

MINUTES

CRESSKILL PLANNING BOARD

MARCH 24, 2015

Mr. Vaccaro opened the meeting at 7:33 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. Calder, Mr. Galdi, Mrs. Schultz, Mr. Ulshoefer and Mr. Moss. Mr. Morgan arrived at 7:45 PM. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Ulshoefer made a motion to approve the minutes of the March 10, 2015, meeting. The motion was seconded by Mr. Galdi. All present were in favor of the motion. Motion approved.

Correspondence

Permits from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulations for Flood Hazard Area Individual Permit, Flood Hazard Area Verification and Freshwater Wetlands Transition Area Waiver – Averaging Plan for 52 Grant Avenue, Application #1460, 52 Grant Avenue, Eminent Properties 52 LLC. File.

Letter from the County of Bergen, Department of Planning and Economic Development, dated March 13, 2015, regarding Application 1449M, 74 Park Avenue, Frank Baretta, giving final approval by the Bergen County Planning Board on March 13, 2015. Final approval must also be secured from the appropriate municipal agency.

Letter from the County of Bergen, Department of Planning and Economic Development, dated March 13, 2015, regarding Application 1448M, 80 Morningside Avenue, Frank Girman, giving final approval by the Bergen County Planning Board on March 13, 2015. Final approval must also be secured from the appropriate municipal agency.

Mr. Azzolina noted that these are the subdivisions that were approved a couple of months ago for Girman and Baretta. The plats had to be revised. They have revised them in accordance with the comments and then they were submitted to the County for their signature actions. The last order of business is that they needed to post monument bonds and Ms. Nasuto has confirmed that the monument bonds have been posted. He would recommend that the Board sign the mylars tonight and the subdivision can then be recorded.

Mr. Calder made a motion to approve the mylars. Mr. Galdi seconded the motion. All present were in favor. Motion approved. The mylars were signed.

Subdivision Committee

Councilwoman Tsigounis noted that Application #1462, 102 Westervelt Place, M3M Builders LLC, was received on March 11, 2015, and is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that for Application #1462, 102 Westervelt Place, M3M Builders LLC, he did receive that plan previously. He obtained the architectural drawings from the builder. His review indicates that the plan is substantially complete. They do require a number of variances which are properly noted on the plan, so they will be required to have a Public Hearing on the application. From his perspective, the plans are complete enough to schedule it for the next meeting. The architecturals are preliminary but they provide all the information that he needs as far as floor area and height. He checked drainage and all that. Mr. Galdi made a motion to schedule the Public Hearing for April 14, 2015. The motion was seconded by Mr. Calder. All present were in favor. Motion approved. Applicants and the attorney were present and notified of the Public Hearing date.

Mr. Azzolina showed the preliminary floor plans that he had for the project. The dimensions of the house comply with the FAR based on the sliding scale. Councilwoman Tsigounis asked if there was any way that the 10 foot side yard could be any bigger. The engineer noted that the house would look like two garage doors and an entry otherwise. This gives it a little wider front living area.

Mr. Azzolina noted that on Application #1460, 52 Grant Avenue, Eminent Properties 52 LLC, he recommended that they obtain the DEP approvals first, which they have done. He has prepared a draft memo of certain plan revisions that need to be made to comply with the requirements of the Borough's ordinance. He will finalize that memo and get it to them by the end of the week. If everything is in order, he can approve it at the next meeting.

On Application #1461, 34 Ridge Road, Richard An, the plan as presented is found to comply with the requirements of the code with the exception of an areaway which is on the westerly side of the home as well as the fireplace. Mr. Azzolina had a discussion with the Zoning Officer/Construction Official regarding those structures. The areaway, since it is not a mandatory structure, other than a sleeping area, which is adjacent to a rec room, you don't need an areaway, per se. The determination from the Zoning Officer was that it would be considered part of the structure and, therefore, you would encroach upon the setback. That would be a variance condition. If you were to maintain that you would need to have a Public Hearing and he doesn't know if they are prepared to go through that or if they would simply eliminate the areaway. The owners noted that they will eliminate it.

Mr. Azzolina noted that the other discussion was relative to the fireplace. It is a masonry structure with a bit of footing and a foundation. Since it has a foundation and is not cantilevered, the Zoning Officer's viewing of that is that it once again is not permitted. If it were to be a cantilevered fireplace, that would be permitted. The owner and the builder said it can be cantilevered. Mr. Azzolina noted that the plan has otherwise been modified in accordance with the comments that they offered the applicant's engineer by telephone so the plans that he has, revised March 11, 2015, and they will be further revised based upon the discussion we just had. With that action, he recommends that the Board approve the further revisions to this plan.

The engineer showed the architecturals to the Board dated March 17, which has more information on them for electrical and structural information for pricing purposes, but the design information is what the Board should look at. He pointed out the areaway and fireplace that he will cantilever. It will work and is to code.

Mr. Ulshoefer noted that it looks like they are taking down a tree that almost looks like a town tree that maybe the Shade Tree Commission should be involved in. Also it looks like they are building quite a bit

down in the basement area. Why isn't part of that considered in the overall building. The engineer noted that it is not considered part of the FAR because it is more than 50% below grade and that is per the town's ordinance and it doesn't count towards that part of the zoning criteria. Mr. Ulshoefer noted that he has gone to the site a couple of times and he is building quite a bit in the basement and that seems like a flaw. The engineer said that it is kind of in keeping with most municipalities. He doesn't know many municipalities in Bergen County that would count the cellar. Mr. Azzolina stated that basements, in the code, and we had lengthy discussions in the FAR, and the decision was to exclude basements in the computation of FAR. In this town, it doesn't even matter about the 50%, any basement area is excluded from the FAR calculations by definition. Mr. Ulshoefer asked even though some of those are above ground? Mr. Azzolina answered, correct.

Mr. Azzolina noted that setbacks are all compliant. FAR is compliant. Mr. Ulshoefer asked about the one tree. Mr. Azzolina says that it does show on the plan one tree to be removed, and it probably straddles what is the borough's right-of-way vs. what is the applicant's property. Mr. Ulshoefer noted that it is pretty close to the curb. Mr. Azzolina noted that it shows to be right on the right-of-way line and typically we require that they replace that tree as part of the finish landscape. Mr. Ulshoefer asked what they are required to replace that with. Mr. Azzolina noted that technically, nothing. The code does not require replacement in this town. Mr. Ulshoefer asked why we have a Shade Tree Commission. Ms. Bauer stated that she thinks they are supposed to replace shade trees that are being knocked down. Mr. Azzolina doesn't think the code specifies that. Ms. Bauer noted that it doesn't specify the species but it does specify that they have to replace the tree if it is a shade tree.

Mr. Azzolina noted that for subdivisions you have to provide shade trees as a spacing, but there is nothing in site plan ordinance relative to a single home. Subdivisions he would agree. Single family site plans no. However, he doesn't think it is a very big request or recommendation that this Board require an applicant to replace a tree in-kind, one to one, two to one, whatever ratio the Board deems appropriate. The owner noted that they will replace the tree. Mr. Ulshoefer asked if we had a Public Hearing on this property. The answer was no. They are not required to have a Public Hearing. Councilwoman Tsigounis noted that we are just negotiating. Mr. Azzolina stated that a Public Hearing is not required for this type of application where you don't have any variances for a single family home. The only hearing associated with a single family home is when there are variances. Typically these are informal reviews and quite honestly, this town actually exceeds the Municipal Land Use Law in that regard. Typically this would be handled through a building department only without any Board involvement. Our code is unique in that it says single family homes come to this Board. Mr. Ulshoefer asked if we are saying we don't need a hearing, why are we even meeting on this? Councilwoman Tsigounis explained that they are willing to make the accommodations so it does not necessitate a hearing. Like Mr. Azzolina had mentioned the chimney and areaway. Those would necessitate a hearing. They are willing to make the accommodations not to require one. That is why we are having this discussion.

Mr. Azzolina stated that, with the modifications that we discussed, he would recommend that the Board approve the application, subject to the applicants' revising the plans further. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Mr. Azzolina stated that the last order of business is obtaining the signatures on the Girman and Baretta plats which were earlier approved.

Old Business

None.

New Business

None.

Other Business

None.

Mr. Vaccaro opened the meeting to the public. Mrs. Theresa Zerreneer, 35 Westervelt Place, wished to be heard. She was present with her husband Mr. Robert Zerreneer. Mrs. Zerreneer noted that she has a double lot, 100 x 142. They want to keep their existing house and subdivide their existing lot and build a house on the second lot. They just want to know before they start the process the Board's feelings. Mr. Vaccaro informed them that that is their decision to make. Mr. Azzolina informed them it would cost several thousand dollars because they would have to hire a land surveyor and post escrow fees with the application.

Mrs. Galit Wexler, 310 Knickerbocker Road, Cresskill, wished to be heard. She just closed a few weeks ago. It was owned by the prior owner since the 1970s. A podiatrist was in there, Happy Feet. One of the features that sold the house was that it had an office that can be rented. Due to the location, the prior owner rented it for 31 years, and although she wasn't the doctor living there, she was renting it to a podiatrist. She got approached from a podiatrist that is willing to take it as a part time clinic for himself and a part time receptionist. The house is built in a way that it is very difficult to change it to create the space to some use because the stairs to it is from the middle of her kitchen through the laundry room and in order to change it, it would be financially difficult. Mrs. Wexler wanted to know what she needed to do to continue to rent it to a podiatrist. She has six parking spaces.

Mr. Schuster stated that the problem as he understands it is that it is not going to be permitted. As he recalls, all these houses had older people living there that if they couldn't rent it out, they would have to sell their house. Now we are moving on to the next generation. The requirement is that the owner has to be the one using the office space. Mr. Schuster's recollection is that they granted an exception because they had spouses pass away and instead of being forced to sell their house, we let them live there and rent it out. Now, that chicken has come home to roost and the people are selling these units to other people with the understanding that they can rent these units to other people for money.

Mrs. Wexler said that regardless of the money, when she started renting it, she wasn't too old because it was 31 years ago and in addition, the house is built in a way it was kind of built for this purpose, with a separate office. Even for her now, with all the expenses of buying it, if they won't let her rent it, she will keep it empty. She wouldn't use it because for her to change it she cannot even open stairs from the entrance to the ground floor. She needs to change the whole entrance, move the door out. Councilwoman Tsigounis noted that, unfortunately, it doesn't qualify for a hardship because they bought it that way. Mrs. Wexler understands that.

Mrs. Wexler noted that next to her is 300 Knickerbocker, which is an office building, across the street is the Merritt Shopping center, and across the other street is the dentist. It is not something that she is trying to put in the middle of a neighborhood. The house is built on a very large lot so there is the space there. She knows it is exceptional, but the exceptional has happened for 31 years already. Now it is empty. It was a podiatrist until two weeks ago. He had to vacate in order for her to close on the house.

Mr. Wexler thinks that people in this area need more of these services and they doubt any disturbance to the rest of the neighbors. Mr. Schuster stated that they would probably need a use variance. Mrs. Wexler noted that the podiatrist wanted to continue using it. She has six parking spaces in her driveway.

It is the same podiatrist as was there before. She bought it from Mrs. Friedman. Her husband was a doctor. He passed away in 1984. She had no relationship to the renter.

Mayor Romeo noted that professional offices in the house are doctors, lawyers, accountants, insurance agent, real estate, architect and any form of medical, if you are operating your own business. Mayor Romeo asked them to leave their name and phone number so they can look into it further. Councilwoman Tsigounis suggested that they might have to go to the Zoning Board for a use variance. This is not a permitted use. They are going to try to find out how it came to be.

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

The next four regular Planning Board meetings are scheduled for April 14, April 28, May 12, and May 26, 2015, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary