

# MINUTES

## CRESSKILL PLANNING BOARD

JULY 28, 2015

Mr. Morgan opened the meeting at 7:34 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Calder, Mr. Morgan, Mrs. Schultz, Mr. Ulshoefer, and Mr. Durakis. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

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Mr. Ulshoefer made a motion to approve the minutes of the July 14, 2015, meeting. The motion was seconded by Mrs. Schultz. All present were in favor of the motion. Motion approved.

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### Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated June 23, 2015, sending a representative of the Madison Plaza, 6 and 10 Madison Avenue, to this Board for approval. They are proposing to install a double faced sign displaying the eight commercial tenants with an illuminated rigid LED bar. Mr. Ronald Franco from CAD Signs was present. Mr. Franco noted that it was going to be a directory listing the names of the eight tenants. It will be a monument sign that will be double faced. The maximum square footage is 60 feet. The height and length are 12 feet in length and 5 feet in height. The colors are green and white.

Mayor Romeo asked Mr. Franco how they picked the location because we are about to put a road through there. Mr. Franco said it was the landlord that suggested the placement. Mr. Azzolina noted that it is probably not too close to the road but what he would recommend is that the engineer for this project be given this information so that he can plot on his drawings where the sign is going so that he can confirm that it is not in the area where there is a proposed future widening of the road. Mayor Romeo asked if the sidewalk was going to be affected. Mr. Azzolina noted that there is going to be a new sidewalk constructed. He doesn't know exactly where that sign is and it is difficult to say without having those plans in front of him. The safest way is to have the site engineer who also did the road widening plans for the County, it is the same engineer, and he will be able to take this and plot it on his drawings to make sure it is OK.

Mayor Romeo noted that he is saying it is a 15 foot setback and asked if that was from the curb. Mr. Franco said that that is what they have right now. Mayor Romeo stated that the road is 12 foot wide. He doesn't think they would have an objection to the sign, but they might have an objection to the location of the sign. He asked Mr. Schuster if the sign was the right size. The sign is 60 square feet. Mr. Schuster stated that they never got approval for this when they did the original plans. Mr. Franco agreed that they did not. Mr. Schuster noted that they have to make a new application for this. Mayor Romeo stated that that is why the Building Department sent him here.

Mr. Schuster noted that they didn't get approval for this sign originally when the plan was submitted. You were supposed to get building signs for the units, which the people have been coming in regularly to do that. Mr. Franco noted that the spaces where the names are going to be are changeable spaces. Mr.

Schuster said that he is missing the point. This is a structure and they are not entitled to get this. This is not just a little sign. You have structure there. The signage is supposed to take place as part of the building site plan. Mayor Romeo stated that it would appear to him that this signage would enhance that mall so that the people driving by would know what is in there. Mr. Schuster noted that he is not saying it is not a good idea. He is just stating that it is not really allowed. He will have to look up to see what he has to do to get the sign put up. He may need more than to come in here with a sign request. Mr. Schuster said he is going to have to look this up and check this out and will get back to the Board at the next meeting about what he needs to do here.

Mayor Romeo asked Mr. Franco if he filled out an application. Mr. Franco said that he did fill out a sign permit application. Mr. Schuster asked if the Building Department said he needed anything other than Planning Board approval. He noted that the people that have already come in for signs are already in excess of what is permitted on the site. Mayor Romeo thought that he was thinking of a different property, the one on Union. He said that they are just looking for a directory sign, over and above, to make it easier to find what is in there. He has no problem with that, but is it the right size. Mr. Schuster thinks that he has to do more than come in with the sign permit application. The other question is if this is going to reduce the signage they are going to be using on the building faces per se. They are only entitled to so many square feet. If they are using so many square feet for this, then you are not entitled to it on the face of the building, technically.

Mayor Romeo asked about the allowance for the landlord that owns the building. Isn't he allowed to put up a sign advertising his tenants over and above the tenants that are in there that have their own signs? Mr. Schuster said that if they gave him a permit to do that. Mayor Romeo stated that that is what he is here for. Mr. Schuster noted that this is not a regular sign permit. He is not permitted to do this per se. He will look up the particulars in the ordinance. We have granted these, not quite this big at other sites. We gave a small one to PNC Bank and to CVS. Councilwoman Tsigounis stated that what is different about this is that you kind of have to have a directory so people know what is in there. Mr. Schuster noted that nobody disputes that this is a good idea. He is not saying it is a bad idea. He personally thinks it is a good idea.

Mr. Schuster said that he has Mr. Franco's contact information and he will get back to him in a couple days and explain the circumstances. Mayor Romeo told him that at the next meeting we will have an answer. Mr. Franco was OK with that.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated July 14, sending Mr. Anthony Scott DePerto to this Board for approval. He is proposing to open a photo, video and audio service at 26 East Madison Avenue. His services would include audio recording, mixing, editing, videography, video editing, photography and graphic design. He would also like to use the existing sign box to put a permanent sign for his business and will obtain approval from the Construction Official. Mr. DePerto was present. Mayor Romeo noted that this is the vacant building that the mortgage company used to be in on East Madison next to Kings parking lot. The sign that is there he is just going to refill it with his information. There is never more than one client at one time. There will never be more than three or four cars and it has five or six parking spaces and he lives less than a mile away so even if he has to walk down, it is right down the street. Mrs. Schultz made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved. Letter of approval sent to Mr. DePerto with copies to Ms. Barbara Nasuto, Mr. Edward M. Rossi, the Police Department, the Fire Department and the Health Department.

Application for Soil Erosion and Sediment Control Plan Certification for Phelps Avenue, Borough of Cresskill. This is for the resurfacing of the road. File.

Copy of a letter from the County of Bergen, Department of Planning and Engineering, dated July 15, 2015, to James Mullen, Pulte Homes of NJ, LP, regarding the Willow Run property, 1 County Road. The letter states that the application was reviewed by the Bergen County Planning Board's Subdivision and Site Plan Review Committee at their July 14, 2015 meeting and was granted *conditional* approval as set forth on the enclosed Joint Report. They were instructed to submit the reproducible (Mylar) drawing to

the planner assigned to this application. When all of the requirements set forth in this letter are completed, the County will sign the Mylar and release it to them for filing with the Municipal Construction Official (so that they can obtain a building permit). File.

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of November 2014 in the amount of \$1,393.68 and the month of December in the amount of \$1,149.18. Mrs. Schultz made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

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**Subdivision Committee**

Councilwoman Tsigounis had nothing new to report.

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**Report from the Borough Engineer's Office**

Mr. Azzolina stated that he had the report for tonight's Public Hearing on 322 Concord Street.

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**Old Business**

None.

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**Public Hearing – Application #1466 – 322 Concord Street**

Mr. Schuster noted that he has a copy of the publication in the newspaper but he doesn't have the certification from the newspaper that it was published on that day. The certification was presented to Mr. Schuster by Mr. Raul Mederos. Mr. Mederos is the architect for the applicant. There is no lawyer present for the application.

Mr. Raul Mederos, the architect on the project, from Imagen Architecture, 24 West Railroad Avenue, Tenafly, was sworn in by Mr. Schuster. The property in question is 322 Concord Street, Lot 30, Block 115. Currently it is a one-story structure. They are proposing to completely demolish the existing structure to build a new single-family residence that is two stories, approximately 2,122 square feet in size. The lot is non-conforming in terms of its lot area, where the requirement is 10,000 square feet and the existing is 9,651 square feet. That is an existing condition that they are going to continue as a technical variance. The other non-conforming condition of the lot is the minimum frontage requirement is 100 feet where they have 95.11 feet. The variance that they are proposing with the house as designed has to do with building coverage, where 20% is required and they are proposing 21.84%. The 1.84% over the requirement is completely due to the raised deck at the rear of the property they are proposing. The hardship that applies to this lot is the relatively steep slope for this area of Cresskill. Cresskill is predominately flat, but this part of Concord has a drop onto Roosevelt at the back, and because of that, typically a new residence like this would have a connection from either the kitchen or family room to a rear patio. Since there is a drop at the back, they don't have that connection and they are trying to create that by including this raised deck off of the mudroom next to the kitchen to have some sort of connection to an outdoor grill or outdoor activity for the family living here immediately off of this floor. Besides that, everything else, as he understands it, conforms to the zoning ordinances in town.

Mr. Angelo Onello, engineer licensed in the State of New Jersey, principal at Onello Engineering, 23 Thornhill Drive, Ramsey, New Jersey, was sworn in by Mr. Schuster. He has prepared the site plan for this application. Mr. Onello stated that his license number is 49284 and his license is presently in good standing. Mr. Schuster accepted him as an expert engineer. Mr. Onello noted that Mr. Mederos has done a pretty good job of explaining what is depicted on the plot plan itself. He explained that the existing ranch home is about 1,400 square feet. It does significantly drop from the front to the back. The perimeter of the rear of the property right now has a low retaining wall of about four feet high. From the top of that wall, and that wall is not being touched, to the front of the street there is a significant drop of 14 feet. However, they are going to try to use the inherent grade of the property and grade down from existing topography up at the frontage to about 10 feet to the walkout basement onto a patio area. So the deck becomes an integral part of the home functioning, as Mr. Mederos had said, walking from the upstairs living quarters directly out for the residents to enjoy the rear yard. The proposed house is about 2,900 square feet so it is almost double in size, but not really the footprint, as they are adding a second story. That is where the floor area is coming from.

Mayor Romeo asked what they were doing in the backyard and if they were changing the grade. Mr. Onello stated that they were kind of inherently working with the grade as is there now. They are really not changing the grade. If anything, they are lowering it slightly. He means slightly by maybe a foot. It is going to be predominantly the same. After discussions with Mr. Lumaj, they considered maybe grading out the backyard using some of the soil from the foundation areas to maybe flatten out the usable areas of the backyard would be a prudent measure, if the Board and Borough Engineer agree. Mayor Romeo asked Mr. Azzolina how it would affect the drainage on peoples' houses on Roosevelt. Mr. Azzolina feels that the drainage would be adequate in that this design provides for a roof drainage system for all the runoff from the roof area that would discharge to the seepage pits. The runoff patterns are going to remain the same as they currently exist today. They will actually be better in that the existing roof discharges to the ground and flows over land. This system will collect all the runoff from the rooftop and then whatever runoff that is unable to penetrate into the permeable grass surfaces will then continue in the same direction that it does today.

Mr. Azzolina stated that one of the items in his report, based on what Mr. Onello just mentioned, was really a two-fold purpose. In order to level off the backyard a little bit and also to create the ability to screen this home from the properties on Roosevelt as well as vice-versa, if the applicant were to construct a low height retaining wall, something approximately four feet, and then plant mature trees along the top of the wall, that would provide a screen that he thinks is desirable given the fact that they are going to have a deck at elevation 152 based on the first floor, whereas the properties on Roosevelt are at approximately elevation 130ish, so you have a good 20 foot difference in elevation. If you raise the grade in the backyard a little bit and then plant on top of that wall, over time you'll have a screen so that the people that live here are not looking into the neighbor's backyard and house and vice-versa. The people on Roosevelt and not looking up into this house. That may be a desirable impact that the Board may like to see. He presented that option in his report.

Mr. Lumaj is very happy with that. He thinks that would be really nice. Mr. Sokol Lumaj, 345 Route 17 South, Upper Saddle River, NJ, was sworn in by Mr. Schuster. He likes the idea and thinks it will be a good thing for this property and the neighbors. He will plant whatever the Board recommends. Mr. Onello asked if they were looking for an extra retaining wall or if they were OK with mounding it up and planting on top of the mound. Mr. Azzolina stated that what he saw as an existing retaining wall didn't really look like much of a wall it was more just a cinder block probably homemade wall. In his mind he was envisioning a segmental, reinforced wall. The height he was anticipating was something four feet tall and then planting trees that were in the 10-12 feet high range to begin with. Mr. Onello wanted to be clear that they were replacing the perimeter wall. Mr. Azzolina stated that in Cresskill you are allowed to do a six foot high retaining wall along the rear portions of your property, so he is anticipating something at least four feet tall with mature plantings on top of the wall.

Mr. Onello stated that they are providing substantial storm-water storage at the rear. The requirement is 2,400 gallons and they are providing 2,800 gallons. That will tank all of the impervious roof areas which

are currently now just running off downhill. The runoff will just be vegetative runoff for the most part and a little bit off the patio and the deck areas which is minimal because the deck is perforated.

Mr. Onello briefly had a chance to review Mr. Azzolina's letter and there is nothing earth shaking. There is nothing of contest. They can comply with everything. Mr. Schuster stated that part of the resolution is going to be if you get approved that you will be responsible for complying to Mr. Azzolina's reasonable requirements as far as the development of the site is concerned.

Mr. Azzolina asked that the tree removal be discussed as it deviates from what is shown on the plans. Mr. Lumaj stated that he did ask Mr. Kevin Terhune from the DPW about cutting trees from the property and he said he could cut down any trees he wanted or all the trees on the property. He said that he did cut a lot of trees but first he did ask for permission. He stated that he cut 9 out of 12 trees. Mayor Romeo asked if Mr. Terhune told him he could cut the trees and Mr. Lumaj said that Mr. Terhune told him he could. Mr. Lumaj said that he will replace some of the trees with shade trees.

Mr. Azzolina stated that the other comment he had was regarding the curbing. Currently there is no curbing in front of this property and he recommends that the applicant be required to install a concrete or granite block curb along the entire frontage to tie into the neighbor's property to the south to give a little bit more uniformity to the block. He thinks that will add to the applicant's resale value as well as how it fits into the town maintaining its roadway structure. Mr. Lumaj has no problem with that.

Mr. Morgan opened the meeting to the public. Mr. Cardo, 309 Concord Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Cardo stated that he heard the increase in the volume of this house was mostly the second floor since it is a ranch style house now, then he heard the engineer talk about a new foundation. Is the new house going to be on a bigger footprint than the existing house? Mr. Mederos stated that the new will have a bigger footprint. Mr. Cardo confirmed that it is not just the second story and it is a much bigger house. He wanted to know how big the deck was in the back of the house. Mr. Mederos stated that the deck is 13.4 by 15 feet but it is partially covered by the second floor overhang in the back. Mr. Cardo wanted to say to the Board that some years ago he sat in this chair exactly where these gentlemen are today with a modest little renovation to a little Cape Cod on that same street. This house seems to be much bigger and not in the same manner of the other houses in the neighborhood. This Board also denied his request for even a smaller coverage permit for a deck in his backyard and he was required to reduce the size of his back deck. He is just curious to see how this plays out now. Mayor Romeo informed Mr. Cardo that he went to the Zoning Board. Mr. Cardo's property is 75 x 105. Mr. Cardo explained that his percentage he was asking for was less than 2% also. He is just putting it out there that on a similar request he was turned down on a low deck, not a high deck. Again, Mayor Romeo clarified that the Zoning Board denied him, not the Planning Board.

Mr. Chul Ho Lee, 304 Concord Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. He lives next door to the subject property. He wanted to ask the builder about the tree that was not taken down. The branches hang over onto his yard and the roots are in his yard. He would like that tree removed as well.

Mr. Mark Stovall, 85 Roosevelt Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Stovall lives directly behind the subject property. Mr. Stovall's own thought is that it is a steep slope lot. The retaining wall that already there is a four foot wall but is five feet into the ground at least if not six in some spots. The reason he knows that is because the bottom of that wall is heaving out and the original owner put it in there, and he has been there for 24 years. The bottom of the wall is heaving out because of water. When you have two days of rain, the water ends up in his basement. For the longest time the Planning Board is trying to figure out why they are getting so much water coming down these hills, especially down the hills coming from Roosevelt, Lexington and all that. He will speak to that by saying those large trees, the ones with the large circumferences and the big root systems, those are what is handling the water. When we just blatantly hack them down like what has been happening up on that hill and it is not just this location, it is other houses on those streets where they went ahead and built and just clear-cut. There are other locations where they took down 22 trees. For every cause, there is an effect. The cause of that water in somebody's basement on the adjacent property down below is because

we are taking out part of the hill and you are getting more soil erosion. He doesn't think it is a bad idea to replace that wall potentially. He would just say that he had to put soil up against the wall in order to keep it from coming down because the neighbor was unwilling to fix it.

Mr. Stovall noted that if they are going to raise the grade of the soil, he just wants to make sure that there is a good water plan in place, are they putting a cistern in to handle the water because currently the water just flows on to his property. Mayor Romeo stated that what is happening now is it just runs down the hill. He asked Mr. Azzolina that they will now be capturing all of that in the seepage pit, right? Mr. Azzolina stated that as Mr. Onello testified, they are installing a storm water management system, which is a seepage pit, to capture all the runoff from the roof. It is designed for 2" of rainfall for a ten-year storm for the entire roof surface. All the water that would theoretically shed off the roof enters that underground system and percolates into the ground. That should be a benefit to the Stovalls.

Mr. Stovall understands that benefit. The retaining wall that is going to be built, is it going to be built from the bottom of what is existing there now, since the grade was already raised, or are they going to try to build the retaining wall above what's there now or are they going to take it down to the original foundation of that existing retaining wall. Mr. Azzolina stated that Mr. Stovall has given him some additional information and wouldn't have guessed that the wall is six feet. Mr. Stovall noted that it is four and two below it. Mr. Azzolina stated that it appears to be a homemade cinder block retaining wall. The technology is much more advanced now, with a segmental retaining wall system. You have Geo-tech style reinforcement to eliminate that sort of deterioration over time, so it is a much improved system. Mr. Stovall's great hope is that he is not going to be looking at the Great Wall of China from his house. His question is it going to be four feet high from the grade that is there now and try to stack it on top of that. Mr. Azzolina said no. It will come up from about elevation 135 and come up about four or maybe five feet maximum to about elevation 140 and then if you plant trees 10-12 feet tall, that brings you up to elevation 152, which is basically to the deck of this. That is what he thinks is a desirable visual impact for the Stovall's as well as the new homeowner.

Mr. Stovall asked about the stakes that are there right now. He wanted to know if those stakes are where the house is going to be. Mr. Azzolina noted that they are traverse stakes and are not where the house is going to be. Mr. Stovall asked how much further from the current house is the new house going to be. Mr. Onello said that it may be pushed back about four feet. Mr. Stovall said that right now there is no foliage in the back. There were some forsythias planted in the back to take up some of the water, but right now there is nothing. His hope is that there is more foliage in the back. Mr. Lumaj stated that they are going to be planting foliage. Mr. Stovall said he wants to see something built there because the house currently is an eyesore. He is not against building, but build responsibly. Mayor Romeo said that he will get his bushes.

Mr. Ulshoefer made a motion to close the meeting to the public. Mrs. Schultz seconded the motion. All present were in favor. Motion approved.

Mayor Romeo stated that there is going to be some change in the neighborhood. He is glad that some of the neighbors came down so we could hear what their concerns were so we could try to deal with them because the neighbors were here first and the builders are just going to sell it. He thinks the builders will work with the neighbors and get some of the stuff done to protect the Stovall's property. Mr. Stovall noted that the amount of trees that were there before gave him all shade in his backyard. He planted all shade specific plants along that back side where the wall is. There is literally a couple thousand dollars' worth of plants back there. If they are going to go a rip the wall out, he hopes there is not damage done to the plants. It is a heck of thing when you put in all shade loving plants and now there is no such thing as shade. Mayor Romeo told him if he has a problem with damage to let us know and we'll take care of it.

Mayor Romeo noted that the house was an eyesore and was vacant for a while. He thinks there was even a raid there and some drug problems so this is a benefit for the neighborhood. Is it everything everybody wants? Probably not, but he thinks that it will be a good house and a good addition to the neighborhood and he thinks he is an honorable builder and he thinks it should go OK. He informed the

neighbors that were present that if there is a concern as the building is going on to please call the Building Department and we'll deal with it.

Mr. Calder made a motion to approve, seconded by Mr. Durakis. On Roll Call: Mayor Romeo voted yes. Councilwoman Tsigounis abstained. Ms. Bauer, Mr. Calder, Mr. Morgan, and Mrs. Schultz voted yes. Mr. Ulshoefer voted no. Mr. Durakis voted yes. Motion approved.

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**New Business**

None.

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**Other Business**

None.

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Motion was made by Mrs. Schultz to adjourn the meeting at 8:30 PM, seconded by Mr. Calder. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for August 11, August 25, September 8 and September 22, 2015, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary