

MINUTES

CRESSKILL PLANNING BOARD

JUNE 12, 2018

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

Mr. Durakis made a motion to approve the minutes of the May 22, 2018, meeting, seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter from Mr. Mark D. Madaio, dated May 29, 2018, informing the Board that the Public Hearing scheduled for June 12, 2018, for 26 Cresskill Avenue, Application #1525M, needs to be carried to the June 26th meeting due to schedule conflicts and that an announcement be made at the June 12th meeting so that no new notice is required.

Letter from Mr. Mark Madaio, dated May 29, 2018, regarding 23 Legion Drive and 25 Division Street, Application #1529, asking that this be scheduled for June 26, 2018.

Letter from the County of Bergen, Department of Planning and Engineering, informing the Borough that they are in receipt of a site plan for a mixed-use building on Knickerbocker Road. File.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 14, 2018, sending a representative for BL Sisters LLC to this Board for approval. They would like to open a gluten free vegan bakery at 22B Union Avenue. No one was present.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 4, 2018, sending a representative for Edenland Wellness Massage to this Board for approval. They would like to open a massage center that would include chair, foot, body and facial massages at 21 Union Avenue. No one was present.

Application for Soil Erosion and Sediment Control Plan Certification for Edward H. Bryan School, 51 Brookside Avenue. File.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 4, 2018, sending a representative for Café RX to this Board for approval. They would like to have seasonal outdoor seating at 2 Piermont Avenue. Ms. Donna Vellekamp was present. She explained that there is all concrete already there. There is no grass. They are not doing anything new. They just want to put tables outside. Out front they are getting a lot of walk-ins and a lot of people on a nice day would like to eat outside. They are looking to do 16 tables. They will certainly entertain less. It is something people are asking for. They will open it from April to October, depending on the weather. Mr. Morgan asked how far they were

from Piermont Road. Ms. Vellekamp did not know the measurement. Mr. Morgan is thinking about safety. Mayor Romeo thinks that the upper one is too close to the road. The lower seems okay.

Mr. Schuster thinks that the upper one is in the right-of-way. Mr. Azzolina doesn't think so. It is right against the building, so it is unlikely that the tables are in the right-of-way. Mayor Romeo asked if they would be taking the tables in at night. Ms. Vellekamp noted that they are looking to do a solid piece that has four seats and a table in the middle. Mr. Schuster asked how they were going to provide for additional parking for these. Ms. Vellekamp stated that they are finding that these are a lot of walk-ins. They have the parking that they had the last time, what is on site and the 10 spaces behind. Currently some of the customers are taking the chairs from inside and moving them outside. They do not have them set up outside. These tables are not going to go in and out. They are one piece and they would like to have an umbrella on them. They are very heavy.

Mr. Calder asked about the parking and if there are any issues. Ms. Vellekamp noted that it seems to be okay because the people upstairs are gone at 5:00 and are not there on weekends. They have a lot of people come by on weekends, so it seems that the hours that the upstairs are there and they are busy are different times so it seems to be working out. Mr. Calder asked about lunch time when the employees upstairs are there. Ms. Vellekamp noted that they are using the parking in the back. Councilwoman Tsigounis was concerned about the umbrella color and wanted it to be the town green color. Mayor Romeo agreed. Ms. Vellekamp was agreeable to making the umbrellas green. Councilwoman Tsigounis thinks it would be nice. Mayor Romeo wants them to get rid of the tables by the street. Ms. Vellekamp agreed. Mr. Durakis made a motion to approve, seconded by Councilwoman Tsigounis. All present were in favor. Motion approved. Letter of approval sent to Kay Yu of Café RX, with copies to Ms. Barbara Nasuto and the Building Department.

Memo from Ms. Barbara Nasuto stating that the League of Municipalities Convention is scheduled for November 13-15, 2018. Please let her know if you will be attending so she can make hotel reservations.

Notice from the County of Bergen, Department of Planning and Engineering, stating that they received a subdivision application for Knickerbocker Road. File.

Voucher from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of May 2018 in the amount of \$2,851.27. Motion to approve by Mr. Durakis, seconded by Mayor Romeo to approve. All present were in favor. Motion approved.

Going back to the letter from Mr. Madaio regarding the Public Hearing for Application #1525M, 26 Cresskill Avenue, requesting a postponement to June 26, with an announcement at this meeting so that no new notice is required. Mayor Romeo asked if there was anyone here representing the applicant. Mr. Dean Stamos was present for Mr. Madaio on behalf of another application. Mayor Romeo noted that the neighbors have come out twice now in good faith to hear this because they are concerned about the neighborhood. The last time it wasn't complete and we put it off. Now they are all back again to hear it again and now they are not going to hear it again because, for whatever reason, they have not shown up in good faith to present their development. For that reason, we are not carrying this without an announcement. We are declining this and you need to file it again.

Mr. Stamos stated that he appreciates everybody coming out and taking the time out of their evening. He knows Mr. Madaio wanted to be here for that application and he had a conflict this evening. Therefore, we respectfully ask that you carry it without notice as opposed to being dismissed without prejudice, or not to carry it and re-notice as opposed to dismissing the application.

Mr. Schuster noted that we can dismiss it and then they can re-file. Just as a technical matter, he received the notices of service, but there is no affidavit of publication. From what he has here now, the notice is deficient anyway, so he couldn't carry it in any event without notice because the notices are incomplete. So, the consensus of the Board is that we are going to dismiss this without prejudice and let them refile. That is the consensus of the Board. That means they have to redo everything.

Ms. Janice Tessaro stated that they received an announcement that says June 12, at 8:00 PM, and she takes offense to that because this meeting didn't start at 8:00, it started at 7:30. If people came in at 8:00 or a couple minutes after, they would be walking into a started meeting and that is not right. She feels that it is a show of disrespect to them. They called the Borough Hall to find out what time the meeting started. Mayor Romeo explained that the meeting starts at 7:30 but we go through all the paperwork first before we start any Public Hearing. Mr. Schuster stated that the Public Hearing wouldn't have started before 8:00 anyway. She asked if the rescheduled date would be during summer vacation. Mayor Romeo stated that we have hearings lined up for the next month to month-and-a-half.

Another resident noted that school is letting out in another couple weeks and people are going about their summer vacations. They feel it should be in September to give everybody that wants to show the opportunity to come here. Mr. Mandelbaum stated that it is very disingenuous that people have come and counsel should have known this way ahead of time that he couldn't make it.

Mr. Schuster noted that as a practical matter, if they refile, the Board has 45 days to deem the application complete. Then the Board has 45 days to act on the application. Mayor Romeo explained that this application has been dismissed and the applicant has to refile the application.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that Application #1532, 277 Highland Street, Jennifer & Gabriel Hamani, is substantially complete as presented and can be heard at the next meeting. Mr. Uri Rapaport was present for this application. He stated that they propose a new house. This is a corner lot. It complies with all the requirements except the combined side yards because if they did they would have nothing left. Mr. Azzolina noted that that is not quite accurate because it is a corner lot and it has two front yards. They are actually seeking a front yard set back variance as opposed to the combined side yard variance. Mr. Rapaport noted they cannot meet the minimum 25 feet on the other front yard setback and they are offering to be at 16 feet which is better than what is existing. They are improving the situation. Mr. Azzolina noted that the other thing that is important about this application is that he is maintaining the front line of the building, which is the front door of the existing structure fronts along Highland and the proposed dwelling will have the same configuration and will face Highland. Mr. Morgan asked if he could be ready for June 26, 2018. Mr. Rapaport stated that he could be. The Public Hearing was scheduled for June 26, 2018.

Mr. Azzolina stated that Application #1534, 260 Concord Street, Dana Koblenz, is also substantially complete. This application requires side yard variances for individual, two at ten feet, and a combined side yard setback. That application is next door to an application that was reviewed and approved a couple years ago. Greenberg was the applicant. Mr. Rapaport said he could be ready with this one also on June 26, 2018. The Public Hearing was scheduled for June 26, 2018.

Mr. Azzolina prepared a memo for Application #1531, 62 Merritt Avenue, 62 Merritt LLC, which is scheduled for a Public Hearing tonight.

Old Business

None.

Resolution for Application #1528, 27 Clark Street, Ilan Doran, was introduced by Mr. Durakis, seconded by Mr. Ulshoefer. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

Resolution for Application #1533M, 462 Knickerbocker Road, 15 Wakelee Dr. Corp., was introduced by Mr. Ulshoefer, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

The Board hereby moves that Application #1525M is hereby dismissed for lack of prosecution without prejudice. Councilwoman Tsigounis made a motion to approve, seconded by Mr. Calder. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion approved.

Public Hearing – Application #1531 – 62 Merritt Avenue

Mr. Dean Stamos was present, on behalf of Mr. Mark Madaio, representing the applicant 62 Merritt LLC. The subject property is 62 Merritt Avenue. The application involves an undersized lot that has 7,558 square feet where 10,000 square feet is required. The subject property has a single-family home, one story dwelling. The applicant seeks to demolish the existing frame of the home, maintain the existing foundation and build up from the existing foundation maintaining the existing conditions that are there, which are variance conditions. This property was purchased this way. It was undersized when they bought it. It is not the result of a subdivision. They are not looking to increase the footprint. In fact, it is being slightly decreased.

Mr. Sean McClellan, 101 West Street, Hillsdale, NJ, was sworn in by Mr. Schuster. He has appeared before this Board many times before. He is a licensed engineer in the State of New Jersey. His license is presently in good standing. He was accepted as an expert in engineering for today's hearing. Mr. McClellan's firm has prepared the site plan that was submitted with the application. He is fully familiar with the subject property as well as the proposed development.

Mr. McClellan noted that this is an undersized lot at 7,558 square feet, where 10,000 is required. The width is 75 feet, where 100 is required. The side yard on the left side is 7.5 feet where 15 feet is required, and on the right side it is only 9.6 feet, where 15 is required. That puts them at a combined side yard of 17.1, where 35 feet is required. The proposed development will not increase those setbacks. All the non-conforming setbacks will remain the same. There is also a rear yard setback that is non-conforming at 28.3 feet, where 30 feet is required. That will not be increased with the development. The proposed height will comply.

Mr. McClellan stated that there are a couple other non-conformities. The building coverage currently is non-conforming at 22.3%, where 20% is required, and also the impervious coverage is at 39.8%, where 32.4% is required. Mr. Stamos also noted that they have an undersized lot here, but yet the FAR will remain compliant. Mr. McClellan agrees that it will conform. The one thing that they plan on doing is the total impervious coverage is going to be reduced by about 90 square feet. That will reduce the coverage from 39.8% to 38.6%. They are going to make that a little bit better than it currently exists. The building coverage, though, will slightly increase. They are actually cutting back about 90 feet off the footprint, but they are adding 30 feet for a covered porch and the reason it is increasing is because they are adding a deck instead of a patio. The building coverage will slightly increase, but they have taken off part of the building, removed some walks and some pavers, so the overall impervious coverage will be less than what currently exists today. The increase is tucked in the back with the deck. If they would have went with a patio instead of the deck, then they would have been reducing the building coverage percentage,

but because the deck is considered part of the building coverage, the building coverage will be slightly increasing.

Mr. Stamos asked Mr. McClellan if he had the opportunity to review Mr. Azzolina's report. Mr. McClellan noted that they can comply with everything. They plan on removing no trees for this project. It is possible that some of the span of the trees might overhang a little bit, so they may have to do some pruning, but all of the trees will remain.

Councilwoman Tsigounis asked what the date of the latest site plan was. It is March 8, 2018.

Mr. Morgan opened the meeting to the public. Mr. Hun Chul Hong, 66 Merritt Avenue, wished to be heard and was sworn in by Mr. Schuster. He wanted to ask if they could plant evergreen trees at least six feet high between 66 and 62. This is on the right of the property. Mr. McClellan noted that they have plenty of room and if the applicant has no objections, he doesn't see any reason why they couldn't do that.

Mr. Effy Barmoshe, 655 Koch Peak Avenue, Washington Township, NJ, wished to be heard and was sworn in by Mr. Schuster. Mr. Barmoshe is the owner of the corporation 66 Merritt LLC. Councilwoman Tsigounis asked if he was going to be residing there. Mr. Barmoshe stated that he was not.

Mayor Romeo asked Mr. Azzolina if the minimum side yard was staying exactly the same. Mr. Azzolina stated that they are maintaining the existing side yard. By preserving the foundation, even though they are taking all the wood frame structure off, the foundation will remain in its present location. He also notes the architect is here.

Ms. Linda Del Nobile, 299 Park Avenue, Park Ridge, NJ, was sworn in by Mr. Schuster. She has testified before this Board before. She is a licensed architect in the State of New Jersey. Her license is presently in good standing. She was accepted as an expert architect for the purposes of today's hearing. Ms. Del Nobile prepared the plans that were submitted with the application and she is familiar with the design and the subject property. On the basement plan, you can see that the perimeter is pretty much remaining intact, except they are removing part of the foundation. They crawl space in the back they are making smaller. The main body of the house and where the garage is will remain the same. They are increasing the basement by two block courses.

On the first floor, they are just building on top of what is there. The garage is slightly undersized for a two-car garage, and the main part of the house they are opening it all up and creating an open floor plan. They are taking off a small area in the back and bringing it in. They are going to rebuild that area for a connection between the house and the garage. Above that level, they are adding a second floor which is the bedroom level that is going across the whole second floor. It will have four bedrooms and two bathrooms upstairs.

The design of the front of the house, it will have a nice aesthetic façade and keep it in line with what is there. The height of the house is 28 feet. It is a center hall Colonial style house. There is a guest room in the basement with a bathroom. There is a half bath on the first floor. The sides have ins and outs and jogs so you don't have a 40 foot wall on one side. The garage is set back almost 20 feet. It is almost totally behind the house. Instead of a monolithic structure, you have two sections that are jogged that kind of softens it up. They are conforming to the FAR.

Mr. Stamos noted that as Mr. McClellan mentioned, there will be no objection to the shrubs or trees on the side. It will have no effect to the design. Ms. Del Nobile agreed.

Councilwoman Tsigounis asked if the house was currently a ranch. Ms. Del Nobile noted that it is. Councilwoman Tsigounis asked if there is currently a second story over the existing garage. Ms. Del Nobile noted that there is not. She presented pictures from Google Maps and it was marked as Exhibit A1.

Councilwoman Tsigounis asked what the distance was to the other houses. Mr. McClellan noted that the house to the left, the distance to the side yard is 9.9 and this side yard is 7.5. On the right side it is 10

feet exactly from the other house to the side yard and this side yard is 9.6. Ms. Del Nobile noted that to the main part of the house is another 18 feet. Mr. Calder asked what it would look like as a two-story house compared to the houses next door. Ms. Del Nobile showed pictures of houses down the street and said it would be similar to that. Councilwoman Tsigounis noted that the space between the houses would be 19.5 and 17.5 feet. Mr. Stamos explained that when you analyze these undersized properties, you look at it as how is it in relation to the existing non-conformity. The reality is they are not overbuilding on the lot.

Councilwoman Tsigounis totally understands that the garage is almost completely behind the house. The Board is just trying to figure out why they are building again on that same 7 ½ foot side yard when there is really no hardship, it is just a garage structure. It's a slab on grade. Mr. Calder stated that there is an opportunity to improve that situation. Ms. Del Nobile stated that the only thing is that they have only 40 feet to deal with so if they were to conform on that side, she ends up with a single-car garage. Mr. McClellan noted that if they make it nine feet, and make it a one-car garage, is it significantly better. Ms. Del Nobile explained that they have explored other options and the main thing is, in order to keep into this 40 x 40-foot building envelope, you have a 20-foot garage and you have a 20-foot residence. Twenty feet is just so narrow. Councilwoman Tsigounis totally understands but the Board has approved side yards that are ten feet or 12 feet, but 7 ½ feet is a tough one unless there is an extreme hardship on a 75-foot lot. That is what the Board is struggling with right now. Ms. Del Nobile said that the only response she has to that is that it is existing and it has been there long before zoning and they are not making anything worse and she thinks that overall they are doing a better job with the planning doing it this way than to put some big box, moving the garage over, or having a single-car garage and moving it over. Putting a big box on this property she doesn't think is a better planning alternative to what they have done.

Mr. Morgan asked how far they were from the neighbor. Ms. Del Nobile noted that they are 17.5 and 19.5 feet from the houses on either side. She also stated that it really is in keeping in line with what that neighborhood is all about and what is going on there. Councilwoman Tsigounis wanted to let her know that she does appreciate the fact that they haven't actually exacerbated that by extending that forward, by keeping it towards the rear. Ms. Del Nobile noted that there is really 35 feet house to house on the one side because the garage is set back.

Mr. Ulshoefer asked why they are using the original block. Ms. Del Nobile said because it is there. They are taking it down to the foundation. They are raising the height of the first floor so there is more height in the basement.

Motion made by Ms. Bauer, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan and Ms. Bauer voted yes with the stipulation of the six-foot evergreens between the houses. Mr. Calder voted no. Mr. Durakis and Mr. Mandelbaum voted yes. Mr. Ulshoefer voted no. Mr. Malone voted yes. Motion Approved.

New Business

None.

Other Business

None.

Mr. Morgan opened the meeting to the public. No public wished to be heard.

Motion was made by Mr. Durakis to adjourn the meeting at 8:43 PM, seconded by Ms. Bauer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for June 26, July 10, July 24, and August 14, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary