

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**JULY 24, 2018**

Mr. Ulshoefer opened the meeting at 7:36 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. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

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Mr. Calder made a motion to approve the minutes of the July 10, 2018, meeting, seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

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#### **Correspondence**

Letter of introduction from Mr. Bob Rusch, dated July 11, 2018, sending Mr. Frider to this Board for approval. He would like to construct a new single-family dwelling at 18 Kenilworth Drive. Application #1537 was received on July 18, 2018. Mr. Azzolina noted that he just received the plans a day or two ago and just received the architecturals tonight. He will have a completeness determination for the next meeting.

Application for Soil Erosion and Sediment Control Plan Certification for 54 Cranford Place, Application #1535, Lumaj Homes, LLC. File.

Application for Soil Erosion and Sediment Control Plan Certification for 277 Highland Street, Application #1532, Jennifer Hamani. File.

Application for Soil Erosion and Sediment Control Plan Certification for 62 Merritt Avenue, Application #1531, 62 Merritt LLC.

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#### **Subdivision Committee**

Councilwoman Tsigounis noted that the only new application received is Application #1537, 18 Kenilworth Drive, 18 Kenilworth LLC, received on July 18, 2018. This is currently under review.

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

Mr. Azzolina reported that Application #1537, 18 Kenilworth Drive, was the subject of a minor subdivision to create two lots. Now we have a single lot with one house and a different owner.

Mr. Azzolina reported the site plans he received for Application #1535, 54 Cranford Place, as presented are in compliance with the code. The standard comments would be that this is a previously non-conforming lot with respect to the area and street frontage that are slightly deficient. Typically, the board has accepted those as existing conditions not requiring a Public Hearing. The proposed design complies with the designing regulations with respect to setbacks, corner lot two front yard setbacks, rear yard complies. FAR is compliant. He would recommend that the Board approve the application as presented, subject to the standard conditions, which are video inspection of the sanitary sewer and the curb to be replaced in kind. Tree removals are indicated to be four trees, so that is the purview of the Building Department. Mayor Romeo asked that they replace them. Mr. Lumaj agreed to replace them.

Mr. Azzolina stated that if the Board is willing, he recommends that the plans be approved as presented. Mr. Ulshoefer made a motion to approve, seconded by Mr. Durakis. All present were in favor. Motion approved.

Mr. Azzolina noted that the other application currently under review for Lumaj is Application #1536M, 26 Cresskill Avenue. Mayor Romeo stated that we need to find out what the attendance is going to be at the two August meetings and then we will get it on the schedule.

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### **Old Business**

None.

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

Mr. Mark Madaio, with offices on 29 Legion Drive in Bergenfield, NJ, was present on behalf of the applicant, Legion LLC, who is the contract purchaser of the subject property, which is Block 182, Lots 29 and 30. Mr. Stamos, Mr. Madaio's associate was present at the last meeting and was able to present 12 exhibits and was able to really to listen to some of the Board's concerns.

Mr. Schuster noted that, for the record, this matter is a continuation from the July 10, 2018, meeting, which notice was duly given. The matter is carried without further public notice.

Mr. Madaio noted that what they were able to do is, he thinks, there was an awful lot of testimony given last time. They went through virtually all of their experts last time. More critically, even though they had a fully conforming site plan which complied to the ordinance in every way, there appeared to be some concerns that maybe could be made better. He thinks the original response, as often is the case, is that is impossible, but when everyone set their minds to it, it managed to get done. And it is possible. It will require two minor variances because they are shifting buildings quite substantially. It was not anyone's intention when this ordinance was written as part of the Affordable Housing Fair Share Plan, that they would be seeking any variances. So, Mr. Madaio loathes that they are seeking variances because that simply wasn't the intention of the town or them. But it is also not their desire to put form over function. If they can make it better, let's see if they just did. He would just like to have his engineer explain from the revised engineering drawings, what they were able to do, what it means, what variances it causes and then he would like to have his project architect just tie that up with how they accommodated some of those concerns from an architectural point of view. It is not his intention to start back at Exhibit 1 and start over unless anyone feels that is necessary.

Mr. Matthew Clark, MCB Engineering, 11 Furlough Street, Totowa, New Jersey, was sworn in by Mr. Schuster. In the prior hearing he was deemed an expert in engineering and we will consider that to continue today. His license is presently in good standing. Mr. Madaio stated that his understanding is that at the end of the last meeting, there were couple of significant design changes which included building movement and turning the face of buildings. One was relatively simple and was agreed to at the

meeting, or basically thought it was a yes at the meeting. Mr. Clark noted that that was Building 1. The Alternate Site Plan was marked as Exhibit A13. Mr. Clark noted that Building 1's driveways all fronted out and gained access to Broadway along the street with direct access. The request was to flip this building and have it access the driveways to the internal roadway. They have done that.

Mr. Madaio stated that he understood that this created no special problems. It was simply a matter of some engineering, physically making it happen and they can eliminate those driveways that pull directly onto Broadway. Mr. Clark noted that it is the same architectural unit, just flipped.

Mr. Madaio noted that there were some changes that required more extensive undertaking. Mr. Clark went back to the old Exhibit A2 and pointed to Building 4. All the driveways accessed off onto Division Street. There was concern about people backing up here. The comment was can they come up with a roadway and put buildings on either side. At the meeting, they did some rough measurements thinking that it wouldn't fit. The architect came up with a different unit, which he can describe in better detail, but they were able to get that theme. They have the driveway/roadway, with three units on either side, so they don't lose any overall unit count, but it is a different unit. It is further back on the property and creates less of a buffer to the property behind them. The driveways enter and exit into an internal roadway and that roadway exits the site.

Mr. Madaio asked, having done that, what makes this a little better. Mr. Clark stated that the only deviation that this creates is the yard set back from the property line where 15 feet is required, and they have 12. That is the only deviation in order to accommodate that. It is their understanding that this is really a big concern of the town. Now they can come in in a more traditional fashion. They have the 18-foot driveways, two-car garages. You have access to each unit with a little bit of a turn-around at the end. There is plenty of room and it complies with the RSIS as far as driveway widths and roadway widths, parking and all of those things.

Mr. Madaio noted that when they talk about the buildings being closer to the property line, what they have also done is, they are not eliminating the trees that they intended to plant back there, they are re-purposing them. There will still be some in the back, but some of those trees have now moved to the front because now they have a little room for them. Mr. Clark showed a landscape plan, which was marked as Exhibit A14. He noted that basically the theme of the landscaping plans, the variety of plants and the buffering plants was just modified based on the flip of the building and the two buildings. They were able to dress up the buffer along Broadway a little bit more. They were able to get three more street trees in there so now they have eight street trees along all of the frontages.

Mr. Madaio noted that the front yard setback should be 15 and they are at 12. Mr. Clark agreed. Mr. Madaio noted that that is a variance that they had not previously discussed and that is only required by the revisions that the Board preferred and helps them maintain that more traditional site where there are no exits directly onto the streets.

Mr. Clark stated that the four foot fence that they talked about to try to remain variance free, and he thinks there were some comments that the Board may entertain going to six feet. They represent that as a six-foot fence now and they noted that now as a deviation. Mr. Madaio stated that that is their other variance. He noted that as they moved closer to the property line, they decided to take the fence higher to provide a greater buffer that doesn't exist anymore because of how they flipped the buildings.

Mayor Romeo asked how far they are from the curb. Mr. Clark said they are 22 feet from the curb. Mr. Madaio asked if the driveway creates any sight triangle issues, any distance issues as far as view, any safety issues as far as pulling out, or anything like that that the Board should be aware of. Mr. Clark stated that it does not. Mr. Madaio stated that it is still a fully RSIS compliant two-lane driveway. The units are the size that are there, which have been incorporated by Mr. Virgona into his plans. Mr. Clark agreed.

Mr. Madaio stated that if this is a better plan in the eyes of the community, it is certainly a plan they can work with. The deviations which they seek are the fence height, which he assumes they all think is

relatively de minimus, and, of course, as the buildings got closer to the property line, it may, in fact, be a benefit to have a slightly higher fence, because they just don't have as much room for a vegetative buffer. Additionally, the front yard, again they designed a structure that was conforming in all regards, if this is a little less than conforming, but they like it better and has a more desirable ingress and egress. He would submit that that also is a benefit to the town and puts all the vehicles in and out on one driveway, and he will keep saying it, because after the last meeting, he did drive through Willow Run and sort of made some observations. In essence, this becomes a lot more like that. He thinks that was the Board's desire.

Mr. Clark talked about the sidewalk on the plans and the monuments, which he pointed out on the plan as well. With regard to the fence, they have extended the fence and since it goes beyond the front of the building, that requires a deviation at those locations as well. They can pull it back but they are trying to use it for buffering. Mr. Madaio stated that there are two deviations with regards to the fence that they would want to amend their application to include. The first is the fence that he is calling "in the back," and the fence being used as the best buffer possible at six feet. Mr. Clark pointed out on the plan where the fence is going. He also noted that they included the decks in the building coverage and they still comply.

Mayor Romeo asked about the sidewalk in the front. Mr. Clark noted that they don't show it at this time. He doesn't believe there is one there. Mr. Azzolina stated that there is a sidewalk at Piermont Road so he does recommend that minimally he extend it across the westerly portion of the frontage so they have a direct connection to the Piermont Road sidewalk.

Mr. Mandelbaum asked where guests park. Mr. Clark showed where the designated guest parking was, but noted that based on the RSIS calculation, there is a factor for visitor parking. Point five of that ratio includes visitor parking. It includes the driveways, garages, the previous space pointed out. It is a catchall. Mr. Calder asked what the fence looks like. Mr. Clark stated that it would probably be a PVC fence. It is less maintenance and would probably be a color that compliments the buildings.

Mr. Ulshoefer opened the meeting to the public.

Mr. Robert Rancan, 102 Linwood Avenue, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Rancan is the owner of the body shop. He noted that when the building was facing Division Street, there was in the backyard a water retention facility. Now that the buildings have been moved backwards, what happens to that system. Mr. Clark stated that the impervious coverage went up a few hundred square feet, so, in essence, there was really no increase from the original plan that they presented. The pipe system now will be broken up into the streets, the landscaped islands between Buildings 3 and 4, and now they can take advantage of the area behind Building 1. They are just going to move it to a different location.

Mr. Raymond Virgona, 125 River Road, Edgewater, New Jersey, was sworn in by Mr. Schuster. He was deemed an expert in architecture and planning at the last meeting. We will continue that indication as an expert in architecture for this hearing. His license is still in good standing. Mr. Madaio asked how the changes to the layouts effect the architectural side of the equation. Mr. Virgona noted that referring to drawing SK1, Building 1 has now flipped. All the garages and entries are now accessed from the internal driveway and the rear of the building faces Broadway and there is no access from Broadway. This plan was marked as Exhibit A15. Mr. Madaio noted that nothing fundamentally has changed about the look. They simply flipped the building. The backs of the buildings are fairly decorative with decks and breaks. People to the north are not just getting vanilla box back of buildings. Mr. Virgona said that the roof has some detail in it. It is the same architectural treatment as the other sides of the building also. The revision date on this drawing is July 24, 2018.

Mr. Virgona explained that they eliminated the original Building 4 and added a Building 5, because instead of having one six-unit building, they now have two three-unit buildings. He noted that drawing SK2 is the same as the previous plans. That is the elevations for Buildings 2 and 3 and they have not changed at all. On drawing SK3, which previously was the elevations for Building 4, is now a completely different sheet. It is now the plans and elevations for the new three-unit buildings. The units are 27 x 34 feet approximately. They are a little bit smaller than the original units that they had, but they still have the

same three bedrooms, two baths plus two halves, a generous living, dining, kitchen on the main floor, three bedrooms, two baths, laundry on the second, two-car garage and a small rec room on the lowest level. On the lower part of the drawing you will see the front elevation, which is the elevation where the buildings face each other on the interior. Building 4 and Building 5 are mirror images of each other. The entrances for those buildings comes off the new driveway that has been created. The architecture is the same as it was, generally speaking. The shape is slightly different, but the treatment is the same. Building 4 faces interior to their courtyard between buildings. Building 5 faces the commercial development to the west.

Mr. Madaio asked Mr. Virgona if he agreed that the variances which they require are effectively two variances as to the fence, or one variance as to the fence height and then two variances as to fence height wherever that is where it goes behind the structure and that setback in the front yard for the building they moved because they are creating a 12-foot setback where a 15-foot setback is required. Mr. Virgona agreed. He is not aware of any other variances or deviations.

Mr. Madaio believes that they have taken it to where the Board really wants to see it. They are really minor variances and are not going to have any negative impact on the area. The whole purpose is to make it conforming to satisfy COAH.

Mr. Ulshoefer stated that, according to the engineer, there are approximately 80-82 trees coming down in order to build this. The old plan shows five trees and now they are showing eight trees being planted. That is a small majority. We are losing a whole lot of trees. He is sure there are some more spots in back of people's building where they can at least put a few more trees in there. Mr. Madaio stated that they will put trees anywhere the Board wants. There is only so much room on the site. You have conforming coverage. He doesn't know that he thinks it is fair to compare the number of trees on a developed site to the number of trees on an undeveloped site, but anywhere that this Board would like to see trees on this site plan, they would be happy to put a tree. He doesn't know where the open space lies, but if the engineers want to work together as a condition of the resolution to add trees, they never have a problem with that. Mr. Azzolina doesn't have a problem with that, but he stated that the only thing the Board should be aware of, based on Mr. Clark's testimony, was that he is now going to have to locate the stormwater management system in the lawn areas, so you are not able to put any trees over pipes. It is something that they will have to look at.

Mr. Ulshoefer stated that there are spots on the drawings where they have at least 12 feet behind some of the buildings and you can have a buffer zone. If you were building a house, you have to have a buffer zone behind the house in the first place. Mr. Madaio said they would be very happy to work with that. Mr. Ulshoefer thinks it would be better for all concerned, the people that are going to move in there, you don't want a bunch of small little bushes, and you have all the sun beating down on you. You might want to sit outside on your deck and have some coverage. Mr. Madaio said they would be happy to do it. They don't make money selling ugly units, but they would be happy to add trees. Mr. Calder asked if the illustrations accurately portray where trees are going. Mr. Virgona noted that they do not. Mr. Madaio stated that some of those trees are over underground water retention. There is no ability to use what Mr. Virgona put that look nice to actually be where you put trees. But, if there is a space for trees, they are happy to do it.

Mr. Durakis said that they indicated at the last meeting that the façades on the outside of the townhouses would be a consistent pattern of color. What is the intention there? Mr. Virgona had presented a color drawing with neutral colored siding with accents. Metal roofs, masonry on the lower portion of the buildings with brick or stone, which will vary from unit to unit. They were talking about a slate colored or asphalt shingled roofs. That's what was shown on the initial drawing. It is either this or something similar. He is not sure whether every building is going to be the same. It is not going to be a checkerboard scenario. It will be consistent.

Mr. Calder made a motion to approve, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion approved.

Mayor Romeo explained that a developer's agreement will need to be done. He told Mr. Lupino that a COAH fee will need to be taken care of. Escrow will also need to be paid in order to issue the permits. Also needed is sidewalks in the front, along Division Street, and some trees.

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**New Business**

None.

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**Other Business**

None.

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

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Motion was made by Mr. Malone to adjourn the meeting at 8:16 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 August 14, August 28, September 11, and September 25, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary