

# **MINUTES**

## **CRESSKILL PLANNING BOARD**

**AUGUST 28, 2018**

Mr. Morgan opened the meeting at 7:32 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, Mr. Morgan, Ms. Bauer, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

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Mr. Ulshoefer made a motion to approve the minutes of the August 14, 2018, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

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### **4Correspondence**

Letter of Introduction from Mr. Bob Rusch, dated August 20, 2018, sending Mr. Patel to this Board for approval. He would like to expand the Cresskill Tavern to the two former neighboring spaces to add a commercial kitchen and dining room to create a full restaurant at Cresskill Tavern, 29 East Madison Avenue. No one was present, and no plans/layouts were received.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated August 20, 2018, sending a representative for Math & Beyond to this Board for approval. They would like to open an education center with one-on-one tutoring and SAT prep at 6 Madison Avenue, replacing Bricks for Kids. Ms. Raida Merlo was present. They do one-on-one tutoring and group study. They have 1,000 square feet. The hours of operation will be from 3:00-8:00 PM. They are going to try seven days a week. If they have the traffic for it, they will keep it that way, otherwise they will change the hours. They will have about four people working there. The groups will be four or five kids tops. The landlord doesn't allocate parking. There is plenty of parking. Mr. Mandelbaum made a motion to approve, seconded by Mr. Malone. All present were in favor. Motion approved. Letter sent to Ms. Merlo, with copies to Ms. Maragliano, Mr. Rusch, the Fire Department, Police Department, and Health Department.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1536M, 26 Cresskill Avenue, Lumaj Builders LLC, for Demolition Only. File.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1541, 56 Cedar Street, Lumaj Properties LLC. File.

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### **Subdivision Committee**

Nothing to report.

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

Mr. Azzolina reported that he did receive the site plan for 56 Cedar Street, Application #1541, Lumaj Properties, which is across the street from the house they are currently working on. The plan as presented is complete. No variances are required other than the affirmation of the existing non-conformities that are the width of the lot, which is 81.56 feet. Otherwise, the application as presented complies with the zoning for the R-10 zone. FAR is compliant and everything else about it is compliant. Tree removal appears to be in compliance with the ordinance and that is the purview of the Construction Official. He will have the final say on that. He would recommend that the Board approve the application subject to some minor technical things that the applicant has to supply, like the drainage calculations, which he has not received. There are also some minor things, but he feels the Board can approve it subject to them submitting in the next week or so the missing items.

Mr. Ulshoefer asked how many trees were being taken down. Mr. Lumaj noted that they are marked on the site plan. Mr. Azzolina noted that there are 12. Mr. Ulshoefer asked how many of them they were replacing. Mr. Lumaj stated that they were replacing four or five. Mr. Azzolina corrected the number to 13 trees being removed. Mr. Ulshoefer stated that they are also going to need a buffer zone in the back of the house. Mr. Lumaj noted that they are going to apply for the permits to remove the trees and are not going to cut anything unless it is approved. He also noted that he will plant the most trees as possible.

Mr. Malone made a motion to approve, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

Mr. Azzolina noted that Application #1538M, 403 & 411 12<sup>th</sup> Street, Robert and Maritza Mier, is being represented by Mr. Capizzi, who was present. The plan is complete as presented. The plan is a major subdivision because it requires variances. The plan is labeled as a minor subdivision, but under the ordinance, if you require variances, it becomes a major subdivision. He would recommend that the Board schedule a Public Hearing. Both properties are owned by the same owners. Mr. Capizzi noted that they have a non-conforming situation as to impervious coverage on one of the lots. This will reduce the extent of the non-conformity. It won't eliminate it in total. It was an oversight on some work that was already done. The Public Hearing was scheduled for October 9, 2018.

Mr. Azzolina stated that the other application that is still under review is Application #1540M, 35 Westervelt Place, Robert & Theresa Zerrenner. They have done a preliminary review and he has not had the opportunity to review the findings of his staff engineer. The initial finding is that it is incomplete. It is a subdivision/site plan. They are proposing to subdivide the parcel and construct a home subject to the subdivision approval. There is a home on the property that will stay but all the buildings in the back will have to be removed. The lot is a 100-foot lot and the two lots will each be 50 feet. Mr. Capizzi also represents this application and wishes to be tentatively be put on for a Public Hearing on October 9, since he will be here for the Mier application. If he receives Mr. Azzolina's letter, he can address those items in time since it is six weeks away. The Board was in agreement. Application #1540M was tentatively scheduled for a Public Hearing on October 9, 2018.

Mr. Azzolina noted that he prepared a report for the subject of tonight's Public Hearing, Application #1539, 199 9<sup>th</sup> Street.

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**Old Business**

Ms. Lois Chun was present regarding the re-occupancy of 22B Union Avenue for her resale shop, Arkiv Shop Inc., that was discussed at the last meeting. Ms. Chun noted that they were put on hold because some of the items were in question. They created a new amendment with the landlord which asks them to keep everything at PG, which they agreed to do. They will eliminate everything that was in question last time. They hope to be able to open as soon as possible. They also included a diagram of the store layout. They limited the seating to just four ottomans. They don't have a lot of space for seating. The majority of the snack bar is based on grab and go. The ottomans are going to be by the TVs. They are

easily movable. They are on wheels. Mayor Romeo asked if Mr. Angeletti gave them an addendum to the lease that they signed and agreed to. Ms. Chun stated that that is correct. Mr. Schuster hasn't actually seen it by was sent an e-mail with what was going to be in it.

Ms. Chun explained that her store in Edgewater is currently closed because they are waiting for permits for the construction that needs to be done to repair the air conditioning. They have to negotiate with the landlord as to who is going to pay for it.

Mr. Malone made a motion to approve, seconded by Mr. Mandelbaum. All present were in favor. Motion approved. Letter e-mailed to Ms. Chun, with copies to Ms. Maragliano, Mr. Rusch, the Fire Department, Police Department, and Health Department.

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### **Public Hearing – Application #1539 – 199 9<sup>th</sup> Street**

Mr. Thomas Barrett was present representing the applicants, Lehavit Lapid and Norberto Szerdszarf, for Application #1539. Mr. Barrett presented Mr. Schuster with the notices and tax list. This is an application to demolish the existing one-family home and replace it with a new one-family home. There are certain non-conformities that are being eliminated and others that are being improved in the sense that they will be less non-conforming. They are lessening the height of the home but they, nevertheless, still need a height variance. Mr. Uri Rapaport will discuss the reasons why they need that variance. They do conform with the individual side yards. They do not, however, conform to the combined side yards. That will be addressed through testimony from Mr. Rapaport as to which portion of the proposed structure necessitates that variance.

Mr. Chris Lantelme, 101 West Street, Hillsdale, NJ, was sworn in by Mr. Schuster. He is a licensed engineer and has appeared before this Board many times. His license is presently in good standing and is an expert in engineering for the purposes of today's hearing. Mr. Lantelme noted that the site plan is dated June 19, 2018, and there is no revision date. This was marked as Exhibit A1. The property is Lots 417 and 419 in Block 31. The property is about 150 feet north of Magnolia. It is in the R-10 residential zone. This lot is a non-conforming lot in both area and frontage. It is 7,500 square feet in area. The zone requires 10,000 square feet. The frontage is 75 feet and the zone requires 100 feet. The lot is 100 feet deep and that is conforming. The existing characteristics is that it is on a hill and there is almost 12 feet difference between the elevation at the road and the back yard. The lot presently has a two-story home on it. There is a detached garage in the back with a driveway that runs along the right side of the property. There is a patio and a walkway. As it sits now, there are four non-conformances, side yard at 9 feet, where it should be 15 feet, front yard at 21 where it should be 25 feet, non-conforming impervious coverage issue right now and also the building height at a little over 31 feet high and 28 feet is conforming.

What is being proposed is to remove all existing improvements on the lot and to build a two-story dwelling, a rear patio, a front-loading garage, and a front walkway. This garage is going into the bottom level of this house. One of the variances is the combined yard at 33.3 feet versus 35 feet. It is a narrow lot at 75 feet wide. They are conforming on the individual side yards at 15 feet or more. On building coverage, they are looking for a slight variance at 20.52% versus 20%. On building height, 30.7 feet versus 28 feet. They are also asking for a variance for a retaining wall. Retaining walls are only supposed to be four feet high in the front yard and there is going to be a portion of this retaining wall where it is going to reach as high as five feet. That is since the driveway goes up into the house, you start off with a very low retaining wall and by the time you get about five feet from the house, the garage door, that is about where this retaining wall is going to exceed four feet and it is going to go a little bit higher. By the time it hits the house, it is about five feet high on the retaining wall. The non-conforming retaining walls are on the back side of the driveway. The walls are in each side of the driveway.

Mr. Lantelme also noted that they are eliminating some non-conformances too. They are eliminating the impervious coverage variance completely, as well as the front yard and side yard setbacks. Both of those variances that exist now will be eliminated. They are going to be decreasing the height variance. They

are lowering the roof by over a foot, but it is still a non-conforming roof and the architect will explain why they need that variance.

Mr. Lantelme explained that this is a narrow lot and it is difficult to get the combined side yard variance. It is not that difficult to get the individual side yards with a 75-foot-wide lot, but the combined side yard is difficult. The house to the left has the same kind of situation where they are too close on one side and they don't make the combined side yard setbacks. The house on the other side is a larger lot, but the older houses were built closer to the property line. This is just something that you see a lot under these circumstances. They are also putting in drainage for the roof and for the window wells. They can do it all in one 1,000-gallon seepage pit in the front yard. There are two trees that they are asking to be removed. One is in the front left corner that is a little close to the house. And there is one in the back. There are three or four other trees that are remaining along the property line. As far as soil moving, they will be removing about 243 yards from the site, if approved. That would be at least 15 truckloads, depending on how compact the soil is.

Mr. Barrett called Mr. Uri Rapaport, 15 Franklin Street, Tenafly, and he was sworn in by Mr. Schuster. Mr. Rapaport is a licensed architect and has appeared before this Board many times. His license is presently in good standing and was accepted as an expert for the purposes of today's hearing in the area of architecture. Drawings were handed out and were marked as Exhibit A2.

Mr. Rapaport noted that on the drawings he was showing the existing situation, what is required according to the ordinance, and what is proposed. He pointed out the slope of the property and noted that it is more than 10 feet from the lot line in the back all the way to the street. This is a very serious topography that they need to deal with. In Cresskill, the way they measure the height is the average point of the front only to the highest point of the roof. It makes it almost impossible to create a pitched roof because the back is much higher than the front. The drawing shows the height if they had to comply with the zoning ordinance, which doesn't let them do a pitched roof. For a pitched roof, they have to be four on twelve. They cannot go with a lower pitch than that for a shingle roof. They don't want to do a flat roof house, which doesn't belong in this neighborhood. In order to be at a minimum of four on twelve, they have to raise it and that is basically why they are asking for this variance. They are requesting to be at 126.9 and that would give them the right roof with the right sized house.

Mr. Barrett asked Mr. Rapaport about the combined side yards. He distributed another drawing and it was marked as Exhibit A3. This is the front elevation of the proposed home. The roof peak elevation will actually be lower on the new house than on the existing house by 1.3 feet. Mr. Rapaport noted that they have 15 feet on both sides to meet the side yard setbacks. However, on the left side, they have the garage that is 15'10" and half of it is buried in the ground so it is only a small portion of the house that doesn't fit the requirement to meet the combined side yard. The house itself is 17.6 feet and that would make the combined side yards in compliance.

Mr. Barrett noted that they will request a design waiver with respect to the fact that the plans do not show all the properties within 200 feet. They will submit the drainage calculations that have been requested. They can amend the plan to include a list of the property owners within 200 feet. They can comply with whatever the other requests are in Mr. Azzolina's report.

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

Mr. Ulshoefer asked about the retaining walls and was concerned that the cars backing out will not be able to see because of the walls. Mr. Azzolina explained that the five feet is by the house and the walls taper down as you go towards the street.

Mr. Azzolina stated that there are a couple things noted in his report. The original plan submittal had a computational error on the architect's plan relative to the floor area. That has been addressed by the revised plan the architect handed in tonight. The FAR is noted to comply. Mr. Lantelme noted the building coverage variance. There is a slight variance that was somehow omitted from his report. He does recognize that 20.52% building coverage versus the 20%. As far as the site plan issues, they require that the building sewer be video inspected. Stormwater management calculations will be

provided. Tree removal has been discussed. As far as the curbing, there is an existing macadam curb which is in poor condition today and will be destroyed during construction, so he recommends that the applicant replace the macadam curb with a granite block curb.

Mr. Schuster asked about the rock wall on the west side of the property. That wall is going to stay because it is largely on the next property. Mayor Romeo stated that they are still over on the height, but it appears that everything they did here was basically as a result of dealing with the topography of the lot. Mr. Lantelme agreed. Mr. Schuster asked about the block wall in the back and if it was going stay. Mr. Lantelme noted that it was not. Mr. Azzolina asked about the retaining wall. Mr. Rapaport noted that it is an interlocking block. Mr. Azzolina stated that those details need to be added to the plan.

Mr. Ulshoefer asked if they could plant a row of trees in back as a buffer zone for the neighbor behind them. Mr. Rapaport said that he can recommend it to the owner. Mr. Lantelme asked if arborvitae is considered a tree. Mr. Ulshoefer stated that the ordinance states that you are supposed to put a buffer zone in the back. Mr. Rapaport said that it makes sense and he will definitely suggest it to the applicant.

Mr. Schuster asked what the benefit to the public of having this applicant develop this site. Mr. Barrett said that in the end they are reducing or eliminating some non-conformities even though they still require some variances. It is an improvement over that which exists. There is no detriment to the public. Mr. Rapaport explained that they have the difficult topography to deal with. He has tried to keep the height to a minimum.

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

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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. Mandelbaum to adjourn the meeting at 8:32 PM, seconded by Ms. Baum. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for September 11, September 25, October 9, and October 23, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary