

MINUTES

CRESSKILL PLANNING BOARD

MARCH 11, 2014

Mr. Vaccaro opened the meeting at 7:41 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Vieni, and Mr. Calder. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the February 25, 2014, meeting. The motion was seconded by Mr. Morgan. All present were in favor of the motion. Motion approved.

Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for 34 & 40 Merrifield Way, Kishkush LLC. Copy to Mr. Schuster. File.

Notice from the Borough of Tenafly, dated February 26, 2014, regarding Ordinance No. 14-04, an ordinance to amend Chapter 35 of the revised general ordinances of the Borough of Tenafly, entitled "Land Development Regulations" and more particularly: amending Section 35-704 authorizing the waiver of site plan review and approval. The Public Hearing on the ordinance will be held on Thursday, April 17, 2014 at 8:00 PM. Copy to Mr. Schuster. File.

Resolution for Application #1440M, Ramapo Developers, 400 11th Street, was distributed. It will be voted on at the next meeting.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated March 1, 2014, sending Ms. Sadhna Babani, owner of Monsoon Flowers, LLC, located at 15 Broadway, Unit #1, Horizon Square, to this Board for approval. She currently has a retail flower shop at this location on the first floor and would like to expand her event flowers business to the second floor, suite number 206. This space will serve as the office. Ms. Babani was present and explained that the second floor will just be an office. She noted that there is no retail space upstairs, it is all office space. Mr. Schuster stated that it has been office space upstairs since it has been built. Mayor Romeo was questioning if it is zoned commercial, does that mean you could have a store on the second floor or some kind of retail. Mr. Schuster believes that it was originally approved for upstairs offices and downstairs for retail. Ms. Babani noted that she will be using 600 square feet. For now it will be just her working there. She might get a sales person visit her for shop items or people for a wedding consultation. She is taking over a doctor's office, and they moved out over a year ago. Mr. Galdi made a motion to approve, seconded by Mr. Calder. All present were in favor. Motion approved. Letter sent to Ms. Babani with copies to Ms. Barbara Nasuto, Mr. Edward Rossi, the Fire Department, Police Department, and the Health Department.

Subdivision Committee

Councilwoman Tsigounis noted receipt of revised plans for Application #1435, 182 Madison Avenue. Also, Application #1443, 55 Magnolia Avenue, submitted revised plans on March 6, 2014.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he received an advanced copy of the revised Application #1443, 55 Magnolia. His question for the Board is that there are existing, non-conforming conditions. It is a corner lot so it has required setbacks along both Magnolia and 4th Street. The westerly side yard is existing at 10 feet where minimum required in the zone is 15 feet. The proposal is to knock down the existing dwelling in its entirety, maintain the existing foundation, so the side yard setback at 10 feet along the westerly property line will be maintained. Along that side line they propose to construct a chimney that will project into that side yard. Our code allows for projections. If you have a 15 foot side yard, you could project two feet into it with a chimney which is the dimension of this chimney. The question is, when you have an existing non-conformity side yard of 10 feet, can you have that same projection, or does that represent a variance.

Mr. Azzolina noted that there is no footing for the chimney. It is cantilevered. It is simply a chimney. If you look at the architectural plans, it has no foundation. The projection is two feet off the house and approximately five feet wide. It is probably 40 feet back from the street. The house is set back 25 feet to the corner and it is another 15 feet or so to the chimney.

The other aspect of the proposal is they are maintaining the existing foundation and they are, at the first floor, cantilevering about two feet along three-quarters of the length of the dwelling and then beyond that, for a small projection, they are proposing a small addition, including a foundation in the basement, just in that area. He has requested from the applicant's architect a basement plan to get clarification as to what that is going to entail to get a clearer picture. Just that small area will have a new foundation. The rest of it, the applicants are proposing to use the existing foundation. This is in the back of the house.

Mr. Galdi asked where the zoning analysis was. Mr. Azzolina stated that the zoning analysis was on the architectural drawing. He had reviewed that previously. That is accurate and acceptable as presented. The rear yard setback requirement is 30 feet and the nearest projection is at 39.1 so they are 9 feet clear. Mr. Schuster stated that the house is all going to be the same except the house is going to have a slightly larger foundation in the back which is still not going to encroach in the rear yard. The rest of the house is going to conform, except there is going to be a chimney on the one side which protrudes two feet into the side yard. Mr. Azzolina noted that, per our code, you are permitted to project two feet into a yard. The only question in his mind is that clearly that is going to be applicable to a conforming side yard of 15 feet, but here we don't have a conforming side yard, but it is an existing non-conformity that's kind of, sort of being maintained. Mr. Schuster's understanding is that it is not counted for purposes of encroachment in the side yard. He knows it has been permitted in sub-sized side yards in the past.

Mayor Romeo asked about the front yard. The required is 25, the existing is 30.4, provided is 26.4. Mr. Azzolina explained that they are constructing a front porch, which is shown on the architect's plan. It is a couple feet ahead of the existing structure but still beyond the 25 feet. They don't require any variances. It conforms to FAR, building coverage, impervious coverage, and all setbacks other than that chimney depending on how the Board interprets it. Mayor Romeo asked how the two feet coming forward affect the line of sight for the other houses. Mr. Azzolina doesn't think it affects them at all. There is a variety of setbacks on Magnolia. Mr. Azzolina's opinion is he just needs direction on the chimney.

Mr. Morgan noted that we have talked about the two feet protrusions before. Ms. Festa noted that it is not a masonry chimney, it is just a box. Mrs. Schuster stated that that is not the point. It is a structure in the side yard. Mr. Morgan asked about drainage. Mr. Azzolina stated that on drainage there is really no change to the existing so he didn't really look at that. Typically they would require that the roof drains be connected to a seepage pit and overflows into the municipal storm drain system. That is not shown in the plan. That is one of the details he would resolve with their engineer. A couple of other things that need to be clarified on the plan are tree removal. There are several mature trees. He asked the applicants about the trees. Ms. Festa noted that the big one right next to the house and two pines in the front are going as well as a big tree in the back. Mayor Romeo noted that drainage is very important because 4th Street is so level that you will have puddling there so you need to get rid of the water that is going to come down the driveway. Mr. Azzolina said that the existing downspouts on this house

go underground somewhere but where is not evident to him. On this particular property they have the ability to put a seepage pit in to grab all the roof drains and then they can overflow into the municipal storm drain. There are a couple locations they can utilize.

Mr. Azzolina just wanted to get the Board's decision on whether a variance is required for the chimney. Mr. Vaccaro stated that as long as Mr. Azzolina is satisfied with it and they will take care of the drainage and everything else. Mr. Morgan stated that as long as the drainage was brought up and they are conforming with it, he can't see a problem. Mr. Vieni stated that if we are talking about the chimney, he has no problem with that. Mayor Romeo asked if they would take care of the drainage. Mr. Allen and Ms. Festa said absolutely. Mr. Galdi noted that if Mr. Azzolina is satisfied with the drainage he is OK with it. Mr. Azzolina explained to the applicants that they redid 4th Street this past summer and basically that existing driveway opening should be maintained rather than trying to create a new opening involving cutting the road. That would not be recommended.

Mr. Morgan made a motion to approve subject to the Borough Engineer being satisfied. Mr. Vieni seconded the motion. All present were in favor. Motion approved.

Mr. Azzolina noted he received revised plans for Application #1435, 182 Madison Avenue, a couple weeks ago. They have reviewed that plan. What the applicants have done to address the comments of his office and the County is revise the plan to provide the turn-around as required. In order to satisfy the coverage limitations, they reduced the size of the dwelling. One dimension was reduced by two feet and the other dimension by about a foot. It is a smaller house with the same architectural style as previously presented with the same stairs in the back. The only thing he tried to clarify with the engineer today was this plan shows the construction of a type B inlet on Madison Avenue. He asked the applicants if they were aware of that. The plan requires a construction of a catch basin, storm drain, in Madison Avenue, which is a County Road, so they will need a County permit to do that and it is costly. He knows their engineer has asked the County if they could do it in a less costly manner and he doesn't think they got that answer yet. He has called a couple times and he hasn't gotten the answer either. As long as the applicants understand that that has to be constructed, in order for their drainage to work, they have to have an overflow into that County system. If they do in fact allow them to just tie into the pipe, if that is OK by them, it is OK by him. They may not allow that and they may be required to build that structure, which is expensive, but it will be required.

Mr. Morgan asked if this is the house they presented in the very beginning. Mr. Azzolina stated that it was, just a smaller version. Mr. Morgan said that it doesn't tie in to the housing that we have here in Cresskill. He asked if that was a problem. He noted that we are trying to stay uniform in our town and now we are trying to bring something in that is completely contrary to his concept of the town and he doesn't know what we can do about it. He is against it because he doesn't like the change of our little town. Mr. Azzolina noted that our code doesn't specify style of home. Mr. Vaccaro stated that we do not have architectural review on this Board. Mayor Romeo asked Mr. Schuster if we could have that. Mr. Schuster stated that we could not. Basically you have a limited oversight for architectural design. The only time you can get into that is if you have a historical district and then you have certain restrictions on how the houses can be developed and how they can be repaired and how they can have additions put on. Other than that type of situation, you really have a very limited architectural review on properties. The only other time you have any oversight is if you have a development and as part of the covenants of the development there are limitations on the architecture.

Mr. Morgan asked Mr. Schuster, since he has been a lawyer here for a long time, how come we haven't covered that loop hole so we could keep our town a little intact. Mr. Schuster noted that the problem is the Supreme Court struck those laws down and that's why you don't have them. Tenafly had a very powerful one back in the '80s. Now you are very limited.

Mr. Azzolina noted that one other aspect of the design he wanted to call to the Board's attention is our code requires a ten foot separation distance between the sideline and the driveway. On the plan it scales about nine feet and there's a retaining wall. To him it really is a de minimus thing that the Board can waive in this instance. It is definitely required that they have the turn-around in order to exit the property safely. He just wants to make the Board aware that that is there. Otherwise the plan conforms to the FAR and height and he recommends that the Board offers its approval with the understanding that the applicants have to finalize the details with the County on the drainage tie in. Other than that, the plan is acceptable.

Mr. Calder made a motion to approve, seconded by Mr. Galdi. All present were in favor. Motion approved. Two copies signed, with approval memo. One copy to the Building Department and one copy to the file.

Mr. Azzolina noted that he was e-mailed a set of drawings for 20 Crest Drive North, Application #1442. They did not submit any plans to the Board. He also has final plans for the Merrifield property which have not been submitted to the Board.

Mr. Azzolina had final plans for Application #1439, 289 Brookside Avenue, Michael Katznelson. Two copies were signed, with approval memo. One copy to the Building Department and one copy to the file.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. No public wished to be heard.

Motion was made by Mr. Galdi to adjourn the meeting at 8:16 PM, seconded by Mr. Calder. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for March 25, April 8, April 22, and May 13, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary