

MINUTES

CRESSKILL PLANNING BOARD

JULY 24, 2012

Mr. Vaccaro opened the meeting at 7:43 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, Mr. Calder and Mrs. Schultz. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Galdi made a motion to approve the minutes of the July 10, 2012, meeting. The motion was seconded by Mrs. Schultz. All present were in favor of the motion. Motion approved.

Correspondence

Application for Soil Erosion and Sediment Control Plan Certification for 128 Heather Hill Road, Refined Homes, LLC, Application #1422. Copy to Mr. Schuster. File.

Brochure for Land Use Law: Current Issues in Subdivision and Zoning from the National Business Institute on October 15, 2012 in Newark, New Jersey. File.

Voucher from Hakim Associates for Borough Planning Consulting from October 1, 2011 through January 31, 2012, in the amount of \$650, which is still unpaid. Mr. Vaccaro will look into it.

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the months of March 2012 in the amount of \$1,255.93, April 2012 in the amount of \$1,553.53, May 2012 in the amount of \$1,210.33 and June 2012 in the amount of \$1,522.33. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved.

Letter of Introduction from Mr. Edward M. Rossi, Construction/Zoning Official, dated July 19, 2012, sending Allison Egert and Jill Sendik to this Board for approval. They would like to open their tutoring and education services for children business at 300 Knickerbocker Road, Suite 3600. The name of their business is Northern Valley Speech Language and Learning Center, Inc. Mr. Bruce Egert was present and noted that they are fully licensed and highly skilled learning disability experts and they are going to do tutoring of children in elementary and high school. It will not include SAT tutoring. They are one-on-one sessions. They have 1,300 square feet and will have no more than three students at any one time. The hours will probably be from 3:00 to 6:00 or 7:00 PM. No Saturdays that he is aware of and no Sundays. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Motion approved. Letter sent to Ms. Egert and Ms. Sendik stating the Board's approval, with copies to Mr. Rossi, Ms. Barbara Nasuto, Borough Clerk, Chief Chris Ulshoefer, Fire Department, Chief Edward Wrixon, Police Department and the Board of Health Department.

Letter of Introduction from Mr. Edward M. Rossi, Construction/Zoning Official, dated July 3, 2012, sending Bethany Trowers to this Board for approval to erect new signage at 50 Piermont Road. Ms. Trowers operates BT Dance Company and was present. She wishes to erect a sign over the door in the back of the building which is the entrance to her business. The sign is 4' x 2'. There are no other signs on the back of the building. Mr. Morgan made a motion to approve, seconded by Mrs. Schultz. All present were

in favor. Motion approved. Letter sent to Ms. Trowers stating the Board's approval, with copies to Mr. Rossi and Ms. Barbara Nasuto.

Subdivision Committee

Councilwoman Tsigounis noted that revised plans for Application #1424, 102 6th Street, Hosu Lee, were received on July 19, 2012.

Report from the Borough Engineer's Office

Mr. Azzolina also received the revised plans for Application #1424 for 102 6th Street (#1424), Mr. Hosu Lee, and noted that we had discussed at the last meeting about expediting the application given the fact that the house was torn down and it is a bit of an eyesore and a problem for the neighbors. In that regard, the applicant's engineer had provided him the revised drawings and he was here tonight. Mr. Kessler was present and noted that there was an overage on the lot coverage because of the sidewalks going from the garage to the street and the patio. They did go over the 30% maximum impervious coverage. They redid the plans and removed the sidewalks and also removed a few inches off the rear patio and brought the coverage down to 30%. There are no variances required. Mr. Azzolina recommended that the seepage pit be relocated to the front of the property allowing things to overflow into the municipal storm drain. The height is compliant and the FAR conforms to the code. He would recommend that the Board approve the plan. Mr. Galdi asked if he put the overflow from the seepage pit into the catch basin. Mr. Azzolina noted that they did. Mr. Galdi made a motion to approve, seconded by Mrs. Schultz. All present were in favor. Two copies of the plan dated April 10, 2012, last revised July 17, 2012, were signed, with one copy to the Building Department with an approval memo and one copy to the file.

Old Business

None.

New Business

None.

Public Hearing – Application #1422, 128 Heather Hill Road

Mr. Marc Flusche was present representing Refined Homes. He noted that they are proposing to demolish a one-story ranch that still sits on the property and construct a brand new 2 ½ story single-family dwelling. The intention is to meet every single zoning code except the combined side yard setbacks. They have submitted architectural drawings going over the various floor plans, elevations, and it gives you an idea of what the home would look like. Mayor Romeo asked if they would be in the same footprint as the existing home. Mr. Flusche noted that they have actually improved them significantly. The existing home that is there has one side yard of almost 12 ½ feet. They will be improving that to just over 15 feet. The opposite side is currently 9.3 feet and they are improving that to just over 15 feet also. The variance they are looking for is side yard aggregate, with a note that they may have had a miscalculation that would have to be fixed. They may have to shrink the house just a tiny bit depending on the FAR. It wasn't their intention to ask for an FAR variance, but keeping the same exact house and moving a wall in, if they had to do so, they certainly would. The only variance they have asked for, and

their intention is to only ask and only obtain, if they could, the combined side yards. They are taking an existing home and moving it away from the side on both sides but it still doesn't conform because of the irregular shaped lot. It is not 100 x 100. It's almost 100 deep but the front actually wedges in like a piece of pizza, which is why they are only asking for the combined side yard setbacks.

Mayor Romeo noted that there are 300 hundred houses up there and none of them conform. Mr. Flusche noted that he went and took pictures of the neighboring houses and distributed them. They were marked as Exhibit A1. He noted that all of the houses on the street seem to violate the same setback that they are proposing to do. They would still have perhaps the largest combined side yard setback of any home on the street. If you look at the tax map, just about every house on the street is 75 x 100 on the same side of the street that the home is on. They all kind of have the same undersize lots, which is why nobody has the combined 35 foot combined side yard here, with the only possible exception of the strange shaped corner lot. Each house is roughly 25 feet apart total, so whether it is 12 and 13 or 12 ½ and 12 ½, you can see that 35 is not anywhere on the street. What they had thought, for purposes of the variance, is that the hardship is certainly the shape of the lot. As you can see from the site plan, it is quite narrow in the front, which is where they are proposing to have the combined side yard variance.

Mr. Flusche noted that for purposes of meeting what he believes is required, there is no substantial detriment to the public good. In fact, they are improving the existing side yard setbacks, meaning there is a home there right now that exists that only has a combined side yard setback of roughly just under 22 feet. They are proposing to increase the side yard setback so it is actually further away from the neighbor's house on both sides. They think that it is not only not a detriment to the public good, it improves it, but likewise, by not pushing it the full distance, the full 35 feet, it actually fits in the neighborhood better because every single house is in the side yard setback. The more you push it in, the more the house would actually stand out from what is there. Mr. Flusche doesn't think it impairs the intent of the zoning plan because it actually keeps consistency in the area, it actually conforms better to what the code requires. They are actually making an improvement. So, if the code prefers a larger side yard setback, they are giving it, but just not quite all the way.

Mr. Flusche noted that if you look at the front elevation, it could be as squished as possible, but you would lose a garage, which would mean a one-car garage on a new home, and you would have a terribly narrow house compared to the homes in the neighborhood. The homes up and down the street are all relatively wide homes. To have this small variance he thinks makes the house fit better into the neighborhood and actually creates a home that is going to be more aesthetically pleasing for the neighborhood without being too narrow. All of the existing ranches there are all wide on the bottom. If this came in the full amount, it really would stick out even more than the other houses in the neighborhood.

Mayor Romeo asked where we were on the FAR. Mr. Flusche noted that the FAR would be below the number but between the engineer and architect they may have miscalculated it because the number slides. He understands it is based on the width of the lot to get a percentage, but you have to keep it the same between the FAR and the coverage. What they propose is, if they have to shrink the house to meet it, they would, because it is not the intention to go over that number.

Mr. Azzolina noted that the plan purports to conform but by discovery today, when he reviewed the plan, there was a slight mistake made by their architect and engineer. For these types of lots which are irregularly shaped, the FAR and impervious coverage are based on the lot width. The lot width is a calculation that is performed by drawing a line parallel to the two end points of the front lot line, a line at the front of the house and a line at the rear of the house. They didn't provide a schedule indicating exactly how they calculated it, but they based it on a lot width that he doesn't agree with, only very slightly though. His calculation is that they're a little bit overstated, 30 to 40 square feet, with respect to both FAR and impervious coverage. As the applicant's attorney stated, the house can easily be reduced in dimension 6" in one way to overcome that deficiency so that the plan will comply. Similarly with the impervious coverage, there is a large patio on the side of the dwelling that can also be reduced. He believes that they have the ability to comply with the FAR.

Mayor Romeo asked about the dimension of the lot and how you figure the width of the lot when it goes from 68 feet wide in the front and 85 feet wide in the back. Mr. Azzolina noted that on page 4 of 8 in his

report, under item #5, it speaks of the lot width. *"The average distance between side lot lines, measured along two lines parallel to a line connecting the end points of the front lot line and drawn through those two points of the principal building closest to and farthest from the street."* That is just what he tried to explain. He pointed it out on the applicant's plan. By drawing a straight line between the two end points in the front of the property, then you draw a parallel line at the closest point on the house, and then you draw another parallel line at the farthest point on the back of the house. His calculation is a scaled number, which is not as accurate as a calculated number which their engineer is able to do. He has the CAD file for this and he can determine these numbers. Mr. Azzolina's rough number is that the average width of this lot would be about 82 ½ feet wide. In our zoning table we have a category that goes from 82 to 82.99 feet and that states the percentages permitted for FAR of 33.06 and 31.7. That compares to the numbers that they used which are slightly different than that. They used 32.3 vs. the 31.7 and they used 33.6 as opposed to 33.06. Those small differences can be made up by adjusting the plan and having it comply.

Mr. Flusche noted that he is willing to adjust the plan to comply and it was never the intention to ask for FAR or impervious variances. Mr. Azzolina went through his report. On plan sheet 4 of 5, on the right side of the dwelling, there is a patio. If you look at the architectural drawing, that patio is at or about the elevation of the first floor of the house. This plan shows it to be four feet off. That is a minor correction that they need to make. Most likely that patio will have a retaining wall along the southerly limits of that, presumably constructed out of either concrete or a segmented block wall system and he recommends that a railing be placed along the top of that. He spoke with the applicant's architect this morning and he recognizes that. The other thing that is incorrect on this plan is that there is a set of steps down to the rear yard, whereas the elevations shown on this plan are actually incorrect and lead you to believe that you are rising. You are actually going down from the patio into the rear yard. The property slopes from Heather Hill Road to the east towards the properties on Brookside. Those are the comments under 3a, site grading and retaining wall. Under that same comment, there are two what are called egress areaways at the back of the dwelling. The same thing, the elevations shown there are incorrect.

Comments under item b. are Stormwater Management. The plans currently show a single 500 gallon seepage pit at the southeast corner of the site. To ensure that there is no adverse impact to the neighbors, he would recommend that the size of that pit be increased to 1,000 gallons and that a second pit be installed in the front of the property of at least 500 gallons. That will allow them to split the roof area so the front roof area can come to the front seepage pit system and the back system will be large enough to accommodate the drainage from the patio area as well the roof. He thinks that will protect the neighbors to the east.

Under item c. Utility Service Connections, it is assumed that they are going to use the existing sanitary sewers connections. He asks that that be video inspected to confirm that it is in adequate condition to accept the new flow and he also asks that they investigate that adequacy of the existing water and natural gas connections to ensure that the road doesn't need to be opened up in order to increase the service. It was a relatively small home and the proposed house is twice the size of the old house so you may need to increase the size of the water service. It might be a ½" service and new houses today are typically a 1" service.

Lastly, under Tree Removal, the plans don't specify or show what is being removed, but by his review, it appears they are removing six smaller trees, which are shown on the existing conditions plan. There are some pines along the front of the existing dwelling that are to be removed. In the back of the house there is a very large 40" diameter tree that will be removed. The focus of the comment is that they are not showing any proposed replacement plantings. He is inquiring if any new trees are proposed in connection with the development. That is something that the applicant is asked to inform the Board as to their plans in that regard.

Mr. Azzolina noted that he spoke with their architect early today and the report was not issued until late today. He believes that due to the emergency in the architect's family, he doesn't know if he has had an opportunity to read the report. Mr. Flusche noted that for sure all the things in Mr. Azzolina's report will be done. He noted that certainly the landscaping will be replaced, but not with trees that will get so big that it will cause the homeowner concern.

Mr. Azzolina also noted that attached to the report is Appendix A that indicates certain technical deficiencies with the plan that, if the Board were to approve the application, it is recommended that it be approved subject to the applicant revising the plans according to these comments.

Mr. Schuster noted that as he understands it, the applicant is just looking for a setback and an aggregate setback variance. Mr. Flusche agreed. Mr. Schuster asked about the coverage. Mr. Flusche noted that they agree to revise the plan to conform. Mr. Schuster noted that they only noticed for two variances and nothing else. They didn't do anything relative to the minimum lot area and the minimum frontage, which are pre-existing conditions, so the argument is that you don't have to do that, although the better practice is to put it in there in case it comes up, because even if the Board approves it, if someone wants to attack the approval, that is one of the ways they can do that. Mr. Schuster informed Mr. Flusche that the better practice is to do it that way. Also, as another technical matter, the better practice is that you also put some saving language in the notice to basically state that "and any other variance that may develop at the time of hearing" or words to that effect so you don't have a problem if something else comes up at the hearing and you haven't given proper notice. Mr. Flusche took notice of that information.

Mr. Vaccaro opened the meeting to the public. No public wished to be heard. Mr. Galdi made a motion to close the meeting to the public. Mrs. Schultz seconded the motion. All present were in favor. Motion approved.

Mr. Galdi asked Mr. Azzolina if he was satisfied with the proposal. Mr. Azzolina noted that he will be when he makes the changes stated in his report. Mr. Galdi made a motion to approve, subject to all the corrections and questions that the Borough Engineer raised. Mrs. Schultz seconded the motion. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Vaccaro, Ms. Bauer, Mr. Galdi, Mr. Morgan, Mr. Calder, and Mrs. Schultz all voted yes. Motion approved.

Other Business

Application #1423, 5 Michelle Court, Virginia Quinn, was listed for a Public Hearing for tonight. It appears that they did not send out their notices so the Public Hearing will not be held tonight. Mr. Azzolina noted that he saw a notice in the paper on Saturday that they published for the Public Hearing for August 14. It was determined that the Public Hearing will be rescheduled for August 14. A letter will be sent to Mrs. Quinn confirming the Public Hearing date of August 14.

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

Motion was made by Mr. Galdi to adjourn the meeting at 8:21 PM, seconded by Mr. Morgan. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for August 14, August 28, September 11, September 25, 2012, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary