

# MINUTES

## CRESSKILL PLANNING BOARD

AUGUST 23, 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. Calder, Mr. Moss, Mr. Ulshoefer, Mr. Durakis and Mr. Mandelbaum. Also present were Mr. Paul Azzolina, Borough Engineer.

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Mr. Durakis made a motion to approve the minutes of the August 9, 2016, meeting. The motion was seconded by Mr. Moss. 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 August 17, 2016, sending Ms. Jane Lee and her architect to this Board for approval. She would like to construct a new single-family residence at 182 Madison Avenue. No plans have been received. Mr. Morgan stated that we had this application about three years ago and it was approved. Mr. Azzolina thinks that they are changing the house because it is a new architect.

Application for Soil Erosion and Sediment Control Plan Certification for 269 E. Madison Avenue, Jongae Pak, Application #1486. File.

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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 had something that he would like to discuss with the Board on Mr. Kim's application (Application #1486, 269 E. Madison Avenue). His property is located in the R-10 Zone. He is proposing a three-car garage as opposed to a two-car garage. Our code allows for a two-car garage at 440 square feet in the R-10 Zone. The applicant's professional has designed a three-car garage and they are deducting 660 square feet from the FAR. The R-40 allows for a four-car garage up to 880. There is kind of a gap in our code relative to three-car garages. It specifically speaks of four-car garages in the R-40 and two-car garages in the R-10.

This house is on the corner of Engleside and E. Madison Avenue. The front of the lot is 125 feet and it is 100 feet deep. He wants the three-car garage on Engleside. Mayor Romeo noted that they have allowed the three-car garages in the R-10 Zone. We have one on Jefferson Avenue. Mr. Azzolina believes that

we have done that on bigger lots. He wants to make sure that the Board is aware of it and is comfortable with it. Councilwoman Tsigounis stated that if the property accommodates it and it fits in it should be OK. Mr. Azzolina noted that the plan as presented doesn't propose any variances, but they are still reviewing it. That is one thing that would be a potential variance condition if the Board didn't agree with it. Relative to the driveway location, he is taking it off of E. Madison Avenue, which there is obviously much more traffic on than Engleside. He doesn't find any problem with the driveway location. It is really just a matter of whether the Board agrees with the calculation of the FAR.

Mayor Romeo wanted to know if the three-car garage put him over for any variances. Mr. Azzolina noted that if you took the position that he couldn't subtract out 660, that additional garage area would have to be included under the FAR calculations, then he would be over. Then his choice would be to obviously reduce the garage or go to the Zoning Board for that. Councilwoman Tsigounis asked if on homes that we allow three-car garages they are allowed to deduct 660. Mr. Azzolina noted that the code is silent. It speaks of two-car garages and four-car garages. It doesn't speak of three-car garages.

Mr. Moss asked how much living space was in the house. Mr. Ulshoefer noted that there is 3,726 square feet. Mr. Azzolina stated that he conforms, zoning-wise, other than this potential garage issue. If the Board is not comfortable with it, his direction to the applicant would be to go with the two-car garage. Councilwoman Tsigounis doesn't want to devalue the three-car garage because it is nice to have. Mr. Ulshoefer wanted to see the architectural drawings of the house. Mr. Kim showed the architectural drawings. The garage has one double door and one single door.

Mr. Morgan stated that his gut feeling is to stay with a two-car garage. Councilwoman Tsigounis is also more comfortable to keep with the zoning of the lot or go to the Zoning Board for the FAR for the three-car garage. Mr. Azzolina noted that he would be over by 1% maximum if he stays with the three-car garage. He doesn't have the exact calculations. Councilwoman Tsigounis noted that from her own professional experience, when they don't allow three-car garages in a certain area, she has to go before the Zoning Board. She doesn't really know if it is our purview to call it. If he wants to do it this way, he has that prerogative, but he has to go to the Zoning Board. Mr. Azzolina doesn't know that they are not permitted, but they are not specifically described in the code. There is no discussion in the code book for three-car garages, even in the R-15.

Mr. Calder thinks there should be something added to the code so there is something to go by when it comes to three-car garages. Councilwoman Tsigounis noted that the one on New Street was permitted because the property was a lot bigger. Mr. Kim noted that percentagewise, this house is the same equation as the one on New Street. It is the same builder and same architect. Councilwoman Tsigounis noted that she is more concerned with the code. She knows that you also have to go with progress. Nobody is building two-car garages anymore. Mr. Azzolina noted that the 220 square feet puts them over the 30% a little bit. Mr. Kim is building it for someone. Mr. Azzolina is still reviewing it. He wanted to get some feedback from the Board. The lot is 125 x 100. Mr. Morgan noted that he is still not sold on the three-car garage. Mr. Azzolina stated that the two car-car garage doesn't need any variance.

Councilwoman Tsigounis noted that she does like the fact that they are providing a double door and a single door. She asked if they are providing a lot more space in there or is it tight. Mr. Kim stated that his intention is that it is going to be a two-car garage with plenty of storage area. He is not really fitting three cars unless they are minis. Mr. Azzolina noted that they are compliant with building coverage and impervious coverage. He has a little bit more than minimum area. Councilwoman Tsigounis noted that if it is true that it is going to be for two cars and more storage, he is just doing the double just in case. Mr. Ulshoefer stated that he doesn't know that once it is sold. He wanted to know if we had to make a decision on this tonight. Mr. Azzolina noted that it would be helpful to him if the Board can provide the applicant with some direction so he knows if he has to revise the plans.

Mr. Morgan asked if the Board had a feeling on the two or three-car garage. Mr. Ulshoefer is concerned with the three cars. Councilwoman Tsigounis feels that the concern has to be the one percent. What we have to decide as a Board is whether the 1% is de minimus enough to let it go. Mayor Romeo noted that

in actuality if you took the two-car garage and made the double door smaller where you couldn't get another car in, they wouldn't even be having this conversation.

Mr. Azzolina noted that if he had a decision, it would allow him to advise the applicant's engineer and architect to revise or, perhaps, based on this discussion, the applicant wants to make a decision on his own to go for a two-car garage, then it is clear. Mayor Romeo asked if he went for a two-car garage then it is an FAR. Mr. Azzolina explained that a two-car garage is as of right. A three-car garage, depending on how the Board interprets the code, it's potentially as of right, or not. That's the question. Three-car garages have been done in the R-10 before either intentionally or unintentionally. Probably if you read the numbers on the other properties it wouldn't have mattered because the property is so big. Here it does matter a little bit. Councilwoman Tsigounis has already spoken and said she doesn't like it, but it is only a 1% increase and we need to do something about our code.

Mr. Azzolina noted that he could do a 2½-car garage and whatever excess above 440, say there is 100 square feet dedicated to storage, that would be added to the FAR. Mr. Kim said he would have to redesign the whole house because the first floor and second floor are sitting on top of each other. Mr. Kim would have to make that decision to either go to Zoning Board or redesign the house. Councilwoman Tsigounis doesn't want to make that decision for Mr. Kim, but he is over, even though it is only 1%, but it is a Zoning Board thing. Either that or reduce the size of the house.

Mr. Azzolina read the code. The FAR is based on the gross building area. Floor area ratio is the sum of the area of all floors of the building or structures defined by the gross building area compared to the total area of the site expressed as a percentage. Definition of the gross building floor area of the buildings on the property: gross building areas shall be all enclosed floor areas on all floors for residents in accessory building or garages measured by the outside dimensions. Gross building areas shall not include open porches, unfinished attics, basements, decks or porches. Up to 440 square feet of space may be excluded for garage use for garages constructed in the R-10 and R-15 Zone and up to 880 square feet in the R-40 Zone.

Ms. Bauer noted that it says 440 but doesn't specify two cars or three cars so he is deducting too much as it is. Mr. Calder also noted that that includes the R-15 Zone which is a 15,000 square foot lot and this is 12,500. It sounds like it is kind of covered there. Councilwoman Tsigounis stated that he has to go to the Zoning Board or change the plans. Mr. Mandelbaum asked if the Zoning Board would approve it. Ms. Bauer stated that they don't get too worried about 1%. Mayor Romeo explained that they would have to go to the Zoning Board for 1% and then come back here. Mr. Azzolina said that if that is the way you calculate it, they will be over the 30% and if that is the way they want to go, they have to seek a variance from the Zoning Board or if he chooses he can re-design the house with a two car garage. Mr. Kim asked if he re-designed the house to keep the FAR to 30% then he wouldn't have to go to the Zoning Board. He was told that that was correct. Mr. Kim said he will have to make a decision.

Mr. Azzolina had a report dated August 8, 2016, for Application #1485M, major subdivision, for 67 Phelps Avenue, Mary LaBelle. He reviewed the application and determined that it is incomplete at this time. Most notably the property is encumbered by steep slopes, both the portion that they propose to develop, as well as where the existing dwelling on the easterly half of the property is, that the plan shows is to remain, which is not always the case, so he has asked them to specifically state that. They provided a conceptual design for the westerly portion of the lot, but that is the portion of the property that has the steepest areas. There is a specific section in our code termed "critical areas" 234-47, B2, they need to provide basically a whole site plan for developing this lot, from grading, drainage, landscaping, pump analysis. This submittal lacks all the above. They will have to do a little excavation to determine what the rock is to determine how to excavate it. If the house were to be built here, they would then need to tear up a newly constructed street in order to make sewer, gas and water connections. They would have to do infrared repairs in order to restore the pavement, which is another added cost. There are a lot of things that need to be considered. They have a variance for frontage, which is 84.5 feet, where 100 feet is required. He forwarded the report to the engineer and attorney earlier today advising them that the plan is incomplete as presented.

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**Old Business**

Mr. Morgan asked about the status on the 911 Memorial. Mayor Romeo has taken a back seat because Mr. Santini doesn't want to budge. He wants something small so he will wait until school starts again and ask the kids again.

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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. Ulshoefer to adjourn the meeting at 8:10 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 September 13, September 27, October 11, and October 25, 2016, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary