

MINUTES

CRESSKILL PLANNING BOARD

SEPTEMBER 22, 2015

Mr. Morgan opened the meeting at 7:31 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, Mr. Ulshoefer and Mr. Durakis. Mr. Moss arrived at 7:37 PM. Also present were Mr. Azzolina, Borough Engineer, and Mr. Steven Schuster, Board Attorney.

Mr. Calder made a motion to approve the minutes of the September 8, 2015, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated September 11, 2015, sending a representative of Elite Developers LLC to this Board for approval. They would like to construct a new single family residence at 66 East Madison Avenue. Application #1470 was received on September 16, 2015.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated September 18, 2015, sending Mrs. Carole Dahan Molinari to this Board for approval. She would like to occupy the store at 12 Union Avenue to open a small French boutique specializing in imported home goods. The business name is Chateau De Provence. The building owner is Mr. Antonio Manfredonia. Mr. Molinari, Mrs. Molinari's husband was present. He noted that they would be selling small French articles and gifts, cards and maybe some children's clothes. It is right next door to the upholstery store. They will have just one employee to start and that would be Mrs. Molinari. They are going to redo the inside and improve it. Mr. Ulshoefer had a question about signage. Mr. Molinari noted that they haven't gotten that far yet. Mayor Romeo explained that if they are going to do an awning, it has to be green. Mayor Romeo made a motion to approve, seconded by Mr. Calder. All present were in favor. Motion approved. Letter of approval sent to Mrs. Molinari, with copies to Ms. Barbara Nasuto, the Building Department, Fire Department, Police Department and Health Department.

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of April 2015 in the amount of \$1,608.37 and the month of May 2015 in the amount of \$1,558.57. Motion by Mayor Romeo to approve, seconded by Mr. Calder. All present were in favor. Motion approved.

Letter from EI Associates to Ms. Barbara A. Nasuto, Borough Clerk, regarding the Flood Hazard Area Permit for Regulation Activity in a Riparian Zone for the Luther Lee Emerson School Driveway Addition in the Borough of Demarest. File.

Subdivision Committee

Councilwoman Tsigounis introduced Application #1470, 66 E. Madison, Elite Developers, LLC, which was received on September 16, 2015. This is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that Application #1470, 66 E. Madison Avenue, was just received and is currently under review.

Mr. Azzolina stated that he received revised architectural and site plans for Application #1467, 51 Phelps Avenue, Avi Lavon. They address the comments set forth in his completeness memorandum dated August 18, 2015. The final version is dated August 25, 2015. The architectural plans have been revised to eliminate the FAR discrepancy that previously existed on the drawing. The site plan has been revised to eliminate the eight foot high retaining wall along the driveway and front yard. Now there are two four foot retaining walls to provide the necessary vertical transition. The retaining walls in the rear and side yard have been eliminated. The application now proposes the installation of what is called rockery, which is a slope stabilization technique. Basically they are incorporating boulders into the slope which slopes up to one-to-one but it will be planted with vegetation and provides a stable slope, it is just something that we haven't seen a whole lot of in town. He wanted to bring that to the Board's attention. The plan otherwise complies with the requirements of the ordinance.

Mayor Romeo asked what the house was going to look like. Mr. Lavon stated that it is going to look like the house next to his house. He thinks it is 81 Cedar. Mr. Azzolina stated that he doesn't think it looks like that. Mr. Lavon meant he is going to use the same stone, same boulders. Mr. Azzolina noted that that address had two two-three foot high retaining walls terraced, whereas this application proposes to basically cover the slope horizontally with boulders. Mr. Lavon noted that it is going to be the same style as 79 cedar but he is going to use the blasted one not the round one. Mr. Azzolina asked if he had a source for the boulders. Mr. Lavon said that he does. Mr. Azzolina noted that the size specified on the drawings are quite large. Mr. Lavon stated that he has been working with his supplier for many years.

Mr. Azzolina explained that it can be a quarry product and often times it is a result of a development. When they did a lot of development on the east hill, they were blasting and the spoil from that is used for this purpose. He is not sure where he is getting the boulders from.

Mr. Azzolina asked about the services and if they were using the same ones. Mr. Lavon stated that they are using the same ones and they are adequate for his construction. Mr. Azzolina asked if he did the sanitary sewer investigation. Mr. Lavon said he did. Mr. Azzolina asked for a copy as was requested in his report. Mr. Lavon said he would give him a copy. Mr. Azzolina recommends that with that, the site plans revised September 16, 2015, be approved by the Board. There are no variances needed as he revised the plans to eliminate the variance conditions that were on the first set of drawings. There are no longer variance conditions as long as the Board is agreeable with the one-to-one slope, but there is nothing in our code that would preclude the use of rock. 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 noted that we received Application #1469, 16 Westervelt Place, Home Tree Investment Group, LLC. The applicant and engineer were present. Mr. David Juzmeski, the engineer, introduced himself, as did Mr. Joseph Bisozio, a representative of Home Tree Investment Group LLC. Mayor Romeo noted that this a two-story house that has a flat roof. There is another house about 300 feet up the street that is similar to this with a flat roof. Mr. Bisozio distributed some pictures of a style of home that they are trying to achieve.

Mr. Azzolina stated that his office has performed a review of the site plan and pursuant to that review, they find the plans to be incomplete at this time with respect to the requirements of the code. He prepared a memorandum dated September 22, 2015, which enumerates the plan revisions needed. There are quite a few inconsistencies on the plan, some missing information, no floor elevations, the survey wasn't submitted as part of the application, etc. The Cresskill code has a number of requirements that are a little bit different than other towns as far as detail information on the plans. This memorandum summarizes the items that need to be addressed before the plans can be deemed complete and ready for consideration of scheduling a Public Hearing which will be required since variances are required in connection to the application.

Mr. Juzmeski explained that this is a single family home with a garage. Although they are improving the current side yards to 12.9 feet on both sides, they still need 15 feet. In order to meet the code, they would need a 25 foot wide home, which is why they need a side yard variance. They are also asking for a .4% impervious coverage variance. Councilwoman Tsigounis asked if there was any way they could get rid of that one. Mr. Juzmeski said that they would look at that one. That .4% equates to about 40 square feet. Councilwoman Tsigounis noted that there is a reason it is in the code and if there is a way to get rid of it, they should work it out to remove it. Mr. Azzolina noted that that may be one of the issues that goes away once the plans are revised because he believes that the numbers include the deck which, under the Cresskill code, is not recognized as impervious surface, notwithstanding the fact that it is included in the building coverage. When they rework the numbers, they may or may not need that variance. That is why he recommends that they tighten up all the numbers.

Mr. Moss asked what the estimation of the square footage of the home was. Mr. Juzmeski noted that it is around 3,600 square feet. Mayor Romeo asked if they were tearing everything down on the property and rebuilding. Mr. Juzmeski stated that they were.

Mr. Azzolina noted that they have to revise the plans and resubmit. Once the revised plans are reviewed by his office, he can then recommend that the application be scheduled for a Public Hearing.

Old Business

None.

Public Hearing – Application #1488 – 73 Park Avenue

Mr. Mark Madeo was present on behalf of the applicant, 15 Wakelee Dr. Corp., Mario Valente, and he sent in the affidavit of service and proof of publication. He presented Mr. Schuster the originals of the required documents. This application is for 73 Park Avenue, Block 164, Lot 31. The applicant proposes a two-and-a-half story, 1,923 square foot home on the existing 50 x 100 lot. That will include a two-car garage and in addition to that there will be a 450 square foot driveway, a 45 square foot front walk and one 1,000 gallon seepage pit, which of course is subject to the engineer's review and further calculation and they will do whatever they have to do to get a building permit there. The Board is probably familiar with the lot because this was recently the subject of a subdivision which created the lot. Most of the Board has some familiarity with the area. He is not going to burden the Board with a whole bunch of extra presentation tonight about what they already know. The one thing that is significant to note about that, is that that means the variance as to lot area and the variance as to frontage are pre-existing variances. They are asking for them, the engineer reports on them, but, obviously, there is nothing they can do to make the lot bigger. There is nothing they can do to stretch the frontage. Those variances were created at the time of the subdivision and he trusts that the proofs necessary to justify those variances were submitted at that time. He would like to proceed directly to their discussion of the structure and the real essence of the site plan approval.

Mr. Madeo called Mr. Michael Hubschman as his first witness. Mr. Michael Hubschman, 236 South Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. Mr. Hubschman is a licensed engineer and planner in the State of New Jersey. He has testified before this Board many times and was accepted as an expert engineer and planner. Mr. Madeo distributed a photo of a home that works on lots that are approximately 50 x 100 and marked it as Exhibit A1. Mr. Hubschman will be testifying to the colored site plan that Mr. Madeo marked as Exhibit A2.

Mr. Madeo asked if Mr. Hubschman prepared the site plan. Mr. Hubschman noted that he did and it is a duplicate of the one that was presented to the Board with their document package with the exception that it is has been colored. Mr. Madeo asked Mr. Hubschman about the current condition of the property. Mr. Hubschman noted that it is a vacant lot. There is a six foot stockade fence around the property and a small stone wall on the west side and some grass area. The proposed house is 1,900 square foot of livable area with a 400 square foot garage. The house is 27 ½ feet by 48 feet deep. Mr. Madeo noted that the structure requires a variance as to minimum lot area. Mr. Hubschman noted that that is a pre-existing condition from this

subdivision approval. This deviates from the requirements of the minimum lot area which is 10,000 square feet. Similarly, lot frontage where 100 feet is required in the zone, they have 50 feet, which is a pre-existing non-conformity and they intend to continue that non-conformity.

As to the remainder of the construction of the structure, the structure is a 2 ½ story structure that fully conforms to the zoning requirements as to height. Mr. Hubschman noted that the height, FAR, front yard and rear yard, with the exception of the bay window that Mr. Azzolina brought up in his memo, all conform. Mr. Madeo explained that aside from the bay window, which is a projection from the structure, the structure conforms to the rear yard requirement. However, the bay window, which is approximately two feet deep and approximately six feet wide, technically speaking is a variance. Some projections in town don't count as protrusions into the yard and don't count against your yard setback. Bay windows, for whatever reason, happen to count. Technically, they would need a rear-yard variance for that and they would amend their application accordingly.

Mr. Madeo noted that the front yard conforms and the rear-yard conforms except for the window. He asked Mr. Hubschman about the side yards. What is the required side yard for each side yard in the zone? Mr. Hubschman noted that it is 15 feet minimum side yard and a 35 foot total, so it is 15 and 20 or 17 ½ and 17 ½ or however you want to look at it. Mr. Madeo explained that they have a lot that is approximately one-half the required size and asked Mr. Hubschman what side yards they are providing. Mr. Hubschman noted that they are providing 11.25 feet. It is a 27 ½ foot house. This is a similar house that was built on the other lots on 5th Street, 6th Street, Prospect and those houses are 28 feet. This is shrunk down a little bit but that is due to the two-car garage that has a stair and a small hallway. On those sides, with the 35 foot total side yard, you could only get a 15 foot wide house in there. That would really be a detriment to the neighborhood. Mr. Madeo stated that it would be a detriment or a physical impossibility to build a 15 foot wide house, which it would have to be to conform to the zone. Clearly some relief is in order. Mr. Madeo asked Mr. Hubschman if this house was designed as a 28 foot wide house and it has been sucked in as much as it could be sucked in if they want to include the two-car garage and to include eight feet for a front step and front hall. Mr. Hubschman agreed. That is the narrowest without going for a one-car garage that you could really do on this lot. It is a very small house with 1,900 square feet of livable space.

Mr. Madeo stated that they do not need an FAR. Mr. Hubschman agreed. Mr. Madeo explained that they are not overbuilding the site, even though the site is approximately half what is required in the zone, they are demonstrably building a somewhat less than half size house of what would otherwise be permitted. Mr. Hubschman stated that they are permitted 39% because they have a sliding scale in Cresskill.

Mr. Madeo noted that they do need the variances for side yard setback, for each of the side yards where 15 is required and 11.25 is provided and a total side yard setback where 35 is required and a total of 22.50 is provided. Mr. Hubschman agreed and explained that you really couldn't build a house 15 feet wide, and it's a pretty adequate side yard and it is pretty standard in that neighborhood, ten feet or less.

Mr. Madeo asked what the coverage requirement in the zone is. Mr. Hubschman noted that the coverage requirement doesn't vary with the lot size. It is 20%. This house is at 25.1% so it is slightly over by 255 square feet over the coverage, which is a function of the undersizeness of the lot and trying to provide a two-car garage. Mr. Madeo noted that the deviation required for coverage is not so extensive as to trigger an FAR variance. But there is coverage that is additional to that which is permitted. Mr. Hubschman stated that that is footprint coverage. Mr. Madeo asked what generally is the purpose of assuring that the lot coverage is limited? Mr. Hubschman stated that light, air and open space to the neighbors, the height, they are under the height at 27.5 feet, and the aesthetics of the lot. There is no sliding scale for coverage like there is for FAR and they have a 1,200 square foot footprint which is a very small house. Mr. Madeo wanted the Board to note that the footprint itself is approximately 1,200 square feet, including the garage. Mr. Hubschman stated that it fits in the neighborhood and lines up with the adjoining houses generally.

Mr. Madeo noted that one of the concerns with even slight excessive coverage is the fact that an increase in coverage sometimes results in issues with water runoff. He asked Mr. Hubschman how they were accommodating the water runoff. Mr. Hubschman noted that they did prepare a report that he has to send to Mr. Azzolina. They are proposing a seepage pit in the front. Everything slopes to the front of the property and that pit, which is almost twice the size as required at 1,000 gallons, will handle it.

Mr. Madeo talked about the adjoining houses. Mr. Hubschman noted that the house to the right is on a 100 foot lot, but the house is tucked way on the side, almost on the other half of the property, and the house on the left is closer, maybe eight feet from the line and then there is a driveway in the front of the house that is a two-car driveway with no garage. That lot is a 60 x 100 lot. The yards in the neighborhood are generally 50 and 60 foot lots, with the exception of the 100 foot lot, with generally 10, 12 and 15 foot side yards. There are a lot of Cape Cods that are a little bit smaller in the neighborhood and then there are some Colonials down the street that are a little closer.

Mr. Madeo noted that one of the issues that the Borough Engineer called out was the fact the plans did not include a survey of properties within 200 feet. They included a 200 foot map. Mr. Hubschman stated that he did bring an aerial photo of the 200 feet. Mr. Madeo marked that as Exhibit A3. What is depicted on that is a variety of 50 x 100 lots, 60 x 100 lots, and some slightly larger. The subdivision was already granted, but the purpose there is to demonstrate that most of the homes are such that they rarely have a full 35 feet of total side yard. Mr. Hubschman noted that most of the lots are 50-60 so of course they don't. Generally, there are 20 feet between some of the larger setbacks and then less, only five or ten feet on the other side of the street.

Mr. Madeo asked if the applicant could conform to the zoning ordinance and construct a 15 foot wide home. Mr. Hubschman stated that you obviously could, but that would look like a trailer and would be a real detriment to the neighborhood. Mr. Madeo asked if the methodology that was chosen to create a reasonably sized home that doesn't trigger an FAR, but which provides still over 11 feet of side yard on each side, is that one which makes sense and fits in with the surrounding homes? Mr. Hubschman said yes and explained that this house fits on this lot. They are not asking for something with seven foot side yards or something wider. The house is consistent with the neighborhood and preserves the light, air, and open space while still creating a structure that is at least 27 feet wide. There is no detriment to the zoning ordinance or zone plan. The home couldn't be made any smaller for a two-car garage with an 18 foot driveway, which is a good benefit to have where you could park four cars to get the cars off the street.

Mr. Madeo explained that the Board did approve the subdivision and of course expected a home to be built. He thinks the question before the Board is if they handled that in the most reasonable way that they could. The lot is approximately half the size of a fully conformed lot, the house is actually somewhat less than half the size of what actually could be built there. The lot is half the size but their side yards are actually greater than half the size. They don't trigger an FAR, which would really be that red flag of overdevelopment, over bulk, over mass, on the structure, and that of course is not triggered, but as Mr. Hubschman notes, of course, coverage, which is not subject to the sliding scale, does require a variance. The total amount of that variance is approximately 224 square feet, which conceptually is about the size of a conforming parking space. It would be hard for them to say it is overbuilt or inappropriate use of the property. Having said that, he doesn't have any further witnesses.

Mr. Schuster stated that based on what Mr. Madeo said, based on the existing non-conformity of the lot size, this is the most reasonable house they could build there. Mr. Madeo stated that that is what they believe and it is their smallest house sucked in even a little further. There are several of these in town and he doesn't think anyone would say that, when you have driven by them in the past, you would say, what is that house doing there? It fits right in on a 50 x 100 foot lot.

Mr. Morgan opened the meeting to the public. Mr. Andrew Salva, 79 Park Avenue, wished to be heard and was sworn in by Mr. Schuster. He lives in the house on the 100 foot lot right next door. Mr. Salva asked if his lot was subdivided, would he be able to build a similar house like this. Mr. Madeo stated that he didn't think that was a question for this witness. He thinks he is asking for an advisory opinion. Mr. Schuster noted that we do not answer advisory questions. Mr. Salva asked if there was a basement in the house. Mr. Hubschman stated that there was a basement. Mr. Salva asked if there was any issues with sewage. Mr. Hubschman noted that there are no sewage issues. Mr. Salva stated that he has no problems and it looks like a nice house.

Mr. Morgan made a motion to close the public portion of the meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Mr. Ulshoefer asked how many bedrooms were in the house. Mr. Hubschman noted that there are four bedrooms in the house. Mr. Ulshoefer stated that all the houses Mr. Hubschman was referring to all night on that block were built in the 50s and 60s he would say. Mr. Hubschman agreed. Mr. Ulshoefer noted that there is a big difference when you are referring to a house built in the 60s as opposed to a house built today. Mr.

Madeo noted that what they were suggesting was that it is not different than the neighborhood. Of course, fitting into the neighborhood and not being detrimental to the neighborhood is one of the criteria for the granting of the variance. They wanted to assure the Board that it fits into the neighborhood, the yards are approximately what everyone else has and certainly when the lot was subdivided, it wasn't subdivided with the expectation that it would be vacant, it was subdivided with the expectation that a home would be built. The best question is do you think this home is reasonable to do that. They believe it is. With that will come a few variances, but the testimony is it would be physically impossible, unless you were going to build a house about the width of a parking space, you are going to need side yard variances. There is just no other way to do it.

Mr. Morgan asked Mr. Azzolina if he is satisfied. Mr. Azzolina stated that he believes that the applicant's professional has addressed the comments in his report. Certain minor revisions to the plan are required as set forth on page 6 of 7. He is sure the applicant agrees to the necessary revisions. They indicated they will provide the stormwater management report as required. With those future revisions, he is satisfied with the application. Mr. Madeo stated that they agree to Mr. Azzolina's revisions.

Mr. Calder made a motion to approve, seconded by Mr. Moss. On Roll Call: Mayor Romeo voted yes, Councilwoman Tsigounis commented that she thinks they did a nice job in keeping it as tight as possible and commends them on that and voted yes. Ms. Bauer, Mr. Calder, Mr. Morgan, Mr. Ulshoefer, Mr. Moss and Mr. Durakis all voted yes. Motion approved.

New Business

None.

Other Business

None.

Motion was made by Mr. Calder to adjourn the meeting at 8:24 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for October 13, October 27, November 10, and November 24, 2015, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary