

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**OCTOBER 26, 2021**

Mr. Rummel opened the meeting at 7:30 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, Councilman Kaplan, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera and Ms. Tsigounis. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

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Mr. Rummel made a motion to approve the minutes of the October 12, 2021, meeting, seconded by Mr. Malone. All present were in favor of the motion. Motion approved.

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### **Correspondence**

Letter from the Law Offices of Matthew Capizzi to Ms. Bobbi Bauer dated October 13, 2021, regarding Application #1567M, Jane Reilly, 268 East Madison Avenue. They request to adjourn this matter from the Board's October 26, 2021, agenda carrying same to the Board's November 9, 2021, agenda. Unfortunately, one of the applicant's professionals is not available for the October 26, 2021, meeting. The applicant hereby extends the time for the Board to render a decision on this matter until November 30, 2021. Their office will provide public notice for the November hearing.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated October 19, 2021, sending JKP Broadway Associates, LLC to this Board for approval. They will be purchasing the business at 130 Broadway. There is no tenant change. No one was present.

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### **Subdivision Committee**

Ms. Tsigounis noted that we received a revised application for Application #1567M, 268 E. Madison Avenue, Jane Reilly, and it was distributed.

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

Mr. Azzolina stated that he had nothing new other than he prepared a report for Application #1575, 8 Mountain View Road, which is the subject of today's Public Hearing.

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### **Old Business**

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated August 31, 2021, was reread. Mrs. Korkmaz-Riveria is before this Board for approval. She would like to open a hair salon (Naz & B) at 15 Broadway, Suite 104. They were present today. It was a gym before. It is in the building where Monsoon Flowers is. It is on the ground floor. They brought the plans to the Building Department. It has been empty

for a year. Mr. Rummel made a motion to approve, seconded by Ms. Tsigounis. All present were in favor. Motion approved. Letter to Mrs. Korkmaz-Riveria stating the Board's approval, with copies to Ms. Francesca Maragliano, the Building Department, the Police Department, the Fire Department and the Health Department.

Mr. David Laganis was present regarding his driveway waiver at 201 Madison Avenue. He got a new survey for his property as the last one was from the 1950s. This is in regards to his request to renew his driveway. They also put four corner tags to exact the actual property line so that he would not go over the border. Mr. Azzolina noted that as the applicant stated a couple weeks ago, he is proposing to construct a retaining wall that is 32" high at its highest point on the common boundary to the property to the east and extend the driveway. The walls on the west side of the driveway are existing. Mr. Laganis noted that they are going to stay the same, it's just that they are a little bit cracked so there is going to be some cosmetic work done, but there will be no additions or any kind of structural change on that wall. The type of wall that they are going to construct on the east side will be very small and won't be more than 2 ½ feet high at the highest point from the base. It is going to be concrete or cement block, which will be a standard one foot wide. It will match the format, style and look of the other wall.

Mr. Azzolina stated that the retaining wall does not extend to the street line or the sidewalk. If the drawing is to scale, it is 330". It is pretty straightforward. The only issue he had previously was the age of the survey and now he has a current survey, so if the Board is okay with the proposal, he is as well. Ms. Tsigounis noted that there was a question last time about the distance to the property line and how far the new driveway would be. Mr. Azzolina noted that you would have the width of the block wall, which is 12", so it is essentially one foot off the property line. The driveway will extend to the new wall. Ms. Tsigounis asked if what he was trying to do is fit two cars side by side. Mr. Laganis agreed and stated that if you look at the image, there is a stairwell that goes down, and if two cars are parked side by side, if anyone opens up their door, they are going to leave a souvenir on the adjacent vehicle. That is what he is trying to avoid. He has a Chevy Suburban that he drives mostly for work, so that is the issue. Ms. Tsigounis stated that the concern from the Planning Board's perspective is that normally from the property line to the pavement, there is a buffer zone for planting that is usually at least five feet. Now that five feet of planting will be covered with asphalt to the edge of the property line. Mr. Malone stated that if he remembers correctly, the neighbor's driveway is not adjacent to Mr. Laganis's. Mr. Laganis noted that the neighbor's driveway is also on the eastern side of his property so there is nothing adjoining his property. It is almost like a forest there. He has spoken to his neighbor, and he is aware and fine with the driveway and has no issues at all.

Mayor Romeo stated that he is asking for a waiver to one foot and asked if anyone had an issue with that. The Board was okay with that. On Roll Call: Mayor Romeo and Councilman Kaplan voted yes. Mr. Ulshoefer voted no. Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera and Ms. Tsigounis all voted yes. Motion approved. Letter sent to Mr. Laganis stating the Board's approval with copies to Ms. Francesca Maragliano and Mr. Bob Rusch.

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### **Public Hearing – Application #1575 – 8 Mountain View Road**

Mr. Mark Ruffolo was present representing the applicant, Lumaj Homes, LLC, on Application #1575, 8 Mountain View Road. They are looking for a variance for combined side yards. The existing combined side yards are 24 feet, the proposed is 32 feet, required is 35 feet. Therefore, they are looking for a three-foot deviation from the requirement. The existing deviation is 11 feet. They have reduced the impact by a substantial number. Lumaj Homes is proposing to construct a single-family home on the property. He has the architect and engineer here tonight to testify.

Mr. Ruffolo called Mr. Raul Maderos first. Mr. Stamos noted that he had a chance to review the notices and proof of service and proof of publication and everything is in order. Mr. Maderos, 24 West Railroad Avenue, Tenafly, NJ, was sworn in by Mr. Stamos. He was licensed in 2010 and has been before the Board before. His license is still valid. He was accepted as a professional.

Mr. Maderos is familiar with the plans and the site. Mr. Maderos stated that most lots in this area of Cresskill are about 75-feet wide. This lot has similar characteristics, the only thing being is that it is closer to 10,000 square feet, where most of the lots are about 7,500 or 8,000 or so. Being that it is 75-feet wide, the difficulty they have in putting a house together is the width, and in particular, the combined width requirement that Cresskill has at 35 feet, where each individual side is 15 feet, but with 35 they kind of have to divide or split another five feet into the mix. Given that they are trying to get a two-car garage, and with a brand new house it is very much expected that it will come with a two-car garage, and as much of a center hall as they can get next to the two-car and still have a living room facing the front of a normal size, it kind of pushes the width beyond that 35 foot requirement down to what they are proposing as 32. So, they are three feet deficient in the combined side yard. Otherwise, the entire house conforms to all the other requirements.

Mr. Ruffolo asked if he feels he did everything he could to reduce the non-conformity. Mr. Maderos stated that they have a 20-foot wide two-car garage, which is a standard size, then you have a foyer that is eight feet wide with a stair, which is about 3 ½ foot wide, and a 4 ½ foot thru-way, the remainder is a 13-foot-wide living room. The living room is only 13 x 12. It is an open concept floor plan here. They take advantage of the other rooms to make up for the fact that the rooms are so small. They are really jamming this thing in terms of its width. Mr. Ruffolo asked if the style and size was consistent with Cresskill, the neighborhood and community. Mr. Maderos noted that that can vary. Sometimes you have a majority of lots that they tend to fill out the lots. He doesn't think they are absolutely filling out the FAR. Being that this is a larger lot, they are not going crazy with the FAR. The requirement is 34.32 and they are proposing just under 33. It is just the side yards being that the lot is narrow. The individual side yards are fine.

Mr. Maderos stated that there are no bedrooms on the first floor. There are four bedrooms on the second floor, three bedrooms and a master suite, and one bedroom in the basement. In his experience, that is very typical. The house is just under 3,000 square feet at 2,987, which is Cresskill's definition of FAR, which doesn't include 440 square feet in the garage, doesn't include the cellar, doesn't include open air area or double height spaces.

Mr. Ruffolo called Mr. Sean McClellan as his next witness. Mr. McClellan, 101 West Street, Hillsdale, NJ, was sworn in by Mr. Stamos. He has been a licensed engineer since 2004 and has appeared before this Board before and was accepted as a professional engineer. He has been retained on this project. Mr. Ruffolo asked Mr. McClellan, from an engineering perspective, what he has done to reduce the impact of the non-conformity on the property. Mr. McClellan stated that what was pointed out, the existing home has only 25-foot-wide combined side yards. They had 11 feet on the right side and 13 feet on the left. Not only is it combined side yard deficient, but it is also deficient in both side yards. They have 13 on one side where 15 is required and 11 on the other where 15 is required. They are eliminating both side yard variances and they are reducing the combined side yard.

Mr. Ruffolo asked if they are taking into consideration drainage, trees, grading, walls, and fencing in what they have done. Mr. McClellan noted that with the new house they will have a 1,000-gallon seepage pit that will collect all the water that falls on the roof and will percolate it into the ground. They will add the retaining wall along the side and rear to help level out the property. He was at the site this evening, and if you walk around coming from the right side, you can see how it kind of goes off back to the left. When you walk around to the left side, it's almost like you think there is a retaining wall there because the grade is like a one-to-one slope. They will have a retaining wall there to level that side yard out and to also level out the rear. It will be a keystone retaining wall. It is almost like a wall now because it is such a slope. They will put a wall there to level it out and make it a little bit safer.

Mayor Romeo said that the wall is a good idea because they will get more use out of the backyard now. Mr. McClellan also stated that the water will seep into the ground as well. Councilman Kaplan stated that Mr. Azzolina made a number of notations to things he felt were missing from the plan, CulTech Chambers, and some other things. Do they have any objections to putting those in the plan? Mr. McClellan noted that as far as the CulTech Chamber for the window well, it would be their request, since it is such small water, they would like to tie the window well drain into the plain drain. As far as trees and landscaping, that will be ripped up and they will do their own landscaping around the perimeter of the property, especially in the rear along the fence, for privacy reasons.

Mr. Azzolina asked about the pool. Does this plan include the pool, which is kind of unique? The only caution would be the impervious coverage as it is calculated presently, if this is correct, is based on the lot depth of 125 feet as is required for a lot that is 75 feet wide, they are pretty much at the cusp, so, they included the 12" coping around the perimeter of the pool, but if somebody were to add a deck three feet wide around the pool, then that would create an impervious coverage variance. The question is, is that anticipated at some point. Is this pool absolutely being built, or is it something that is a maybe at this point? Mr. Lumaj said they were doing the plumbing and the gas and electricity, but they are not building the pool. Mr. Rummel was going to ask the same question about the pool. He is all for new homes, but he was concerned about where the water was going to go if you put a pool back there, especially with what is going on right now. Mr. Azzolina would recommend that supplemental drainage be provided. He is controlling the rooftop that is uncontrolled right now. Whatever water would be migrating down to the neighbor's property is from the rooftop primarily. The rest of the site is pretty much being directed towards the street with a swale that is not there today. There will be a fence along the top of the retaining wall so all the water will be directed towards the street as opposed to the east. The only new impervious surface would be that patio area. Perhaps they could add a permanent drainage system along the patio to control that. He just threw out the comment relative to the CulTech Chambers because every other home that this applicant has built has included that. That is why he was wondering if it was an intentional omission or a drafting error. Mr. McClellan stated that this applicant is the only applicant he doesn't put the CulTec Chamber in for. He does it by putting it into the footing drains. Most of his other applicants he does.

Mr. Azzolina asked if the seepage pit was sized to handle that additional, admittedly a minimal, amount of runoff. Mr. McClellan noted that for the roof it is 2,400 gallons required and they are providing a seepage pit that can hold 3,000 gallons, but it is 600 gallons of capacity. Mr. Azzolina stated that, that being the case, he doesn't have any objection to the design as presented. They have overflow Ts so that if the ground were to be saturated, and somehow the inflow is greater than 3,000, it would backflow out of the overflow Ts and flow over land across the grass into Mountain View Road.

Councilman Kaplan noted that they indicated they were taking down ten trees. Are they planning to replace trees? Mr. McClellan noted that they plan on having three Giants along the perimeter of the property in the rear. As far as replacement trees, he knows they are taking down three that are over 10", and he knows the replacement is 2 ½ caliber trees, he was asking if it was a one-to-one ratio, or whatever it is, they will meet that. He didn't see in the code how many trees. Mr. Ulshoefer stated that if they are not having the pool, they should be able to replace trees where the pool would have been. Mr. McClellan said that would be a place they could put them and a couple in the front.

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

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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. Mr. Ulshoefer closed the meeting to the public.

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Motion was made by Mr. Sutera to adjourn the meeting at 8:06 PM, seconded by Ms. Tsigounis. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for November 9, November 23, December 14, and December 28, 2021, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary