MINUTES

CRESSKILL PLANNING BOARD

JUNE 14, 2016

Mr. Morgan opened the meeting at 7:32 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Mr. Calder, Mr. Moss, Mr. Ulshoefer, Mr. Durakis and Mr. Mandelbaum. Ms. Bauer arrived at 7:34 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

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Mr. Ulshoefer made a motion to approve the minutes of the May 24, 2016, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

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Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for 142 Heather Hill Road, Lumaj Builders, Application #1481. File.

Application for Soil Erosion and Sediment Control Plan Certification for 5 Emerson Street, Scuta Construction One LCC, Application #1483. File.

Memo from Ms. Barbara Nasuto, dated June 3, 2016, regarding the League of Municipalities Convention scheduled for November 15-17, 2016. Please let her know if you will be attending so she can make hotel reservations.

Copy of a letter to the tax assessor. There has a been a request for a change of address for Block 122, Lot 430, due to the repositioning of the house. 310 Knickerbocker Road becomes 2 Monument Place. The reasons behind the request are that the main entrance, including the garage doors, are all facing Monument Place. They are experiencing lots of mailing and delivery mistakes as it is confusing why the house address is Knickerbocker Road while the house is facing Monument Place. There is another 310 Knickerbocker Road in Demarest which makes it even more confusing.

Councilwoman Tsigounis asked Mr. Schuster about this issue. She had a similar incident with delivery issues and she was told it was not up to the Borough it is up to the Post Office. Mayor Romeo heard the same thing. Mr. Schuster believes that that is right. Mayor Romeo will have the Borough Clerk write to the Postmaster.

Voucher from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of April 2016 in the amount of $2,129.93. Mayor Romeo made a motion to approve, seconded by Mr. Moss. All present were in favor. Motion approved.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated May 25, 2016, sending Mr. Goett to this Board or approval. He would like to construct a new single-family residence at 5 Emerson

Street. This is at the very end of the street on the west side, adjacent to the school property. Application #1483 was received on June 7, 2016, and is currently under review.

Letter of Introduction from Mr. Edward Rossi, Construction Official, dated May 25, 2016, sending Mrs. LaBelle to the Board for approval. She is proposing a sub-division at 67 Phelps Avenue. No application has been received.

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Subdivision Committee

Councilwoman Tsigounis introduced Application #1482, 159 Magnolia Avenue, John Finetto, which was received on June 3, 2016. Application #1483, 5 Emerson Street, James Goett/Scuta Construction One LLC, was received on June 6, 2016. Both applications are currently under review.

Ms. Bauer asked if Mr. Finetto has an FAR or did he manage to get rid of it, because he was supposed to be coming before the Zoning Board and he didn't. Mr. Finetto was present. Mr. Matthew Capizzi, 11 Hillside Avenue, Tenafly, was also present on behalf of Mr. Finetto. He noted that this is an application for a new dwelling at 159 Magnolia Avenue. It is a corner property on Magnolia and 8th Street. In addition to it being a corner property, there is about a 10-foot change in grade from the right side yard to the left side yard. The architect was present to talk through the architecturals. He understands that they are here in work session informally. Given some of the nature of the variances that are at issue with this proposed application, as the plan is currently designed, they need an FAR variance, which they understand can only be granted by the Zoning Board of Adjustment. They wanted to come to the Planning Board initially in the event that they are unable to come up with a schematic that avoids the FAR, they have to go before the Board of Adjustment and ultimately come back before this Board so they figured they would come here tonight to walk through the plan and get some initial comments on it.

Mr. Schuster noted that his understanding is that this application has been filed and that this is an informal as permitted under statute. Mr. Schuster stated that this is not binding on the Board in any way and that this is just theoretical discussions. Mr. Capizzi noted that he understood and agreed.

The architect, Rich, noted that the concept is to take down the existing house and put up new construction. It is a two-story, one family residence in the R-10 zone where the minimum lot size is 10,000 square feet and they have a lot of 5,000 square feet. In addition, it is on a corner property. The floor plan, with Magnolia across the bottom of the sheet, you have the main entrance, a large family room type space, through to the staircases that go up and down, laundry room, powder room, through to the rear where there is an eat-in kitchen space, doors out to the deck and down to the rear yard. The second floor towards the front, there are two bedrooms and a hall bathroom. Towards the rear there is a master bedroom, two walk-in closets and its own bath. In the basement, they have a two-car garage coming off of 8th Street and an open basement area at the moment with mechanical equipment in it. The garage is under the house. There is currently no garage and the driveway is off of 8th Street. The existing house is 10 feet from the property line on that side and that entire width is the driveway right up against the property line.

From 8th Street, you can see the two-car garage, basement windows, windows from the dining room area in the eat-in kitchen over the garage. From Magnolia you have the entrance area, the windows from the family room area and windows from the other bedrooms. From the neighbor's house on the west, you can see two windows in the family room, the fire place in the center, the windows in one of the smaller bedrooms, the master bedroom and the side of the deck under the master closet area. From the rear you can see the master closet area over the deck and the doors coming out of the kitchen. The square footage of the house is 2,411 plus the garage.

The front yard to the edge of the roof that covers the platform in front of the door is 14 feet. It is 18 feet to the actual house, but the code calls to measure to the platform. It is currently 17.62 feet to the covered porch. The house next door is 11.46 feet. The rear yard from the deck and second story closets is 24

feet. The side yards are 10 feet existing and proposed on the westerly side and on 8th Street they have 15 feet to the overhang. The master bedroom sticks out a foot just to kind of break up the outside of the house. So it is 15 feet to the second story but 16 feet to the actual wall of the garage. As far as percentages, building coverage is 27.15 where 20 is the maximum. Impervious is 39.21 where 35 is the maximum and the FAR is 49.1 where 39 is the maximum. The height is 28 feet.

Mayor Romeo noted that this house is big. They don't usually go this far. Mr. Calder noted that the FAR is over, the building coverage is over, the impervious is over and he would have to conclude that it is too big of a house. Mr. Capizzi stated that they recognize that all of those are over and they have them listed on the bulk schedule so nobody is hiding from that. Secondly, almost all of the bulk requirements with the exception of the FAR and the building coverage are pretty much in keeping with what is existing. The front yard, the side yards and rear yard, although the rear yard is truncated because of the deck, the rear yard setback to the main building is pretty much similar to what is existing. When you look at the fact that it is only a 50 x 100, the ordinance allows you to go back 125 feet. Because of the limitations on the lot, they are only able to go 50 x 100. If they had a 50 x 125 lot, which is still dramatically undersized, the FAR variance would be eliminated almost in total.

Mayor Romeo asked Mr. Capizzi what the depth of the lot was. Mr. Capizzi stated that it is 100 feet. His point is that the lot is what it is. It is an existing undersized lot and he thinks it is important to note that the ordinance itself anticipates having at least 125 feet and if they had the additional 25 feet, to show you how much the undersize nature of the lot effects the percentages, that additional 25 feet in depth, the FAR variance goes away, if they had it.

Mayor Romeo stated that he thinks he can live with the side yards. They have passed before side yards like this on 50 foot lots. What has happened here is the house is deep and that is what is skewing the FAR way, way above anything that the Zoning Board has even come close to passing. The argument of having a corner lot he understands, but they could probably work with something on the side yards, but the rest of the house is just too big for that piece of property. Mayor Romeo asked Mr. Finetto if he was going to live in the house. Mr. Finetto stated that he wasn't sure at this point. Mayor Romeo noted that there are houses that have been built on 50 foot lots more acceptable. This is a big, big house. Councilwoman Tsigounis stated that he is fitting in width-wise, which is fine, but there is a reason why the FAR is so important as a zoning restriction. It is a very, very important zoning restriction. We are willing to work with all the others, but the FAR is a critical piece that it is beyond what has ever been passed.

Mr. Schuster noted that the FAR has to be approved by the Zoning Board. A lot of applications have come in for 50 x 100 lots and he can't remember one that has been over on the FAR. Mr. Finetto noted that he has three boys and when you look at the house, he knows percentage-wise it is over greatly, and he knows the lot is small, but in the end it is still a 2,400 square foot house, and with a couple of kids running around, it is not big. He knows it is big for the lot, but it is not big by any stretch. Part of what they are trying to do is actually make it livable. He knows it sounds like it is a huge house, but it's still 2,400 square feet. Councilwoman Tsigounis reiterated that the FAR is a critical piece that is very important to adhere to. Mr. Finetto noted that they are trying to reverse engineer it. When you have hallways that have to be a certain size and you have certain other requirements that you have to meet, everything starts to shrink so much because of that and then there is barely room for egress windows. The original was pared down a lot already. They will do what they have to do.

Mayor Romeo explained that he can show them 10 houses in Cresskill on 50 foot lots, four bedrooms, that have not had to come in here for an FAR. He is not denigrating the plan, but stated that this can be done and he would be happy to let him look at some of the plans that are in and go to the houses and see. He knows he wants to do the right thing, but 10% over on the FAR is not going to happen. The Zoning Board just doesn't do it. He wants him to save money and save time. He thinks he should get some of the addresses of the 50 foot lots and go look at them. He urged them to look at some of these designs and see if it is something they could live with. He noted that Mr. DeCarlo has built some of these houses on 50 foot lots with four bedrooms. Mr. Ulshoefer agreed with Mayor Romeo as did the rest of the Board.

Matt Capizzi stated that they will take it under advisement and thanked the Board for taking the time to meet with them this evening. They will take another look at it. Whether they will get it to 39, he doesn't think they will get it to that point, but they will get somewhere between 39 and 49 and they will give it another go.

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Report from the Borough Engineer's Office

Mr. Azzolina noted that he did a completeness review for Application #1481, 142 Heather Hill Road, Lumaj Builders and the plans as presented are complete. He recommends that the Board schedule a Public Hearing for that application for the next meeting if possible. A representative for Lumaj Builders was present. He noted that the application requires five variances. Mr. Moss made a motion to schedule the Public Hearing for June 28, 2016, seconded by Mr. Ulshoefer. All present were in favor. Lumaj Builders was informed of the hearing date.

Mr. Azzolina noted that Application #1480, 95 Mezzine Drive, was approved by the Board, subject to him receiving revised plans that addressed his comments. He has reviewed the revised plans and they addressed his comments and can be signed at this time. The plan is conforming in all respects. Mr. Durakis made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved. Two copies of the plan were signed with an approval memo. One copy to the Building Department, one copy to the file.

Mr. Azzolina submitted a report dated June 14, 2016, for Application #1479, 39 Chestnut Street, Frank DeCarlo, for tonight's Public Hearing.

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Old Business

None.

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Public Hearing – Application #1479 – 39 Chestnut Street

Mr. Frank DeCarlo, 145 Stonegate Trail, Cresskill, and Ms. Stephanie Pantale, Architect, 70K Chestnut Ridge Road, Montvale, were present and were sworn in by Mr. Schuster. Ms. Pantale has testified before this Board many times before and was accepted as an expert in architecture. Her license is presently in good standing. Ms. Pantale noted that they are proposing a two-story home on 39 Chestnut Street. It is currently 75 x 100 feet.

Ms. Pantale stated that it is two-stories with a two-car garage. They are requesting two variances. They garage is on grade. The lot area is 7,500 square feet. The lot depth is 100 feet. The frontage is 75 feet where 100 is required. The front yard setback is 25 feet. The side yard minimum is 15 and they are at 17.5 on both sides so they conform. The aggregate is 35 feet so they are not requesting any side yard variances. The rear yard is at 29.25. After talking to Mr. Azzolina, there is a little push back where they are not requesting a 9" variance anymore, they are asking for a 1" variance. To reduce it would take away critical space so they are going to reduce it to whatever Mr. Azzolina wrote in his report, the exact number. The height is 28 feet. The maximum building coverage required is 20% and they have 21.4% and the impervious required is 32.4% and they have 32.27%, which is less. The FAR is allowed to be 34.32% and they are 34.09%, so they are slightly under on the FAR.

This is a typical home. They have a living room or dining room. You can't get both in these houses. When you walk in you have a coat closet, a big great room, dining, dinette, kitchen, a little powder room

and an entrance from the garage. There is an interior stairway with four bedrooms upstairs which are a pretty good size for the size of the lot. The first floor square footage is 1,116 and that does not include the garage. The garage is allowed to be 440 square feet. The second floor is 1,441 square feet. The bedrooms are a little small up there so instead of lining up the first floor and the second floor, they really didn't need it on the first floor as much as they needed it for the bedrooms, because it is 11.6 and 10.4 to get everything in nicely, so therefore, they cantilevered over the back. The second floor triggers the little variance. The first floor meets the 30-foot rear yard.

As far as the building coverage is concerned, they are asking for 1.4% over. That is part of the covered front porch. That includes the cantilever that doesn't even touch the ground. About half of the variance building request doesn't even touch the ground for building coverage. They tried to max out the FAR without going over. To get a two-car garage and to get everything to work, they are asking for a very, very minor building coverage variance.

In siting the house on the lot, basically they centered the house on the lot. The old house is 12.25 off the side yard. They have a driveway that goes all the way to the detached garage that is five feet off the property line. They pulled everything in and opened up the side yards and tried to get everything to work. The variances are the building coverage which is 21.4 as opposed to 20, and a rear yard setback. What they notified for was 29.25, which is 9" over the setback. Mr. Azzolina figured it out that it is really only one or two inches when you do the numbers. It is less than what they are asking for right now. That rear yard variance goes really to the second floor, not to the ground. The rest are pre-existing conditions.

Mr. Schuster asked Mr. DeCarlo if he was the owner of the property. Mr. DeCarlo stated that he was the owner.

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

Mr. Moss asked what the size of the lot was. Ms. Pantale stated that it was 75 x 100 feet.

Mr. Schuster asked Ms. Pantale what the benefit to the public was of having this project built. Ms. Pantale noted that the benefit was that the driveway is no longer along the property line. It doesn't impose a detached garage toward the back yard neighbor. It's updated and has seepage pits that hold the water on its own property. It has been pushed to the center of the property so they are not imposing anything on anybody. Some of the trees have come down. It is new and it is only an asset to that neighborhood. All those houses are right on the setbacks. Basically, they are 25 at the garage, and it gives some interest to the neighborhood. It will be landscaped nicely.

Mr. Schuster asked if there was going to be any detriment to the public by building it this way. Ms. Pantale stated that it will not be at all. In her architectural opinion, because they are retaining all their water, and they have reduced the impervious coverage of the existing lot by 430 square feet, which is like a garage. Right now, they are less impervious than the previous owner. Mr. Schuster asked if there was any negative impact on the zone plan of the Borough of Cresskill. Ms. Pantale stated that in her opinion there is no negative impact. They are retaining the water on the property. They have reduced the impervious coverage considerably. They have reduced the side yard setbacks. And they conform to everything except a minor building coverage and a minor rear yard setback.

Mayor Romeo asked if they were putting Belgian block curbs in. Ms. Pantale noted that they were. Mayor Romeo asked Mr. Azzolina if he was OK with it. Mr. Azzolina state that he had a few minor comments and the plan will have to be revised to address those comments. Other than that, he just had his standard comments. The applicant is proposing to use the existing sewer connection. He recommends that they video inspect that to make sure that everything is OK between the cleanout and the main before they connect to it. They covered the curb. The tree removal is a little bit greater than what is shown on the plan. He is assuming that the builder will install a few trees as part of his landscape package. Mr. DeCarlo noted that he definitely will. He also stated that there are some other revisions that Mr. Hubschman will have to revise just for paperwork and he will get that done as soon as possible.

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

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New Business

None.

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Other Business

None.

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

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Motion was made by Mr. Moss to adjourn the meeting at 8:22 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for June 28, July 12, July 26, and August 9, 2016, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary