

MINUTES

CRESSKILL PLANNING BOARD

FEBRUARY 11, 2014

Mr. Vaccaro opened the meeting at 7:36 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. Vieni, and Mr. Ulshoefer. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the January 28, 2014, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Notices to the Municipal Clerk regarding the 18th Annual New Jersey Land Conservation Rally being held on Saturday, March 22 at the Busch Campus Student Center of Rutgers University in Piscataway, New Jersey. The conference includes 21 workshops addressing topics in financing, stewardship, management and trends concerning open space and farmland.

Copy of letter sent to Mark D. Madaio, Esq., from the County of Bergen, Department of Planning and Economic Development, dated January 27, 2014, regarding the Proposed Site Development on Block 165, Lots 1.01-1.06. They received information regarding proposed construction on this property and are requesting plans be forwarded to their office so that they may determine whether an application to the County Planning Board for site plan review and approval will be required. This is for Application #1441M. File.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina stated that he has several applications currently under review. Application #1439, 289 Brookside Avenue, he received revised drawings for this project yesterday. Application #1442, 20 Crest Drive North, he received via e-mail revised technical drawings for this project. He is currently reviewing the site plan for Application #1443, 55 Magnolia Avenue, Allen/Festa.

Mr. Azzolina also has two reports prepared for tonight's hearings, Applications #1440M and #1441M.

Public Hearing – Application #1440M – 400 11th Street

Notices for this Public Hearing were presented to Mr. Schuster. Mr. Schuster was questioning the notice for the hearing. He asked if they were applying for a Major Subdivision. Ms. Jacqueline D'Arminio, for the law offices of Elliot W. Urdang, representing the applicant, Ramapo Developers, LLC, noted that it should be a Minor Subdivision. Mr. Schuster noted that there is no reference to the two lots. Ms. D'Arminio noted that the two lots were identical. Mr. Schuster asked if they were looking for two side yard setbacks, one for each yard. Ms. D'Arminio agreed. Mr. Schuster stated that it doesn't say that in the notice. It is not obvious by looking at the notice that you are talking about two separate lots. He asked if there was already a subdivision on the lot or if this was a new one. Ms. D'Arminio stated that this is a new subdivision. The lot used to be two lots and then it merged into one and it has been one for a period of time. It merged around 1955 and one house was built in the middle. Mr. Schuster accepted the notices and said it covers what it has to cover and we can move ahead.

Ms. D'Arminio stated that they are here today on a subdivision to take one oversized lot for the zone and subdivide it into two smaller lots and to place onto each of these lots a modest home with the subsequent variances associated with that. She has the engineer and architect, Mr. Michael Hubschman and Ms. Stephanie Pentale to testify tonight.

Mr. Michael Hubschman, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster and was accepted as an expert planner and engineer. He has testified before this Board many times before. Both his planning and engineering licenses are in good standing. He is deemed an expert for purposes as a planner and engineer for today's hearing.

Ms. D'Arminio asked Mr. Hubschman if he was familiar with the site and its environs. Mr. Hubschman noted that he was and he prepared the plans that are presently before the Board. He stated that the existing lot is a 120 foot wide lot, 104 feet deep. It is located on the easterly side of 11th Street. Presently on the lot is a small one-story dwelling, with a one-car garage and a driveway. There is a small shed on the property and the house is set towards the north side of the lot.

Ms. D'Arminio asked Mr. Hubschman to describe the neighborhood that surrounds the lot and how the lot relates to that neighborhood. Mr. Hubschman noted that he has done some work in this neighborhood since 1990 when he had done the original church subdivision. The Reformed Church subdivided two lots across the street when it was a dirt road back then. Then it was paved and a partial drainage was put in at that point and for some reason they couldn't extend the drainage. Then a few years ago they came back for the two lots directly south of this property, which were subdivided. The developer at that point extended the drainage down towards 12th Street about 400-500 feet. The drainage is finally completed after about 20 years, which connected up the seepage pits. Those lots are 79 feet wide. To the north of them was a lot that was subdivided off of the lot owned by Campoli and there were two 60 foot lots there. That was built around five or more years ago. In the neighborhood, within 200 feet, there are 21 lots and 12 of them are undersized. Four of them are 60 feet, which two of them adjoin this property. The lots to the south are 79 feet, so there are a lot of undersized lots in the neighborhood.

Ms. D'Arminio asked Mr. Hubschman to describe what is being proposed for the lot. Mr. Hubschman noted that they are proposing to remove the existing house and construct two small dwellings on the property. They are proposing 60 x 104 foot lots, so they are 6,207 square feet each. This is consistent with this neighborhood. There are a lot of smaller lots in the neighborhood and houses that are sized down to fit on these lots. They are not seeking any FAR or building coverage variances. There are some variances with the side yards proposed.

Mr. Hubschman explained that the lot presently drains from east to west so there is no run off onto the adjoining properties. They are proposing seepage pits for the roof leaders and they are proposing the driveway to pitch down so they are proposing a seepage pit in the driveway. They received Mr. Azzolina's letter and he requested a shallow or low profile seepage pit for the driveway, which they will do. His letter also requested some shade trees in the front, which they will add. They are not marked on the plan.

Mr. Hubschman explained that the developer of the two new houses to the south recently upgraded the drainage in the street as well. He feels that the drainage is adequate that they are providing with what is already in the area. They have a decrease in runoff from their site and now that there is finally an overflow for those seepage pits in the street that alleviates that flooding issue that was there. It used to pond in the street in that area.

Mr. Galdi asked if there was a zero run off on the properties. Mr. Hubschman explained that they decreased the runoff by the storage of the seepage pits. Mr. Galdi asked if there was drainage or a catch basin in the road that they could run an overflow pipe from the seepage pit. Mr. Hubschman noted that there is one right in front of the one lot.

Ms. D'Arminio asked Mr. Hubschman about the variances that are needed. Mr. Hubschman noted that they are requesting variances for lot size and lot width, which are C2 requests, that the benefits outweigh the detriments in keeping with the harmonious lot size with the neighborhood and that they are advancing the purposes of zoning with an appropriate population density, which is something that they have to show. There is no detriment to the public good. The smaller houses do fit within the coverage, with the FAR, impervious coverage, and they are requesting the side yard variance of 12.19 feet, where 15 feet is required. The 60 foot lot to the north has a 12 foot side yard, so they put a 17 foot side yard and pushed everything to the south so they could keep 30 feet between the side yards. There is an adequate side yard on these smaller lots. There is 30 feet between the houses. The zone requires a 15 and 35 total side yards. Ms. D'Arminio asked if he felt the distances between the homes that he is suggesting are adequate for this zone and to protect the neighbors as a buffer would be required. Mr. Hubschman noted that the zone really requires 15 and 15 and he thinks they are actually at 29.5, but the zone requires 15 and 15.

Mr. Hubschman noted that there is no building coverage variance required. They are at 19.4 and 20% is required, so they are pretty modest houses. They are also OK with the impervious. The actual footprint is 1,176 square feet so the houses are basically 2,400 square foot houses. They are very modest size houses for those lots and for the neighborhood. The FAR and impervious coverage are compliant. Ms. D'Arminio asked if there is any indication that this is an overdevelopment for the lot. Mr. Hubschman noted not at all. It fits in the neighborhood. There are smaller lots right along that whole band of lots. The street itself, too, is a little narrower which gives it a little more green area. It is good for the area.

Ms. D'Arminio asked Mr. Hubschman about the negative criteria, the impact on the neighborhood, and the impact on the zoning plan. Mr. Hubschman noted that they are keeping the side yards, the coverages, the bulk of the house is small, so from a planning standpoint, there is no detriment to the neighborhood, or even from other things like traffic or drainage, there is no detriment. This would be a lot more consistent than one very large house which would be hard to market in that neighborhood. Two smaller houses would fit in better.

Mr. Galdi asked if they agreed to all the conditions the Borough Engineer listed in his memo. Mr. Hubschman stated that he could meet all the conditions without any problem. The most important ones were the shade trees and the seepage pits. Mr. Vieni noted that they had a below grade garage. Mr. Hubschman stated that it slopes down. Mr. Vieni said that the engineer is asking for specifics with respect to any proposed standby emergency power for the pumps. Mr. Hubschman noted that they discussed that with the owner that the seepage pit is designed to pick up quite a bit of water from the driveway. It is an eight foot diameter and three feet high. If that was a condition of approval, he is sure they would have no objection to provide a generator. The sump pump only goes off after big pit fills up. Mr. Vieni asked what happens when there is an electrical outage. Mr. Hubschman noted that the sump pump is the first back-up to the seepage pit. The second back up would be the generator.

Mr. Galdi wanted to know if they were going to check on the porosity of the soil during construction. Mr. Hubschman noted that they did on the other ones and stated that it was sandy and then it gets a little shaley down around 10 feet. Mr. Galdi stated that that would dictate whether those pits are large enough because if you have hard pack or clay then you would have to have more seepage pits. Mr. Azzolina

agrees with Mr. Hubschman's testimony regarding the characteristics of the soil. When the two other homes were constructed, that was the soil's profile. In general, he is satisfied with the design, but he has asked for a stormwater management report that quantifies that the deductions are achieved. He is confident that he can demonstrate that.

Mr. Vieni asked what his feelings were on the auxiliary power. Mr. Azzolina stated that having had some of the experiences that we have had in town, it is a concern and he would definitely recommend that some form of backup power to the sump pump be provided. It was mentioned about overflow earlier. The plans actually depict two overflows. One is a little hard to pick out on the plan but it crosses across the driveway. Mr. Hubschman noted that that shows a pipe going to the basin, but that is from the sump pump. Mr. Azzolina stated that in the event that the seepage in the driveway becomes clogged or at capacity from a high intensity storm, the water will flow into the sump pump and if there is a power failure it obviously needs a backup power in order to discharge to the storm drain in the street which, up until very recently was not functioning properly, but now that we installed the overflow piping, there has been no flooding in the neighborhood, so he is confident that this will work.

Mr. Vieni asked Mr. Azzolina if he agreed with backup power for the sump pump and if he had a preference. Mr. Azzolina noted that that is up to the applicant. There are batteries that give you a duration of X, there are portable generators, there are standby hardwired generators. Mr. Hubschman noted that it is pretty common now to have a generator. Mr. Azzolina stated that it is almost becoming standard equipment, perhaps maybe not in a house this size, but certainly in larger homes. Mr. Galdi requested that that be listed in the approval that the recommendation is made. Mr. Azzolina noted that if it is a condition of approval it would be set forth in the resolution.

Mr. Azzolina asked Mr. Hubschman to address the retaining walls along the sides of the driveway which is an additional variance condition that would need to be addressed. Mr. Hubschman noted that they are trying to pitch everything out to the street. The wall goes from about zero feet to about six feet at the garage door. There is a small retaining wall on the sides of the driveway. Mr. Azzolina stated that code only allows a four foot high retaining wall in the front yard so for approximately 12 feet along the edges of the driveway on each lot, the wall would be higher than four feet, so that is a variance condition. Mr. Hubschman noted that the wall is about six feet for about 12 feet. Mr. Hubschman's site plans were marked as Exhibit A1.

Ms. D'Arminio called her second witness, Ms. Stephanie Pantale. Ms. Pantale, 70K Chestnut Ridge Road, Montvale, NJ, was sworn in by Mr. Schuster. The architectural plans were marked as Exhibit A2. She is a licensed architect in the State of New Jersey and her license is presently in good standing. She has testified before this Board on numerous occasions and been deemed an expert in other applications and for our purposes today she will be deemed an expert in architecture.

Ms. D'Arminio asked Ms. Pantale if she was familiar with the site and its environs. Ms. Pantale stated that she has been to the site many, many times. She did the two houses to the south and also did the houses to the north several years ago. The existing house is an older home, very old and it's been slightly neglected because there are renters there. It hasn't been maintained as if the owner lived there themselves. It was built in the 1950s. It is dilapidated. The style is consistent with the other houses on the street but it is a little bit bigger because it is on a bigger lot and it could be bigger before the lot is subdivided for this.

Ms. Pantale explained that what they are proposing is basically a three bedroom house on top with an extra bedroom in the basement if that is what they choose to use if for. The basement would be a guest room. It is very modest 29 ½, just shy of 30 feet, which gave them a two-car garage and a way to enter the home modestly. They have a living space, closet, powder room, kitchen and either a dining room or dinette and you are out the back of the house. The second floor you come up the stairs and you have two very modest bedrooms with a shared bathroom. There is a master bedroom with a walk-in closet, regular closet, and a modest private bathroom. The basement is just possibly a bedroom, a mechanical room in the back and a very small living space.

Ms. D'Arminio asked how they decided, regarding the side yard setback, how wide to make the house. Ms. Pantale explained that they wanted to get a two-car garage in. It is kind of standard that a basic parking space is 10 x 20 so if you have a double car garage it is 20 x 20, and that is kind of what they have for a two-car garage. What is left over is approximately eight feet and that allows people to get in, have a hallway and a staircase going upstairs. That is kind of where the number of almost 30 feet came from. Ms. D'Arminio asked if they tried to conform with the side yard setbacks, how would they enter the house. Ms. Pantale noted that they would have to make the house narrower and probably make the house longer and then they would have to ask for a front yard or rear yard variance. The rest of the street also have houses that have 12 feet side yards so they are trying to stay in the same pattern as the rest of the neighborhood. Ms. D'Arminio asked if it was fair to say that the house's width is dictated by the desire to have a standard two-car garage and an entrance to the house that actually faces the street. Ms. Pantale agreed.

Ms. Pantale stated that in comparison to the other houses in the neighborhood, these houses are consistent with the neighborhood. In fact, they may be a little smaller than some of the other houses in the neighborhood. The only difference between the two houses is the front façade and possibly the windows in the side and rear. Basically the plans are exactly the same. On one there is a single garage door with siding and some stone. On the other house they have a double door, they are changing the window locations and it will have a different kind of stone with a different siding color, similar to how they did the two houses on the corner. Ultimately, the houses are exactly the same on the inside.

Mr. Vaccaro opened the meeting to the public. Mr. William Celentano, 412 11th Street, wished to be heard and was sworn in by Mr. Schuster. Mr. Celentano wanted to know if the elevation of the new construction was going to be similar to his house as far as the height of the house. Ms. Pantale noted that it was. The maximum height is 28 feet. Mr. Celentano lives in the house to the north of the property. Mr. Celentano asked how the homeowner was going to get to the garage and about the landscaping between his property and the back. Ms. Pantale stated that there was a very modest landing with steps out the back. Mr. Hubschman noted that they have room for a very small 50 square foot patio if they wanted one. There are currently no landscaping plans, but there will be some greenery between the properties. Mr. Celentano was concerned with two huge trees between the properties. Mr. Hubschman stated that one tree is being taken out. Mr. Celentano was concerned with one tree that has damaged his fence twice and would like to have it removed. Ms. D'Arminio stated that her client would be willing to have it taken down as long as it conforms with any tree removal ordinance in the borough.

Mr. Galdi made a motion to close the meeting to the public, seconded by Councilwoman Tsigounis. All present were in favor. Motion approved.

Mr. Galdi made a motion to approve the application, subject to him following the engineer's recommendations. Mrs. Schultz seconded the motion. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mrs. Schultz, Mr. Vieni and Mr. Ulshoefer all voted yes. Motion approved.

Public Hearing – Application #1441M – 128 & 130 Morningside/121, 123, 125 Park Ave.

Mr. Mark Madaio, Legion Drive, Bergenfield, attorney for the applicant, 15 Wakelee Drive Corp. was present to present Application #1441M, Block 165, Lot 1.01. This is a five lot subdivision located on County Road between Morningside and Park. The property currently has approximately 9,000 square feet of coverage in the form of parking and a house of worship. The applicant proposed a five lot subdivision where the lots are conforming to those lots and those homes which already exist on the same side of the street. For example, the lots are roughly the same size as the existing lot and on the other side the lots are roughly the size as the existing lot. The total build out of the project will result in only about 2,000 square feet more coverage than is there right now. Looking at that property, there is a lot of open space on that property. That gives you some idea that they do not need density variances, they do not need FAR variances, and the testimony will indicate that the houses are reasonably sized and conforming with what you would expect to see. Unfortunately, as much as we all like the look of the

smaller house of worship, it probably does not have a future and it is not likely to remain in its present configuration forever. That is just the reality. Some of us have fond feelings about it. One of his children went there for preschool many years ago, but unfortunately, a sustainable small house of worship in that type of area is very likely to be changed into something else. Their goal is to see it changed into a relatively conforming, certainly consistent with the streetscape subdivision. Having said that, he forwarded his notices and affidavit of service on January 23. He presented the original publication and all of the original stamped notice documents.

Mr. Madaio called Mr. Michael Hubschman as his first witness. Mr. Hubschman, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. He is a licensed planner and engineer and was deemed an expert planner and engineer. Mr. Hubschman was retained by 15 Wakelee Drive Associates in order to lay out a five lot subdivision on the subject property. This is Block 165, Lot 1.01. The property is colored on the board that Mr. Hubschman displayed. This was marked as Exhibit A1. This is the same document as the preliminary plat sheet that was distributed. Mr. Hubschman also colored certain lots surrounding this subject property.

Mr. Hubschman noted that the existing lot is .8 acres, a little under 35,000 square feet. Sheet 4 shows the existing conditions plan. The lot is 200 feet deep from Morningside to Park. It is 159 feet wide on Morningside and approximately 192 feet wide on Park Avenue. There is an existing 1-1 ½ story church building and a single family house to the left and the topography of the property shows that the elevation on Morningside is at elevation 74 and Park is about elevation 66 and there is a slope down and the church sits on the lower part of the property. The church has been there since the late 1940s.

Mr. Hubschman surveyed the lot and was asked to try to develop it into single family residential. The plan shows houses that front on two streets. Mr. Hubschman noted that the property fronts on three streets, Morningside, Park and County Road and the proposed homes front on the local streets, not the County road. There are three lots proposed on the southern side with a 63 foot width, a 63 foot width and a 61.4 foot width. The existing lot on that side of the street on the corner is 50 feet wide. They intentionally tried to make their lots larger than the existing and still fit in three conforming homes. Those lots in depth are 100 feet deep. The total lot is 200 feet so they subdivided it in half. The 100 foot depth is conforming. They would need a variance for lot width because lot width is supposed to be 100 feet and they have 63, 63 and 61.4, which is still greater than the adjoining residential lot, but is not the 100 which is the current code.

Mr. Hubschman noted that they are proposing to subdivide the property on Morningside from 162 feet to two 80 foot lots. The existing lot on the corner is 75 feet wide. There would be three homes on that side. The lots they are proposing are wider than the existing lots even though they don't conform to the currently required 100 foot width.

The square footage of the lots on Park would be 6,300 square feet, where 10,000 is required, and the lot on the corner is slightly higher at 6,312 square feet. The lot areas on the lots fronting on Morningside are 8,000 and 8,056 square feet. They are somewhat less than the 10,000 square feet but are roughly conforming with the existing lot on Park and the existing lot on Morningside.

There are two corner lots. You are required to have 100 foot frontages, which you have slightly over on County Road with the curve. There is no additional access or frontage on County Road. They tried to keep the driveway as far from the intersection as possible. Currently with the church, there are no driveways coming out into County Road and they did not want to interrupt that pattern.

Other than the lot areas and frontage, there are no other variances related to the lots. Mr. Madaio wanted to talk about the other lots in the area within 200 feet. In the upper right hand corner of the plan, Mr. Hubschman colored in some lots. Mr. Hubschman explained that he colored in the undersized lots in the neighborhood and most of the neighborhood on the westerly side of the road across the street on Park are 50 feet, 52 feet, and the dentist which is over 150, but is narrow. And the three houses on Elmore are 70 feet, 60 feet, and 70 feet. The general area does have more lots conforming to the size we are proposing. We found that within 200 feet there are 26 lots and 14 are undersized, so that is more than

50%. The 50% of the lots that are undersized within 200 feet are roughly the size that we are proposing. Mr. Hubschman agreed and noted that when you go further down the street, there are a lot of smaller lots down Morningside and Park. Mr. Madaio asked about the houses across the street and eastward. Mr. Hubschman noted that going up, Churchill is a newer neighborhood and those lots are bigger. This area on the west side of County Road is consistent with what they are proposing. As you go further west they are smaller and a lot of smaller Cape Cods.

Mr. Madaio stated that in addition to the subdivision approval, they are also here for site plan approval for the homes. The discussed variances related to the lots. Now they are going to discuss the variances related to the homes that are going to be placed on the lots. The plans for the houses were marked as Exhibit A2. Mr. Schuster asked if 15 Wakelee Drive Corp. was the owner of record presently. Mr. Madaio noted that the owner of record presently, which they are under contract with, is on the plans as The New Jersey Synod Evangelical Lutheran Church of America.

Mr. Hubschman noted that they have two architectural plans that are generally four-bedroom, two-story, colonial type homes. Mr. Madaio wanted to talk about the homes that front on Park. These are the plans that were supplied by the project architect and they are maybe not exact but descriptive of the homes that they propose for the site. Mr. Hubschman stated that there are some dimensional changes that they made. The numbers on his plans are correct. They are within the building envelope that they intend to build. The proposed lots on Park are numbered 1.04, 1.05 and 1.06. The basic look, the footprint, the number of bedrooms, all of the essential elements of the home will be as depicted on this plan just for these lots.

Mr. Hubschman noted that the homes are two-story, four-bedroom colonials. On that side of the street they are requesting the front yard variance and that is only due to the architectural element of the front porch. Mr. Madaio stated that the required front yard setback is 25 feet. The measurement is to the covered porch because they like that feature on the house and that is 21.35 feet. That is not to the bulk of the house, but that is to the open porch. Mr. Hubschman agreed that that is to the one-story open porch and it is in keeping with the line of the street and the other house on the corner, which is 19 feet. These houses are actually further back and the bulk of the house is at 25 feet. If they pushed it back it would create a rear yard variance. The architect wanted the front porch element. Mr. Madaio stated that the front yard variance of somewhere around 3 ½ feet is to enable the front porch to be constructed and the architecture regards it as a visual feature of some aesthetic value and creates a colonial appearance with an open front porch. Mr. Hubschman agreed that it is an aesthetic element.

Mr. Madaio asked Mr. Hubschman to explain the floor plan. Mr. Hubschman noted that the footprint is 1,485 square feet which includes the garage, so these houses are different than the previous application where the garage was under and the footprint was a little smaller. They have a two-car garage. They are a standard Colonial with a living room, kitchen, dining room, a little family room, stairs towards the middle rear. The second floor consists of four bedrooms and they are all modest size, 10.10 x 13, the master bedroom is 13.6 x 14. There are 2 ½ baths in the home. Mr. Madaio noted that there are several bedrooms in the house that are 10 x 13 or 10 x 14, what he would consider children's rooms or kids' rooms. He noted that Mr. Hubschman spoke briefly about the total lot coverage. They don't need a variance for FAR, they don't need a variance for impervious coverage, but for each of these homes they are slightly over on the building coverage. Mr. Hubschman agreed that they are slightly over. Mr. Madaio noted that coverage on the lots 1.04, 1.05 and 1.06 was permitted to be 20% and they are 25.37, 25.37 and 25.32 on those lots. Mr. Hubschman noted that they are permitted 1,260 square feet and they are 1,598. They are slightly over and that is caused by having the garage on the first floor, so the coverage went up a little as opposed to having the garage under. Mr. Madaio stated that the function of having the two-car garage as part of the structure rather than underneath results in them being approximately 330 square feet over, which is that garage basically.

Mr. Madaio reiterated that they don't need impervious coverage or FAR, it is a simple bulk variance for being slightly over on building coverage. Mr. Hubschman noted that the ordinance does have a provision for the FAR on the smaller lots, but not for building coverage. The FAR goes up as the lot gets narrow, but it doesn't for building coverage. Mr. Madaio stated that is why they are OK on the FAR but by the

function of the ordinance, which isn't a variable scale on building coverage, it is just raw numbers and on those raw numbers they are a couple hundred square feet over. Mr. Hubschman stated that the FAR bulk is OK but the coverage goes over a little bit because there is no sliding scale. Mr. Madaio noted that one of the requirements or one of the purposes of coverage is to insure that stormwater is taken care of. There is not an excessive building size, excessive pavement and all of those items. Mr. Hubschman agreed and stated that the bulk of house, the coverage, is related to that. These are very modest size 1,480 square foot footprints and minus the garage you have a 1,000 square foot living space on the first floor.

Mr. Madaio asked Mr. Hubschman that all those traditional purposes of coverage, again one of them being stormwater, if they are providing for necessary stormwater management here and have they submitted the appropriate report. Mr. Hubschman stated that they submitted the calculations to Mr. Azzolina and they did receive his report and he had one recommendation which they spoke to him about. On sheet 2 they show the grading and drainage plan and they show seepage pits that work well in this area. Mr. Azzolina recommended that they provide a rear yard drain because everything slopes from Morningside to Park and they would provide an easement and a drain pipe for overflow for those rear yard pits. Mr. Galdi asked where the drain pipe would go. Mr. Hubschman noted that under the sidewalk there is a 24" pipe and they would tie it in probably between two of the houses. Mr. Galdi wanted to make sure that it wasn't going to another pit. Mr. Madaio stated that the stormwater can be adequately and appropriately handled. They have the adequate seepage pits. The roof drains and leaders do not surface flow. They run into the appropriate seepage pits and they have submitted all that data to the engineer and it is all contained. Mr. Hubschman noted that the actual project increases the impervious by 2,100 square feet. There is a church and another house there. In all of this development, the five houses they propose and all the ancillary paved surfaces, they're really only increasing the impervious coverage by approximately 2,000 square feet. Mr. Hubschman agreed and said that that is really not a lot at all.

Mr. Madaio wanted to talk briefly about the side yards. On each of lot 1.04, 1.05 and 1.06, they have a 10 foot single side yard. Mr. Hubschman noted that they are proposing a 10 and a 15 on all the lots. To the extent that there are 10s, they have arranged them so that they face each other. Mr. Hubschman stated that they face each in the middle. They tried to have the 15 foot on the west because the other house on the corner is very close. So they put the 15, which is the required side yard, next to that house. Mr. Madaio said that the house on the corner has an existing side yard variance, but they have provided for 15 feet on that side and they put the 10 feet toward the houses in their development. Mr. Hubschman agreed. The houses on Morningside don't require side yard variances. Mr. Madaio noted that the 10 foot side yards require a variance, but the 15s are appropriate for a single side yard. Technically there is no variance required for that, but there is a combined side yard requirement of 35 feet and they have only 25 feet. Mr. Hubschman stated that they are requesting that variance. Each of the lots have a 10 foot side yard where a single is required to be 15, and a total of 25 where the total is required to be 35. The lot on the corner is a little different. They have a 10 foot on one side and the other side faces County Road, which is really a front yard. That front yard is measured out at 14.48 where 25 is required. They are requesting a variance as to that front yard.

Mr. Madaio stated that while they were working their way around the site, he mentioned proposed lot 1.03 that also has a deficient second front yard facing County Road of 23.9, which is 1.1 feet deficient on that corner, but it does get wider towards the rear. The second front yard on the Morningside Avenue/County Road corner is one foot deficient and the second front yard on the County Road/Park Avenue corner is also deficient.

Mr. Madaio has now discussed all the variances related to the homes on Park Avenue. Mr. Hubschman agreed. They now presented the site plans for proposed lots 1.02 and 1.03 on Morningside Avenue and they were marked as Exhibit A3. These are the homes on the 8,000 square foot lots. They are somewhat larger homes, they are somewhat larger lots and he wanted to talk about them a little bit. Mr. Hubschman noted that they are wider homes so there is no need for the porch to encroach in the front yard. They are 41 feet wide as opposed to the homes on Park that are 38 feet wide. They are very similar Colonials with four bedrooms and a 28 foot height. Mr. Schuster asked about the footprint of the houses on Morningside. Mr. Hubschman stated that the footprint is 1,685 square feet. The houses on

Park have a footprint of 1,485. Mr. Schuster asked about the living space in each home. Mr. Hubschman stated that that is listed on the FAR chart. Not including the garage, the houses on Morningside have 2,873 square feet of living space and the houses on Park have 2,260 square feet of living space.

Mr. Madaio explained that they spoke earlier about the variances required for the lot. Now he wanted to talk about the variances required for the homes. Mr. Hubschman noted that the coverages were over on the houses. They are 22% instead of 20%. The only other variance is the one small front yard variance on the corner lot. There are no other side yard variances. They have all the driveways pitching out to the street.

Mr. Hubschman noted that these houses have the same Colonial design with four bedrooms, 2 ½ bathrooms. The kitchen is in the rear. As you enter the house, you have the living room, dining room, kitchen, with the family room to the right and the laundry room on the first floor. All the houses have a full basement with a two-car garage. The footprint is 41 x 38.4. It has a master bedroom and a master bath. There are three smaller bedrooms that are 10 x 12, 11.6 x 14.8 and 14 x 13. They are not huge bedrooms and not huge homes as evidenced by the fact that they don't need FAR and they don't require variances as to volume or bulk of the house. The only issue is building coverage. Mr. Hubschman stated that it is a modest 2,600 square foot living area house. The houses that are depicted on Exhibit A3 that front on Morningside will front on the 80 x 100 lots, which are slightly larger than the house on the corner of Morningside and Elmore. It is in keeping with the houses in that small neighborhood. The side yards do not require variances and no variance for lot 1.02 from the existing house. That is a 19 foot setback and 20 feet makes a 39 foot total side yard and there is 35 feet between the houses. The distance between the existing house slightly exceeds what is required. The porches are setback to the 25 foot setback so there is no variance required. They designed the grading so all the front pitches out to Morningside. Mr. Azzolina asked to add drainage in the rear and they will do that.

Mr. Madaio stated that they now covered all the variances related to the subdivision and all the variances to the houses. He asked Mr. Hubschman about Mr. Azzolina's report and wanted to know if there was anything in the report that he cannot comply with or proceed forward subject to complying with the engineer's report. Mr. Hubschman noted that he discussed it with Mr. Azzolina and the one major element is to add the drainage easement and the other stuff is smaller engineering details that have to be added. Based on his review of the letter and his discussions with Mr. Azzolina, there is nothing that they can't comply with. Mr. Madaio stated that his engineer is capable of addressing all of Mr. Azzolina's comments in his report. Any approval or any decision of the Board could be subject to doing just that.

Mr. Madaio wanted to talk a little bit about planning and streetscapes. Mr. Hubschman noted that they discussed earlier that this area is just over 50% of undersized lots. As you go further west, there are a lot more 50 and 60 foot lots. Within 200 feet 50% of the lots are undersized. If you go to the east and head up Churchill there are lots that become more conforming. That is a newer development. Mr. Madaio asked if this proposal, for planning purposes, fit into adequate densities, and what are the purposes of zoning that are met by the size lots and the variances that are required. Mr. Hubschman noted that one of the purposes of zoning is promoting the appropriate population density and they are keeping with that population density and to have harmonious lot sizes. That is the purpose of zoning. Mr. Madaio stated that they discussed before that part of the harmonious lot sizes is the creation of streetscapes that make sense, lots that aren't very small next to lots that are very large or vice versa. Mr. Hubschman agreed and stated that also you have a main road, County Road, and it is hard to really develop a fairly substantial home. Mr. Madaio said that they sized the homes appropriately for the property, which two of these lots front on County Road, and they are all certainly affected by County Road. Mr. Hubschman stated that visually from Elmore, the way the church is situated, it is not aesthetically pleasing in the backyards of all those houses. They have tried to maintain an adequate setback from County Road, but the church actually has a fairly oversized setback from County Road. Mr. Hubschman stated that it is oversized from County but it is more jammed up against the other houses. As a result of it being large from the County Road setback perspective, it pushes that house of worship closer to the existing residents.

Mr. Madaio asked if there was any negative impact on either the zoning ordinance or the purposes of zoning by the application which they propose. Mr. Hubschman noted that there wasn't. It keeps the harmonious lot sizes. It is in keeping with the neighborhood. They are smaller single-family dwellings. It is a very normal development. All the drainage is taken care of. There is not really any excess traffic on here. If a large congregation moved into the church, it would probably be a lot more traffic generated than these five small homes. Mr. Madaio stated that they are talking about five small homes, consistent with the area. They will have people in them and most people have cars, but it is nothing like a house of worship.

Mr. Vaccaro opened the meeting to the public. Mr. Anthony Barbarise, 240 County Road, wished to be heard and was sworn in by Mr. Schuster. Mr. Barbarise was concerned about the properties on the Park Avenue side. According to the notice he received and from what he heard tonight, it appears that the lots on the Park Avenue side are about 37% smaller than what is required. Mr. Madaio noted that they are 6,300 square feet where 10,000 square feet is required. Mr. Barbarise asked is that not 37% smaller? Mr. Madaio stated that yes it is but it is not a variance of 37%. Mr. Barbarise's question is, is it 37% smaller than what is required. Mr. Madaio stated that it was. Mr. Barbarise feels that that is a very substantial decrease from the requirement. It is not a small percentage. Thirty-seven percent is a very sizable percentage. Street parking on that side, with three houses there, when there is street parking on the other side, he could see that being a real problem. He knows the dentist is in the audience tonight who has some of his clientele parking on the street various evenings and days and if there is street parking on the other side of the street and there were three homes there, he can see that being a point of congestion as well for traffic purposes. His largest concern is that the variance is for a 37% decrease from the requirement. He thinks it is very substantial and they are showing three houses on that side of the street, but if you go to the other side of the street on Park Avenue that would be five houses on that side of the street and there are only three houses on the other side of the street. When you look at both sides of Park Avenue, one side has only three houses currently on the whole side of the street. This is going to increase this side to five houses. He was corrected and told it was only four houses. That 37% decrease to him is substantial and he would like to have that considered.

Mrs. Christine Barbarise, 240 County Road, wished to be heard and was sworn in by Mr. Schuster. Mrs. Barbarise pointed out where she lived, across the street in the white historic home on County Road. She noted that this intersection is a very dangerous area with traffic. She doesn't think that this was addressed at all to the Board and to anyone in the audience. There have been many car accidents here and a child was hit with a bike. There is snow congestion. She had to call the DPW today to have snow piles removed because of the danger factor. It is very hard to see. It looks like it is a straight run. It is actually not a straight run on County Road here. There is an arc in the road and this block is an angle. To add five more houses and each of these houses has two car garages and ten cars on a daily basis, outside of a bus stop, and a bus stop across the street, you are adding a tremendous amount of congestion there. There have been children that have gotten hit with their bicycles. This is a dangerous corner and she really wanted to understand adding these driveways. She knows that they addressed this as a house of worship with 110 people. There never really were 110 cars there. Let's be honest about it. That was a very quiet church. You can say it was a house of worship and there were cars and it's going to be less. The church is closing because there wasn't a population of people that went and attended that church. You are now adding more congestion on a very narrow road, on a very busy street, with a bus stop, with accidents that have already existed and she didn't hear one thing about the safety of the residents in that area for homes that will have families. She wanted to know how they were going to address that.

Mr. Madaio stated that the sleepy house of worship that is closing because it doesn't have enough members is not going to stay closed or sleepy. Houses of worship only become two things. They are mostly in residential zones and they either become modest relatively conforming homes or they get bought by bigger, more active houses of worship. We all have enjoyed, on occasion, the quiet use next to us, and get accustomed to that relatively quiet use next to us and begin to think of it as our right to have that quiet use next to us. The fact is the church is selling this property. It is going to be bought. You have certain decisions and a certain amount of control over that at this point. But it is not going to stay an almost unused church forever. It is going to go one of those two ways. It is either going to be

developed and we think we have a plan that makes sense, or it is going to be a much more active house of worship, but it is not going to just be what it has been for the last twenty or thirty years.

Ms. Barbarise stated that that doesn't address safety. Mr. Madaio noted that the placement of five homes is nothing compared to the traffic that would be generated by any numbers of houses of worship, community or civic groups, cultural centers, preschools, houses of worship that traditionally have religious services on different evenings, on Saturdays, on mornings during the week, and many of which have schools. Again, he would love to be able to say, nobody will be there, there will be no more traffic, but when you consider the traffic that is on County Road, the fact that there will now be five more houses somewhere on County Road is less than a drop in the bucket.

Mr. Rob Vadala, 120 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. Mr. Vadala noted that he was never happy with the church and the situation. They had no parking and they never had parking. They used all the street parking. That was a problem. If a church comes in, he doesn't think the town should give it away again to a church, like the Korean church, with no parking, that's ridiculous. Any new people coming with a facility like that should have parking. His concern about this project is he would rather have this, but he doesn't like the density on Park Avenue. The footprint is the length of the house by the width and he would like to see the house scaled down and made smaller because they are going to have driveways that are going to be coming out towards him coming out of his driveway. He doesn't think there should be parking on that side of the street because it makes the road narrower and Park Avenue is a very busy place. All the people bring their children to the Merritt School system and the high school. They cut through there so they don't hit the light on Union and it is a very busy street. If there is parking on both sides of the street that is totally a problem. But the size of the footprint for the lot you said is keeping with the lot sizes in the neighborhood. His house is 880 square feet and that is what everybody is and his lot is 60 x 100. These houses are 1,600 and the footprint of the smaller ones are 1,400. Now they are almost doubled because the houses are probably higher, wider and bigger. He would like to see them smaller. He sees it too concentrated. They do fit better on the other side. He hopes they address the parking. He agrees with the traffic problem.

Mr. Madaio stated that unfortunately there is not a significant market for 800 square foot footprints in Bergen County anymore. Those are the houses he grew up in and his parents still live in. It is what it is, but nobody is building 800 square foot footprints. He does understand what the gentleman is saying. He appreciates his candor about it, but one of the factors which indicates that they are not over building is the town has an FAR ordinance. The FAR is what controls bulk. If they were overbuilding bulk and FAR transfers directly to lot square footage so it is not monkeying around with the zone, it is a direct calculation based on square footage, and they are under it. He doesn't recommend that they give FAR variances, but they are demonstratively lower by virtue of the fact that they don't cross that FAR threshold. One of their goals was to ensure during the design process that that was a line in the sand that they weren't going to cross.

Mr. Barbarise stated that the point of these three homes on Park Avenue seems to him that the bulk variances sound to him like the developers are buying this lot subject to getting this approval. He doesn't know that to be the case, but it seems like this plan is really what the developer needs in order for this project to fly. A 37% variation from the requirement seems to him very substantial. There is a 10,000 square foot requirement and they are looking for a 37% reduction from the requirement. He thinks that is very substantial.

Mayor Romeo noted that that 10,000 square foot lot ordinance was put in back in the 1950s to stop any more of what is happening right now. We haven't had a 100 foot lot come through here probably in about 10 years. The problem we are up against here is what's good for the overall benefit for the town. There are other applications that came in here, a three story garden apartment, another church or two that want to come back in here, and two or three builders that came in here with desires to put in one-family houses. When we look at this thing he knows where he is coming from and he understands the math that he is coming up with and he is correct. But what is the impact on the whole neighborhood and the town? COAH is up again in two years in Cresskill, which means they are going to be looking for more apartments and low income housing. We have a 39,000 square foot lot here staring him in the face like

the loaded barrel of a gun and then we get a builder that comes in and says we will just wait another year for COAH to come back and we'll come in for three or four stories and we'll get 30 apartments or we'll get five houses. He doesn't like it any better than Mr. Barbarise but we are looking at the overall picture at what is going to come down the road in the future.

Mayor Romeo pointed out that in the future, that property is going to become a lot more valuable because our COAH obligation is up in 2016 and now we are back in a free-for-all. Now you have the State that comes in and says you have a half a million dollars in your COAH fund and that was all raised from building permits to give low income housing for people in Cresskill and now the State wants to come in and take half of that money and give it to Camden so they can balance their budget. So there is a lot more here than meets the eye. Yes it is a 37% cut in the overall size of the lot, but if you look at all the lots on the block, they are probably 50 and 60 foot lots. And yes they don't build any Cape Cods anymore. The Synod comes in and wants a certain price and they price it to the point where a builder can't come in and build 800 or 900 square foot houses, they have to walk away from them. But the Synod also knows that there are other people calling Washington saying how about a three-story garden apartment. They have nothing to say. We still have control over it. While he may not like some of what is happening, we are getting rid of one house that is an eyesore, that we are condemning, which is the old church house that they had three families living in there until we had the fire department go over there and move them out. That was one thing. Then you had the cars parking all over when the Korean Church first took over and we gave them parking over at the senior center. When you look at everything and then you come back to five houses, in the general picture, it is really not so bad. Is it Nirvana, no, but it is better than looking at a three story apartment with possibly thirty apartments. In answer to Mr. Barbarise, and out of respect to him, Mayor Romeo agrees with what he is saying, but this Board looks a little bit further down the road. That is why we are entertaining this right now, before it gets to be something that we're really all going to be sorry for.

Mr. Madaio said that Mayor Romeo touched upon the essence of being a Planning Board as opposed to a Board of Adjustment. Unfortunately, the Board does have to think 10 years down the road. His client doesn't do those types of lawsuits, but someone will. When everybody talks about all the houses they are adding, there already is a house there that frankly anyone could divide off and renovate and it would be a house. The point being, when you look at what is being added, you can call it five houses, but there was already one there and a house of worship. There is no application he makes where people don't say could you make it smaller, could you make it less, could it be not as much, but the realities of what the property is, what will sell in Bergen County, what is being marketed in Bergen County, this is what it is and Cresskill is a highly desirable town.

Mayor Romeo asked Mr. Barbarise if he answered his question. Mr. Barbarise stated that he understands that he is looking at a snapshot and the Board is looking at things other than this proposal and it makes a very good point. He would, however, like the Board to consider prohibiting parking on both sides of that street with all of the traffic that goes down that street. Mr. Vaccaro stated that he will let the police look at it and it will be part of our study. Mr. Barbarise said that would be very fair.

Mrs. Kathy Eisler, 243 County Road, wished to be heard and was sworn in by Mr. Schuster. She lives directly across the street from the three houses proposed on Park Avenue. She is very, very concerned about this corner. She would advise a traffic study there. The corner doesn't even have a stop sign at the end of the street. They have what's called a roll around. You drop you kid off at Merritt School and roll around, you drop you kid off at the high school and roll around, so that is one traffic problem. The road is very, very narrow. They is a bus stop on the corner also. So not only do you have people waiting for a bus, you have cars sitting and running and they sit in the car and wait. They are also known as a park and ride on that corner. They also have her husband's office. He is a dentist. They also have now, especially, the new Dunroven parking lot and before that they have people coming and knocking on their door asking where the nursing home was. When there is a school play at Merritt, they have parking there also. This is just something that you should know. It is a school crossing so they always have a car parked there for the crossing guard. It is a very, very busy intersection. She doesn't know what you would do if you had three driveways over there. The church that was there previously, the last group that was in, they decided to park anywhere they wanted for a while, all over the grass, and that was a

problem. They actually put some beams of wood so they could drive in. It was horrible. It is a very narrow street and she doesn't know if there is consideration to make the street a little bit wider and she would like to know if it is going to be parking on both sides. The other thing that was not addressed is about trees and shrubs. The previous congregates, before this last group that came in, it was very nice. There were a lot of trees. Some of the neighbors even planted extra trees for them and everything disappeared. If it is going to be so overly congested, she would like to see some trees and shrubbery added to the design.

Mayor Romeo stated that he thinks the builder can be talked into doing that. The other thing he would like to deal with is the cut through on Park and Morningside and he is going to have the Police look at that. What is happening is they are coming up Piermont and missing the light and coming up to County. Or they are coming up County and missing the light and they are coming down that way. As this project goes forward, he will have the cops start looking there and start giving out tickets and putting up the proper signage so that they are not using those two streets as cut thrus and if that can alleviate some of it and he knows that Westervelt is another cut thru.

Mr. Barbarise asked about consideration for rumble strips or anything of that nature. Mayor Romeo noted that the insurance for the town has asked them to shy away from that because we would be paying thousands of dollars in repairs because people just don't see them and they fly over them like a speed jump and you are responsible for their exhaust system. They will try to address the parking and the police will look at it.

Mr. Madaio stated that they will be very happy, and the issue of landscaping is always reasonable, that anything the Board did would contain a condition that they satisfy the Borough Engineer with regards to landscaping issues. He assumes that he takes his orders from the Board, the Shade Tree Commission and any other group involved in that. They have no problem with that. As far as the stop sign, he is aware that it is not there and his plan calls for restriping that and fixing that because they noticed that early on.

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

Mr. Vieni asked about the corner building on County Road, lot 1.06, showing a side yard of 14.86, with an easement of 8.50 for the County road enlargement. Mr. Hubschman noted that the County requires that. Mr. Vieni noted that if County Road takes that 8.5 to enlarge the strips down that street, you are going to wind up with a 5.86 foot side yard, which is going to impact that house immensely. Mr. Madaio stated that the ordinance measures from lot lines. It doesn't measure from prospective County takings. The problem described would exist on every County road between Lyndhurst and North Arlington and Oakland because the County collects these road widening easements. Zoning always measures from lot lines and then whenever you need to knock on the County's door, they try to steal it from you or at least bank a few feet. That is going to be the case. Every lot on County Road is going to be deficient if the County ever widens County Road. The same goes for Piermont, Schraalenberg, and Knickerbocker. Every single house is going to be in variance. Every single house will lose five or ten feet and every single house will now have a non-conforming front yard setback or a non-conforming side yard setback, non-conforming coverage. If you take a minute and think about the lot and property that would come out and now many of those houses would require FAR variances. If you take out 800 square feet of property, now the lots aren't big enough. You have every variance if that happens. Unfortunately, the wisdom of County government is, any time you knock on their door, they have their hand out.

Councilwoman Tsigounis commented that listening to the audience and with what the Barbarises had to say and Mr. Vadala and the dentist, we do look out to protect the best interest of our town. What she personally is concerned about, being that this is a new subdivision, new construction, and to use Mr. Hubschman's words, they are slightly over the building coverage, why can we not meet the building coverage. It would help the density, the massing of the houses. It would help this gentleman's concern over the size. She feels that it can be done, and she doesn't see why, if it is new, being proposed, why

we have to have 10 foot side yards to the neighboring house. Why the houses can't be made a little bit more in conforming proportionately to the size of the lots, being that they are undersized lots.

Mr. Madaio stated that if the houses on Park Avenue had conforming side yards, it would mean a total of 35 feet of side yards. Councilwoman Tsigounis stated that she is not saying exactly that. She is concerned, if you listen to what she said, about the building coverage. It is slightly over. This is new, new development. Why can't they meet the existing so that they don't need that variance. Mr. Hubschman stated that the reason it was over was twofold. One is for the covered porch, which counts in the building coverage. That is 113 square feet. Councilwoman Tsigounis noted that the houses are fairly good sizes, so there is room to help address the comments. Mr. Hubschman stated that they are proposing the footprint as 1,485 and they are permitted 1,260, so they are 220 square feet over, not including the porch and he kind of proffered that as because there is no real sliding scale, where FAR is a sliding scale. Councilwoman Tsigounis stated that there is no hardship there, it is new construction. She feels that the application would be better received if they met the building coverage.

Mr. Madaio stated that they are not going to be able to meet the building coverage. They are about 200 square feet over on building coverage. Of that is a two-car garage and obviously they want two-car garages and 100+ is the covered porch. If she is asking for a little work to be done, he is always happy to try to satisfy the Board. Whether or not these houses are two feet narrower, he doesn't think makes much difference to anyone as far as massing or bulking or anything. He doesn't think he is going to be able to hit that. Councilwoman Tsigounis stated that she was just using their words of being "only slightly over." Mr. Madaio said that she may or may not think it is slight. Two hundred square feet to him is relatively slight. She may or may not agree with the characterization, but he leaves that to her deference and her vote and her position on the Board and he is always happy to try to accommodate that. They probably are not taking 220 square feet out of these houses, out of the footprint. If they take 220 square feet out of the footprint, they have now taken 440 square feet out of the house. That is a real difference. That is two bedrooms out of the house in area. That is two 10 x 12 bedrooms and more. If there is an option or the option of trying to lessen the appearance of mass either visually or by landscaping or by some very slight trimming, he can talk about it. He can get you half way there by just taking off the front porches. He doesn't know that that is a better choice. And he doesn't think they are taking 440 square feet out of these houses. He wants to be respectful about that. He wants to be accurate about that, but they are not cutting 220 square feet out of these footprints. They just can't. There is nothing he likes better than saying yes and being home in time for TV at 10:00, but it just can't be done. Councilwoman Tsigounis stated that this is a critical decision. Mr. Madaio understands and wants to be honest about what is presented. On these lots, they have total side yards of 25 feet. Required is 35 feet. They are not going to get there. He doesn't even think they can get to 30. Unfortunately that is the reality of it. What they are driving is a question of making the garages smaller, they could put the garages under, they could take off the front porch and they would have fully conforming houses in all likelihood.

Mr. Vieni asked if they considered two houses on Park Avenue instead of three. Mr. Madaio stated that it doesn't work. They wouldn't purchase the property in that occasion. It would sit there and be exactly the problems that the Mayor mentioned. Moreover, they don't think there is a reason for it. The house at the corner is 50 x 100. Everything to the west is 50 x 100. More than 50% of the lots within 200 feet are non-conforming. If Park Avenue were two lots, that is about 181 feet across so those lots would be bigger than the lots on Morningside and be completely out of character with that side of the street and the area. That would be excessive. They could lessen the number of lots and make them conforming, but the property would not be buildable in that case. You could always get closer and their goal is to get closer and he has always respected Councilwoman Tsigounis's expertise and opinion and if they could do something, he is happy to do it. Mr. Hubschman wanted to explain that the garage is partially one story so the second floor is pulled in quite a bit so it is not a big box. The second floor to the chimney is a 31 foot width. Mr. Madaio noted that the two things that extend their coverage is the garage to the side, which is only one story and the front porch to the front which is only one story. If it not for the fact that the garage protrudes into the side yard, and that were not your point of measurement, the whole house would only be 30 feet wide. You would be nowhere near your coverage issues. If the front porch, a single story, did not come forward four feet, you would not have any coverage issues.

Councilwoman Tsigounis stated that they were also over on the coverages on the houses on Morningside. Mr. Madaio noted that the total frontage on Morningside is a total of 160 feet, where only 100 is required, would be well suited for one large home. Councilwoman Tsigounis said that nobody is saying that. She is not against five lots. She is against the coverage being over for a new construction. Mr. Madaio completely understands that. The only way to do that is to make it a one-car garage.

Mr. Madaio looked at the plans for the house on Exhibit A2. The main of the house is 30 feet wide. On the second floor it includes a 10 foot wide bedroom and 11 foot wide bedroom across the front of the house and a four foot closet. He doesn't know what he can cut out of a 10 foot wide bedroom. Councilwoman Tsigounis stated that what they have doesn't work. It is new construction. She is saying she would feel much more conducive to this application if the coverage were meeting the requirements because it is new construction. That happens to be that design. You can design something that conforms for the coverage. She is very concerned about coverage because everything is being totally depleted with the soil and erosion and things like that. It is to their benefit, she thinks, for the application, if their subdivision met the building requirements.

Mr. Madaio again stated that the coverage is not the main portion of the house. The coverage is a portion of the garage and the porch. They can do one car garages. Councilwoman Tsigounis is not asking them to cut off the garage or the porch and make the house unsellable, she is saying to change the design. This is a new building and they can make it meet. She is saying don't let that design drive it, redesign it. Mr. Madaio stated that he is hard pressed to see how they can get four bedrooms and a two-car garage out of a smaller footprint when the issue is really not the house, it's the portion of the garage. He understands that Councilwoman Tsigounis is saying to get out a blank piece of paper and make it work. The fact is he doesn't know if that works. They would have to make a decision on that which encompasses a complete redesign of the structures or simple producing one car garages.

Mr. Morgan asked if there was any way they could take their homework and perhaps redesign a little bit and address the concerns. Mr. Madaio stated that he would never say he couldn't get closer. Their goals are it's a four bedroom house with a two-car garage. That's kind of written in stone. He would never tell you that a creative architect couldn't come up with a different way or a better way to do that. He thinks he laid out before the Board relatively small bedrooms, the fact that the bulk of the house at the second floor is well less than the bulk of the house at the first floor and that what they are really talking about, in this design, and granted there are other pieces of blank paper in the world he understands, they are talking about the garage and the front porch. He doesn't know that they could shave off a couple hundred square feet, in either design and still have four bedrooms and still have a two-car garage. He honestly doesn't know that that is possible. Mr. Morgan asked if four bedrooms are now selling. Mr. Madaio said that two bedrooms don't exist, three is barely enough and four is the norm, because like many of us, we have a work room or office in our home, we have a gym in our home, we all have those things people want four bedrooms for. Three bedrooms still are parents and most people have two children, more or less, and then you always have that one extra bedroom that is either a guest room, home office, gym or whatever.

Mr. Vaccaro stated that times have changed from years ago. The cost of the property is a lot more than what it was years ago. Today everything is a four bedroom house and that is what is dictated to put in there. If you cut it down 100 square feet, what are you cutting down? Mayor Romeo noted that the property has to be made so it is saleable. He feels that if something isn't coming to some conclusion, this property will go back to the Synod and we will start this all over again. He is not sure that is where we want to go with this. At the very least, we should at least be considering the five lots. The design may be a little large, but the houses have to be sold and when you consider the property price that they are asking, the builder has to be able to sell the property that is going to get him back his money.

Mr. Vaccaro asked for a motion to approve. Mr. Galdi made a motion to approve. He heard all kinds of stories and he knows the situation we are in. For the benefit of the town and the builder that wants to put this in, we are not talking about such a large quantity. Yes, we would like to see something completely different that is more in conforming with the code because why are we trying to have a standard code when every time something comes we are making allowances and we are not really following our code.

But this is a close as we could come to a pretty good situation, which is apropos to all concerned. Under those conditions, if they follow the engineer's recommendations and requirements, he would like to say let's vote for it and leave it up to them if they can shave something down to make it more suitable for the area and for the people around. Mrs. Schultz seconded the motion. Mr. Schuster stated that there is a motion to approve as presented. On Roll Call: Mayor Romeo voted yes. Councilwoman Tsigounis voted no. Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mrs. Schultz all voted yes. Mr. Vieni voted no. Mr. Ulshoefer voted yes. Motion approved.

Old Business

None.

New Business

None.

Other Business

None.

The meeting was opened to the public. No public wished to be heard.

Motion was made by Mr. Galdi to adjourn the meeting at 9:51 PM, seconded by Mr. Vieni. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for February 25, March 11, March 25, and April 8, 2014, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary