

MINUTES

CRESSKILL PLANNING BOARD

APRIL 12, 2016

Mr. Morgan 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. Morgan, Ms. Bauer, Mr. Moss, Mr. Ulshoefer, Mr. Durakis and Mr. Mandelbaum. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Ulshoefer made a motion to approve the minutes of the March 22, 2016, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward Rossi, Construction Official sending Mr. Lee from SignAvenue.net to this Board for approval for a new light-up sign for Energy Fitness, 50 Piermont Road.

Notice for the 2016 Annual Land Use Committee Symposium on Saturday, May 7, 2016, at Bergen Community College. Notice given to Mr. Durakis and Mr. Mandelbaum.

Mr. Lee from SignAvenue.net was present. He distributed copies of the proposed sign for Energy Fitness at 50 Piermont Road. The sign will be on the top of the right side of the building facing Piermont Road. It has an internal LED. It is one single light. It is not going to move. The letters are red in color with a green bar underneath, which is their logo. The sign is 14 feet wide and two feet high. The biggest letter is 20" in height. It is on the right side of the building where there is a banner right now. The banner will be removed. Mr. Schuster asked how much width they had on the building. Mr. Lee stated he didn't measure it. Mr. Schuster stated that that is the function of how much square footage you have for the sign. It is based on the footage of the building and you have to know it to know if you have an appropriate size sign. Mr. Lee stated the building is approximately 60 feet wide. Mr. Schuster noted that they would be entitled to 30 feet of signage. This sign is 28 feet so they are just under.

Mr. Moss stated that this sign will look better than what is there now. There is just banners there now. Mayor Romeo noted that the sign is red but it is not near any intersection or any traffic lights. Mr. Lee noted that the light is on a timer but he is not sure if it is going to be lit 24 hours. Mr. Morgan asked if it was on all night, if it would affect traffic on Piermont. Mr. Lee noted that it wouldn't.

Mr. Moss made a motion to approve, seconded by Ms. Bauer. All present were in favor. Motion approved.

Subdivision Committee

Councilwoman Tsigounis reported that revised plans were received. Revised Application #1475, 4 Evans Road was received on April 1, 2016, and is currently under review. Revised Application #1477M, 104 Morningside Avenue was received on April 6, 2016 and is currently under review. Revised Application #1478, 76 Westervelt Place was received March 31, 2016 and is scheduled for a Public Hearing tonight.

Report from the Borough Engineer's Office

Mr. Azzolina noted that Application #1477M, 104 Morningside Avenue, has been reviewed with the architectural drawings that he had requested. He had previously discussed, assuming that the application would be complete at tonight's meeting, that it would be scheduled for a Public Hearing for the next meeting on April 26. From his perspective, everything is OK for having the hearing on April 26 if the Board is agreeable to that. One existing house is to remain, and one proposed house is to be built. The Board is OK with scheduling the Public Hearing for Application #1477M on April 26, 2016. The applicants have already sent in their notices for the hearing and Mr. Schuster has them.

Mr. Azzolina stated that he received revised architectural drawings initially and then he received via e-mail revised engineering drawings for Application #1475, 4 Evans Road, Eyal Morad. The plan has been reoriented according with the direction of the Board so that the dwelling fronts on Evans as it currently does. He has reviewed both plans and noted some minor technical deficiencies with the zoning analysis presented in the engineering plan that he has discussed with the engineer. He will be making further revisions to that plan that was distributed tonight. Other than those minor discrepancies in the zoning schedule the plans are complete from his perspective. They are seeking variances so a hearing does need to be held on the application. The architect and the applicants were present.

Mayor Romeo told Mr. Rapaport that he needs an FAR and asked why he was doing this. He will have to come here and to the Zoning Board. The Planning Board cannot grant an FAR variance. Mr. Rapaport noted that with the reorientation and the lot being so narrow, with the house the other way, they had more FAR allowed. When they turned the orientation, now they don't have as much allowance. He just went by the narrow problem that he had before. He thinks this is reasonable. If the Board thinks this is asking too much, he will change it. Mayor Romeo explained that we can't even hear it. It is an FAR so he has to go to the Zoning Board first and then come back for a final approval. He asked Mr. Schuster if he was right on this. Mr. Schuster agreed that we cannot hear an FAR variance. The statute prohibits us from hearing it. He would need to go to the Zoning Board and get the FAR variance and then come back here.

Mr. Rapaport didn't want to do that. He mentioned that with the house situated the other way, he didn't need an FAR variance. Since they switched it, even though it is the same size lot, they cannot do it. He will cut it down to 30%. He wanted to know if he can still be on the next hearing. Mr. Azzolina asked if he could get him the revised drawings. Mr. Schuster noted that the Board already has another hearing on April 26. Mrs. Morad noted that she really needs it on April 26 because she is now having a problem with her son's school because she thought the house would be ready in September and when she called the school they told her that she must be living there.

Mr. Azzolina explained that the impervious coverage variance can be granted by this Board. An FAR variance cannot. Mr. Rapaport said he will get the revised plan to Mr. Azzolina by tomorrow and the Board agreed to have the Public Hearing on April 26.

Mr. Azzolina noted that he has the report for Application #1478, 76 Westervelt Place, which is the subject of tonight's Public Hearing.

Resolution for Application #1476, 274 Brookside Avenue, was introduced by Mr. Durakis, seconded by Mr. Ulshoefer. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Moss, Mr. Ulshoefer, Mr. Durakis and Mr. Mandelbaum all voted yes. Mr. Calder was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Old Business

None.

Public Hearing – Application #1478, 76 Westervelt Place

Mr. Matthew Capizzi, 11 Hillside Avenue, Tenafly, NJ, was present representing the applicant, 76 West Place, LLC. This Public Hearing is for Application #1478, 76 Westervelt Place. This property is in the Borough's R-10 Zone. The site is an existing undersized lot as to width and area. It is roughly about ½ the size required in width. They are at 50 feet where 100 feet is required. And the area is 7,800 square feet approximately where 10,000 square feet is required. These non-conforming situations as to area and width cause the existing single-family house to be non-conforming as to side yards and to height. What they have done with tonight's application is to propose a redevelopment of the entire site with a new single-family dwelling. They are going to be increasing the side yard setbacks, albeit still not complying with the ordinance requirements. Because of the shortfall in the area, they need building coverage and impervious coverage variances. He has two witnesses here this evening, the engineer and the architect.

Mr. Chris Lantelme, Lantelme, Kurens & Associates, P.C., 101 West Street, Hillsdale, NJ, was sworn in by Mr. Schuster. Mr. Lantelme has appeared before this Board many times as well as in other municipalities. His license number is 39580. His license is presently in good standing in the State of New Jersey. He was accepted as an expert surveyor and engineer.

Mr. Lantelme prepared the plans before the Board this evening. He has visited the site and has become familiar with the neighborhood. He noted that as mentioned, it is an undersized lot at 7,875 square feet. It is 52.5 feet wide where zoning is 100. The topography basically drains out to the street and slopes up to the back. Existing is a single-family dwelling built somewhere in the '20s. It is a 2 ½ story building. It has an unpaved driveway, walkway and the existing condition, as mentioned, does have non-conforming side yards, both of them, plus the combined, and a non-conforming building height. There is no on-site detention. The water basically spills out to the street, mostly. A little bit to the side driveway.

Mr. Lantelme stated that what is being proposed is that all those existing improvements be removed from the site and a new single-family house gets built. He will leave the details of the house to the architect that is here. The new house will comply in FAR, height, front yard and rear yard setbacks. It is a tough lot, as has been mentioned a couple times now, and there are some variances. Both side yards are proposed to be 10.7 feet. The existing side yards are 6.2 and 8.3. The combined side yard is going to be 21.4 and to conform it would have to be 35 feet. The existing side yard is 14.5 so they are going from 14.5 to 21.4 feet. In addition to that, they are looking for a building coverage variance. Building coverage is 21.7 proposed where 20% is the maximum and that is an excess of approximately 134 square feet. Impervious coverage is another variance they are looking for. Proposed is 39% and maximum is 34.7%. That is an excess of 4.38%, but it is a small lot and it comes to 339 square feet, largely driven by the shortfall in area and in width, and this is measured by only the first 125 feet. They have a narrower lot and they are not able to use the entire lot for the coverage calculation.

Mr. Lantelme also noted that they are putting in a double two-car garage and a double-width driveway because the garage is a front-loading garage, which is also hurting them a little bit on the coverage. As far as drainage is concerned, they are proposing one seepage pit which will take care of all the run-off for the entire structure. This does slope down to the street, so the driveway will go into the street. They do have calculations and he will address the engineer's letter if requested. They also did a perc test ahead of time. They don't normally do it but there is also concern and they wanted to see how deep they could dig safely to have a deep basement. So, they ended up doing a perc test and there is good soil there and they didn't hit any water for 9 ½ feet. The drainage system should be very adequate.

Mr. Capizzi asked Mr. Lantelme if he had a chance to review Mr. Azzolina's letter of April 11, 2016. Mr. Lantelme stated that he has. Mr. Capizzi noted that there were certain requests for plan modifications and recommendations for additional materials to be provided and asked if they could accommodate those requests. Mr. Lantelme stated they he could accommodate those requests. There was one other question in his letter. The plan only shows four trees being removed. It is really five. There is one that just didn't get marked. It is in the front right corner of the proposed house. There is one design waiver being requested which is all structures within 200 feet and they do ask for a waiver based on the size of this project.

Mr. Schuster asked if the applicant is the contract purchaser of the property or the actual owner. Mr. Capizzi noted that he is the current owner. Mr. Azzolina noted that the attorney and he had some conversations today regarding the above ground storage tank in the basement. Mr. Capizzi stated that there is an oil tank in the basement that hasn't been used, from what he was advised from the prior owner, since the '50s and it will be properly decommissioned in accordance with Borough regulations. Mr. Azzolina mentioned another item in his report, page 6 of 8, Item 3C, Curb and Sidewalk Removal and Replacement. The applicant agrees that they are both in poor condition at this time and will be removed and replaced with granite block curb and concrete sidewalk along the entire frontage. Mr. Capizzi agreed. Mr. Azzolina noted the standard comment regarding the existing building sewer connection. They need a video inspection of that before they connect the new construction to that to confirm that it is in good condition and they will address all the other comments. Mr. Lantelme has no problems and he will work with Paul. He knows the drill.

Mr. Raul Maderos, 24 West Railroad Avenue, Tenafly, NJ, was sworn in by Mr. Schuster. Mr. Maderos has testified before this Board many times as well as in other municipalities. He is a licensed architect in the State of New Jersey. His license number is 18571. His license is currently in good standing. He was accepted as an expert architect. Mr. Maderos noted that his office has prepared the architectural plans before this Board tonight.

Mr. Maderos noted that the starting point is the lot shape and size. Because of narrowness, which is approximately one-half of the requirement in the R-10 zone, they had to reduce the width of the house which shifted things towards the rear to accommodate a two-car garage, which is very typical for this part of town. They had to shift the entrance over to the right side and push it back to engage it more with the main part of the house. What this does is push the main part of the first and second floor further back than the existing house is currently. The apparent bulk is going to be reduced quite a bit on the street, because only the two-car garage is extending towards the front yard. Because of the width, they are proposing modest size bedrooms, which the kids' bedrooms are each 11.8 x 12 feet. The dining room is not a traditionally defined room. It kind of overlaps with the living room. The dining room, living room and center hall kind of blend, which allows for a larger dining room set, where if they tried to define the space it would be a very small dining room of about 12 ½ feet long x 11.4 wide that would barely accommodate a six person dining room table. In this neighborhood, it just would be in keeping with the typical set-up.

Mr. Maderos showed the second floor plan. He stated that there are four bedrooms, three kids' bedrooms towards the front and the master bedroom suite towards the back. The middle two kids' bedrooms share a hall bath and the front bedroom is a suite. The rear master bedroom has access through the hall in the center. Typically, the most spatially economic way to set something up is to have the rooms radiate off the center hall like this is doing, but because of the narrowness they couldn't have a stair right in the middle of the house because it would cut everything up. So, they were forced to shift the stair and foyer over to the side of the garage to allow this to happen. They looked at this long and hard and they got this to conform to the FAR requirements, but they are deficient in the building coverage number by a small amount, which makes a huge impact in terms of the interior space of the house. The rooms are already small. The dining room is overlapping with other rooms, so that 1.9% would have a huge impact on the inside of the house where on the outside it is just 1.69% of the lot size.

Mr. Capizzi noted that regardless of the fact that they need the building coverage variance, they have taken some steps to soften the front elevation. Mr. Maderos stated that he mentioned in the beginning, he showed the side elevation where you could see that the second floor steps back about eight feet from the face of the garage. The garage is the only portion of the house that is just behind the 25-foot requirement. The main portion of the house, where the entry is and the second floor is all set further back than even where the current house is today. Mr. Capizzi stated that the building coverage somewhat translates from the covered entry as well as the two-car garage. Mr. Maderos noted that the covered entry increases the building coverage by 40 square feet. It is a 10-foot-wide by four foot covered entry, but he thinks it is important to the look of the house, it helps to define the entry, it makes it more inviting and, of course, it provides safety with the cover from rain and snow during certain months of the year. He thinks a covered porch, technically pushes further forward, but it does soften the front. It gives it something of a void, which helps to make it softer on the street and reduce the apparent bulk.

Mr. Schuster asked how many square feet the house was. Mr. Maderos stated that the house is 2,519 square feet. The maximum square feet is 2,524 so they are under the maximum allowable number. The lot size is 7,875 square feet. They are 339 square feet over on the impervious. Regarding that, they are proposing an 18

x 14 patio, which is a practical size for an outdoor hardscape in the backyard. In the front yard they have a 20-foot-wide driveway which approximately matches the width of the garage and this accommodates additional off street parking for the neighborhood. In his experience, to try to go narrow with a driveway with a two-car garage has some issues in practicality. Mayor Romeo suggested cutting down the patio in the backyard and agreed that the driveway should not be narrower than the garage. Mr. Maderos has gotten feedback from contractors and homeowners when he has tried to conform in this municipality and others by making a driveway 18 feet or so and it doesn't work out that well.

Mr. Ulshoefer asked how much he could shrink off the patio. Mr. Maderos noted that this is a practical size. This width relates to the width of the family room where it connects to inside of the house. He measured out 12 feet and showed the Board that 14 feet is not that big and is reasonable. Mr. Capizzi did some calculations and noted that if they took two feet off the patio, it would reduce it by 36 square feet. Councilwoman Tsigounis stated that 36 square feet is not that much.

Ms. Bauer asked if they were going to replace any of the trees that they are cutting down. Mr. Capizzi noted that they generally do as part of the redevelopment put in some additional shade trees. Councilwoman Tsigounis stated that she understands that they have a concern with the impervious but she thinks the main thing is that they are going to be accommodating for runoff and that is the main concern with impervious. Mr. Capizzi noted that the roof leaders will be tied into the seepage pit in the rear, so any runoff from the gutters will be captured and retained on-site.

Mr. Morgan opened the meeting to the public. Mr. John Amicucci, 45 Center Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Amicucci asked about the water runoff. Mr. Capizzi stated that there is going to be a seepage pit in the rear of the property. Mr. Amicucci stated that right now the water runs into his yard. Mr. Capizzi noted that the property is going to be swaled to offset some of that. Some of that is just natural sheet flow that they really can't do anything about, but they are going to attempt to redirect some of it. Mr. Lantelme stated that the existing house takes the water from the roof and just spills it out on the ground which adds to the sheet flow that they are talking about. The proposed house will take all of that and direct it into the seepage pit. That will be a huge improvement.

Mr. Amicucci stated that his opinion is that the side yards are not big enough. They are only 10.7 feet and he feels that they should be more. In the past, he thinks it was mentioned that we don't want another Dumont or Bergenfield and if we pass this plan, that is what we are heading towards. He doesn't think it is enough. He can buy 12 feet, but 10.7 to him is not enough. If he decided to knock down his house, then he would have 10.7 but the houses are pretty close. Actually, the house right now, he thinks is about six feet or five feet off his property. Mr. Capizzi stated that it is roughly six feet. That's all he has to say about it. He just doesn't think there is enough side yard.

Mr. Morgan stated that it would be an improvement in the neighborhood if it goes up. Mr. Amicucci stated that it would be a big improvement. He has no concern about the house. It is a nice looking house and all the homes, the new homes, are very nice and improve the whole area. But, he still feels that 10.7 is not enough. He looked at the plans in the Borough Hall a few days ago and they had eight feet on the left and 10.7 seven on the right, so they changed that. Mr. Capizzi stated that that has never changed. The side yard setbacks have been constant since it has been filed. It has been 10.7 the whole time. Mr. Amicucci stated that he looked at plans right there (at the window) and it was eight feet. Mr. Morgan noted that the plan does call for 10.7 on both sides. Mr. Azzolina stated that the existing side yard on the old house is 8.3 existing, which is one of the dimensions on the plan. It is probably easily confused because the applicant's engineer is showing the existing dwelling half-toned, the grey line. To Mr. Cho's property is 8.7 and to Mr. Amicucci's side line is 6.2. The new house is going to be 10.7 both side yards and this is the only plan that was ever filed for this application. He thinks he was misinterpreting the plan and maybe they didn't have a color version of it. Mr. Amicucci was insistent that the plan he looked at showed eight feet. Mr. Morgan stated that it is 10.7 now. Mr. Amicucci repeated that he is just not happy with that.

Mr. Morgan closed the meeting to the public. Seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Mr. Ulshoefer noted that they were talking about the four trees coming out and the fifth tree coming down. He wanted to know where they were possibly going to put the replacement trees. Mr. Capizzi stated that it will be around the perimeter of the property. They will be perimeter landscaping trees, probably arborvitae or green

giants in the six to eight-foot range. Mr. Amicucci asked about the big tree hanging over his garage. Mr. Capizzi noted it was coming down. They recognize that that is an issue and that is why it is coming out.

Mr. Schuster asked Mr. Capizzi if there is a reason why they need the variances for this property. Mr. Capizzi noted that it has been stated by the engineer and the architect that the side yard variances are triggered by shortfall in lot width and that the building coverage and impervious coverage variances are triggered by the shortfall in lot area. Mr. Schuster asked if this will have any negative impact in the land use plan or the zoning code in the Borough. Mr. Capizzi stated that he didn't believe so and that they have taken steps to break up the elevation of the building to make sure there is an aesthetic enhancement to the streetscape and they have proposed drainage in accordance with Borough's requirements to offset any increase in the impervious.

Councilwoman Tsigounis made a motion approve. She noted that the Board understands Mr. Amicucci's concern regarding the side yard, but when you look at the width of the lot, that's where you can't say everybody will be asking for a 10.7-foot variance because not everybody is restricted to the width the applicant is working under. With that in mind, his point is well taken, however, the hardship being the size of the lot, she would approve the application. Mr. Schuster noted that there was a discussion about reducing the size of the patio by two feet. He wanted to know if that is part of the application or not part of the application. Mr. Capizzi is requesting that the patio stay as is. Mr. Schuster confirmed that there is not going to be any reduction in the size of the patio. Mayor Romeo seconded the motion. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer and Mr. Moss voted yes. Mr. Ulshoefer voted no. Mr. Durakis and Mr. Mandelbaum voted yes. Motion approved.

New Business

None.

Other Business

None.

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

Motion was made by Mayor Romeo to adjourn the meeting at 8:25 PM, seconded by Mr. Moss. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for April 26, May 10, May 24, and June 14, 2016, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary