

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**JULY 10, 2018**

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, Mr. Morgan, Mr. Calder, Mr. Durakis, Mr. Malone and Mr. Rummel. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

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Mr. Durakis made a motion to approve the minutes of the June 26, 2018, meeting, seconded by Mr. Calder. All present were in favor of the motion. Motion approved.

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#### **Correspondence**

Letter from Diktas Gillen, Attorneys at Law, dated June 29, 2018, to Ms. Barbara Nasuto, Borough Clerk, regarding Ordinance amending the revised General Ordinance Chapter §175-22: Swimming Pools and Chapter §175-27: Terms Defined, Borough of Demarest. Copy this to Schuster. File.

Letter of introduction from Mr. Bob Rusch, sending Jack's Lobster's Shack to this Board for approval. They would like to have outdoor seating at 38 Union Avenue. No one was present. They will need to come back when they are ready to open. They will need to bring in a schematic.

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#### **Subdivision Committee**

Mr. Morgan reported that an Application #1529, 23 Legion Drive, for a sign proposal, was received and distributed. This will be held for the Public Hearing.

Mr. Lumaj was present for Application #1526M, 26 Cresskill Avenue, Lumaj Builders LLC. Mayor Romeo explained that as soon as we get through the Public Hearings for the next two or three meetings, we will be able to schedule the Public Hearing for that application. Mr. Lumaj also asked about Application #1535, 54 Cranford Place. Mr. Azzolina noted that he did not have that application. Mr. Lumaj stated that it was here at the last meeting. Mr. Azzolina again stated that he never received it. He has the one that was dropped off at his office that did not have the architectural, but he does not have the official copy that was presented to the Borough Hall. Mr. Azzolina was presented with an official copy of the plans and told Mr. Lumaj that it will be reviewed by the next meeting. If there are no variances, it will be very straight forward.

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

Mr. Azzolina reported that Application #1536M, 26 Cresskill Avenue, Lumaj Builders, LLC, is currently under review.

Mr. Azzolina noted that he prepared a report for Application #1529, 23 Legion Drive/29 Division Street, Legion LLC, on July 9, 2018, for tonight's meeting, and it was e-mailed to everybody yesterday.

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### **Old Business**

None.

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Resolution for Application #1532, 277 Highland Street, Jennifer and Gabriel Hamani, was introduced by Mr. Durakis and seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Mr. Morgan, Mr. Durakis, Mr. Malone and Mr. Rummel all voted yes. Councilwoman Tsigounis, Ms. Bauer and Mr. Mandelbaum were absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Resolution for Application #1534, 260 Concord Street, Dana Koblenz, was introduced by Mr. Durakis and seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Mr. Morgan, Mr. Durakis, Mr. Malone and Mr. Rummel all voted yes. Councilwoman Tsigounis, Ms. Bauer, Mr. Mandelbaum and Mr. Ulshoefer were absent. Motion approved. The original resolution shall become a permanent part of these minutes.

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### **Public Hearing – Application #1529 – 23 Legion Dr./29 Division St.**

Mayor Romeo noted that this is a complex application, and this has already been submitted to the Fire Department and the Police Department and they already have changes that they would like in some of the buildings and in the way this thing was set up. What we would like to do is have a discussion on the project to start ironing some of the kinks out of this.

Mr. Dean Stamos, was appearing on behalf of Mr. Mark Madaio, who has a conflict this evening, on behalf of the applicant, Legion LLC, who is the contract purchaser of the subject property, which is Block 182, Lots 29 and 30. It is a proposal for 18 townhouse units on the property. The property is in the downtown affordable housing overlay zone. The way they have it, they believe it is a compliant development with no bulk variances, subject to this review and discussion. He has with him the engineer and architect. The planner is coming as well. The clients are also present. They are certainly amenable to discussing the design and layout of the project.

Mayor Romeo explained that we just finished our fourth round of COAH. We were ordered to give an area where there will be COAH housing in the town. This is the fourth time we have had to do that. We try to comply because it makes it a lot easier than dealing with something like some of our border towns that are now facing 170-180 units. We try to comply every round. We have again this time. The area that was picked for COAH housing was this piece, the woods and possibly the two houses that adjoin this. They come in and ask for a tour of the town and they don't trust that you are going to show them all the vacant land, so they take a satellite picture and then they go around and go to those spots. There are two lots up on McGrath and Vaccaro that border each other. It is two 40,000 square foot building lots that people have bought and never built on. When they look at it from the aerial view, it's an 80,000 square foot piece of property and they designated that as a perfect place to put an apartment complex. So, you need to be on the top of your game and try to get other areas that they will look at and this is one of the areas that they picked at the southern area of the town which they felt would be appropriate for housing. We had to go to court and they make an agreement for Fair Share Housing. They were the court appointed people. They were all from Trenton and needed directions to get here but they are allowed to tell you where to put the low-income housing. That is just the way it works. It is not fair, but it is just the way it is. Rather than build up where the million-dollar houses are, we thought we would give them an area here, so they designated this COAH housing. So, we are court-ordered to allow someone to build

COAH housing here. The way this is going to work is someone will build this and then build four units off premises in another part of the town, which will be COAH housing, which we have a site for already. That is the preface for this.

Mr. Stamos called Mr. Matthew Clark to testify as the engineer. Mr. Matthew Clark, MCB Engineering Associates, 11 Furlough Street, Totowa, New Jersey, was sworn in by Mr. Schuster. He has not appeared before this Board before. He has appeared before other Boards in Bergen County. He has been licensed since 1997 and his license is in good standing. He was accepted as a licensed engineer for the purposes of tonight's hearing.

Mr. Clark, or someone in his company, prepared the drawings before the Board tonight. He has visited the site and is fully familiar with the subject property. He is familiar with the design proposed on the plans. Mr. Clark noted that the survey submitted as part of the application was prepared by another firm that they work with. A portion of the property is undeveloped and wooded. Another portion has some accessory parking at this location. It is an L-shaped lot. It has frontage on Broadway, Legion and Division Street. As far as the layout is concerned, going back to the site plan, what is being proposed are four townhouse buildings with 18 units. Mr. Clark pointed out the four buildings. He also pointed out the access off of Broadway for Building 1. There is a new roadway for Buildings 2 and 3, with accessory visitor parking in the back, and Building 4 has frontage access off of Division Street. Each building has a deck off the back. This is the final Site Plan, last revised January 25, 2018. The Title Sheet was marked as Exhibit A1. The second sheet, the Site Plan sheet, was marked as Exhibit A2. This shows all the above ground horizontal improvements as he described the buildings, the access points, the decks. The architect is here to describe the buildings in detail.

Mr. Clark noted that along two property lines there are four-foot high privacy fences. Also, on this sheet is the Zoning Schedule, parking summary and building heights. It shows how each one complies with the ordinance that was written specifically for this property.

The next sheet, marked as Exhibit A3, is the grading/utility plan, page 3 of 8, with the same revision date, January 25, 2018. This plan is intended to show how they are going to grade the property, drain the property and where they are going to obtain, what he calls, the soft utilities, sanitary, gas and water. The property is graded in a manner to minimize earth work and to avoid any kind of adverse impact to neighbors by pushing drainage to where it didn't go today. The project is a major development for the Residential Site Improvement Standards so, in order to comply with those requirements, they have an underground retention system. They also have a water quality unit to comply with the water quantity and quality aspects of it. Based on the site's location, they do not need to comply with the ground water recharge, it is exempt from such.

As far as the sanitary sewer is concerned, each unit actually has its own sanitary lateral, gas and water lateral. The sanitary for Buildings 1, 2 and 3, will be serviced through the extensions of mains where laterals will tie in. For Building 4, since there is a main in the street, they are just going to attach straight into that sanitary sewer main. The entire area, all the frontages have available gas and water and so, where the buildings are at, they are going to look to tie in. They will run a new water main and gas main on their new roadway to make an easier tie-in instead of having multiple openings in the roadway.

The next sheet, marked as Exhibit A4, is the soil erosion sediment control plan, page 4 of 8, revision January 25, 2018. Since they are disturbing more than 5,000 square feet, they need to supply an application to the Bergen County Soil Conservation District. This plan represents those requirements. The other plan that goes with it, marked as Exhibit A5, is the soil compaction mitigation plan, page 5 of 8. This is something that has become new to the Soil Conservation group. It is another requirement. Since the plan was submitted, there has been a pull back on some of this, so this mitigation plan may not be necessary. Assuming they get an approval, and they go talk to Angelo at Bergen County Soil Conservation, they will see if this is still necessary.

The final sheets, which are sheets 6 of 8, 7 of 8, and 8 of 8, were marked as Exhibits A6, A7 and A8, all same revision date, are just site details associated with the application, curbs and sidewalks and drainage and all of those things.

Mr. Stamos asked about the bulk schedule and if it was all compliant under the ordinance. Mr. Clark stated that in his interpretation, it is. Mr. Stamos asked Mr. Clark if he has had a chance to review Mr. Azzolina's report of July 9. Mr. Clark stated that he did.

Mr. Clark noted that #1 and #2 are really for the applicant. No. 3 talks about the interpretation of the yards. He pointed out which was the front yard, which were the sides and which was the rear. He noted that the planner will describe it in more detail. He explained that the driveway offset, where 10 feet is required from the sideline, they have 9.1 feet. The reason they have that as a design waiver is that they interpreted the offset to pertain more to a main driveway or the commercial uses where you have driveways for those types of uses but not for a townhouse unit itself. If that is the case, then all they need to do is pull that driveway over about 9/10ths of a foot to comply. The other comment was would they be looking into flipping the units on Broadway such that they would have access off the internal roadway. Mayor Romeo noted that that was a police suggestion and they have not really even looked at this in depth yet. That would be preferable to us.

Mr. Clark noted that #5 talks about internal roadways being privately owned. There was some comment about access for vehicles to get in here such as a fire truck, emergency vehicles, garbage trucks and moving vans. Mr. Clark stated that this road was designed to comply with the Residential Site Improvement Standards so, in their opinion, it complies with the required code which would take into account those items. Obviously, they have not received the comments from the police and fire yet, but they would look for those and look to address those.

Number #6 is a comment based on Building #4 and new driveways and access off of Division Street. Mayor Romeo stated that it can be busy there during the day. There is a nursery school there during the day and a café which is becoming more and more popular. We would like to see both of them inverted so you pull in with the driveways in the middle. So, instead of both units facing the street, just invert them and face them towards each other in the middle where you would pull in and park.

Mr. Azzolina stated that, essentially, take the six unit building and make it two three unit buildings with an internal roadway between the buildings. It may require further variance relief. He doesn't know whether it necessarily fits. He didn't lay things out. He will leave that to the engineer. But that is the suggestion in order to eliminate the vehicular conflicts that will definitely take place with having nine parking spaces behind six driveways, in addition to the through traffic accessing the nursery school at the end of Division Street. There is also traffic into the rear parking lot of the café and pharmacy building, which has an office space on the second floor that is pretty large and a café/pharmacy/warehouse use associated with office use on the first floor. That building was part of this tract that was divided whereby the existing building was redeveloped with those uses, and this is the residual parcel that for a while was vacant, and the traffic wasn't an issue, but it is today.

Mr. Clark pointed out the nine spaces that Mr. Azzolina was referring to. Mr. Azzolina agreed to the spaces that were pointed out. Mr. Clark noted that obviously they don't come right into the street. Mr. Azzolina stated that they do and that is the problem. The other parking lot has a defined driveway more to the east of that location. Mr. Clark noted that from their end, they are going to speak to the applicant and go through all the comments before he replies. When he gets all the comments, they will see what they can address. He stated that this is not a restricted access as far as the ordinance that was written and things like that, but he understands the comments are valid. They have their opinions as well. Mr. Azzolina wants to make sure that the applicant understands his disadvantage with this was his office was not involved in the planning of this site. This was done by an outside consultant. He is seeing this ordinance for the first time. He doesn't know if any thought was given as to how this site would lay out. He doesn't know if that was in their mind that they were going to have six driveways there.

Mayor Romeo stated that he has been down there, and it is going to be a problem. The café now is very active. The nursery school is very active. There was never anything down there. Now, all of a sudden, it is an active area and they are joining it and the town is happy to have them. But, maybe there needs to be some accommodations. When you come around that turn, you have people pulling out and you have people coming the other way. Mr. Clark wanted to add that they are just going through this today and the plans have been in and when the ordinance was drafted, it is his understanding that this was there. That idea, that concept of these having direct access onto Division Street, was part of that equation. So, it is something for them to digest and they need the appropriate time to react.

Mr. John Campoli, 107 Engle Street, Cresskill, was sworn in by Mr. Schuster. He is owner and representative of 5 Legion Drive, the neighboring property, the nursery school and two other tenants there. Mr. Campoli noted that about eight months ago, they had a meeting here to work out the parking and the store that is in the front, 2 Piermont Road. Parking was an issue then. Parking has been an issue in the town for 60 years and it is only getting worse. Now, it is putting his tenants in a position where he is starting to get some heat from his tenants. The agreement that he has with the parking might not work out much longer. That means there are at least 14 other vehicles that are going to be out on that street. That is a two-way traffic street and it is a private lane right through his property. He would consider that as a good suggestion as far as to alleviate some pressure off of Division Street and invite the traffic on your lot or get some organization there. He thinks you are going to find to have traffic backing out of driveways on the two-way street, along with Piermont Road, because there are no traffic lights south of Piermont Road, you never get a traffic break. You can't even get out from Broadway right now to make a left on Piermont Road. Now you are going to have this traffic from all directions, both Broadway, Division Street, dumping out onto Legion, and Legion is almost impossible now. He thinks it is a great improvement to have them as a neighbor, but it comes at a time when the design is there, everything looks great, but the way it functions, it is a mess. It is not their fault, it's not anyone's fault. But, the thought of taking some and alleviating some pressure off the streets, whether it be head in parking, maybe on Division Street off that side, something to alleviate it, because as it is now, their side streets, because they are owners of property on Milton Street, they are now getting employee parking from the stores both on Broadway and Piermont. Now employees are parking all day on a side street because they are offering the parking to their customers, which is good business. But it is adding a lot of pressure to those narrow side streets. It is a difficult issue. Is there any other open space, any lawn area. Is there any place for yard space or anything like that? Because you are stacking those properties so tight now, it is totally covered. These are issues that for housing it becomes an issue when you mix it in with commercial assets.

Mr. Clark noted that they are all good points and all good concerns. The only thing he can say is that the ordinance was drafted for the development of this property which took into account all those items. This project fully complies. It fully complies to what the impact of what the development here would have on the neighboring community, not only the residents but the commercial development. This complies. The one thing, again, when the ordinance was drafted, it is his understanding that access on to it shown like this was part of the equation, so it is catching them a little bit off guard as well.

Mayor Romeo doesn't understand how that happened because we never really saw this plan until recently, so he is not sure what Mr. Clark means by that. Mr. Clark understood that when the overlay zone was drafted, a concept plan was part of that equation, which represented access. There was nothing written to restrict access off this road. Mayor Romeo stated that we are trying to come to an accommodation here so that everybody can work together. There is more to this that you don't see. That end of the property is now a parking lot. The mall behind that rents parking spaces in there. They are going to lose those spaces, so they are back on the street. That, plus what they are doing here, effects his property, and as he said, Milton and Legion. This has an effect on expanding and we are trying to mitigate this as much as possible. We like the project and we are forced to do the project by COAH standards and that is fine, but there is going to have to be some give and take here.

Mr. Azzolina asked Mr. Clark if he saw the concept plan that shows the access to Division Street, because he hasn't and he has inquired about it. When he became involved in reviewing the application, one of the things he did was contact the planner that prepared this ordinance and asked him about the

concept plan having been prepared and his understanding is that there is none. Mr. Clark stated that his understanding is that there is one.

Mayor Romeo asked Mr. Lupino about the drawing that he brought him at one point that was a colorized drawing, but to say he remembers this, he would have to say know. That drawing was about a year-and-a-half ago. Mr. Lupino stated that he gave them a few different concepts, but it wasn't this.

Mr. Clark noted that the next two comments in Mr. Azzolina's report are about the police and fire and he doesn't have their reports. He would like to hear what they have to say. He would like to get a letter or report from each of them. Mayor Romeo will have them review it and give them a report.

Note #10 talks about sidewalks. Based upon the type and classification of this road, walks are not required as far as he understands the RSIS. Mr. Azzolina asked what classification he was affixing to this. Mr. Clark noted the multi-family court. He stated that he doesn't even need the turn-around at the end because they are less than the 300 feet. Mr. Azzolina said that he isn't saying that it doesn't comply with the rules, he is just saying logistically, logically it is more for the sidewalks along Division, Broadway and Legion Street. He recognizes that they don't exist there, so that is typically where you request a de minimus exception. Mr. Clark stated that they can look into doing that as well. Mr. Azzolina noted that along Legion may make the most sense because there is a sidewalk along Legion across the street. Mr. Clark noted that they can look into doing that as well. Mr. Calder stated that the absence of sidewalks would force foot traffic into these streets that are busy to start with. Mr. Azzolina explained that you can make the argument about Division as well. It is all going to depend on what the final layout is. As far as the functionality of the multi-family court goes, it is recognized that a fire truck or moving van cannot turn around in that, so they have to back in. He is just making everybody aware of what is going to be the reality. You see it all the time. Garbage trucks back into roadways that they can't turn around in. It is not uncommon. He is just putting on notice that this is going to be a necessity.

Mr. Clark stated that #11 talks about the tree removal plan. The tree removal plan was drafted in February of this year. Mayor Romeo noted that he realized that it is woods and there is no way around it but hopes they will replace some of the trees. Mr. Clark stated that there is a lighting and landscaping plan. The next one is about the survey and there are no issues with that. The sanitary sewer main and things that are more technical, there are no issues there. No. 15 is soil moving calculations. No. 16 the architect will chat about the building. No. 17 is the interpretation about the building coverage. Mr. Azzolina had a clarification on #17. He stated that the way our ordinance reads, decks are included. It is not going to matter here even if they did include it. They are going to be under the amount. To be technically correct, they have to include them. If you read it one way, you think it has to have a roof over it. If you apply it the way it has been applied for the last 100 years in Cresskill, it is any deck, whether it has a roof or not. Mr. Clark notes that the building gross area definition excludes the deck. Mr. Azzolina stated that the gross building area only comes into play on FARs.

Mr. Clark noted that #18 is about COAH. Number 19 talks about the drainage, which we talked about. Number 20 talks about consolidating lots, which is not an issue. Mayor Romeo explained the COAH calculation.

Mr. Clark stated that it seems like it comes down to looking at Building #1 and the frontage, seeing what they could do with the concern with the traffic, and maybe a sidewalk out the front as far as layout issues are concerned. He thinks Mr. Azzolina and he realize adding trees is not a problem. They have a nice lighting system here that is going to make it look nice. The buildings are going to look great. It will be welcome to the neighborhood. Those are the problems that he sees need to be worked out.

Mr. Robert Rankin, 102 Linwood Avenue, Cresskill, was sworn in by Mr. Schuster. Mr. Rankin noted that he is the owner of 38 Broadway, that he co-owns with his sister. His parents bought the building in 1971. When his father purchased, there was one-third of the building that is there now. They had a sink and a toilet and an oil line. The other guy billed from the old Hackensack Water Company. He repeatedly called and was told he wasn't a customer. It turns out, a very old method they used was to put meters in pits. For the south side of Broadway, 38 and 35, they are pit meters. His meter is down on the southwest

corner of Milton and Broadway. The house at 43 Broadway, across the street, they are served by a pit meter that is on the northern corner of Legion and Broadway. From there on, the lines run to the houses. When 45 Legion Drive office was built, the line on the other side of the street didn't run down Broadway, but rather diagonally into that house and when they built the parking lot, one day the man had no water because the line was broken. What he would like to establish is for someone in the engineering process, to find out where his line goes, because at the time his father and mother purchased, that section of the street was a dirt road. When the road was paved, his dad asked if the water line could be extended and he was told there was no need. He does have a water meter. Over the years, he used to have to keep calling Hackensack Water to come and read it so they wouldn't get estimated bills. Now they have automated sending devices in the street. A year ago, when they updated those meters, he had to go meet the technician to go find the meter because it is always covered with mulch and weeds. It is near the stop sign. From there, he is responsible for the water line all the way over to 38 Broadway. He has no idea where it runs, so he is afraid that when the excavation is done, he will get a call from the tenants saying they have no water. He wants it known, on record, that there is this little red herring.

Mr. Azzolina stated that now he is aware, it is something he will discuss with Suez and make a recommendation that services be established to both properties. He has had discussions with them in other towns. They are usually agreeable that this is not the way to go from their perspective either.

Mr. Campoli noted that this whole development is a big concern. Mr. Clark understands that the three major things are flipping the one building, the sidewalks, and take the six unit building and split it into two with driveways in the middle. Mr. Azzolina agreed that they are the major concerns. The zoning allows for a density of 15 units per acre, and this is a little bit more than an acre at 1.24 acres. They have more than enough parking for 18 units plus visitors.

Mr. Calder asked Mr. Azzolina if there was any follow-up to exploring a non-structural alternative. Mr. Azzolina thought that was something he figured would possibly evolve depending on if the buildings were to be reconfigured or not. Mr. Clark stated that the reasons they went with the systems they went with is just lack of space. When they look at this and that, if they can provide something that is non-structural, they will take a look at that. It is difficult. Mr. Azzolina noted that it is grass swales, rain gardens. It is under the storm-water management regs, which the State is becoming more and more strict. Mr. Calder just feels that this is something to be more mindful of when we are approving these things. Mr. Azzolina stated that there are lawn areas and landscaping. Mr. Clark does have a landscape plan, but there are layout issues to go through. The landscape plan was marked as Exhibit A7 and it was done by John McDonough's office and a representative from his office was present to talk more about it. You can see that there are buffering plants, plants for aesthetics, trees in where they can, lawn areas all around. There is a retention system, but all other open green spots you can see they have substantial landscaping, especially at the corner because it is the entry point to the application. When they flip and move, they will add as much more as they can. They feel that they have a substantial amount of landscaping and it really enhances the project.

On Exhibit A8, the lighting plan, you can see they have a fancier colonial looking light instead of just a shoebox LED. They try to take that into consideration. They try to build into the aesthetics not only the lighting and landscaping, but also the architectural features. Mr. Durakis asked if the lighting would dim down automatically at night. Mr. Clark stated that whatever is required by ordinance. If there is something that requires it to dim to a certain degree, obviously, they will comply with such. But this will function as any other street light.

Mr. Stamos asked Mr. Clark to scale the length of the building with six units to see if it was split into two and facing each other if there would be enough room for parking in between. They were trying to see what they could possibly do to move the driveways off the street. Mr. Clark noted that the units including the deck and driveway are about 75 feet deep. You can see, even with the road, you are not going to get the same unit on either side. You may be able to get three with a roadway and one on an angle, but maybe the architect can do something with the size of the units. He thinks it is going to be very difficult to get this exact amount of units. Mr. Stamos noted that they are going on the premise that they want to keep 18 units. Mr. Clark stated that units of this size will not work. The idea is let's go back and see what

does work and if it is something that is acceptable or if we have to come back and say it is not. They need time to do their homework. Mr. Malone asked why just flipping them won't work. Mr. Clark explained that the units are 75 feet so if you come off the back of the unit and add a road, you don't have enough room to the property line.

Mr. Calder asked if there was a traffic study done to understand what the flow is and the challenges that are being described. Mr. Clark stated that there were no traffic studies done. Mr. Calder asked if, in light of tonight's meeting, they would do one. Mr. Clark said he was sure they will have that discussion.

Mr. Azzolina stated that there is definitely some homework that needs to be done before they come back. Mr. Clark said they have to go back and look and hopefully come back with something that is acceptable. He is sure they will have a work session before they come back here between their office, Mr. Azzolina's office, police, fire, anybody. This is not the place to do the homework. They want to hopefully come here and say all agreed. Mr. Azzolina said that if the Board is agreeable, they may want to have the planner involved in that discussion, since he is the one that devised this overlay zone. Mr. Clark noted that he did speak with him and if it is okay he will continue to have those conversations with him.

Mr. Calder asked if there is a timeframe when we expect the reports from the Fire Department and Police Department. Mayor Romeo will give the plans to them tomorrow and is sure he will have them by the next meeting. Mr. Clark gave Mayor Romeo his card so they can e-mail him the reports directly.

Mr. Russ Lupino, 1 Crescent Way, Fort Lee, New Jersey, was sworn in by Mr. Schuster. Mr. Lupino noted that he submitted a project identification sign plan for two signs. He asked if anybody has seen that. Those plans were distributed tonight. Mr. Azzolina stated that they would not be putting the signs in unless they get an approval. That seems to be the least of the issues, that is why he didn't comment on it tonight.

Mr. Clark noted that it is obvious that this site can be engineered, that is not an issue. As far as revising the plan, if there is a way to go forward, let's say they come to an agreement on whatever they do horizontally, could they defer revising all the grading and drainage and everything else as a condition of what they would assume would be an approval. To go through that when they know that it can work, they have shown it can work based on something like this. Adjusting here and adjusting over there, really has no impact to what has been engineered and accepted. It's just a lot of busy work in a sense even though it is what they do for a living. If that is something that can be maybe thought about and considered, it would save them a lot of effort. This plan shows that it can be done. He just asks the Board if they would consider that. Mr. Azzolina stated that, in essence, they are seeking a waiver, so it is really the Board's decision. He agrees that it is a relatively flat site. They can get it done. He thinks it is important to hear from the Police Department and Fire Department. Mr. Clark said they can incorporate all the horizontal requests into here, but the vertical, the drainage has all been done, but when they come back with a plan that hopefully will be voted on, hopefully they come back with an amended site plan that would represent adjustments here and adjustments here and that's it. Hopefully if they get an approval, it would be conditional upon carrying thru with the revisions to the grade and drainage, subject to. Mr. Azzolina stated that he thinks we need to see where we are with the reconfiguration and then go on to that.

Mr. Stamos called his next witness, Mr. Raymond Virgona, 125 River Road, Suite 201, Edgewater, New Jersey. He was sworn in by Mr. Schuster. He is a registered architect and licensed planner in the State of New Jersey and has been so for over 40 years. He has testified before this Board before and his license is in good standing. He was accepted as an expert architect and planner for the purposes for tonight's hearing. Mr. Virgona noted that someone from his company has prepared the architectural plans that were submitted for tonight's hearing.

Mr. Virgona stated that they did a concept plan initially. He believes that is the plan that was referred to earlier. That is how this design began to evolve. The intention was to provide as much green space as possible and as much buffering from the commercial use. This color rendering was marked as Exhibit A9 (drawing SK1) dated April 20, 2017. What this shows is the key site plan, which shows the building numbering and the unit designations within the buildings. It shows building elevations for Building #1.



Obviously, this would change with the discussion that was had just recently. This was with the garages facing Broadway, but the aesthetics and architecture is going to remain the same. If the building is flipped, the architecture isn't going to change dramatically. There are 18 townhouse units. They all have three bedrooms. They are all about 2,000-2,500 square feet of living space. They all have two-car garages. They are all designed to be luxury townhouses, individual units. They are not stacked. You can see, from the Broadway elevation, they have a mix of masonry, stone and brick at the base, siding above, metal roofs, bay windows, balconies and other projections. The other street elevation would be the left side which has similar treatment, as is the rear and the other side. The other drawings show the other buildings. Exhibit A10 (drawing SK2) is Building #2, which faces the internal driveway. Also shown is Building #3, which is perpendicular to Building #2 in the middle of the site. All the buildings and all of the façades have the same exterior treatments. Exhibit A11 (drawing SK3) is the elevation for the remaining building, the fourth building. This was the Division Street elevation and the other elevations for the building as well.

Exhibit A12 (drawing SK4) shows the various units and the floor plan for each of the types. Essentially, there are four types of building units. The first one is 19 ½ by 50. The more typical unit is 24 x 42. They all have decks. They all have kitchen, family, living and dining rooms on the first floor. Two-car garages and rec rooms on the ground level and three bedrooms, two baths and laundry on the upper floor. That is typical for all of them. They are all three-bedroom units.

Mr. Calder asked if the corner unit on Building #1 has the driveway on the back. Mr. Virgona said that it did but that would be changed if the building is flipped. Mr. Durakis asked if the façade was going to be consistent throughout and what is the color schematic. Mr. Virgona said that he is showing a stone and brick, probably a red brick and a multi-colored stone, with metal roofs which would be copper colored probably. The roof will be asphalt shingle with a slate coloration and siding will be either grey or beige or a similar type of coloration. All the buildings will match architecturally. Mr. Calder asked about a homeowners' association and if they would be responsible for maintenance of the exterior of the buildings and grounds. It was noted that there would probably be a homeowners' association. Mr. Morgan asked about the height of the buildings. Mr. Virgona stated that the height of the buildings are 37.5 feet from the ground floor to the highest point of the roof. He knows that one of the engineering comments was how they arrived at that number. They are showing an eight-foot ceiling at the ground level, a nine-foot ceiling on the first-floor level and an eight-foot ceiling height on the second floor. Because they have the 24-foot widths, he is allowing about a foot-and-a-half for the construction depth, and that leaves about seven feet or seven-and-a-half feet for the roof space. They are not anticipating any living space in the attic at all. It is strictly an attic with mechanical units, but certainly not any finished living space. There isn't sufficient space there to accommodate that anyway.

Mr. Morgan asked if it was petitioned off between buildings. Mr. Virgona stated that each building is individual. They have a fire rated firewall separating unit to unit and that is in all cases and that will go from foundation all the way up to the roof. There are no breezeways. There is no common space. Mr. Azzolina asked if there were sprinkler systems in these units or not. Mr. Virgona stated that that is not determined yet. They will either sprinkler the building, or in lieu of that they will have to fire rate these to a greater degree than a typical home. They will be either 5A construction, which is fire rated throughout, or they will have sprinkler systems. They are not that far advanced yet to make that decision.

Mr. Brian Shortino, Burton Engineering Associates, 66 Glen Avenue, Glen Rock, New Jersey, was sworn in by Mr. Schuster. Mr. Shortino has never appeared before this Board before. He has appeared before many Boards in Bergen County approximately 1,500 times. He is a licensed landscape architect and his license is presently in good standing. He was accepted as an expert in landscape architecture. Mr. McDonough's office prepared the actual plan. Mr. Shortino stated that he did not prepare the plan. Mr. McDonough had a conflict tonight and he asked him to review the plan and be here to provide testimony. He did review the plan. There are two plans. The first plan was already marked as Exhibit A7, which is the landscape plan, and Exhibit A8 is the lighting plan.

Mr. Shortino noted that on the landscape plan, he provided what he felt was necessary to address certain features of the architecture of the buildings, the open spaces of the property and certain criteria that you

do when you have adjoining properties or frontages on streets. Normally, you have a colored rendering, but he doesn't have that. Along Building #4, which is on the westerly side of the property, the rear and side of the property currently shows a mixture of evergreen material of arborvitaes and hollies which are being planted at about 6-7 feet in height, so they will provide an evergreen screen year-round. Similarly, along the rear yard of Building #2, and also the other building which is rotated 90° which has the front facing the access driveway, along that whole property line he has the same mixture of the evergreen plant material. Those rear yards and side portion of Building #3 will be screened from the private road. By the main entrance off of Legion, he has foundation plantings along Legion on Buildings #1 and #2. There are some internal shade trees within the property and also some internal ornamental trees. He does have foundation planting on each side of every building. The fronts are driveways and the rears are patios. There is a large lawn area behind Building #4 and that is where the underground retention system is, so you really can't put any type of large scale plantings on top of that. He does have a lot of lawn areas along the front and along Legion. There are some shade trees and perimeter foundation plantings. There are plantings along the intersection and also along the side of the end unit that faces Legion.

With respect to the landscaping, Mr. Shortino thinks he has a significant landscape plan. It looks like he has about 25 different plant materials. It is a good mix. With respect to the landscape plan, he doesn't have problems and would probably do something similar if his office were preparing this plan. It is a satisfactory plan for what is proposed for the site. Mr. Calder noted that there looks like there are only eight shade trees on the property. The Borough Engineer commented in his report that there are probably 80 trees being removed. Why are there so few shade trees? Mr. Shortino stated that he doesn't think there are so few shade trees. They put shade trees where they thought they were appropriate. As he mentioned, the area behind Building #4 you can't put any shade trees because that is where the underground retention system is, and you can't put plant material on top of that. You can probably put a couple more shade trees in here. It is not a big deal. When you start putting too many shade trees in, you start to block some views from the buildings. Mr. Calder asked if the owners can put in more shade trees. Mr. Shortino didn't know if the owners were allowed to put in their own trees. Mr. Azzolina noted, just for clarity, that the quantity shown on the plant list is five shade trees, as opposed to the eight that Mr. Calder was just speaking about. Mr. Shortino believes that he was counting the ornamental trees. Mr. Azzolina stated that there are some numerical inconsistencies between the plant schedule and the identification on the plan relative to the arborvitaes, so he suggested that they take a closer look at the plan. Mr. Shortino stated that he didn't check quantities versus graphics.

Mr. Malone asked about the four-foot privacy fence and wanted to know if it was going to go around the whole perimeter of the property. Mr. Shortino was not sure. Mr. Clark showed where the fence was going to go and it would be outside the trees. Mr. Azzolina asked if the thought process was that they were doing a low height fence with the trees growing above the fence so there was no need to install a six-foot high fence, especially along the back adjacent to the auto body shop. Mr. Clark was not sure, in reading the code, he didn't know if a six-foot fence required a design waiver. Mr. Azzolina doesn't think that that is something that the Board would be willing to grant especially given the industrial use behind it. Mr. Clark said that is not a problem.

Mr. Campoli asked if there was a curb installed along his property line before the fence. Right now, he has a six-foot high fence on the south elevation with no curbing because it was natural vegetation. He wanted to know if they were installing a curb and then a fence. Mr. Clark stated that there is no curb. Mr. Campoli asked what they were going to do to retain the soil on that side. Mr. Clark noted that it is going to be graded flat. They will have a fence and shrubs. Mr. Campoli wanted to know how they were going to protect that. It is a commercial parking lot. That is where they put the snow when it is plowed. It is plowed against that. His fence is staying.

Mr. Azzolina asked Mr. Campoli if he is suggesting they put in a curb. Mr. Campoli noted that with vegetation and mulch, other than the fence taking the abuse, how are they going to retain that. Mr. Azzolina is not disagreeing with Mr. Campoli. He wanted to know if he was suggesting that he and the applicant work cooperatively to allow them to construct a curb on his property at their expense. Mr. Campoli said on their property, that would be fine. He thinks it would make good sense to have something that is going to be structured. Mr. Azzolina noted that as long as he is agreeable to that, he

thinks that is something to consider as well. Mr. Campoli said that his fence is on his property line, or he is assuming it is. That fence has been there for 50 years. Mr. Azzolina stated that according to the survey, it is right on the property line. Mr. Clark said that they will be on the other side of that fence. He doesn't see how a curb would protect it from any snow. Mr. Campoli noted that if you are raising the elevation to berm, he has seen in the past that the soil ends up a foot higher. It is just for consideration.

Mr. Shortino turned to Exhibit A8, the lighting plan. It shows some ornamental lighting. Basically, it is two light fixtures at the entrance to the internal driveway at Legion. There are six poles altogether, two behind Building #1, and then there are two straddling the parking area between Buildings #2 and #3. It indicates a grid for the foot-candle light intensities and what he has indicated, because of the two light fixtures at the entrance, it is a little higher, which is what it should be because that is where the most activity will take place on Legion Drive. Of the foot-candle intensities, the highest is 2.9 foot-candles right at the property line at the entrance driveway. Essentially, within the drive aisle and the parking area, it is an average of one point of foot-candle intensities. In his experience, in parking lots, that is what you look for. In pavement areas, for the motoring public and pedestrians you want a 1.0 foot-candle minimum intensity average across that parking area and across that parking lot and that is what they have there. In his experience, he thinks that is sufficient with respect to the lighting.

These are ornamental lighting fixtures. The poles are 12-feet high and the fixtures are approximately two-feet high, so you are looking at a total height of 14 feet. Minimal off-site spillage, point three foot-candles at the property line. It is impossible to get zero at the property line. It is pretty close to what is normally required by municipalities along the property line. With respect to lighting, that is what they are proposing. It is very simple because it is just addressing the internal driveway and it's ornamental in nature and he believes it is sufficient and satisfies criteria for the motoring public within the activity area of the driveway and parking area.

Mr. Stamos asked about the COAH obligation. He wanted to know if that was definitely their number. Mayor Romeo stated that he called and they are allowed to build this because we are satisfying the obligation off site. We called down to COAH and there is a formula. For rental units it is 1.5 times the amount of units, but this is for sale so it is 20%. Twenty percent of 18 is 3.6 which is four units according to COAH. Mayor Romeo called down there and asked them what their contribution from the builder to the town is and at first they said \$225,000 per unit. He called back later on and asked them to check their figures because it sounds very high. Now they are down to \$180,267 per unit. He doesn't think this is going to change. This is all court approved. That would be a contribution to build four COAH units in town. It used to be that you could contribute that money to another town. You can't do that now. That is the number that has been assigned to this.

Mr. Stamos will take that into consideration. They will await the police and fire reports and take those into consideration and see what is feasible and what is economical and what they can do. They would like to carry this to the next meeting, July 24, 2018. If they are not ready, they will ask to postpone it.

Mr. Schuster stated that we are going to waive the statutory time requirements to act. Mr. Stamos agreed. Mr. Clark would also like a copy of the police and fire reports. Mr. Schuster noted that this hearing will be carried to July 24, 2018, without further notice.

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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. Durakis to adjourn the meeting at 9:14 PM, seconded by Ms. Rummel. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for July 24, August 14, August 28, and September 11, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary