

MINUTES

CRESSKILL PLANNING BOARD

DECEMBER 9, 2014

Mr. Vaccaro opened the meeting at 7:32 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.

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

Correspondence

Letter from the County of Bergen, Department of Planning and Economic Development to Mr. Louis D'Arminio requesting a copy of the plans for Application #1455, 1 County Road, to determine whether an application to the County Planning Board for site plan review and approval will be required. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated December 2, 2014, sending Christine Kerr, property manager at 100 Union Avenue, on behalf of a new tenant, to this Board for approval. The new tenant, Barry A. Gathelf, CPA, PC, would like to open an accounting business. Ms. Kerr was present and noted that she has a new tenant in the building at 100 Union Avenue. The new tenant is an accountant that is moving into the area from New York City and looking forward to growing his business in Cresskill. There will be just one accountant and his wife. It is a small office of 450 square feet. There is no problem with the parking. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter of approval sent to Ms. Kerr with copies to Ms. Barbara Nasuto, the Building Department, the Fire Department, the Police Department and the Health Department. File.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated December 8, 2014, sending Ms. Amy Kalt to this Board for approval. She is sub-letting the rear of 26 E. Madison Avenue and selling samples, such as jewelry, scarves, clothing, etc., from December 5, 2014, through December 24, 2014. Ms. Kalt was present. She noted that it is a sample sale in the office space. Ms. Marlene Prulello owns the building and they are partners in it. They might want to keep doing it for the future and keep it a retail operation. This is the property where the home inspection company is. This is in the back. Mr. Vaccaro questioned the two businesses in the same piece of property. Mayor Romeo asked if there was a separate bathroom for them. Ms. Kalt noted that it was a one family house. It has a bathroom in the hallway. The people that are in the home inspection part in the front are only there from 9:00 to 12:00. They want to do this just temporarily until December 24.

Mr. Galdi stated that they are setting a precedent. Ms. Kalt noted that the guy in the front wants to leave and Ms. Prulello wants to just make the whole building retail. They are selling scarves, accessories, etc. Mr. Schuster asked about the parking spaces. Mr. Galdi wanted to make sure Ms. Kalt understood that this is only temporary. Ms. Kalt noted that if Ms. Prulello thinks it works great, than maybe they can do it on a permanent basis. Mayor Romeo stated that they would have to come back. Mr. Ulshoefer wanted it put on

the record that this is not a precedent and it is only a temporary situation and it is not renewable. Mr. Schuster noted that the Building Department has to give her a temporary permit to do this.

Notice of public hearing from the City of Englewood regarding Ordinance #14-44. File.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina had nothing to report.

Old Business

None.

Public Hearing – Application #1455 – 1 County Road

Mr. Vaccaro announced the Public Hearing for Application #1455, 1 County Road, Willow Run Real Estate LLC, Pulte Homes of New Jersey, LP. Mr. Louis D'Arminio of Price, Meese, Shulman & D'Arminio, was present representing Pulte Homes of New Jersey, LP, for the Willow Run property. The relief they are seeking is preliminary and final site plan approval to build 38 townhomes. This plan is a permitted use. This is a conforming plan except for a slight variance height for aesthetic purposes that we would like to make sure that roofs are pointy instead of a little flat and so they are seeking that relief. They comply with all the other standards of the Townhouse Residence 2 Zone and also the standards of the controlling New Jersey State Residential Site Improvement Act (RSIS).

Mr. D'Arminio has several witnesses to speak about Pulte, the engineering, an architect, a traffic engineer and a planner. The only thing he would ask is that he has a number of witnesses and he knows the public is very interested and he would like to be able to put all his witnesses on so everybody could hear the case and then all the witnesses would be available for questions and comments. Mr. Schuster stated that to move the project along and the hearing along, we will let Mr. D'Arminio put his case in and people will be able to ask their questions at the end. As far as people asking questions, everybody will have a chance to ask at least one question. We are not going to allow a person to ask a second question until everyone else has had the opportunity to ask their first question. Under normal circumstances, there is a five minute rule about making comments. We try not to be too strict about that, but that is the general way we handle these things.

Mr. D'Arminio called his first witness. Mr. James Mullen, 222 Mt. Airy Road, Basking Ridge, NJ, was sworn in by Mr. Schuster. Mr. Mullen is a lawyer by practice and is also the director of land entitlements for Pulte. His function is to get all the government approvals necessary to start building this project as soon as possible. Pulte Homes is a national home builder based out of Atlanta, Georgia. It was started by Bill Pulte in 1950 when he built his first house of the company out of the back of his pick-up truck. The company has grown since that time to be the largest home builder in the nation. They have built over 500,000 homes during that time in 26 different states across the country. They are a fortune 500 company and have won J.D. Powers awards throughout the years. Their division, which is the Northeast Corridor Division, is located in Basking Ridge, and they have a territory that includes, New Jersey, southern New York State, Delaware, and Eastern Pennsylvania, where they build for sale houses only, no rentals, single-family townhouses or

condominiums. Mr. Schuster asked if his testimony will be fact based as opposed to opinion driven. Mr. Mullen agreed. Mr. Mullen stated that this year alone they will close in their division about 450 homes. They have built in Paramus, Garfield and Woodridge.

In this particular instance, they are the contract purchaser of the property. Their proposal is for 38 townhouses, which they are building now in different communities, one in Bucks County, Pennsylvania, and one in Monmouth County, New Jersey, and they think that this particular property is well suited for the townhouses that they are proposing. They are very excited to be here and build in Cresskill.

Mr. D'Arminio marked as Exhibit A1 the aerial view of the property. Mr. Mullen stated the property is outlined in yellow. There are going to be 38 townhomes on the property.

Mr. Michael Dipple was the next witness. Mr. Dipple, L2A Land Design, LLC, 60 Grand Avenue, Englewood, NJ, was sworn in by Mr. Schuster. Mr. D'Arminio asked Mr. Dipple to give his professional background. Mr. Dipple stated that he is a licensed professional engineer in New Jersey, New York and Pennsylvania. He has been practicing civil engineering for 23 years. He is a principal at L2A in Englewood where they specialize in residential, commercial and retail development. He has appeared and been accepted as an expert engineer in front of about 150-200 different communities throughout New Jersey, New York and Pennsylvania. Mr. Schuster asked Mr. Dipple if his license was presently in good standing in the state and if it was suspended in any other state. Mr. Dipple noted that his license is in good standing in all states. Mr. Schuster stated that Mr. Dipple was accepted as an expert engineer.

Mr. Dipple noted that he has reviewed the new townhouse TR2 Zone. They have reviewed the land development ordinances of the Borough of Cresskill. They have been to the site numerous times and have looked at many documents that the town has provided them in order to prepare the site plan. He has prepared the site plan that is before the Board and Mr. D'Arminio marked it as Exhibit A2. This site plan is dated October 31, 2014, consisting of 14 sheets, numbered C01-C14.

Mr. Dipple went back to Exhibit A1, the aerial view, and noted that it was oriented correctly north to south, top of the page being north. You could see the Willow Run garden center surrounded by a yellow line. Broadway is to the north and County Road runs north to south along the east side of the property. There are four buildings on site, the main retail area, greenhouses, the barn and a dwelling in the back left hand corner. Parking is provided along Broadway and along County. Most of the outdoor display area is to the south of the existing building. Along the south area is more of the owner's area where they maneuver product and some of the other garden items like mulch and stuff like that to the rear of the property. Access is on County Road and on Broadway. There are two driveways on Broadway.

Mr. Dipple noted that they prepared the plan referred to as Exhibit A2, entitled Preliminary/Final Site Plan. They have on C02 an existing conditions plan which was just described. C02 is a demolition plan. Everything on site pretty much gets removed within the site boundaries. They are required to do a little bit of work out on County Road and they are going to close one of the driveways on Broadway. On C04, the site plan sheet, it depicts the dimensional plan of the development and shows the 38 proposed townhouses in seven separate buildings. There are three buildings that border Tenafly, immediately to the south. There is a BMW dealership and commercial buildings along that property line. There are four buildings that run north to south perpendicular to Broadway. The largest building has six different townhouse units in it. Two buildings have four townhouses to a building. Roads come in off of Broadway. They are going to be private streets. One access will be along Broadway towards the western side closest to the existing commercial building where Englewood Hospital is.

Coming in off of Broadway will be a private street 24 feet in width that will connect to another road which will run east to west. Right now they are calling them Road A and Road C. That will run out to County Road where you will have a right in, right out driveway, which is very similar to what they have there today for Willow Run. There is one short dead-end road which approaches Broadway, which services ten of the townhouses and it has a small parking lot at the end. Mr. Dipple presented a colored version of this site plan and it was marked as Exhibit 3. This sheet has the landscaping superimposed on it so you can see how it will actually look. The brown are the townhouse buildings, the green is the grass and landscaping, and

anything in gray is either road or driveway. Each unit will have a driveway butting up against the front. It will permit two cars to park in the driveway and each unit has a two-car garage inside on the ground floor. There are stairs and sidewalks that lead up to the main floor above the garage. There are parallel parking spaces only along the road that runs east to west that they are showing as Private Road A. As he described before, there are four guest parking spaces on proposed Private Road B.

Mr. Dipple noted that in terms of the TR2 Zone they do comply with almost every aspect of the new TR2 Zone in terms of the lot area, yard setback and abutting to the zone line. As Mr. D'Arminio mentioned, they are seeking a slight height variance. The Cresskill code calculates the building height from the existing grade. When they re-grade this site, because it is a garden center now and they are bringing townhouses here, they had to change the grading quite a bit in order to make it work. They do raise the grading in places and that's causing about a seven inch rise in some places for the townhouses. As Mr. D'Arminio said, they are seeking just about 2" above the 35' height requirement for the building itself. They did provide a building height table. The tallest that comes out of that table is at building 1 and building 2 and that is due to the grade. The grade rises up at the site as you approach County Road. It does that today and is fairly consistent under the proposed conditions and this building, 1, 2, 3, and 4, which is in the southeast corner, is the only building that has a finished floor break and that is causing a slightly higher height by your ordinance.

Mr. D'Arminio asked where that height was measured from. Mr. Dipple noted that that is measured in accordance with the ordinance to the mean roof height or the midpoint of the pitched roof. Mr. D'Arminio asked if otherwise, in terms of the number of units in the building or any of the other setback requirements, is it compliant. Mr. Dipple noted that it is compliant. They did design this in accordance with RSIS which is a little bit different than the ordinance for the driveway width and one of the roadway widths. Mr. Dipple stated that the local ordinance is superseded by the RSIS. Road B and Road C that run in the north/south direction are proposed at 24 feet in width which is in accordance with the RSIS. Road A is 28 feet in width and that complies with RSIS and it also exceeds the ordinance requirement which is 26 feet. Along Road B and Road C it includes a four foot sidewalk and that is where the road width changes. Also in the RSIS, it recommends sidewalks for this size development, especially when there is public transportation, so they do have a bus stop over by the BMW dealership, and RSIS does recommend sidewalks when you are within two miles of a school and he doesn't think you can go two miles in Cresskill without being near a school so they are clearly close to that. The bus stop is in the southeast corner of the development.

Mayor Romeo asked if there was an indentation there where the bus can pull off of County Road. Mr. Dipple noted that the entire roadway has a little bit of a shoulder along the Willow Run property and it actually bumps out over by the bus stop. The sidewalk is configured so that if you are taking the bus you can load in that area. Mayor Romeo asked if there is any chance of getting that moved in and getting County approval to move that in so the bus is off of the lane so cars can pass and there is not a back-up there. Mr. Dipple didn't know. They submitted an application to Bergen County Planning. They haven't heard back. They pursued them for some input on that. He doesn't know where that stands. You would be affecting the BMW dealership curb. He passes that bus stop every day and he thinks it functions well. It does hold up traffic a little bit right there if the bus is loading. He doesn't really think it is an issue. He can say they are pursuing whatever approval they can get from Bergen County. They think this is in good standing with them.

Mr. D'Arminio noted that there is an 18 vs. 20 foot driveway and asked Mr. Dipple to explain that. Mr. Dipple stated that the ordinance requires 20 feet for a two-car driveway. RSIS actually says residential parking is actually 9 x 18, so two cars next to each other would be an eighteen foot driveway. These units are 24 feet in width and that is very common for a townhouse. He does a fair number of townhouse developments and 24 is a number that they see quite often. When you add the 18 and the attractive front entrance, which you are going to see the stairs and the front entrance with the porch and little roof over top of it, 20 feet ends up restricting that. They went with the 18 feet which complies with the RSIS. The garage door for the two-car garage is 16 feet so they think the 20 feet is a little bit excessive and he thinks this works a little bit better. Mr. D'Arminio noted that this provides a nice walk-up to the steps and to provide a separation between the units and to be more consistent with the garages.

Mr. D'Arminio asked if they met the parking requirements. Mr. Dipple noted that they have a parking table and they meet the requirements. They are showing 38 units, which by RSIS standards they require 2.4

spaces for a three bedroom townhouse and which calculates to 91 spaces and they are providing 144 spaces if you include the garages and the driveways and the parallel parking and the guest parking at the end of Road B. They will exceed the requirement by a little more than 50 spaces. They have 11 guest parking spaces throughout.

Mr. D'Arminio asked about the trash removal. Mr. Dipple stated that trash will be taken care of just like all the other home owners in Cresskill now and all the neighboring towns. The trash is brought out to the edge of the road and is picked up by the waste hauler and then you pull the trash can in. There is nothing special, there is no specific enclosure. It is just the way it is done throughout this urban area. They have taken a look at all the truck routes and have actually moved the parallel parking back to make sure that the trucks and emergency vehicles and everything can make all the turns. It does comply with RSIS and that's what they were designed to do.

Mr. Dipple went through the rest of the plan. The grading and drainage plan has a lot of berming going on around the development. As you notice on the landscaping plan that was labeled A3, there is a fair amount of landscaping and islands and here on the grading plan you can actually see the berming that is going on along Broadway and along County. Willow Run has a fair amount of landscaping now and they are just going to enhance that and in between the units and in the back. Everything is going to continue to drain to the west as it does now. Right now, if you look at the site, there is a lot of impervious surface and a lot of runoff. This actually reduces the runoff. They produced the stormwater management report that shows that there is a benefit to the community just by building the development with all of the lawns and berming and grasses. They did analyze the stormwater in accordance with the stormwater management rule and the ordinance and they show that benefit there. If you compare the two renderings, you can see it very clearly that they are providing a fair amount of green space and he does have the calculations. They meet the maximum lot coverage for the ordinance within the TR2 zone. There is a requirement and they do meet that. They are below the allowable coverage. Mr. D'Arminio noted that they do have a Stormwater Management Report and it is part of the record.

Mr. Dipple stated that they are going to provide a new sanitary sewer service and it is going to collect along the private Road A and it is going to continue down to Broadway where it will connect to the municipal system in Broadway and then head west. They have already spoken to United Water and got their approval for the water main and some fire hydrants and that has been designed. The water service will feed off of that main. The sewers will all be tributary to that new sewer main that runs through. Rockland Electric will provide the electric and PSE&G will provide the gas. They have coordinated the best they could with those and they know the project has been designed and they have seen it.

C07 is the lighting plan. They have done a lighting analysis and have modeled some of the lights on County and Broadway and they are proposing nine new light fixtures and they are called the Hagerstown Fixture and you will see them in Englewood and it is like a colonial post top fixture with a glass lens and a black cap on the top. It is very traditional and they use them in a lot of towns. They are using a distribution pattern that throws a lot of light out on the street and not a lot of other places and he thinks it worked out quite well.

The landscaping plan uses a lot of dense landscaping, trees, evergreens. Mr. Dipple presented a board of trees and bushes which was marked as Exhibit A4. He noted that they like to do a lot of dense stuff and a lot of color into the season. The October Glory Red Maple which is big bright red in the fall, they have Japanese cedar and hollies and spruce and everything that are very, very dense are around the outside. Some of the ornamentals are the cherries, callery pear, which is typically white, the arborvitae is a great screen and they are using trees that are everywhere throughout Bergen County and everywhere in Cresskill. They are also selecting a lot of low growing stuff to bring a lot of color in the Spring time. It is designed by a guy that lives in Cresskill. He liked the project and put a lot of his own heart into it. Mr. D'Arminio also noted that they have some protective fencing to the industrial and commercial areas around them. Mr. Dipple stated that along the west side and along the south side they are using a tan fence with a little lattice along the top for screen not only for the residents but also for the BMW dealer. Mayor Romeo asked about the screening on County to shade this from across the street. Mr. Dipple noted that they have quite a bit and that's where they have most of their opportunity. They have a lot of dense landscaping throughout more so along County the way the property is configured. With berming and the way these trees will fill in, that was

the goal to provide good screening. Mr. Dipple stated that there will be no permanent monument sign. There will be no signage other than street signs.

Mr. Dipple did an environmental impact statement which was specific to the TR2 Zone written into the ordinance. That document was marked as Exhibit A5. It was dated October 31, 2014. It is very specific to the borough's ordinance. Per the ordinance it describes traffic, and they submitted the traffic impact analysis by their traffic engineer so they provided a very brief discussion and refer to that, it required some discussion on noise, storm drainage, and again for storm drainage they have a stormwater management report which does a full analysis of drainage, and it also requested a discussion on sanitary sewer which they have and they provide a little bit of data about the flow rates and everything like that subtracting out the existing flow rate and providing the new flow rate. They will require a treatment works approval from the New Jersey Department of Environmental Protection. That needs to be approved by the Borough and the BCUA. Mr. D'Arminio noted that in terms of the noise, the only issue there was the air conditioning units and they are right next to the building. The closet air conditioning unit is actually 75 feet away from the nearest residential property line and they looked at them and even using a very conservative unit, which is large and probably outdated, they really show a very low decibel level at the neighboring property line.

Mr. D'Arminio noted that they spoke a little bit about the ABC reviews, they have filed with Bergen County DEP and Soil Conservation District, is there anything else they need to speak about. Mr. Dipple noted that they were approved by the Soil Conservation District. Mr. D'Arminio asked if he received any professional reports. Mr. Dipple stated that he did receive a report from Azzolina and Feury Engineering dated December 9, 2014, and it discusses the project and gives comments regarding some of the details and some of the other items. He was very pleased with the outcome of the report and they can comply with everything.

Mayor Romeo asked Mr. Azzolina if all this complies. Mr. Azzolina believes that what Mr. Dipple stated is that they will revise the plans in accordance with the comments contained in his report and he would agree with the substance of Mr. Dipple's testimony. Mr. Galdi asked if there were any open items. Mr. Azzolina noted that there is nothing of a major level. They are all detail type of items that, if not for some delays in obtaining information from United Water, would be part of this plan. Mr. Galdi asked if there were any restrictions that they can't meet. Mr. Azzolina believes and Mr. Dipple stated that he can address all the comments in his report. He looked at all the drainage reports and everything.

Mr. Schuster asked how many handicapped spots were on the site. Mr. Dipple noted that there were no dedicated handicapped spaces on the property. There are just the driveways. He is not aware that they are required throughout the development. It stipulates that guest parking should be provided. They don't provide handicapped spaces throughout specifically. They could be provided. Mr. D'Arminio noted that there is a separate area along the street and a separate area in the corner guest parking. Mr. Dipple stated that the guest parking is proposed along proposed Road A and four spaces at the dead end of Road B. Mr. Azzolina noted that he had recommended that of the eleven spaces, per the ADA requirements for a supply of 25 or less, you need one designated space, so that would be his recommendation that at least one of the 11 spaces be designated as a handicap accessible space. Mr. Dipple noted that they will provide that.

Mr. Ulshoefer asked about the height and asked if they could change the pitch or elevation of the ground or a combination of both so they could go without the variance. Mr. Dipple noted that throughout the design, the members of Pulte and their architects did stretch quite a bit. They are left with a product after reducing ceiling heights, reducing some attic space that is typically required architecturally that they have come down to this elevation of about the 2". They took a look at the roof pitch and they feel very strongly that the roof that is there, with the dormers that are proposed, that he hasn't shown yet, that the roof pitch as it is is more aesthetically pleasing than it would be by reducing the roof pitch. He knows throughout his discussions during the design, that's how it unfolded. He is not an expert in architecture. Mr. D'Arminio noted that they do have an architect up next and they do have some visuals of the buildings and they will try to meet that concern. Mr. Schuster asked if there was an engineering benefit to having the additional 2" there. Mr. Dipple noted that he doesn't really see an engineering benefit. Mr. D'Arminio noted that the argument is going to be aesthetic under the Valenti case which talks about architectural embellishment.

Mr. D'Arminio called his next witness, Mr. David Minno. Mr. Minno, Minno Wasko Architects and Planners, 80 Lambert Lane, Suite 105, Lambertville, NJ, was sworn in by Mr. Schuster. Mr. Minno is a principal in Minno and Wasko Architects and Planners for about a 60 person predominantly residential based architecture and planning firm. He has a Masters in architecture from the University of Pennsylvania. He is registered in New Jersey and six other states and he has testified before Boards throughout the State as a professional architect. His license is up-to-date. He is accepted as an expert architect.

Mr. Minno took the submitted exhibits that they prepared for the architecture for the project and they colorized them so you can see what the project would look like. These were marked as Exhibit A6. This is the front elevation, dated December 1, 2014, titled Willow Glen. This shows a typical six unit building and they are very excited about the architecture here. They think it has a great blend of materials and a sense of historic design that has been updated to a degree. All of the units have two-car garages, which makes it a more upscale project than a one-car garage townhome. Behind the garage, on the floor plan, there is some usable space and there are several options for the homeowners on how they might use that space. The second floor is basically the area where the living, dining and kitchen are. The third level is where the bedrooms are located. The units actually have an entry that is almost at a midlevel landing and once they get inside there is foyer there with stairs to go down to the garage level and a room behind as well as a small flight of stairs to get up to the main living level. It sort of splits the entry so there is not a whole flight of stairs on the exterior.

The architecture is traditionally based. They have divided like windows. All of the units have a masonry base to them. Some of them show a brick face coming up to the third floor level. He pointed out a unit that had a stone face around the garage then brick and brick at the end. Also the units are not lined up in a single line. They have a shadow line that is created by the offsets of the units. They have bay windows occasionally that breakup the façade and add some dimension. They are supported by well-styled architectural brackets with raised panels between the windows. They have slightly different porch roofs on each of the porches that also project out and cover the landing of the stairway. As you get to the roof, some of the roofs are straight front to back gables. Other roofs are decorated with dormer windows that break up that longer roof area. They have turn gables occasionally at the ends and one of the center units.

The upper materials are a combination of horizontal siding and a cedar shake look mixed in with that. You have a comfortable earth tone color pallet developed. There will be other colors pallets available in the community, but it is a tight range and it is done to blend. Some windows are showing shutters to break up the façade and show a slightly different color.

With respect to the roof height, this particular elevation shows the roof height at 35 feet and 1 15/16 inches and that is a pretty particular calculation that is done the way the Borough height ordinance is written. That is from the grade to the mean point of the roof. Mr. D'Arminio noted that that is the standard unit without it being placed on the site. Mr. Morro noted that that is correct.

The next exhibit shows the left side, right side and rear elevations, marked as Exhibit A7. Mr. Morro stated that this is where you begin to see on the right and left side the pitch of the roof at a 6 on 12 pitch, one of their reasons for asking for the slight height variance is when they begin to lower that pitch, it sort of losses its historic value, he thinks. He thinks people pick up low pitched roofs and they see that as a little bit more contemporary look and he thinks they are trying to hold on to the bones of the building being traditional. It will also affect the dormer. As you begin to lower the pitch, it will begin to hit the ridge of the dormer and it will make for an awkward look. You can see the angle of the stairs from the side view. The rear elevation depicts a couple of combinations where you have options. One shows that a buyer can take additional rooms and project out on half of their unit and enclose a smaller deck area. Other units will have a full deck across the back of their unit. There are patios below that deck area. It allows for a lot of shadow movement so it is not a flat façade. The left side elevation is very similar to the right side elevation.

The units range from 2,356 square feet to 2,476 square feet depending on the types of options that would be selected within the plan. Mr. Schuster asked how many bedrooms in each unit. Mr. Minno noted that there are typically three bedrooms with an option for a fourth on the lower level as a guest room. Mr. Schuster asked about the options in the back. Mr. Minno stated that on the lower you could have a game room

extension, on the mid-level, which is the living level, it becomes a sunroom, and on the third level you may take that extension and it becomes the master bath and it creates a larger master bedroom with a sitting room in it.

Mr. D'Arminio called his next witness, Ms. Elizabeth Dolan, Dolan and Dean Consultants, 792 Chimney Rock Road, Martinsville, NJ. Ms. Dolan was sworn in by Mr. Schuster. Ms. Dolan has a BS in Civil Engineering. She is a licensed professional engineer registered in New Jersey, New York, Pennsylvania and Delaware. Her licenses are all current. She has been focusing in the area of Traffic and Transportation Engineering for about 28 years. During that time she has had the opportunity to prepare and present hundreds of traffic impact studies for various land use applications. She has appeared in over 200 municipalities throughout New Jersey, several in Bergen County. She was accepted as an expert in traffic engineering.

Ms. Dolan has been working with the project team for the past several months as the site plan has evolved. She has visited the site and prepared a traffic impact analysis that was submitted to the Board and that is what she is speaking to this evening. The Traffic Impact Assessment for Pulte Homes, signed by Ms. Dolan and Mr. Dean was marked as Exhibit A8. Ms. Dolan referred to the aerial view, Exhibit A1, showing County and Broadway frontage and access. There are currently two driveways on Broadway, one right in, right out driveway on County. Opposite the site, generally the two residential street intersections that have been included in their analysis, Crest Drive North and Crest Drive South you can see on A1 is just offset north of Broadway and the southern intersection comes in just north of the existing driveway on County Road. That existing driveway system has been the focus of their traffic impact analysis with counts being performed at the existing site driveways and the intersection of Broadway and County and at those Crest Drive North and South locations.

The proposal is a residential development, which generates peak activity during weekday mornings and weekday evenings, either commuting to and from work, and so that is the focus of the traffic impact study. The existing use, the nursery, has experienced high activity on weekends so there is sort of a change in the type of traffic generation that will occur because we are looking at peak activity mornings and evenings on weekdays, some activity on weekdays midday, but compared with the former use or the existing use, that's generating higher volumes on the weekends. They did perform all those traffic counts in April of 2014. They had people located physically to count thru movements, right turns, left turns, at each of the driveways at the intersections and they established the existing peak hours for analysis. They take the highest traffic volumes in a one hour period during the morning, the highest traffic volumes during business hours in the evening and that is the focus of the traffic study. They combine the two traffic volumes on the street system with the peak activity generated by the proposed 38 townhouses. During all other hours, the combination of street and driveway activity will be lower than the peak hours that they did the studying in the report.

Under the existing conditions, the garden center doesn't generate much activity. They counted six people going in during the weekday morning. That would be replaced with approximately 24 movements into and out of the proposed townhouse development during the one busiest morning peak hour. During the evening peak hour they reported higher activity at the garden center and this was in September 2014. This was not peak seasonal. They had seven entering and 12 exiting during the evening peak weekday evening hour at the garden center and that would be replaced with approximately 18 residential vehicles entering, coming back from shopping, work, etc., and nine exiting for a total of 27. These are peak hours. Not everybody goes to work at the same time. Not everybody comes home at the same time. When they isolate the busiest hours, they are looking at about 24 movements during the morning peak hour and 27 during the evening peak hour. If you look at the Saturday numbers, it is about 20, compared to about 50-55 for the garden center. Any retail use you might have at this location is likely to generate much higher volumes than the 38 units that are proposed. If this was zoned for other retail centers it would be significantly higher. Those types of uses, for example a pharmacy with a drive-thru, sees about 70 vehicles go in and go out in the course of an hour, for a total of 140. We are looking at maybe 25-30 movements on the driveways during the peak hours. It is definitely a quieter type of use, this proposed residential development.

Traffic engineers evaluate intersections and driveways based on what's called a level of service or scale. It is just like in school, A-F with A at the top meaning little or no delay. Most peak hour activity you are finding in the C-D range and when you get down to F you need to start looking at improvements. Some of the

guidelines that the Institute of Transportation engineers have as well as our State Highway Access Management Code look at 100 peak hour trips or more as being considered significant. They define significant as 100 or more trips in an hour. They are down at about 30 so they are not considered significant. Nevertheless, they go through all the number crunching and take the existing traffic volumes, they add their site generated traffic, they analyze the intersections and all intersection movements at the site driveways and the adjacent intersections that they studied are at C or better during the peak hours. That is acceptable. They are not changing or creating a measurable or negative impact by adding these 25 or 30 cars. It is merely swapping out some traffic from the garden center for a different use but a quiet use. The analysis also doesn't take any credit for the possible use of mass transit. They assume 100% drivers. They know there is a bus stop right there. But overall, in Ms. Dolan's opinion, it's a modest amount of traffic. They have done the calculations to show there is no significant impact.

Mr. D'Arminio asked Ms. Dolan about the on-site traffic circulation. Ms. Dolan noted that Mr. Dipple took her through the plan and stated that they are consolidating two points of access on Broadway into one. They are keeping the right in, right out configuration on County Road. The driveway will be moved a little bit further away from the bus stop, but it will be right in, right out. As Mr. Dipple went through the plan, they are complying with RSIS. It provides for appropriate two-way circulation. It provides for more than the required number of parking spaces, and it provides for pedestrian connectivity with the existing sidewalk system on County Road and Broadway. It is a pretty simple roadway configuration, but it does meet with the standards and certainly does allow for ample parking and circulation for the residents. Mr. D'Arminio asked Ms. Dolan if this site operates within reasonable parameters of traffic safety. Ms. Dolan noted that it will.

Mr. George Williams, 105 Grove Street, Montclair, NJ, was sworn in by Mr. Schuster. Mr. Williams is licensed by the State Board of Professional Planners and also is nationally certified by the American Institute of Certified Planners. He completed his graduate studies in municipal regional planning at Rutgers Graduate School and has practiced over 25 years with a primary focus on land use as well as community and economic development. He and his firm offer a variety of other services in different planning disciplines including master planning, zoning planning, and redevelopment planning. He has appeared before numerous land use boards through the State of New Jersey. This is the first opportunity to appear before this Board. He also serves as a planner for other local municipal boards and has served on his home town Zoning Board of Adjustment as a volunteer. He has been accepted as an expert before each of the other boards he has testified before. His licenses are all in good standing. He was accepted as an expert.

Mr. Williams reviewed the local land use documents, the new TR2 zoning regulations for this site, he has been to site on a couple of occasions, and he has reviewed the site plan and all its reports and attachments as well. He has conducted a literature research and reviewed the developing case law and he did not get a chance to look at the Board's engineer's report but Mr. Dipple reported on that. Mr. Dipple previously described the site. Mr. Williams referred to Exhibit A1 again and pointed out the property which is bordered in a yellow line. That yellow line also identifies the zone district in which they are located. The site is predominantly developed by the garden center buildings. Mr. Dipple also explained those buildings, the primary retail building being closer to Broadway. The greenhouses are at the rear of the site and the small residential unit also at the rear closer to the BMW dealership. Along County Road, at the opposite side of County Road, there is a residential development, typically one-family homes. To the other side is the BMW dealership, and as you go further down the road it is a mix of land use, but predominantly commercial. Across the street on Broadway you have what is similar to across County Road, a residential development. To the rear of the property there is an industrial-like building that is currently being rented by Englewood Hospital.

Mr. D'Arminio noted that Mr. Williams prepared a presentation with regard to the various Zones and some pictures of the location, which was marked as Exhibit A9. Mr. Williams explained that he used Google Earth also and then provided some overlays to give the Board some context. This Board knows the area, but just to provide some context to the planning testimony, he labeled the zoning districts that govern this site and the surrounding zonings districts. The dashed pink line gives the municipal boundary. This property abuts the municipal boundary with Tenafly. The only other thing of note is the pictures and the fact that they identify the bus stop and its proximity to the site. The pictures show the existing development on the site. You can see that the site is completely developed and has very limited pervious surface and that is shown on

these pictures. Picture 4 gives a view of the area where Building 1-2 and 3-4 will be located. You can see on this picture the grade change. The grade change slopes up toward County Road.

Mr. D'Arminio indicated that this is in the TR2 Zone which has been discussed by Mr. Dipple already. He asked Mr. Williams to go to the relief that is being requested. Mr. Williams explained that everything else about the project has been stated for the record already so he will go to the variances that are being sought and it is worth, parenthetically, introducing this project as a project that really meets the spirit and intent of this new zoned district which was promulgated by the ordinance in October of 2013. The only relief that they are seeking is the height variance, as the attorney mentioned in his introduction, site plan approval both preliminary and final.

This is an application for a townhouse development including 38 units in seven buildings. Mr. Williams's professional opinion is that it meets the tenor of the new TR2 Zone district and you have a nationally known developer bringing a quality product to the site. With that, the height variance for the Borough Code calculating guide, with Mr. Dipple laying the foundation, the standard is 35 feet and they exceed it, at the most by 1 and 15/16 inches. The architect explained the reason or rationale for the height deviation and he is going to piggyback on the testimony that was heard from both the architect and the site engineer.

Mr. Williams explained, as the Board knows, there are two criteria that can be established. One is a C1, which is a traditional C variance that deals with the unique shape and topography of the property. In this case, he thinks that would be the appropriate context, particularly for the review of their request for the height variance for building 1-2 and building 3-4. The other content is the C2, which is the flexible C variance and allows the Board to consider the benefit vs. detriment and/or if it is a better zoning alternative than a strict application of the Borough's code in this particular instance. His professional opinion is that the proofs can be made simply under C2, but because of the grade change that Mr. Dipple discussed for building 1-2 and 3-4. He is going to begin with the C1 variance and then the C2 will be the catchall for all of the buildings.

Mr. Williams noted that because of the grade change, the C1 traditional C context because the grade change and the very creative site engineering that Mr. Dipple was responsible for, required the finished grade to be increased a little bit and that made those two buildings slightly higher than the rest. For that reason, they fit very neatly in the context of the C1, specifically because of the unique topography of that property. The rest of the buildings are a little bit higher than the 35 feet that is required to meet the standard and he thinks it is very appropriate to consider those in the context of the C2, because the C2 does allow this Board to consider a better zoning alternative. Why is this a better zoning alternative? You heard from Mr. Minno that the roof pitch and design was specifically selected to allow a better aesthetic appeal for these properties so that the dormers and the roof lines work in tandem with one another. There is a case law of Valenti v. Absecon that talks about the ability for Boards to look at aesthetic improvements as a positive criteria for the relief of the C2. In that case it was a commercial structure that had cupolas but it was determined that the increased height from those cupolas was a better zoning alternative because it improved the aesthetics of the building. The same logic really applies here. The Board can take comfort in the fact that it is limited only to this property. It is specific to this site. That the increased height has the aesthetic value and therefore advances the purposes of the Zoning Act, Subsection I, which is to create a desirable visual environment, so in that sense you have several positive criteria that support the granting of the relief.

Mr. D'Arminio asked if there were any substantial detriments. Mr. Williams stated that the test for negative criteria is a two prong test, substantial detriment to the public good and substantial impairment to the zone plan. In his professional opinion, there is simply no substantial detriment to the public good, and that word substantial comes directly from the statute. He would take it a bit further and state to the Board that there is no detriment whatsoever for a couple of reasons. The architectural design was selected again to make it more aesthetically pleasing, and quite frankly, it was imperceptible to the surrounding properties. Certainly the commercial properties along the south of the site, BMW, will have no impact from this site. The folks across the street on County Road will not have any impact, primarily because of the buffering, but also the distance. And last, but not least, there will be no impact on the Broadway side either. The couple of inches will be imperceptible primarily because of how it has been designed. Lastly, there will be no impairment to the zone plan and definitely not a substantial impairment. The zone plan specifically intended a townhouse development for the site and you have what he thinks is a very nice townhouse product. The slightly

increased height will not deter or impair the zone plan at all for all the reasons he just mentioned. The zone plan calls for a 35 foot building. And in terms of the massing, the architectural design will not change the massing so there will be no impairment to the zone.

Mr. D'Arminio asked Mr. Williams about the interplay between the RSIS and the local zoning. The RSIS Act preempts that under 40:55-40.5. Even otherwise, there are good planning reasons for what we are doing. Mr. Williams noted that as this Board knows and Mr. Dipple already went through this, the RSIS is a State standard that supersedes the local code, but as Mr. Dipple described, while we meet the RSIS we do deviate from some of the local standards, and he thinks Mr. Dipple did a very good job in explaining it. The have the addition of a sidewalk which provides a safe pedestrian pathway for leaving or entering the site, the driveway widths are more than enough to accommodate the typical uses and benefit from the architectural design for both the garages and the entry to the front door. Mr. D'Arminio stated that there is an aesthetic value to the width of the driveway and also a safety value in terms of the sidewalk. Mr. Williams agreed 100%. Without the sidewalks they could have a wider roadway. Mr. Williams noted that that was the tradeoff and in his opinion that was a very wise tradeoff in the site plan. Mr. D'Arminio noted that the sidewalks would be a requirement under the RSIS. Mr. Williams agreed.

Mr. D'Arminio asked if there were any comments on the site plan from a planning perspective. Mr. Williams noted that from a planning perspective he thinks it purports with the code and all the municipal standards for site planning in terms of ingress and egress, light and air, landscaping, and as someone mentioned earlier, even the reduction in the impervious surface itself.

Mr. Vaccaro opened the meeting to the public. Mr. Francis Reiner, 19 Pierce Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Reiner noted that the zoning maps of the Borough of Cresskill show that this property is in a DU Zone. Mayor Romeo stated that it was. Mr. Reiner stated that the map he had was taken off the website today. Apparently this property has been rezoned to a TR2, but the current zoning map clearly says that it is a DU Zone. The property was rezoned in October of 2013 as testified by somebody here. Did the Borough go through all the requirements that it needed to go through in order to rezone the property to a TR2? Mr. D'Arminio objected to the question as it relates to a challenge to the zoning ordinance and not to this application. This Board he doesn't think has the jurisdiction to deal with that issue. If there is a complaint that somehow the ordinance was not properly adopted-- Mr. Schuster interrupted Mr. D'Arminio and stated that the ordinance was properly adopted.

Mr. Reiner was told that that was his question and that we were moving on. Mr. Reiner stated that by law he is allowed to speak for five minutes. Mr. Schuster told him to sit down and he will have his opportunity after someone else speaks. Mr. Reiner stated again that he is allowed by law to speak for five minutes. Mr. Schuster asked what law. Another member of the public interjected and said that he was very uncomfortable with this. He wanted Mr. Reiner to have his opportunity to speak. Mr. Schuster noted that he had his opportunity to ask a question and we decided how we were going to handle this. Mr. Reiner noted that he did not ask a question he made a statement. Mr. Schuster adamantly stated numerous times that he did in fact ask a question about whether or not the ordinance was properly adopted. The Board allowed Mr. Reiner to finish what he had to say.

Mr. Reiner stated that if you rezone property, there are certain things that you have to do. In order to rezone property you have to notify all property owners within 200 feet. In the case where you have a property that is adjacent to another municipality, you have to actually notify the adjacent municipality. You have to have testimony that says that the Master Plan for the Borough actually permits the use that you are rezoning it. The Borough of Cresskill rezoned the property in October of 2013. They did not change the zoning map, which clearly means they did not follow the law. What he is asking now is if they did not follow the law to change the zoning map, which is probably the easiest thing you can do to rezone a property, he would like the Planning Board to consider not voting on this until it has been proven that they actually followed all of the requirements by law to rezone the property from the DU to the TR2. Mr. Reiner thanked the Board for their time.

Mr. D'Arminio once again, for the record, noted that the challenge to the zoning is way out of time and is not relevant to this application.

Ms. Mary Ann Bailey, 42 Westervelt Place, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Bailey stated that her question might seem a little ridiculous but she was going to ask it anyway. All the floral things that are going to be planted around this, are they going to be indigenous to this area, because by law you can't plant anything anymore that is not indigenous. It doesn't matter how beautiful it is, but you shouldn't be putting plants that come from someplace else into our area. Mr. Dipple stated that the trees that they selected are very common throughout New Jersey. He is aware that there are some species that are frowned upon in New Jersey. He didn't realize that it is the law. Red Maples, Japanese Cedars, Hollies, Norway spruce, Green Giant Arborvitaes are all throughout the entire Bergen County area and throughout the community. There is nothing here that would cause any kind of problem. A lot of these are green vase zelkova which is probably the most traditional street tree that is used throughout New Jersey, so there is nothing here that we are taking a chance with. They are very, very common trees that are available from the nurseries throughout this area. Ms. Bailey asked if he was admitting that he doesn't know that for sure. Mr. Dipple stated that he is not familiar about the law, but he directed the landscape architect that is part of his firm to do this and that was exactly what he was instructed to do is use plants that are available locally and that are very common throughout this area. Ms. Bailey stated that the reason she is concerned about asking that question is that we constantly keep bringing these trees that don't belong here into the area that are environmentally unsound because what happens is you get contaminants coming in that are detrimental to the public. She asked once again if he was sure they were all indigenous. She was told that he answered the question already and he was very sure.

Ms. Irina Reznik, 61 Churchill Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Reznik asked about the traffic study that was done. She heard that it was done in April. That is usually the Spring break time for our school system. She is wondering whether it was done during Spring break. Ms. Dolan noted that the counts were performed in September 2014 after school started. They did check the school calendar and made sure school was in session. If she said April, she misspoke.

Ms. Maureen Iannucci, 40 Crest Drive North, wished to be heard and was sworn in by Mr. Schuster. Ms. Iannucci wanted to know how they predict or how do they get the number of what you expect the traffic to be coming to the area, because quite honestly 38 new townhouses with three and four bedrooms per unit, she finds it really hard to believe that they are expecting 24 cars coming out at rush hour. She lives on Crest Drive North and she comes out of the corner every day at rush hour and has to think that that study is somewhat flawed. Ms. Dolan explained that there is a publication called The Trip Generation Manual and it is what traffic engineers use to develop estimates for virtually any type of land development and that publication is based on counts that have been performed at existing operating developments that generate traffic. There is a specific land use code that's meant for townhouses and condominiums that provides them with rates based on the number of units to project traffic volumes that are expected to enter and exit during these specific hours. Ms. Iannucci asked if they relate to similar type areas throughout the country. Ms. Dolan stated that they are and they include New Jersey sites.

Ms. Mary Klein, 171 Hoover Drive, wished to be heard and was sworn in by Mr. Schuster. She had a statement that she is concerned that this property is going from a business of Willow Run to 38 townhomes. She is concerned that with three bedrooms in each of these units, there will be many kids. She is concerned with the driveway spots and with 38 homes there will be 76 cars at least in the driveways. She also can't imagine driving on that road at that time with bus traffic and real commercial traffic and you standardize at 24, at peak, cars coming out of Broadway onto County to potentially make a left turn to head toward the schools with these potential children with these 76 cars that will be parked there on a daily basis. A lot of that doesn't make sense regardless of what a standards book would say. She would like the Planning Board to consider the impact of the density of this housing, the impact of the traffic, the real traffic outside this development. Can you revisit that analysis and show us how that would work with true traffic now as opposed to the standards of this woman's work. Can you revisit the analysis? It would make more sense to what we experience on a daily basis onto that road.

Mr. Schuster stated that he thinks that has already been addressed somewhat by the traffic planner. He thinks what she did was look at the proposed development, did her own study, she used her resource materials and developed the information that is in her plan. That is all she can do. We don't know exactly

how many cars or how many trips are going to be generated. These plans are all a matter of what the expectation is and what the study shows. That is all we have to go on. We cannot make a definite determination about how many cars or how many trips or how many children are going to be there. We just don't know that. We are bound by the expert testimony that has been provided to us by these experts. If you have retained your own expert and you had them testify differently, that would be something we could consider as part of our review of the application.

Mr. D'Arminio wanted to state his objection for the record. He stated that this is a permitted use. The reason why we have a traffic analysis is because the code talks about doing that for the benefit of the Board and of the public. But the decision, the case law indicates, the decision as to the density and the generation of traffic is one that is made by the legislature, by the Council, and this Board can't deny the application on the fact of the traffic, because the zoning allows that density and the legislature has said that this is a proper density and a proper use. Traffic studies typically are done and are impacted and are presented. We have use variances and you have a use that is not permitted on the site. You have to look and see, well if the use isn't permitted on the site, what is going to be the traffic impact. This is a permitted use. We've provided the traffic study. Ms. Dolan is an engineer with many, many years of experience in the field.

Ms. Jeanette Savinon, 178 County Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Savinon asked, with regards to the bus stop, what was submitted and what are they waiting a response for? Mr. Dipple noted that the project lies along County Road which is under the jurisdiction of Bergen County. With those site plan submissions, you are also required to file an application with Bergen County Department of Planning and Economic Development. They have done so and did so in November. They are waiting for a response. They are calling them and looking for some type of input regarding this, but they work with Bergen County quite often and they have designed the site to their standards, so they feel confident in the response they are going to get, but they are seeking approval from Bergen County. Ms. Savinon stated that she doesn't necessarily agree with Mr. Dipple. The traffic on County Road is horrendous especially during rush hour and she thinks two bus stops prior to that have indentations both at Madison and Union and that this one actually has a curve right after it as it enters Tenafly and it is pretty hazardous with cars trying to pass. The plan does not show for any change or modification. Mr. D'Arminio stated that sometimes the County makes them do that and they will explore that with the County. Mayor Romeo asked them to please explore that.

Mr. Lawrence Ferolie, 22 Lambs Lane, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Ferolie stated they testified that the curb appeal was the only reason you changed the variance for the height of the buildings. He wanted to know if there was any benefit to the square footage. Mr. Minno noted that there is no benefit to the square footage at all.

Mr. Bill Anastassatos, 23 Churchill Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Anastassatos noted that he has known of the three bedroom townhouses for some time but this is the first he has heard of four bedrooms, so he is assuming maybe at least two children per apartment so now we are looking at maybe 80 or 90 additional students in our school system. The average student in Cresskill costs us \$15,000, so 80 students would have a \$1.2 million impact on the school budget, and we all know that the school budget can only go up 2% per year. He is wondering if anybody has addressed that because he has heard from other specialists but he hasn't heard anything about the education piece. Mr. Vaccaro stated that he is asking a superficial question. He is asking a question that if you read through the State statutes, the schools are not to be considered primarily, it is the benefit of the whole town. That is what you look at and that is what we are looking at. Mr. D'Arminio stated that again, that question goes to the use and the use is a permitted use. The decision and analysis are done at the legislative level and the council level and those numbers are nowhere near what this would generate. If he was trying to do a use variance, he would have an expert witness that would talk about the impact of the homes. But he is not doing a use variance. He has a permitted use and the \$15,000 a head is a misconception, certainly at least on the grammar school level.

Mr. Vaccaro explained that notices were given when we were making this change and the reason why we were making this change. Now it is coming up again. Mr. Anastassatos stated that his question was did anyone address it. Mayor Romeo noted that they did the numbers and spoke with Dr. Bellina at length and

then with Mr. Burke. The numbers for the previous two projects, the Daibes project and townhouses, the numbers she gave me it peaked at 100, went down to 76, and now it is at 50. These are the numbers from the Board. The price of these townhouses are going to be even higher than the Stonegate townhouses so what we feel is that it is not going to give you 70 or 80 children at this time. Can we guarantee that? No. But we don't see, at the price they are asking, that you are going to get that many children. But it is cyclical and it does go up and it does go down. Mayor Romeo thinks they are going to get some empty nesters from up on the hill that will sell and move in there. He thinks they will get some young professionals without any children that may stay there for a while and then move into a house. But he is not clairvoyant, he is going by past experience. It appears, and in speaking with Dr. Bellina at the time, the numbers fluctuate, but what we thought was going to be a tremendous influx from Stonegate didn't happen. They we really thought it was going to be Daibes because they are rentals but it didn't happen. Actually those numbers have gone down and he has tracked them over the last two years and he gets the numbers from Mrs. Brody. Mr. Anastassatos noted that they are at 1,779 now and that is the most they have ever had. All of the studies they did prior to that show that they were going to have a lot less so they are a lot higher than any study showed. Mayor Romeo explained that the classes go up and down.

Mr. Vaccaro stated that this area, previous to this, was zoned for apartments, which would create ten times as many children in school. Mr. Reiner stated that that is not true at all. Mayor Romeo said that that is absolutely true, as it was a Dual Use Zone. Mr. Reiner noted that he is a professional planner and stated that that statement that Mayor Romeo said is not true. Mayor Romeo asked Mr. Reiner what was not true. Mr. Reiner said that a four bedroom townhouse would bring in more children than a one bedroom apartment. Mayor Romeo noted that he did not say that. Mayor Romeo stated that he said it was zoned for apartments. Mr. Reiner stated that Mr. Vaccaro's statement that says that if this was zoned-- which by the way, 14 months ago this project would not have been permitted had the Borough not changed the zoning to allow for townhouse usage. Mayor Romeo stated that that is exactly right and that they were ordered by the Master Plan to change it three times in a row.

Mayor Romeo stated, to answer Mr. Anastassatos's question, they have been tracking this and they don't feel that there is going to be that large of an influx at this complex.

Ms. Alba Shick, 27 Churchill Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Shick noted that that she is a commuter and goes into the city by the bus. She wanted clarification on when the study was done. Ms. Dolan noted that it was done on September 10, 2014. Ms. Shick stated that the bus is right there on County Road so how do you move when you are making a right from Broadway and the bus is right there and the traffic is coming. Ms. Dolan noted that if the bus is there they will have to wait. Their design pulls the driveway further away from the bus stop so if anything that is an improvement. The bus is there whether it is a garden center, whether it is a commercial use, or whether it is a residential development. That is why you have alternative access on Broadway so you can go out that way. They have modelled all of the traffic coming into the County corridor. They did not send any of the traffic back towards Piermont. They modelled what they would call a worst case scenario but just because there may be 20 vehicles exiting in an hour, doesn't mean you are going to have 20 vehicles exiting when the bus comes. It is going to be a very gradual departure of people over the course of the peak hour.

Ms. Shick understands that nobody is a fortune teller here and can see what is going to happen, but can you simply be oblivious to the fact that we are growing, that there are more children coming, that our schools are jammed packed and that at the same time, and with all due respect, maybe because you gentlemen and ladies are older, you might not be seeing the problems that us as parents right now are having. Right now there is a town meeting dealing with the overcrowding of the schools. You can't be oblivious to this. Three bedrooms, four bedrooms, if she didn't have a home already she would be looking into them and it would be her two or three kids and the empty nesters don't come and buy a three bedroom house because they want extra rooms. They are planning that they are going to have children. These children are going to be there and they just continue to add to the problems that we have. Mr. Vaccaro asked Ms. Shick if the three bedroom townhouses being sold for approximately \$1 million will bring more school children than three bedroom apartments. Ms. Shick asked Mr. Vaccaro what's the point. She doesn't see the difference. Mr. Vaccaro noted that there is a big difference.

Mr. David Kurtz, 38 Crest Drive South, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Kurtz noted that his general concern is that the tenor of this is that it seems as though it is very unpleasant or it has gotten to the point of being very unpleasant. He knows this group, and he has spoken with Mr. Minno on the phone because he had some concerns and he was nice enough to answer them. He feels like there is a rush here to bulldoze over everybody's concern here. He lives on Crest Drive South and he doesn't know what traffic study was done on the 10th of September, but he can tell you that he personally, since moving into his house a couple of years ago, has seen almost three very close severe accidents at that intersection with people coming out of Crest Drive South, out of Crest Drive North and out of Willow Run. What he can tell you is that from the overlays that he saw, and he doesn't know which of the witnesses actually showed an overlay, he saw the driveway looked like it was moved from where the Willow Run ingress and egress is now actually further north. That is correct. That would, per his visual sense, that would be directly opposite Crest Drive South. Mr. Dipple showed him the plan.

Mr. Dipple noted that the driveway is at the southeast corner and pointed out the bus stop all the way at the immediate southeast corner, and it is a right in, right out. It is important to note that the proposed driveway is also right in, right out. They are not changing it. They are sliding the driveway north. Mr. Kurtz said that it looks like it is directly opposite Crest Drive South and he asks that the Board respectfully do more of a study on the location of that driveway or consider having an ingress and egress on Broadway. He was told that there is an entrance on Broadway. Mr. Kurtz noted that maybe they could limit the egress and ingress to Broadway and having an emergency to police and fire vehicles on County Road which would alleviate a substantial amount of the concern of the residents. Right now there are two driveways on Broadway. Why not limit it and he wonders if that might not make it easier for the police to patrol having only one ingress and egress and also having a situation where there is traffic at one point coming out of Broadway as opposed to having it come out at two points next to a bus stop. He can say from the testimony here of the person, Ms. Shick, that the traffic completely backs up when there is a bus. There is no way for the buses to pull in and the traffic completely backs up. When he is leaving for his office and he is making a left hand turn, it can take him anywhere from three to five minutes if there is a bus, and it is a heavily used bus stop, for people to get on. Why don't we consider having an ingress and egress from the property be on Broadway instead of on County, being that Broadway is further north it would make that problem with the buses less harmful and dangerous. The last comment is that there are going to be additional children in the area and there is no pedestrian walkway currently across either by Crest Drive North or Crest Drive South. Mayor Romeo noted that that can be addressed.

Mr. Kurtz said there are cars that are consistently parked on Crest Drive North and South very close to County Road which is very problematic for people turning into and out of Crest Drive North and South because some of the cars and it has been acknowledged by BMW because he has gone over to speak to them about it, some of their employees are parking on that street. He would ask, before we rush to approve plans that have been gone over in extensive detail and he thanks Mr. D'Arminio and his witnesses, but he just wants to really slow this down and the rest of the public doesn't know about this. The tenor of the meeting has got to be one to explore what the issues are and not to bulldoze people.

Mayor Romeo told Mr. Kurtz that his point is well taken. Nobody is trying to bulldoze anybody. This has been the process that's gone on over the last two years. We've been asked by the planners to change that zone for the last three Master Plans. It was a Dual Use Zone which was residential apartments and professional offices. But to address what you were talking about, Mayor Romeo sympathizes with you. He has tried everything to get those BMW employees to move out of there and they are continuing. As far as the driveway goes, the police and fire department have looked at this plan and they have approved the egress going out onto County Road, but they will try to address it. He just wants them to know there is no rush to judgment. We have been working on this for a long, long time to try and address this. That was originally residential apartments it was zoned for and it could have been a lot worse in numbers what would have been allowed there than the 38 townhouses that are going to be here now that are proposed.

Mr. Kurtz doesn't think that is relevant. We are discussing one plan here for the building of 38 townhomes. The fact is there are going to be 76 cars, parking garages with an additional 104 spaces, or something along those lines, and he is sorry, but he doesn't, despite the traffic expert and her indexes, doesn't believe the data and it is dangerous going in and out of Crest Drive, and that is from personal experience.

Mr. D'Arminio wanted Ms. Dolan to address some of Mr. Kurtz's concerns. Ms. Dolan wanted to address the right in, right out driveway. As she mentioned, they are actually pulling it away from the bus stop. It is not actually going to align directly opposite Crest Drive, but because they are maintaining the right in, right out, you are not going to be having the crossing numbers, but she thinks bringing it away from the bus stop is a benefit. They are providing ingress and egress on Broadway and they are providing it well away from the intersection. Currently there are two driveways. They will be closing up the driveway closest to the intersection. That frees up the area for vehicles to queue. When the bus comes, there is the stacking capacity without a driveway interfering with that. There will be one point of access on Broadway well away from the intersection. Ms. Dolan also pointed out what Mr. Dipple had said earlier, County Road is under Bergen County jurisdiction so the driveway alignment, its design, its radii, its aisle and all of that is part of what is being reviewed at the County level as well as what is being reviewed here and has been reviewed by the police and fire. Also, there have been a couple questions and a comment just now about the data and how many cars might be on the site and how many parking spaces. Ms. Dolan wanted to reiterate what was said earlier in the evening. We are looking at a peak hour in the morning and a peak hour in the evening. Some people leave for work at 6:30, some people leave at 7:00, some people leave at 7:30, some people leave at 8:00, so because they are arriving and departing at different times, you don't have 38 units times two vehicles all exiting in one hour. It happens over a few hours. If you look at the numbers that we counted coming out of Crest Drive North and South, it is a handful of vehicles during those peak hours. Not everybody is leaving their homes from 7:00 AM to 8:00 AM and returning between 5:00 and 6:00. You have a gradual progression of departures and arrivals which is why you don't have 38 times two vehicles in those peak hours. They are looking at estimates and they are based on studies, actual counts at similar developments.

Mr. D'Arminio asked if the County would ever allow another ingress and egress where Road B was. Ms. Dolan said that if Road B were to continue instead of terminating, but intersect Broadway, it would be in very close proximity to the intersection. We would not want that.

Mr. Mark David, 19 Buckingham Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. David asked, in a worst case scenario or maybe it is not even a worst case scenario, if there are an extra 80 kids that enter the school district and they happen to be in the elementary school, what do we do? Mayor Romeo stated that he did not know and that they were having a reconfiguration meeting and at this level they are trying to get them other spaces as you know. There are different buildings they are trying to buy and also talking to St. Therese's. He is not familiar with all the classes. They are trying their best to try to accommodate some of this until this overcrowding leaves and he thinks it will because it is cyclical. That is the best he can give as an answer.

Mr. Anastassatos noted that just assuming there is only one child per townhouse. School starts at the same time. That is going to get backed up through the driveway. Everyone is not going to be able to pull out of their own driveway because the traffic will be going out to County and they are all going to be making a left to get to the school. That is the only way to get to the school.

Ms. Shick had the exact same comment. Her suggestion is, to appease the public and all the concerns they are having with traffic patterns in this area, would they be willing to redo a test. Put 40 cars out there, getting out. She is sorry if these questions sound repeated, but she is a commuter and let's redo the test and see what happens, maybe different directions with everybody going out at the same time between 7:30 and 8:30 when school does begin it is chaos and everybody is leaving for work at the same time. Ms. Dolan's response before that you just have to wait is OK, but if we are planning for it we should be better prepared so we are not stuck with it.

Ms. Iannucci noted that she is not looking for another analysis. She thinks Mr. Anastassatos's point is excellent about the 38 kids in 38 houses. Her question to the Board is would they consider reducing the number of townhouses. Mr. Vaccaro explained that we have a plan before us. Ms. Iannucci understands that.

Ms. Bailey noted that she was very sad sitting here to think that she has lived 35 years in this town. This has always been a family oriented town with children. That is one of the reasons why people move here. And to hear someone say tonight that it is not a priority, which you did mention Mr. Vaccaro, was an insult to all of us parents here. That should be the first priority of a town of this caliber, the children. She doesn't even know why they are building townhouses, but that is not the point. The point she is trying to make is she is very hurt about that, she feels very bad about that. She was surprised that Mayor Romeo is bantering back and forth and she doesn't know where we are coming from in this town anymore. She thought this was going to be an interesting meeting where we could talk back and forth and maybe not rush into signing off on this thing yet and looking into this a little bit deeper. People in this town have no idea of what is going on tonight. The town doesn't advertise this enough. We don't have enough in the paper to know about it. Maybe there might be one article. She spoke to people even about the railroad train coming in here. The CSX is going to open that again with oil tankers. They had that in the paper but she spoke to one of her friends and they didn't even know what was going on, that we were asked to pay for a gate coming over the railroad. There are a lot of things that are not healthy in this town anymore.

Mayor Romeo didn't agree with Ms. Bailey. He didn't agree with what she was saying as far as the bantering back and forth. Mayor Romeo stated that he has seven grandchildren that live in this town so she knows that he has that concern. They are concerned about the schools and that is why they are going out buying other properties to give to the schools so they can have some more classrooms. He understands where she is coming from, but as far as us putting something through here and nobody knows about it, he can count on one hand the amount of people that come to a public meeting. He is sure that the Board of Education can count on two fingers how many come to the Board of Ed. He can't deal with the apathy. If they are too busy or whatever the case may be, he understands all of that, but the meetings go on every week, they are conducted in the open, and everything is out in the open. This project has been going on for over two years. As far as paying for gates, the County is paying for the gates at that intersection and that is a requirement. He has no knowledge of them coming in with oil tankers. He does have knowledge of them coming to the Dumont branch. If they come in here, he doesn't know what to say. The CSX has the right of way since the Civil War so we really have very little control over some of these things.

Ms. Bailey wanted to know what the topography was under the two buildings that makes them not be able to meet the height. Mr. Dipple stated that the ground slopes up, there is nothing underneath it. There is no geological feature or anything. The property slopes from County Road down, so when they place the units, they actually break the finish floor.

Ms. Iannucci stated that she thought Mr. Reiner's point was excellent about the plan on-line not reflecting the rezoning of this. Mayor Romeo noted that they are usually six months behind getting the maps updated so his point was well taken. Ms. Iannucci understands that but if it was rezoned in October, it is now December, 14 months later, so it probably should have gotten updated and that probably would have helped communications in terms of understanding if the zoning was indeed changed.

Mr. Galdi made a motion to close the public portion of the meeting. Mr. Ulshoefer seconded the motion. All present were in favor. Motion approved.

Mr. D'Arminio noted that they appreciate the comments and the time of the neighbors and the citizens. He wanted to point out that this is a permitted use. Other than the height, which has nothing to do with the setback, nothing to do with the presentation of the roadways, nothing to do with the sidewalks, or where the buildings are, this is a conforming plan, and under the law, conforming plans should be approved. The objections as to traffic and children are really objections that would go to the ordinance, not to this approval, not to this moment or this Board now. The variance, they believe, is purely one of aesthetics, to have a higher roof and have the dormer not be flattened out is more aesthetically pleasing from the front and from the side. They are relying on the Valenti case. That wouldn't prevent you from approving the site plan itself. They appreciate the time of the Board and they tried to be as efficient as they could and get as much information as the Board wanted.

Mr. Vaccaro entertained a motion from the Board to approve or disapprove. Ms. Bauer asked who was going to take ownership of the sanitary sewer. Mr. Dipple stated that the roads will be private and the

sanitary sewers they are hoping will be taken over by the Borough of Cresskill. There will be all the proper agreements and easements in order to allow them to do so. Mr. Morgan asked Mr. Azzolina if the police and fire have approved this. Mr. Azzolina noted that he received today a correspondence dated December 8, 2014, which read "I have reviewed the site plan for the proposed project at 1 County Road and feel the street width and building height do not cause a concern for the fire department. If you have any questions, please do not hesitate to contact me. Respectfully submitted, Christopher Ulshoefer, Fire Chief." Mr. Morgan asked what height the building needs to be to need a fire pad. Mr. Azzolina noted that the ordinance to which he is speaking of is in the R-40 Zone, where you are allowed to go up to 32 feet.

Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mrs. Schultz, Mr. Calder and Mr. Ulshoefer all voted yes. Motion approved.

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. Morgan to adjourn the meeting at 9:46 PM, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for December 23, 2014, January 13, January 27, and February 2015, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary