

# MINUTES

## CRESSKILL PLANNING BOARD

AUGUST 10, 2010

Mr. Galdi called the meeting to order at 7:40 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Mr. Vaccaro, Councilwoman Tsigounis, Mr. Galdi, Mr. Mozur, and Mr. Laurita. Also present were Mr. Paul Azzolina, Borough Engineer and Mr. Steven Schuster, Board Attorney.

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Councilwoman Tsigounis made a motion to approve the minutes of the July 27, 2010, meeting. The motion was seconded by Mr. Laurita. All present were in favor of the motion. Motion approved.

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### Correspondence

Notice from Ms. Barbara Nasuto stating that Mr. Kevin Terhune, Head of the DPW, is on vacation until August 16, 2010.

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### Subdivision Committee

Councilwoman Tsigounis had nothing to report.

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### Report from the Borough Engineer's Office

Mr. Azzolina reported that on Application #1404, 20 Heather Hill Court, Moshi Alfassi, he has not completed his complete review of the application. He has done a cursory review. There are a couple of aspects to the application that he would like to discuss with the Board. The property in question is located at Heather Hill Court. It is an existing property. It would have deficient frontage by today's standard. The frontage is approximately 56 feet, where 75 feet is required. There is an exception relative to cul-de-sacs, which this lot may satisfy that standard, but the unusual aspect of this would be with respect to the FAR. The way the plans are presented, they have utilized the standard of 30% FAR being permitted, notwithstanding the fact that it has less than 75 feet of frontage. We have that small frontage ordinance, basically, where we kick it back to 125 feet. As it turns out, the way the plans are presented, it is actually the conservative way to look at the site. If you were to try to apply the other one to it, theoretically you would be able to build to 37% lot coverage, because it only has 56 feet of frontage, but this property pies out. When we did the ordinance, we didn't necessarily account for pie shaped types of lots. We were basically looking at rectangular lots and, as with any ordinance, you can't anticipate every iteration of the zoning. Just to compare it, he did the analysis, and he is coming up with the first 125 feet of this pie shaped piece of property is just about the same as the total lot area of 11,500 square feet. The lot area within 125 feet of the right-of-way line is 11,263, so when you apply 37% to 11,263 you theoretically would be able to build a larger house. This is a more conservative design, whereby they are proposing a maximum FAR of just under 30%.

Mr. Azzolina stated that the only thing he would add to that is that the calculation of the FAR as presented is not accurate. The deduction was taken for 440 square feet of garage area. You don't take that if you don't actually have 440 square feet of garage area. You use the actual garage area. The builder was present and he noted that they will recalculate it. He misunderstood it and may have told the architect that. Mr. Azzolina noted that when you recalculate it you may have to make the house a little bit smaller or you would have to seek a variance. Mr. Azzolina noted that around 382 is his calculation of the actual garage area versus the 440. When you carry that through it would put the house over the 30% FAR. The builder noted that when Mr. Alfassi bought the house, the town showed the property to be 19,000 square feet, and when they got the survey from his surveyor to build the house, he was told he doesn't have that. Mr. Alfassi thought he was buying it for 19,000 square feet, not 11,500. Something is not right. Mr. Azzolina noted that if the town is showing it at 19,000 square feet, it has been wrong for a long time because this is a subdivision that was created in the 1930s or something like that. Mayor Romeo believes it was in the late '40s or early '50s.

The house is currently 3,450 square feet with 440 for the garage. Right now they are at 30.46% for the FAR. Permitted is 30%. Mayor Romeo suggested that they get rid of the .46% and get to 30%. Mr. Azzolina noted that he will finalize his review and send it to the builder and the engineer. The applicant also needs to obtain Bergen County Soil Conservation approval. The builder noted that he has already filled that out. Mr. Azzolina will expedite his complete review and get it out so they can make the changes and hopefully get the revised plans back before the next meeting. Mr. Galdi asked if he looked at the drainage calculations. Mr. Azzolina noted that he has not. He saw that they have two 500 gallon seepage pits, which based on the size of the house, the fact that it is currently developed, he would say that they are more than likely adequate. They are proposing a very small increase in the impervious coverage.

Mr. Mozur asked if there is any reason to change the wording in the codes to deal with these conditions. If we are not prepared to give the additional percentage, we should change it. Mr. Azzolina agreed that we should look at the wording of the code to cover this eventuality because there are other pie shaped properties in town. He will write something up.

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#### **Old Business**

Resolution for Application #1396, 187 Broadway, Frank DeCarlo. Mayor Romeo noted that this is not ready to be passed yet.

Resolution for Application #1399, 45 Monroe Avenue, 15 Wakelee Drive Corp. Mr. Galdi introduced the resolution, seconded by Mr. Laurita. On Roll Call: Councilwoman Tsigounis, Mr. Vaccaro, Mr. Galdi and Mr. Laurita voted yes. Mr. Vieni and Mrs. Schultz were absent. Resolution approved. The original resolution shall become a permanent part of these minutes.

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#### **New Business**

None.

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#### **Other Business**

None.

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Mr. Vaccaro opened the meeting to the public. Mr. Berberoglu, 90 E. Madison Avenue, was present and wished to be heard. He spoke with Mr. Azzolina a few weeks back after the heavy rain. He had a water issue in his driveway, garage and basement. He doesn't know the details that Mr. Azzolina got into with the Mayor and Council, but there are some problems as to the water and where he is located and the pitch of his driveway and the location of the catch basin and the street elevations. There are some problems and he knows that before they proceeded on the project that basically the Board guided them on the right way as to getting the proper drainage, getting the proper sump pumps, getting the tanks in the back yard and they followed everything. They had an outside contractor come in and look at the runoff, also with Mr. Azzolina, because when they have a severe rain as they did, the catch basin is not really the catch basin. His driveway is the catch basin. He had three feet of water in his brand new garage and basement. He has a generator just in case the power went out and everything.

Mr. Berberoglu noted that you can see the crap on the pavers and it is all the runoff from the street. He now needs new pavers on his driveway. He showed the plan and showed how the runoff comes down Madison and basically runs down his driveway. He had the company come in and double check the pitches of the trench which runs across his driveway and there is a pipe from the trench that runs to the sump. He had them cut up the garage to check the pitch of the pipe and everything else. Everything checks out. Basically the catch basin needs to be before the driveway as opposed to after the driveway. Right now his driveway is the catch basin for all of East Madison. All he is asking for is if there is a possibility that the town can possibly put another catch basin before his driveway, because there is no other catch basin on his side of the street.

Mr. Azzolina noted that, if the Board recalls, the original design didn't even contemplate a structure here. It was at his recommendation that a drainage structure be placed because the original overflow connection was going to be into the top of the pipe without benefit of a structure and he said it would be impossible to maintain this pipe unless there is a structure so the structure was placed there more for access reasons. He will agree with Mr. Berberoglu that in 20/20 hindsight, this inlet would have been better placed before the driveway, but you would not have been able to make the overflow connections. Certainly another inlet in the vicinity of this property is going to help. However, based on the comments that were voiced at the Council meeting last week, there is more of a global problem here. This is water that is coming down East Madison Avenue with a high velocity because of the steep grade. There is currently one inlet on County Road on each side of the street. He is not sure how functioning that drainage system is. He knows that the County has a plan to reconstruct portions of that system. He agrees that a few more inlets would be a good thing. He doesn't know absolutely that it is the solution to this problem based on that rainfall, which was very intense. You could build up the driveway a little bit more, but you would have the bottoming out problem made worse. That is the problem with building a garage under in this length of driveway.

Mr. Berberoglu stated that they did everything based on all of the Board's guidance, and he thinks he followed it and they were religious and diligent as to making sure that the drainage, the pumps, the back-ups and everything was done, because they knew of the water table problem there. If you stand at the bottom of his driveway and you look at the street, the middle of the street, the apex, slopes right down to his driveway. Mr. Azzolina noted that he didn't have enough topographic information on this plan. Mr. Berberoglu noted that if the water coming down E. Madison misses the catch basin on the corner of County, all that water comes down and goes down his driveway.

Mr. Schuster noted that if you put in another catch basin, you might alleviate one of the causes of the water problem. But the fact of the matter is that if you take almost every house from Tammybrook on down, they have water problems. This is one of the reasons we told you to try to build up to try to alleviate some of the problems of the high water table. Even if they do this it may only help resolve the runoff water from Madison. Mr. Berberoglu noted that he was aware of the water table. But there is an issue with the runoff coming down E. Madison.

Mr. Galdi noted that the catch basins on County Road should be looked at and made sure they are clean and are catching as much water as they can. The County should be brought in. Mr. Azzolina noted that

the Berberoglu's drain system would handle the amount of rain that is coming onto the driveway area. We didn't account for the roadway going into that because quite honestly this plan doesn't show that topographic condition. He recommends that the homeowner, for his piece of mind, although it will be an expense, might want to put the other inlet on the other side of the driveway. They would have to ask the Mayor and Council if they would object to them connecting to that storm drain. As far as the rest of the street, it would be the Mayor and Council's call. Mr. Galdi suggested that first they should make sure that the inlets on County Road are clean because there is no way he can control that water once it gets past those catch basins.

Mayor Romeo noted that this problem has existing for 30 years, it just never had a driveway there. Mr. Schuster noted that the neighbor had the problem all the time. He used to put a carpet out. Mayor Romeo suggested getting the DPW to call the County and have them check the catch basins on County Road. Mr. Azzolina said he will call them. Mr. Galdi suggested that he also contact Mike as the engineer and get his input. Mr. Azzolina noted that he already put a call into Mr. Hubschman and suggested that the homeowner call Mr. Hubschman as well. Mayor Romeo suggested that the homeowner get some sandbags while this is being looked into because it may take a while.

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Motion was made by Mr. Galdi to adjourn the meeting at 8:28 PM, seconded by Mr. Mozur. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for August 24, 2010, September 14, September 28, and October 12, 2010, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary