mr. Azzolina will tell them that this is currently under review and that the Board has concerns with the height and they may want to reconsider that and this way he will know what he is properly advertising for.

Mr. Azzolina stated that another issue that he wanted to note on this application is that this is the third set of plans that he is looking at. He will be looking at a fourth set of plans. For a subdivision, which this is really a subdivision and site plan for two lots, he is required to post \$3,000. Basically, with the three reviews they have done to this point, the money is exhausted or will be shortly exhausted, so he would also recommend that the Board require that he post another \$3,000 escrow so that we are not chasing him. It is really a function of how many sets of plans and letters he has to do. There is provision in the code for that. The sums are stated as \$3,000 or an amount deemed appropriate by the Planning Board. That is what he is asking the Board to deem that \$3,000 additional as appropriate in this instance.

Mr. Azzolina is also currently reviewing the Carbonell Application #1493, 62 Jackson Drive, as well as the preliminary drawings he received for Application #1499, 5 Crest Drive North, Crest Drive North LLC. What he told the Board initially was the only plans that were submitted were by Uri Rapaport, the architect. They also need to submit an engineer's site plan. Lehaviv Lapid and Norberto Szwerdszarf were present and said they thought they submitted everything. They only submitted one site plan to the Building Department. Mr. Azzolina told them they need to submit 15 copies of the site plan to the Borough Hall. He will review the plans and report at the next meeting. They presented Mr. Azzolina with one copy of the site plan. Ms. Lapid asked what happens next. Mr. Azzolina noted that over the next two weeks he will review the plans. If everything is complete, he will recommend that the Board schedule it for a hearing. If it is incomplete, he will prepare a listing of the things that are incomplete and need to be addressed. If it is just a couple minor things, he will do it over the phone or e-mail and usually that works out. If it is more exhaustive, then it is going to be a written memo. Their architect has done several plans recently in Cresskill and the engineer has done several plans in Cresskill, so chances are it is going to be complete, but he can't say it is going to be complete at this date because he hasn't looked at it. The earliest it would be is two weeks for him to recommend to this Board to schedule a hearing. They do not personally have to attend the meeting, they can have an attorney represent them.

Ms. Lapid wanted to mention that on the site plan, there is a tree on the back that is marked for protection. Actually, she brought someone over and they said that the tree is dying. Mr. Azzolina noted that that is something that they would cover in the report. He typically identifies the number of trees to be removed and he will make note of that statement. As of this date, there is not currently a tree ordinance in this town, although one is forthcoming.

Old Business

None.

Resolution for Application #1485M, 67 Phelps Avenue, Mary LaBelle, was introduced by Mr. Ulshoefer, seconded by Mr. Mandelbaum. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Ulshoefer and Mr. Mandelbaum all voted yes. Mr. Calder was absent. Motion approved. 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. Ms. Lisa Mancusi wanted to know if anything was up about Hungry Peddler, Cablevision and Hamrahs. Mayor Romeo noted that Hungry Peddler is zoned for houses. It has always been zoned for houses and is currently a non-conforming use and has been that way since the 1930s. It is zoned for residential. The gas station is closed down permanently. It is being cleaned up now. They will remove that commercial zone where the gas station is and it will become residential for homes. The property goes all the way to 12th Street. It will probably be between four and six houses. There will be no condos there.

Mayor Romeo stated that the Hamrah's store is now going to be a deli and offices. The empty lot that is going around the corner, they have come to us to talk about condominiums there. We don't know what is going to happen. We are waiting for an application. He doesn't know if they will grant condos or not, but it wouldn't be a large amount and if they did do it, they would have to build us some COAH housing someplace else. As far as the impact on the schools, all the stuff that has been going around about how Willow Run crowded the schools, none of that is true. All of the population increase in the schools is coming from the older people selling their houses to builders, knocking them down, and young families coming in. That is the cycle of life which we can't help. Cresskill Gardens has 350 houses there and probably half of them are the original houses and the other half have been knocked down and more children are coming in. The other 175 houses are going to be knocked down because those houses were all built for \$8,000 and they are falling apart. They were built for all the vets that came home from WWII. Those will eventually turn over.

Daibes had a total of 17 kids out of 75 apartments. That is not crowding the schools. It is the two and three kids that are coming in in the one family house. That is why families are moving here, to go to our schools. We are trying to deal with the overcrowding as best as we can. They are introducing a referendum. Ms. Mancusi stated that she only just became aware of it because her child got out of school last year so she is out of the loop.

Mayor Romeo noted that they are going to come in to build a building on Brookside Avenue with eight classrooms and move kindergarten and Pre-K over there. He doesn't know whether they are going to reconfigure 4th and 5th or not. That is another bone of contention.

Mayor Romeo stated that he did read the Facebook feed and it is all rumors. None of it is true. As far as Cablevision, that is not for sale. It is now a photography studio. Ms. Mancusi also brought up the light-rail. She thought the light-rail was done. Mayor Romeo doesn't even know why that is anything that would concern us. If they put the light-rail in, they put it in. That's the Federal government. They are either going to run it all the way up to Sparkhill or stop it anywhere. They originally wanted to stop it in

Tenafly and have us build a six-story parking garage on the Daibes property so every town north of here would park there and then get on the bus. We fought that and stopped it.

Mr. Schuster said that the last rumor he heard was that it was going to go up to Englewood Hospital. Ms. Mancusi stated that that is what she heard as well. She also heard that somebody wanted us to put a bike and walking path on our section all the way north. Mayor Romeo noted that they want us to buy the property, but if someone needs the railroad again we would have to give the property back to them. He doesn't really want a bunch of people we don't know riding their bikes past the high school.

Ms. Ann Dean asked about posting the minutes on line. She said they haven't been posted since January and people think we are actually hiding something. It was explained that the minutes are not posted on-line until they are approved at the next meeting. Mr. Schuster also noted that the Planning Board has 45 days to approve the minutes from a meeting. Mayor Romeo informed them that the only time we discuss that stuff officially is when someone brings in an application and says they want to put in condos or a bike path. Any other discussion is all unofficial and the scuttlebutt that everybody else is hearing, but he is happy to put that all to rest that none of that stuff is even close to being true. We know the path that we are going to take.

Mayor Romeo explained that a lot of people have this difficulty about why are we letting them develop the property. It is America and they are allowed to develop the property. As long as they are within the confines of the zoning, they are allowed to do that. Just like Willow Run. Willow Run would have been 60-70 apartments. They chose to put 38 condos.

Ms. Mancusi asked how the people in low-income housing stay there and if they are checked on to see if they still qualify to stay there. Mayor Romeo said he thinks they are reviewed every few years. Mr. Schuster believes that they have to certify every year to stay there.

Mr. Morgan closed the meeting to the public.

Motion was made by Mr. Ulshoefer to adjourn the meeting at 8:18 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for March 14, March 28, April 11, and April 25, 2017, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary