

MINUTES

CRESSKILL PLANNING BOARD

OCTOBER 22, 2013

Mr. Vaccaro opened the meeting at 7:46 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, Mrs. Schultz, Mr. Calder and Mr. Ulshoefer. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mrs. Schultz made a motion to approve the minutes of the October 8, 2013, meeting. The motion was seconded by Mr. Galdi. All present were in favor of the motion. Motion approved.

Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for 221 County Road, Millenium Healthcare Center. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated October 21, 2013, sending Mr. Frank Gonzalze to this Board for approval. He would like to open a retail store at 18 Union Avenue called Arthur Avenue Cigars of NJ, Inc. He will be selling cigars and accessories. Mr. Manfredonia owns the building. Mr. Manfredonia noted that Mr. Gonzalze owns a business on Arthur Avenue in the Bronx. He thinks Cresskill might be a nice spot to have a satellite store. Mr. Morgan made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter of approval sent to Mr. Manfredonia, with copies to Ms. Barbara Nasuto, Mr. Edward Rossi, the Fire Department, the Police Department and the Health Department.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated October 17, 2013, sending Ms. Christine Kerr, property manager of 100 Union Avenue, Devonshire Associates, LLC, to this Board for approval. A new tenant, Thetica Systems, Inc. would like to open a software service business at this location. This software service provides software products and services to structure finance professional. Ms. Kerr was present. She noted that this tenant designs programs for financial companies. There will be two people working in the space of 900 square feet. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter of approval sent to Mr. Manfredonia, with copies to Ms. Barbara Nasuto, Mr. Edward Rossi, the Fire Department, the Police Department and the Health Department.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated October 9, 2013, sending Mr. Lavon to this Board for approval. He would like to construct two new single family homes at 34 Merrifield Way which he received sub-division approval for previously. No applications have been received.

Subdivision Committee

Councilwoman Tsigounis has nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that there is the on-going issue with the Lee application. He spoke with the County Planner. They have advised him that the curb and sidewalk will not be required along the frontage of the property. They are still debating whether the inlet that is shown on the subdivision needs to be constructed. They are awaiting direction from the County Engineer on that. It is shown incorrectly on the subdivision plat from way back when. It is almost depicted as if it is an existing inlet that just needs a new curb piece on top of it, but there is no inlet. It is a whole new construction on a County road so it is a pretty expensive installation, but the design of the subdivision was using that as their overflow so they were proposing seepage pits which had an overflow pipe to the north into this inlet. The design of the house is a garage under so there is going to be a fair amount of water coming towards the garage so he thinks it is warranted. Mr. Galdi asked if it is going to require a pump. Mr. Azzolina noted that it is a gravity system shown on the subdivision.

Mayor Romeo asked Mr. Azzolina if the buyers were aware of this. Mr. Azzolina doesn't think they were aware of this. The other issues with the subdivision are the monuments were not installed, however, bonds were placed with the County for that, so that work is being done. There are quite a few missing items here that these people need to address. Mr. Galdi noted that we have to make sure that the drainage is right. The owners were not prepared for this. Mr. Azzolina noted that Mrs. Tonuzi moved to Washington and is not around. The Lees have called him every week because they are anxious to get going, but he told them that until the County gives him some conclusive direction that he can't recommend approval. Mayor Romeo asked if they are willing to do this work. Mr. Azzolina noted that even though the joint report says that there shall be new curbing and sidewalk along the entire frontage, the County told him that since it wasn't a bonded quantity, it is not going to be something they are going to hold them to. Mr. Azzolina stated that they will have to do a curb cut minimally for the driveway so a portion of it will be done, but it won't be across the entire frontage of the property, it most likely will be the width of the driveway, 20-24 feet, new curb and new sidewalk. It won't be across the entire frontage. Mr. Galdi wants to make sure that the water is diverted away from the driveway.

Mr. Azzolina stated that he has spoken with their engineer and he has included, as part of the redesign work that he has done, a turn-around area.

Public Hearing – Application #1431, 79 Cedar Street

Mr. Schuster received the mailing list and proof of mailing. He reviewed the mailing slips and noticed that some were addresses incorrectly. A member of the public noted that hers was addressed incorrectly but she did indeed receive it. He is unsure if the neighbors actually got them because they were addressed incorrectly, which is why he asked for the green cards because that would be proof that they were received. Also, the notices that was sent out by mail, is different than the one posted in the newspaper. The problem he has with both of them is he doesn't refer to the fact that he needs site plan approval, which is what he spoke to him on the phone is the predicate upon which is why they were here to begin with. Mr. Maryanski noted that he has some saving language in the notice regarding any other approvals that may be required. Mr. Schuster also had a problem with using the name Mr. Lavon. They should have used both first and last name if he is being listed as the applicant in the newspaper notice. They don't refer to him in any way as to who Mr. Lavon is. There is no reference to who Mr. Lavon is. The problem is since we don't have the green cards, we don't know if the people whose notices were incorrectly addressed actually received them.

Mr. Schuster has considered these defects and consider them to be technical in nature and one person who did have an incorrectly addressed letter did in fact get it, so therefore, we are going to proceed with the hearing today.

Mr. Mark Maryanski was present on behalf of the applicant. He noted that the Board granted development approval to this applicant in July of this year for a single family dwelling on this property. They are here for an amended site plan and a variance for the height of the proposed structure. He would like to call the architect, Mr. Chris Blake, as his witness. Mr. Chris Blake, 155 N. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. Mr. Blake has appeared before this Board many times as a licensed architect in the State of New Jersey. His license is presently in good standing. He was deemed an expert in architecture.

Mr. Maryanski asked Mr. Blake if he was retained by the applicant to prepare the elevation drawings that were submitted in connection with this application. Mr. Blake agreed. As part of his work on this application he familiarized himself with this property and the properties in the immediate area. He also familiarized himself with Cresskill's zoning ordinance as it relates to this property. The elevations were marked as Exhibit A1 which is AD 1-6. Mr. Maryanski noted that this exhibit is elevation drawings and the proposed house. The site plan is AD5 of Exhibit A1 and the key map is AD6 of Exhibit A1.

Mr. Maryanski asked Mr. Blake to describe the proposed house and the variance that is being sought. Mr. Blake noted that the front elevation of the house, facing Cedar Street, is proposed to have a garage under, with two stories above, so the garage is actually in the cellar. The first floor has a typical living space, with a kitchen, dining room, living room and family room, with bedrooms and bathrooms on the upper floor. The cellar has a small recreation room and a small bedroom.

Mr. Schuster noted that in his packet he doesn't have an AD6. It appeared that not all packs were complete. Mr. Maryanski noted that there were pictures of the surrounding homes. The pictures were marked as Exhibit A2.

Mr. Blake noted that the upper two floors would be 3,200 square feet. The property size is over 19,000 square feet. It is a long narrow property. It is 261 feet long and 75 feet wide. To design the house so it fits comfortably into the property, it doesn't require any lot coverages, FARs, or anything like that. The reason they are here is for the height of the structure. The overall height of the structure, by the Cresskill ordinance, is determined by the front two corners of the house as the grade plane. To figure out where the top of the house is to go, you have to figure out where the bottom of the house goes. The bottom of the house is equal to the grade at the front two corners of the house. Per their engineer's drawings those grades are very close to 99 and 100, so they will call it 99.5. 99.5 is the average grade. That is the front of the house.

This long narrow property in this part of Cresskill slopes uphill. It slopes from the lowest level of the street to the highest level at the back of the property. The slope is pretty dramatic. The house itself is about 50 feet deep. The front of the house is at an average grade of 99.5 to the natural grade of the property in the back of the house at about 104-105. It slopes about six feet for this 50 foot house. When you start counting the rear deck and things of that nature, it slopes about eight or nine feet from the front of the house to the back of the house. The Cresskill zoning ordinance takes the height from the front of the house to top of the roof. With the slope of the house going toward the backyard, and the back yard being about seven feet higher than the front yard, the house is obviously a lot smaller in the back of the house. In the back you only see about 22 feet of house. The slope of the house is causing the difficulty here.

Mr. Blake noted that on a normal flat site you could push the basement lower, you could push the first floor lower, therefore the roof isn't so far out of the ground, but you can't push the first floor any lower because they prefer the first floor to be able to walk out of the back of the house. They prefer to have a back patio, they prefer to have a back door. To have a back door, you have to make the first floor high enough to cover the ground as it slopes up the hill. That pulls the first floor out of the house and that pulls everything else out of the house and therefore, that pulls the roof up. Their feeling isn't that the house is too large, it's just a combination of the geometry on the site of the property, which is pulling the first floor,

therefore, pulling the second floor, therefore pulling the roof up, to have the ability to walk out of the back of the house. They are not trying to re-grade the whole property, they are not trying to re-contour everything, they are working with the existing grades, with minor modifications here and there, but that brings them to the hardship.

Mr. Maryanski referred to Exhibit A2, the series of photos. Those depict the homes in the immediate area, which are also designated on the key map AD6. Mr. Maryanski asked Mr. Blake to compare the roof lines of those homes shown in the photos with what is being proposed. Mr. Blake noted that the immediate house to the south, 73 Cedar, has a building height of 28.9. The next house south of that, 67 Cedar is 27.1 feet. The building immediately to the north, 85 Cedar, is simply a ranch at 16.8 feet. Across the street, 37 Poplar, is 31.1 feet tall. If you look at the neighboring houses and the photos, you will see that they are 2 ½ story buildings and that they are anywhere from 27 to 31 feet tall.

Mr. Maryanski noted that the house immediately to the south is 28.9 feet and exceeds the 28 foot maximum. The one across the street is 31.1 feet is actually higher than what is being proposed here. As far as the styles, what would be the alternative to reduce the height on this property? Mr. Blake noted no alternative without bringing the first floor lower than the rear yard, since they have established where the first floor goes based on the rear yard. The first floor has a ceiling height of nine feet and the second floor has an eight foot ceiling height, which are typical. Thus, the peak of this roof that they are asking for at 30.5, is only a five pitch, which means it goes five feet up for every 12 feet across. It is very average, not steep or shallow. Some of the neighbors have steeper pitches. This five pitch, which is actually a little bit less than average, is in trying to work with the ordinance and to fit in the neighborhood without being excessive.

Mayor Romeo asked if the drawing is what it would look like with the new height. Mr. Blake noted that it is. If they are not allowed to have the height variance, the roof would have more of a four pitch and it would be significantly less tall. The attic and the peak would be flatter and it is really unappealing. It would make it more difficult to put mechanicals or anything up in the attic because it would be only a four foot attic.

Mr. Galdi asked if the driveway going in was recessed. Mr. Blake noted that the garage floor is higher than the street. The property slopes up quite dramatically. They are cutting into the hill, but the driveway will be less steep. Mr. Maryanski asked if some of the homes depicted in the pictures have a steeper pitch to their roofs and have less of a slope to their properties. Mr. Blake agreed. The neighbor to the south has a similar slope but the neighbor to the north has a similar slope but not as dramatic.

Mr. Maryanski asked if it was fair to say that the proposed pitch of this roof architecturally is compatible with the pitches of the other roofs of the homes in the area. Mr. Blake agreed. Mr. Maryanski asked if there was an aesthetic benefit to that. Mr. Blake noted that there is an aesthetic benefit to the alternative. The alternative would be to have a less steep roof and a smaller attic and that is less attractive in a traditional sense of what a house should look like and it is less attractive to what the surrounding houses do look like.

Mr. Maryanski asked if under the Municipal Land Use Law, promoting a desirable, visual element one of the purposes of the Municipal Land Use Law. Mr. Blake agreed. The proposed pitch would be compatible to the other homes in the area and would promote that purpose. Mr. Blake does not see any detriment to the neighborhood. They will not be impinging on the neighbors and they have 261 feet of property behind them and they won't have any problems with the neighbors behind them and they are 30 feet higher than they are by the time you get to the back of the property. He believes the proposed height variance would be a function of the steep topography going from front to rear on the property. In order to keep the ability to exit the first floor in the rear and the hardship of having the building measured from the extreme front of the building, which would be the lowest point on the property, he believes the variance is a function of the steep slope.

Mr. Galdi asked Mr. Azzolina if this was zero runoff. Mr. Azzolina noted that the original site plan drainage design was reviewed back in July.

Mr. Vaccaro opened the meeting to the public. Ms. Mary Jean Quinn, 34 Glenview Terrace, Cresskill, was sworn in by Mr. Schuster. Ms. Quinn stated that the two houses that they were comparing it to, 37 Poplar is almost 100 years old, and the one next door is about 80 years old, when the building codes were quite different than they are now. How do we get to the point where the second floor is built and we have rafters on the front of it and now we are finding out about this issue? Mr. Blake noted that it kind of was always understood on paper the issues at hand, but the issues at hand became more problematic as they were building and it became apparent that the attic would be unusable. That is why they are here. Ms. Quinn asked why that wouldn't have been engineered in. There was a lot of digging done. They went down very deep. If that was the case couldn't they have gone down an extra two feet? Mr. Blake stated that they would have loved to do that, but then they couldn't have walked out the back door. The ground right now is higher than the first floor. You almost have to dig a trough around the building to be able to get out to the backyard. Pushing this building down further into the ground would make all that even more difficult.

Mr. Keith Brassel, 112 11th Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Brassel noted that he has been a long time resident. He stated that the property to north is level because that used to be a sandstone quarry back there and that was all pulled out. To restate the questions about the height, those houses did predate the ordinances that were written on height elevation. His real question is what was the original proposal when it came in. He did stop down and look at it and there were no variances required and everything conformed. As far as having a back door that enters out onto a level area, he understands that, it's raised numerous issues going to back when they were establishing FARs, particularly in the Montammy and Tamcrest areas. He really would like to have seen the original one with ceiling heights. He thinks that the fact that across the street you have ranch homes in proximity of an extraordinarily narrow street, he does think it is going to stand out a little bit more. He thinks going into a project like this he would have a complete understanding of the ordinance and the requirements of the town and try to meet it. Mr. Blake stated that he is not claiming ignorance. They have not raised the ceiling heights, they have not raised the first floor, they haven't changed the back yard. It is literally a house with a less steep pitch. It can be built. Nobody said it couldn't be built.

Mr. Brassel noted that he is not saying to have seven foot ceiling heights. Mr. Blake agrees that the houses surrounding this property predate the ordinances. He is still trying to fit in with the existing houses.

Mr. Galdi made a motion to close the meeting to the public. Mr. Morgan seconded the motion. All present were in favor.

Mr. Vaccaro asked the Board if they had any more questions. Mr. Morgan noted the heights of the houses across the street that predate the ordinances and stated that this is not something that we need to be concerned with. He wanted to know what changes were made since this was approved. For example, what is the height of the garage? Was it eight feet or nine feet when it was submitted? Mr. Blake noted that the garage is more than nine feet and it is still more than nine feet as per the plans. The plans have not been changed. There is a nine foot first floor. Mr. Morgan asked why we were changing the height then. Mr. Blake noted that they are changing the pitch of the roof, because they think it looks better and because they think it is more functional and because it is more in keeping with the neighborhood. Mr. Morgan asked why that wasn't considered in July. Mr. Blake noted that everything was considered, it just wasn't processed.

Mr. Galdi asked if they could bring the whole thing down. Mr. Blake noted that they could but you couldn't get the first floor out to the backyard. Mr. Schuster asked if you could move the house back. Mr. Blake stated that that would be worse because it gets steeper as you go back. You would be sinking the first floor more underground, would be more extreme construction, like a concrete bunker.

Mr. Morgan made a motion to disapprove. He thinks this should have been figured out in July. Mr. Calder seconded the motion. On Roll Call: Mayor Romeo voted no. Councilwoman Tsigounis voted no because she understands the grade issue and the challenge of trying to work with a useful attic.

Mr. Vaccaro voted no. Ms. Bauer voted yes. Mr. Galdi voted no. Mr. Morgan voted yes. Mrs. Schultz voted no. Mr. Calder and Mr. Ulshoefer voted yes. Motion fails.

Mrs. Schultz made a motion to approve, seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis and Mr. Vaccaro voted yes. Ms. Bauer voted no. Mr. Galdi voted yes. Mr. Morgan voted no. Mrs. Schultz voted yes. Mr. Calder and Mr. Ulshoefer voted no. Motion approved.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. Mr. Brassel asked if the decision to approve this was based on topography. Mr. Schuster said that the application speaks for itself. He presumes the votes of all the members are based on all the evidence and all the facts presented on which topography was one of those. Ms. Quinn understands but stated that not everyone has been advised about this, and how did it all of a sudden become a hardship when nothing has changed other than the height of the roof. Councilwoman Tsigounis explained that to drop that roof any further wouldn't really fit in. Mr. Brassel doesn't understand how topography is a hardship when from the get go it's been engineered to be built that way. Councilwoman Tsigounis understood and explained that at the point where they are now, it will look better.

Motion was made by Mrs. Schultz to adjourn the meeting at 8:43 PM, seconded by Mr. Galdi. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for November 12, November 26, December 10, 2013, and January 14, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary