

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**MAY 14, 2019**

Mr. Morgan opened the meeting at 7:35 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, and Mr. Malone. Also present was Mr. Schuster, Planning Board Attorney, and Mr. Azzolina, Borough Engineer.

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Mr. Ulshoefer made a motion to approve the minutes of the April 23, 2019, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

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#### **Correspondence**

Letter of Introduction from Mr. Bob Ruch, Construction Official, dated April 29, 2019, sending Lumaj Homes LLC to this Board for approval. He would like to construct a new single-family dwelling at 150 11<sup>th</sup> Street. Mr. Azzolina noted that he spoke with Mr. Lumaj about this application. Mr. Lumaj was present and asked if he could have the public hearing at the next meeting. Councilwoman Tsigounis noted that this application was just received by the Board tonight. Mr. Azzolina stated that he has looked at it. He noted that if it is the pleasure of the Board, he can accommodate having the Public Hearing on May 28, 2019. It is a knock down. There are two existing non-conformities on an undersize property which drives the variance conditions. The lot area is 9,200 where 10,000 is required. The lot width is 82 where 100 is required in the zone. They are also requiring a combined side yard variance providing 30.8 where 35 is required. On the building coverage he is at 22.2% where 20% is required. Councilwoman Tsigounis noted that he is maintaining the minimum side yard setbacks, it is just the combined side yards that he does not have. Mr. Lumaj stated that it is just the section of the garage where it is deficient. He can get everything done for the next meeting.

Councilwoman Tsigounis sees nothing wrong with scheduling for the next meeting if he can be ready. Mr. Ulshoefer asked about all the trees being taken down. Mr. Lumaj noted that they are small trees. Mr. Morgan set the Public Hearing for May 28, 2019.

Memo from Francesca Maragliano, dated May 15, 2019, regarding Ordinance No. 19-06-1538, Ordinance Amending the Revised General Ordinances of the Borough of Cresskill, Zoning Chapter 275-3, Article II. This is about the definition of the Floor Area Ratio. This will require some further discussion.

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#### **Subdivision Committee**

Councilwoman Tsigounis reported a new application received Application #1550M, 292 Magnolia, Ji Eun and Malnam Kim, c/o Capizzi Law Offices, that was received on April 26, 2019. This is currently under review.

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

Mr. Azzolina noted that Application #1550M is currently review. It is a major subdivision. They are proposing to retain the existing dwelling that is on the property, which causes one of the side yards to be at four feet. There are a number of variances associated with the application. This is just one lot, no separate deeds. He anticipates having a determination on this application by the next meeting.

The other application that they are currently reviewing is the Zerrenner Application #1540M on 35 Westervelt, which is a major subdivision because they are seeking variances. That application still remains incomplete. It may be advisable to have a meeting with the engineer and the attorney, Mr. Capizzi, to go over the details.

Mr. Azzolina also distributed a report dated May 13, 2019, for Application #1549, 31 Allen Street, the subject of tonight's Public Hearing.

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**Old Business**

Ms. Leanna DeSheplo from Moon House Yoga, 210 Knickerbocker Road, was present. She was approved as a yoga studio recently and wants to incorporate massage therapy and wants to see if she can do that. Mr. Schuster noted that there is no prohibition of this type of thing and plus it is really a related use. It is similar to a beauty parlor where they do manicures or facials. This is not contrary to what is there now. It is not an inconsistent use in any way. An e-mail was sent to the Building Department stating that this use was approved.

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Resolution for Application #1548, 157 Knickerbocker Road, Ramiz Bodini, was introduced by Mr. Durakis and seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, and Mr. Malone all voted yes. Motion approved. The original shall become a permanent part of these minutes.

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**Public Hearing – Application #1549 – 31 Allen Street**

Mr. Matthew Capizzi, 11 Hillside Avenue, Tenafly, NJ, was present on behalf of the applicant. This is an application for 31 Allen Street, where they are seeking to construct a new single-family dwelling. The lot itself is in the R-10 Zone and they are slightly undersized as to area and have about half the width that is required. The lot itself has only about 50 feet of width. As a result of the limitations on lot width, they are before the Board this evening seeking variances as to side yards and combined side yard setback. They also will be asking for a variance as to impervious coverage to account for some air conditioning pads and a slight increase in the patio that Mr. Hubschman will speak to when he testifies.

The proposed side yard setbacks that they are proposing are consistent with other setbacks throughout Allen Street. Typically, the homes there have 10-foot side yard setbacks and that is what they are proposing here.

Mr. Michael Hubschman, 263 South Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. He was proffered as an expert engineer and planner. He has testified before this Board many times, including our last meeting. His license is presently in good standing. He was deemed an expert for the purposes of engineering and planning for today's hearing.

Mr. Hubschman noted that the property is on the northerly side of Allen Street. It is a 50-foot by 180-foot lot. There is a commercial zone across the street, some parking and some buildings. The colored site plan was marked as Exhibit A1. Mr. Al Diasparra is the builder. To the east was a 40-foot lot and a 60-

foot lot and those lots were re-subdivided into two 50-foot lots. The entire side of the northern side of Allen Street has all 50-foot wide lots. They are proposing a small dwelling with 10-foot side yards which is similar to what is already on the block. The house to the west of this lot has a 15-foot side yard, but their other side yard is only about three feet. That is an older house that he thinks would be re-developed. The house to the right of them has 10-foot side yards. It is in keeping with the neighborhood and it is a hardship because you require a 35-foot total side yard which is impossible to really do on a 50-foot lot. Mr. Ulshoefer noted that some of the houses on that block have a wider span than what Mr. Hubschman is talking about. Mr. Hubschman stated that they are all 50-foot lots. The two houses down by the restaurant are set back so it may look a little wider. Mr. Hubschman showed an aerial view of the street and it showed that those two houses are about 40 feet set back from the street.

Mr. Capizzi stated that he made reference to an increase to the impervious coverage. Mr. Hubschman noted that it is not shown on this plan, but he spoke with Mr. Azzolina and stated that they are going to amend the application to increase the impervious coverage by 200 square feet, which would include the air conditioner pads and the slightly larger patio in the rear. That would take them to 38.9% impervious. They are limited by the 125-foot depth on the property, so it is really much, much less than that. Mr. Morgan asked what the square footage of the house is. Mr. Hubschman noted that the FAR is 2,438. The patio is probably about 15 x 18 or 20. There is a very large rear yard.

Mr. Capizzi asked about drainage. Mr. Hubschman stated that it is a very flat lot. They are increasing the impervious very minimally with the patio. Mr. Capizzi asked about Mr. Azzolina's letter and if they could comply with everything in the letter. Mr. Hubschman noted that he reviewed it and could comply. He requested that the trees in the front were old and overgrown, so they are going to remove them, but save the yews in the rear. Mr. Ulshoefer asked if they were planting any hardwood other than the street trees. He noted that there is a lot of space behind the house. Mr. Hubschman noted that they would probably plant some buffering trees and landscaping, but that hasn't really been developed yet. Mr. Ulshoefer was talking about maples or oaks or anything like that, something that would actually do something for the environment itself. Mr. Capizzi stated that they haven't designed landscaping yet. Mr. Ulshoefer noted that it makes it hard to understand then, because if you haven't designed it yet, he can't even speak about it then. Mr. Capizzi noted that none of the variances that they are referencing have anything to do with the trees. Mr. Hubschman stated that there are no trees on the site. Mr. Ulshoefer is aware of that. Mr. Capizzi asked Mr. Ulshoefer if he had any specific species of trees that he would like to see. Mr. Ulshoefer stated maples or oaks or something like that. Mr. Hubschman said he would tell the developer. Mr. Calder agrees that that is a fair trade off for the impervious coverage variance that they are asking for. Mr. Hubschman stated that he will ask the developer to do it.

Mr. Morgan asked if they were satisfied with Mr. Azzolina's report. Mr. Capizzi said he was and could comply with everything in the report. Mr. Azzolina noted that the only comment that he discussed with the applicants before the meeting was the sump pump issue on the street. There is a neighboring property that has a continuously flowing sump pump, so similarly to the Bodini application a few weeks ago, he recommends that they do some investigation to determine where the existing floor elevation is relative to what the proposed floor elevation is and then also to be able to accommodate it and sump pump flows perhaps into the new drainage system that they are going to be constructing as part of the municipal project beginning in a few weeks. Mr. Capizzi has no issue with that.

Mr. Chris Blake, 24 New Bridge Road, Bergenfield, NJ, was sworn in by Mr. Schuster. He has appeared before this Board many times before. His license is presently in good standing. He was accepted as an expert in architecture for today's hearing. Mr. Blake stated that they are proposing a house with a FAR of 2,438. The house is only 29.6 feet wide on a 50-foot property, therefore, they have 10-foot side yard setbacks. They are proposing a two-car garage in front. They have somewhat of an open floor plan with a living room, family room, dining room, kitchen/dinette area on the first floor with a powder room and a mud room. Upstairs there are four bedrooms, two bathrooms and a small laundry room. It is a two-and-a-half story house that complies with the height. They will comply with the basement and if there is an issue with water and they need to pull the house out of the ground, they will lower the pitch of the roof if necessary. It has a ground level garage, a 20-foot wide driveway, and a paver patio in the rear.

Mr. Morgan asked Mr. Azzolina if he was satisfied with the architectural. Mr. Azzolina noted that there is one thing he didn't note in his report. He wanted to know if the one side elevation was correct with the roofline along the garage. It appears to be one way on the floor plan, but not necessarily depicted on the elevation. On the second floor they are showing roof below, but it doesn't appear on the side elevation. Mr. Blake stated that attic space might be a better word than roof below to describe it. Mr. Azzolina stated that that makes it clear.

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

Mr. Schuster asked what was on the site now. Mr. Hubschman noted that there is a single-family house. The new house will be more conforming than existing house. The existing house has a 10.4-foot west side yard and a 9.2 east side yard. It will be more conforming on the east side. Mr. Ulshoefer asked if the chimney was free standing, not going all the way down. Mr. Blake stated that yes it does not go all the way down.

Mr. Morgan made a motion to approve, seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo voted yes noting that he should put a fence in the back because that is where the ball field is. He needs a six-foot fence for his own privacy. Councilwoman Tsigounis, Mr. Morgan, and Ms. Bauer voted yes. Mr. Calder voted yes with the stipulation of three shade trees being added. Mr. Durakis, 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. Durakis to adjourn the meeting at 8:05 PM, seconded by Mr. Mandelbaum. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for May 28, June 11, June 25, and July 9, 2019, at 7:50 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary