

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**JANUARY 11, 2022**

Mayor Romeo opened the meeting at 7:28 PM and announced the requirements of the Open Public Meetings Act had been fulfilled. He stated that the first order of business was the election of officers for the year 2022. Mr. Rummel nominated Mr. Robert Ulshoefer for Chairman. Mr. Malone nominated Mr. Rummel for Vice Chairman. Ms. Tsigounis nominated Ms. Bobbi Bauer for Secretary. Mr. Sutera seconded the nominations. All present were in favor. Ms. Tsigounis made a motion to keep Mr. Stamos as the Planning Board Attorney and Ms. Petillo as the recording Secretary. Mr. Sutera seconded the motion. All present were in favor. All nominations and motions were approved.

Mayor Romeo turned the meeting over to Mr. Ulshoefer:

Members present at roll call: Mayor Romeo, Councilman Kaplan, Mr. Ulshoefer, Mr. Malone, Mr. Rummel, Mr. Sutera and Ms. Tsigounis. Ms. Bauer arrived after roll call was finished. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

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Mr. Malone made a motion to approve the minutes of the December 14, 2021, meeting, seconded by Mr. Sutera. All present were in favor of the motion. Motion approved.

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### **Correspondence**

Letter of Introduction from Mr. Bob Rusch dated December 17, 2021, sending a representative for Sunghee Park, to this Board for approval. They would like to construct a new single-family dwelling at 108 Truman Drive. Application #1580 was received on December 22, 2021, and was introduced into the record by Ms. Tsigounis. This is currently under review.

Letter of Introduction from Mr. Bob Rusch, dated December 16, 2021, sending a representative for Oasis Relaxing Spa to this Board for approval. They would like to purchase the business at 21 Union Avenue and install a new awning. The new owner will be Peiyao Niu. Mr. Azzolina noted that this is an existing massage business. They are just purchasing the business, not the building. They will replace the awning with the same color green with the new name on it. Mr. Sutera made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. A letter of approval sent to Peiyao stating the Board's approval. Also, a letter of approval sent to the sign company, Fastsigns of Lodi. Copies of both sent to Ms. Francesca Maragliano, the Building Department, the Police Department, the Fire Department and the Health Department.

Letter of Introduction from Mr. Bob Rusch, dated November 30, 2021, sending a representative for Cresskill 243 LLC to this Board for approval. They would like to construct a new single-family home at 243 East Madison Avenue. Application #1579 was received on December 17, 2021. Ms. Tsigounis introduced the plans into the record. This is currently under review.

Letter of Introduction from Mr. Bob Rusch, dated January 5, 2022, sending Mr. Tomer Hershkowitz to this Board for approval. He is seeking a driveway waiver as per 218-E(1)(c)) at 22 Center Street. The driveway to side property line required is 10 feet. The proposed is six feet. The waiver required is four feet. Mr. Hershkowitz was present. He presented the Board with one diagram. Mr. Azzolina stated that it is a big property and according to the survey, there is not much impervious coverage. The footprint of the dwelling, patio in the rear and the driveway existing which is ten feet wide. They are proposing to make it 18 feet

wide. He doesn't think impervious coverage would be an issue. Mayor Romeo asked if his neighbor to the right was here with him. Mr. Hershkowitz stated that he wasn't and that he hasn't talked to his neighbor. Mayor Romeo suggested that he talk to his neighbor and tell him what he plans on doing to make sure that he is okay with it. Mr. Hershkowitz noted that the main reason for this is that they have a water problem during the rain. Mr. Azzolina stated that he has spoken with Mr. Hershkowitz on other occasions. He doesn't believe that this driveway proposal is going to address the issue relative to the driveway which is ponding at the end of it. It is a very flat gradient. The garage elevation is established, and the driveway just meets the roadway. If anything, it is going to make the puddle at the end of the driveway that much bigger.

Ms. Tsigounis noted that her concern is she would have accepted the reason for a driveway waiver if it was to have two cars in the driveway. To grant a waiver which is a sideline variance without your neighbor knowing of it or having their input to the story, she has a hard time granting a waiver. Mr. Hershkowitz stated that each one of his neighbors have the same driveway and he doesn't think any one of them has 10 feet between the sideline. Ms. Tsigounis said that he should speak with the neighbor. Mr. Hershkowitz noted that he could speak with them absolutely.

Mayor Romeo told him to speak with the neighbor and come back to the next meeting, possibly with the neighbor at the next meeting, which is the February 8, 2022. Mr. Herskowitz agreed to do that.

Application for Soil Erosion and Sediment Control Plan Certification for 105 Heather Hill Road, Application #1577, Ori and Ziv Dermer, for an inground pool. Mayor Romeo stated that this is the one that the Zoning Board granted all the variances without passing it by the Planning Board. Mr. Azzolina agreed. Mr. Raul Maderos was present with the applicants.

Mr. Azzolina stated that the Board needs to decide whether they are going to accept the Zoning Board's variances or are we going to start anew, in which case a Public Hearing will be required. That is for the Board to determine. Mr. Maderos stated that his understanding was that with all of the Zoning Board's approvals in place, this was going to be more of a site plan approval. Application #1577 was distributed at the last meeting, December 14, 2021. The Board is not prepared tonight to review the plan as it was not on the agenda. Ms. Tsigounis noted that this is a very unusual application as they went to the Zoning Board for an FAR variance first and were granted all the variances there. This will be on the February 8, 2022, agenda for a site plan review. It is not a Public Hearing.

Copy of letter from the County of Bergen, Department of Planning & Engineering, to 15 Wakelee Drive Corp., dated January 5, 2022, regarding 5 Merrifield Way Subdivision. The letter states that a review of the plat for 5 Merrifield Way Subdivision indicates that Bergen County Subdivision Approval will not be required. Therefore, under authority of Revised Statute 40:27-1 to 12, inclusive, the Department of Planning and Engineering has exempted this Subdivision from County review and approval. File.

Letter of Introduction from Mr. Bob Rusch, dated January 10, 2022, sending a representative for MooMoo's Italian Steakhouse to this Board for approval. They would like to have outdoor seating on the upper patio and a weather protection vestibule at 172 Piermont Road. This has to be looked at by the Borough Engineer and the Board Attorney. They were asked to come back to the next meeting on February 8, 2022.

Letter of Introduction from Mr. Bob Rusch, dated January 3, 2022, sending a representative of 39 Center Street LLC to this Board for approval. They would like to construct a new single-family home at 39 Center Street. Variances will be required. Revised plans for Application #1573 were received on January 10, 2022, and were distributed. They are currently under review.

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#### **Subdivision Committee**

Ms. Tsigounis introduced all new and revised applications during the correspondence.

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

Mr. Azzolina reported that the only other application in addition to the ones already reported on is the subdivision application #1578M, 33 Westervelt Place, Jameli and Drita Ferati. That is currently under review. The initial determination of this application is that it is incomplete. Architectural drawings were not submitted as part of the application. The applicant's engineer is here. He asked the engineer if the applicant is seeking site plan approval for the proposed dwelling. Mr. Hubschman said he doesn't believe so, but he will check. If the request is for site plan approval, then he needs the architectural drawings. They had a prior application a couple years ago for the same property, the difference is they propose to demolish the accessory buildings in the rear of the property and there are some other differences between the prior application and this application. The bulk of the application is a proposal to put a new dwelling on the 50-foot-wide lot. The existing dwelling is to remain. All the accessory buildings in the rear of the property are shown to be removed, whereas on the earlier application they were proposing to maintain those outbuildings. This current application is to remove them.

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**Old Business**

None.

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**Public Hearing – Application #1567M – 268 E. Madison Avenue**

Ms. Sharon Fried, a member of the public stated that she has personally requested about seven times that this meeting have some remote access for those that both cannot be here or do not feel comfortable. She wanted to know why that was not granted. Mayor Romeo stated that we do not do Zoom. Ms. Fried stated that in light of what is going on in the world, every other town does Zoom meetings and she thinks that it is only fair that everybody be given the ability to hear what is going on and to respond to what is going on no matter what the issue is. She is a little bit disappointed. She feels very uncomfortable being in this room right now and she probably shouldn't be in this room right now, but she has no choice. She has to be in the room because she was not afforded any other way of participating in this meeting. She just wanted to express that.

Mr. Matthew Capizzi, 11 Hillside Avenue, Tenafly, was present on behalf of Jane Reilly. This was a subdivision application that was before the Board in November of 2021. It was a three-lot subdivision that was proposed as two side-by-side lots and one was a flag lot that situated the building behind two of the homes that were going to front on East Madison. What they have done since then until now, they have revised the plan to show a more typical three lot subdivision scenario of three side-by-side lots, each having a somewhat equal amount of frontage on East Madison Avenue. Now there is no longer a flag lot scenario. The lots will be approximately 67 feet in width and approximately 250 feet in depth. The variances that are required are lot width, again they need 100 feet of width, and they are at 67 feet. Given the width of the lots, they are asking for side yard setback variances as to both side yards, 15 feet are required and they are proposing 10 as each side yard and the total side yard setback where 35 feet is required, they are proposing 20. Mr. Hubschman filed a revised plan set that was filed with the Board on December 17, 2021, and they did provide new notice for this evening, just out of abundance of caution given the evolution of the plan set.

Just to summarize the testimony you will hear tonight from Mr. Hubschman and the Planner, Ms. Brigitte Bogart, as they talked about during the November meeting, the Cresskill ordinance for lots that are less than 100 feet in width, only allow you to capture 125 feet of the area within 125 of depth for calculating FAR and impervious coverage. The important take away from that is one wouldn't think that with three lots you

actually end up with less intensive development, but because of the manner in which the Cresskill ordinance calculates FAR and impervious coverage, you do. With three lots you end up with essentially a total FAR of around 9,000 square feet out of the three lots. If you have a two-lot development, it's an FAR of 15,000 square feet. As far as impervious coverage, those numbers are somewhat equal to each other, the impervious coverage as to three lots would be about 8,500 square feet spread out amongst the three lots, whereas for two lots you would have a total of 15,000 square feet of coverage.

You will hear some testimony from Mr. Hubschman under the three-lot scenario, because they are limited to the first 125 feet essentially, you end up with less soil movement, less tree removal, more open space because you have a smaller building and less impervious coverage. Ms. Bogart is going to go through her study area. She picked up the study on the lots within a pretty large swath of the property in question and based upon her analysis you will hear about the majority of the lots in the area are undersized, less than 100 feet in width. A super majority as a matter of fact. Most of them are similar in size and scale to the proposed lots. Some are 70, some are 75, some 50, some are 60, somewhat of a mixed bag of lot widths within the area and the average lot size within the study area, approximately a home of around 2,200-2,500 square feet. When you compare the lots in the development pattern that they are going to achieve by way of the three-lot scenario, they are of the opinion that the three-lot scenario creates a building envelope and a development pattern more in keeping with the existing neighborhood as opposed to doing two lots. Certainly, understand that the two lots create a conforming condition, and you don't need variances, but if you look at the lots under a two-lot scenario, they are 150% in excess of what's required versus 40% under what is required under a three-lot scenario. If one were to ask him, what does he think is more in keeping with the zoning ordinance a lot that is 150% greater or one that is 40% smaller, he thinks that the math ends up with the logical conclusion. Certainly, a lot that is 40% smaller is more in keeping with the intention of the ordinance than one that is 150% larger.

For ease of moving the case along and to tune the Board into some of the key points of the testimony, he appreciates the Board giving him the time for his extended summary. Mr. Hubschman is going to go through the revised plan set. Then Ms. Bogart will go through her planning testimony.

Mr. Stamos noted that he reviewed the notice published in the paper on December 23, 2021, and also sent to all property owners within 200 feet. He did find that the notice complies with the statute in terms of requirement and the relief stated. The Board has jurisdiction to hear the application.

Mr. Michael Hubschman, 267 S. Washington Avenue, Bergenfield, was sworn in by Mr. Stamos. His plans were marked as Exhibit A3. Mr. Hubschman stated that we were in November with a three-lot subdivision with two 75-foot lots and a 50-foot lot proposing a house in the rear of the property. Since getting the comments from the Board and the public, they came back with three narrow lots, which is a more conventional type of subdivision for a property this size. With 67-foot lot widths, the lots are still well in excess of the lot area. They are in the 10,000 square foot zone and they are 17,000 square feet, 16,800 square feet, and 16,800 square feet, so they are about one-and-a-half times the size. As Mr. Capizzi stated, the ordinance on lots that are narrower than 100 feet, for the impervious coverage and the FAR, which has to do with the development potential of the lot, you are only permitted to use 125 feet of the depth, which means that the FAR allowed is 30% of the lot area, but only the lot area that's within 125 feet. The same with the improved coverage. It is 30% of the area within 125 feet. For the three-lot subdivision he is going to show why there is an advantage of having smaller houses. He knows there is a lot of concerns about drainage and runoff and that is what these improved coverages really go to.

For the three lots, you would get 8,540 square feet of total improved coverage. For a two-lot subdivision, if this lot was divided in half, you would have two large lots that aren't restricted, 15,034 square feet of improved coverage, which is almost double the improved coverage that you would be permitted to have and you would have two larger homes. Ms. Bogart is going to speak about all the 75-foot lots and other sizes with smaller homes. The FAR for three lots is 9,198 square feet and for two lots would be 15,000 square feet. It is almost double the size of the homes with two larger homes. Or three smaller homes which is why they felt that three lots might be better for the neighborhood. The FAR is approximately 3,000 square feet per lot for the three lots.

This application for the narrower lots would require side yard variances because the Borough requires 35-foot total side yards and 15-foot side yards. They are showing a proposed 10-foot side yards where you could build a house that would be about 47 feet wide. The homes that would fit on these lots are similar to the ones on Park Street. Those lots have a 63-foot width, and one has a 61-foot width. Those houses have a 15 and 10-foot side yards. They would be similar to those houses which are pretty good for where the church was redeveloped into a small subdivision on Park Street. It would be a similar look to that subdivision. Mr. Capizzi noted that beyond the side yard variance and the front yard width variance, the lot would comply in all other respects. Mr. Hubschman noted that they are 17,600 square feet and 16,800 square feet.

Mr. Capizzi asked Mr. Hubschman, as far as the extent of tree removal, soil movement, open space, how would that change between a two-lot and three-lot scenario. Mr. Hubschman noted that they would be smaller houses towards the front of the lots with two-car garages. They would have smaller development potential. The trees are restricted to be removed, and they would be able to keep a larger buffer in the rear, at least 50 feet or so. Mr. Capizzi asked about the concerns over drainage and things of that nature. Would they be less of an issue under a three-lot scenario than a two-lot scenario? Mr. Hubschman stated that it would be much less. Smaller homes would be able to drain everything out towards the street more than if you had large homes with large patios and pools in the back.

Mayor Romeo asked how wide each lot would be. Mr. Hubschman stated that they would be 67.2 feet wide. Ms. Tsigounis noted that they made a comment about the houses on Park Street and stated that the character on Park Street is very different than the character of East Madison. Mr. Hubschman said that there are more 50s on Park, but he thinks everybody is familiar with that width house. Mr. Capizzi said that he will have the Planner discuss that.

Mr. Azzolina agreed with Mr. Hubschman's testimony as regards to the numerical analysis that he presented. It seems that it is a fact that under a two-lot subdivision proposal that unlike the 125-foot limitation that is required with the lots that have a width of less than 100 feet, you are entitled to use the entire lot area in your calculations and that does result in a larger development potential for the property. That's not to say that they would be developed as a larger home, but the potential for that to happen is there. If the applicant is stating that the analysis will yield a 3,100 square foot house, that is something that is in keeping with the recent development within sections of town, but we have had other applications where the proposal was to do smaller homes on the premise that they would not be able to sell a larger home, and it turned out a larger home was built on that property and that builder was successful in marketing that property. It's a determination of the Board as to what is a fairer planning alternative. He recommends that we hear testimony from the Planner, and she can enlighten us on that aspect of the application.

Mr. Ulshoefer open the meeting to the public for questions only of the engineer. Ms. Sharon Fried, 173 Palisade Avenue, Cresskill, wished to be heard. She wanted to know about the driveways on the three proposed homes. Are they all facing Madison? There is no more long driveway proposed? Mr. Hubschman stated that that long driveway is gone. There are only three driveways going into the houses. He stated that they have to come back to the Board for site plan approval for each house. There is a lot of review for grading and drainage for each house.

Mr. Chris Santilli, 165 Palisade Avenue, wished to be heard. Regarding the buffer in the back of the house, which is what they would look at and the drainage, what would be behind there, just empty lots, or empty space, or are they talking about adding additional patios and pools that is going to change the calculations that they mentioned around the impervious. Mr. Hubschman stated that that is the maximum impervious coverage. And again, they have to come back to the Board for site plan approval for each house. This is just a plan for subdividing into the three lots. There is no construction proposed at this stage of the plan. Mr. Santilli asked if they were to have three pools back there and three enormous patios, that would then have to be reapproved again. Mr. Hubschman noted that they would have to seek a variance. Mr. Capizzi stated that the impervious coverage that Mr. Hubschman gave is for the lot total, not just for the house. It is for the patios and pools and everything else. Or, they would have to seek a variance and notice everybody again and have a Public Hearing. Mr. Capizzi noted that instead of 15,000 square feet per lot it

is 8,500 per lot for the house, the driveway, walkways, pool, patio and everything included on the three lots. Anything that deviates from that they would have to come back to this group for additional approval.

Mr. Stamos noted that they don't have an architect and they don't have plans for each house, but they are showing a building envelope that is going to create variances. Mr. Hubschman stated that they are requesting the 10-foot side yard if the Board accepts it. Ms. Tsigounis has a problem with that. Right off the bat they are asking the Board to grant a hardship variance that is going to make these narrow lots that are going to make these smaller homes into wider homes. A 47-foot-wide home is not a small home for a 67-foot-wide lot. Mr. Hubschman stated that the Planner was going to bring up about maybe a 15-foot side yard. Mr. Capizzi stated that they should go ahead and modify the side yard setbacks on the outbound lots as they discussed earlier. Mr. Hubschman noted that they discussed internally to have a 15-foot side yard, which is the requirement, on the east and on the west side. Mr. Capizzi stated that the setbacks to the neighboring properties would be conforming. Mr. Hubschman said that there would be 20 feet between the houses which is a pretty good distance. He explained that they are calling the lots 37.01, 37.02 and 37.03. So, on the east, it would be 15 feet on the east on 37.01, then 10, 10, 10, and 10 on the interior and then 15 feet again on the west. Ms. Tsigounis stated that it should be 15, 30, 30, and 15, but we don't have to approve that. What is stated in our code is 15 and 15 with a combined of 35. Mr. Capizzi stated that the Planner will speak to the upshot. Yes, they are asking for the side yard setback variance and the upshot is the minimized development and all the positives they have been discussing.

Mr. Louis Sicheri, 279 E. Madison Avenue, Cresskill, wished to be heard. It is his understanding that they want nine variances. Mr. Hubschman stated that there is seven. Mr. Sicheri noted that if someone wanted to install a medium sized pool, let's say 30,000 gallons, that's 20 feet x 40 feet, would that pool require a variance. Mr. Hubschman stated that without having the house and the pool he doesn't know that. Mr. Sicheri wanted to know if this is just the beginning of how many variances are going to be needed when people start developing it. He asked again if that 20 x 40-foot pool require a variance. Mr. Capizzi said that this is a subdivision application, and they are not filing an application for a pool or patio. Mr. Sicheri said that he is just looking at the future and he wants to find out if there is anything more for meetings about variances for these properties. Mr. Hubschman said that he can't speak to that. He does not know what the future holds.

Mr. Steven Schuster, 170 Palisade Avenue, Cresskill, wished to be heard. He is a little confused about the math. If they are going to make the end yards 15 each, then they are going to have to reduce the other side yard by five yards. Mr. Hubschman stated that they would just have a smaller house, they wouldn't reduce the other side yard. Mr. Schuster stated that they talked about the runoff and the ultimate runoff is supposed to be zero. Mr. Hubschman noted that there is supposed to be a zero increase in runoff. Mr. Schuster said that that requirement is whether you have two houses or three houses. How you get there is going to be different depending on the number of improvements you have. The ultimate goal is going to be the same regardless of how many houses are there. Mr. Hubschman stated that the smaller houses allow the runoff to be directed more towards the drain. Mr. Schuster noted that the ultimate goal is going to be the same regardless of how many houses you are going to have. Mr. Hubschman said they are required to have zero increase in runoff. Mr. Schuster again stated that the end result is going to be the same whether you have two or three houses.

Mr. Schuster stated that one of the problems that he has generally is that they used to be entitled when you had a building envelope and you put the house in the building envelope. Nowadays, everybody feels they have an obligation to fill the building envelope to the absolute maximum, which is not really required, but that is what people do. That is not a requirement.

Ms. Cynthia Lash, 162 Palisades Avenue, Cresskill, wished to be heard. She asked how close the backs of the houses were going to be to the houses that are behind them. Mr. Hubschman stated that the FAR covers how far back you can go on the lot. Ms. Lash asked if you built them to the maximum how far could they go. Mr. Hubschman stated that they probably couldn't go back more than 70 or 80 eighty feet with the driveway and the house. They are 250 feet deep lots so there is a good 100 plus feet behind that.

Ms. Brigitte Bogart, 205 Franklin Avenue, Wyckoff, NJ, was sworn in by Mr. Stamos. She has a Bachelor's Degree in Environmental Design in Architecture from North Carolina State University, a Master's Degree from the University of Pennsylvania. She has been a licensed professional planner in the State of New Jersey since 2001. She was a partner at Burgess Associates until 2012 when she started her own firm and has had her own firm since then. She has worked for Park Ridge, Emerson, she did the Brookchester redevelopment. Mr. Stamos accepted her as an expert in the field of Professional Planning.

Ms. Bogart noted that she looked over the tax maps, tax records, the building records, the Zoning Ordinance and their proposal. She was first involved when they did the three-lot subdivision with the different configuration. She was here in November and listened to all the testimony and all the comments. She did analysis at that point in time and has revised it based on some of the Board's comments and questions, which she is here to present tonight. She presented a two-page exhibit. The first page is dated November 9, 2021, and the second page is dated January 11, 2022. This was marked as Exhibit A4 and was called two-page site and development analysis.

Ms. Bogart stated that the Board has heard a lot of testimony over the two nights about this application and the site. The site is an oversized site with existing tax lots. They are proposing a three-lot subdivision based upon some comments that were made at the last hearing in November. As she mentioned, the first page of the exhibit was done prior to the revised application. It was done based upon the L-shaped subdivision and what she did was take what she thought was the area of influence based on the site. If you look at the first page, their site is identified in red. Everything in light purple has non-conforming lot frontages. This is based upon the fact that they had two 75-foot lot frontages in the prior application. In the dark purple are lots that have frontages of approximately 50 feet. That was the one lot that they had that was L-shaped. You will see by looking at the table, there is a total of 69 lots within the area, and 56 of those lots have non-conforming lot frontages. That is 81% of the lots in this area that do not conform to the zoning requirements. This is important because when you go back and look at the Master Plan documents, from 1998 to 2010, the Master Plan documents talk about revising the Zoning regulations to comply or conform with and be consistent with the existing development pattern. Most importantly, the Municipal Land Use Law suggests that all your Zoning requirements should be based upon your zoning pattern.

Again, you have 81% of the lots in this area that do not conform to the required lot frontage. Of those lots, approximately 10 of those, or 14%, have a lot frontage of 50 feet or less. Those are the ones in dark purple on the map. She did this analysis based upon the original subdivision request. This is based upon Borough tax records, County tax records and Building Department records. When they went and revised the plans to do the three-lot side-by-side, she went back and looked, because from a planning perspective it is very important that the lots and buildings are really consistent with the neighborhood in scale. That is also a goal in the Master Plan documents. On page 2, which is dated today (January 11, 2022), she went through and looked at the FAR for all the lots. She added two columns, Lot Frontages of less than or equal to 67 feet, which is what they are proposing. The last column is the FAR. If you look at the lot frontages that are 67 feet or less, there are 12. So, 21% of those lots in this area equal what they are proposing, which is greater than what they had originally proposed. The average FAR in this area is 22%. The average house size is 2,039 square feet. This is based upon Borough and County tax records.

The reason why this is very important is because what they are proposing is three houses, one at 3,200 square feet and two at 2,970 square feet. It is more in keeping with the neighborhood average as you will see from the tax records, than if they were proposing two larger lots and they would be able to construct two homes at approximately 7,600 square feet. This goes back to the heart of the Master Plan and back to the heart of the Municipal Land Use Law which suggest that you do development and do building regulations based upon existing development pattern. Ms. Bogart takes this very seriously because working for a municipality she knows that to have big box homes, overscale homes, in the neighborhood and really be out of character and out of scale with the area is really inappropriate from a planning perspective. That is why she went through this entire analysis.

They could put two homes that are basically double in size of what they are proposing, but they really don't fit into the neighborhood as you can see from the data. So, what they are proposing is a three-lot subdivision, one at 17,648 square feet, and two at 16,683 square feet where 10,000 square feet is required.

While she appreciates all the Board's comments talking about a two-lot subdivision with no variances, when you look at the data for this neighborhood and this whole area, it doesn't seem to make sense because it is not consistent with the area. From a planning perspective, she would suggest that what they are proposing is really more in keeping with the existing development pattern.

Ms. Bogart continued explaining that they are seeking three lots. Each of them need three C variances. Lot 37.01, which is the larger lot at 17,648 square feet, needs a lot frontage variance at 67.21. This is why she has in the table that 21% of the lots in this area have that frontage or less, so they are 33% undersized for this area. They need a side yard setback where 10 feet is proposed and 15 feet is required. As you heard from the engineer, they would be willing to modify the building envelope to allow 15 feet on the outskirts of the property so that the adjacent neighbors are not harmed by the side yard setback variance. Obviously, they also need a total side yard setback variance. Again, the same thing happens for Lot 37.02. Same lot frontage at 67.2 and side yard setbacks and total side yard setback variances. Lot 37.03, they are at 67.2 lot frontage and they need the side yard setback and total side yard setback variances. With regards to those nine variances, she thinks what they are proposing is more in keeping with the development pattern and could be granted by this Board under a C2 variance.

Ms. Bogart noted that the C2 variance has a three-step process for being granted. First and foremost, they have to prove that the granting of the variance will further the Municipal Land Use Law purposes. Then they have to prove that the benefits outweigh the detriments of the variances being granted. Thirdly, address the negative criteria. With regard to advancing the purposes of the Municipal Land Use Law, she feels that first and foremost it establishes the appropriate population density to meet the public needs and she thinks that is made very clear with the handout that was provided. She thinks what they are proposing is more in keeping with the population density for this area than what would be provided under the existing zoning regulations. Purpose E, as she just mentioned, has been interpreted to mean that they are creating a more harmonious lot size for the neighborhood than currently exists or currently zoned for. For all those reasons outlined in the spreadsheet, she thinks they do that. Purpose A, improve general welfare, she thinks not only are they providing a benefit for the neighborhood by providing homes and lots that are in scale with the area as opposed to two big box homes that are not in keeping with the area, and also by allowing for the configuration of the rear yard and how far in the rear is going to be preserved. It is going to be over 100 feet that is not going to be disturbed. If you modified the side yard setbacks, as indicated by the engineer, they could preserve the trees, most of the mature trees both on the outskirts of the lots, and they could preserve most of the existing tree line that was indicated by the engineer in his review. Purpose C of the Municipal Land Use Law, provide light, air and open space, which she believes they do here, especially since they have a larger depth. They are meeting the side yard requirements in the rear yard requirements and the front yard requirements.

As the engineer indicated, all three lots as proposed, result in the smaller homes, less impervious coverage, less tree removal, less soil movement, less drainage concerns, more open space, because of the small homes that are being proposed. If they are proposing a two-lot subdivision, they would be permitted double the size homes, more impervious coverage, more tree removal and wouldn't need any variances. So, with all those perspectives, she thinks there is a number of benefits to looking at this application versus what is actually permitted by law.

The second part of the C2 criteria is they are suggesting that the benefits of granting these variances outweigh all the potential detriments. As she mentioned, given the degree of non-conformity in the block, the oversized nature of the property, the subdivision of this property, she thinks what they are proposing is definitely a benefit to the neighborhood and more consistent from a planning perspective. It would create a consistent streetscape, it would result in less FAR coverage, what they are proposing are homes 3,100 square feet and 3,000 square feet for the two smaller lots. If they were looking at two lots, they could actually provide for 15,000 square feet worth of home. The same thing with impervious coverage.

As far as the negative criteria, in 1998 the Master Plan recommends the redefining of land use categories to better reflect, approve and establish land use developments. That is what she thinks her chart shows. What they are trying to do with this subdivision is better reflect what currently happens in this neighborhood versus what it is zoned for. She knows that in one of the documents it says that the remainder of the



municipality was zoned for an R-10. It didn't seem like it took into account certain circumstances like this. After 1998, in 2004 again it focuses on, and the Master Plan specifically states "modifying the few zoning definitions and regulations to better reflect the existing zone patterns." This is exactly what they are trying to propose here. In 2010, it recommended no changes to the R-10.

So, Ms. Bogart believes there is no substantial detriment from their proposal. She thinks three lots will create better homes in size and scale in the neighborhood. The two lots are going to be really out of scale and out of character with the neighborhood. There is really no impact to schools or traffic with one additional house. And, obviously, less FAR and less impervious coverage. From all those perspectives, they meet the negative criteria. Adjusting for the Master Plan comments and furthering the goals of the Master Plan and also addressing any detriments from a public perspective. For all those reasons she believes this application, from a planning perspective, meets the positive and negative criteria for the Board to grant the variances that they are requesting this evening.

Ms. Tsigounis noted that she understood her testimony and analysis and it was very clear and very good. Her concern is not so much the subdivision, but the fact that the Board is pre-granting all of these variances, like one of the members of the public had mentioned, which is setting the Board up for maximizing the envelope which is not even clear. One of the things mentioned as a concern was the rear yard. We heard it would be 100 feet. The way that the building envelope is drawn it shows a 30-foot rear yard setback. Again, her concern is granting a subdivision approval with all these variances. It is one thing to do a subdivision approval, but to get all of these variances right now off the bat so you can go and build these homes that are really maximizing the envelope is what she is not comfortable with. Mr. Hubschman stated that it is a slight downward modification to the side yards. Ms. Tsigounis stated that it is not because now there is 20 feet combined in between 37.01 and 37.02. That is narrow. That is not a lot of space. She is very uncomfortable granting these variances unless she had the house to see what is going on with the neighbor's house. Are we voting on this with the subdivision and all these variances built it? That is what she is having a problem with. Mr. Capizzi noted that the lots to the east and the west, her concerns about the impact on the neighboring properties... Ms. Tsigounis stated that it is not that. It is the people that are here tonight and the people that are going to live in the new houses. They are purchasing new homes that have only 20 feet of space between them. Mr. Capizzi stated that that is something that the buyer will have to be aware of when they buy it. Ms. Tsigounis explained that that should be an application that should be brought to this Board at that time. She doesn't like the idea of voting on these variances tonight with the subdivision. She has a hard time marrying the two of them so that this is what you are going to get. Not only are you getting a three-lot subdivision, which she understands can be in conformance with the context of the area, however, what is not in uniformity with the context of the area is that the people that are going to live here. Normally, each individual house that comes to us, if the neighbor is there, there is some sort of agreement. She is not comfortable voting with all these variances inclusive.

Mr. Capizzi appreciated where Ms. Tsigounis was coming from. He thinks from Ms. Bogart's schedule she could speak to it more in order to get to an approximate house of 2,200 square feet on lots that are roughly 75 feet wide, or 75 feet wide or smaller, certainly the side yard setbacks are not 35 feet. Ms. Tsigounis stated that that is the combined side yard setback. Ms. Capizzi noted that as far as the outbound properties are concerned, they respected the Board's concern to give them what is anticipated in the zone and have the 15-foot side yard setback there. The concern relative to the interior lots, when the end-user comes to buy that house, it will be built and they either they will be agreeable to that scenario or they won't and if they are not, they won't buy the house. He doesn't think the community is impacted.

Ms. Bogart stated that one of her suggestions when she looked at this was to make sure that they had the 15 feet on the outside. One because they were respecting the neighbors and giving them the buffer, and also because you see the mature tree line that will be saved when they do that. She thinks that totally makes sense. The interior they felt that it was going to be a little bit different because it was within their development. The other comments with regards to the rear setback, that line is just there because it's the required setback. Obviously, there is no way someone is going to put a house all the way back there. The envision was to keep the houses closer towards East Madison and have a nice mature area of greenery. They are required as an applicant to put the required building envelope there, so it shows the required building envelope and that's the MLUL requirement. Obviously, their intention is not to put the home all the

way in the back. It doesn't make any sense. It makes more sense to have a nice rear yard, and maybe there is a condition that they could put on this approval to do that. Obviously, the other variance, in regards to the street frontage, they can't change that. If you look at her chart, it is very consistent with the neighborhood. She really does understand the concerns about the middle lot and the two ten-yard side yards. Maybe there is something they can do about that. She knows, as a Board, you do the individual lot evaluation and maybe at that point in time you can do that. She thinks she addressed all the comments for the rear and side yards. She completely agrees about keeping the 15-foot side yard on either side and maybe there is some condition you can put on the rear yard.

Mr. Sutera wanted to know if there was any consideration not shown here, but anywhere in her work, did she take a look at the relative side yard offsets as she travelled across these different homes. Ms. Bogart was thinking that she should have done that, but she didn't look at the side yard setbacks, but based upon the lot size and the building size and lot frontage and the width, it has to be very similar. Mr. Sutera asked if she could go back and state if there is a reason to avoid having a compromise to possibly change the situation requiring variances on the middle lot. Is there reason why there isn't consideration for smaller properties that wouldn't require variances on each of those based on her analysis in terms of square footage. Mr. Sutera was talking about the envelopes on the three lots for a smaller scale home that would comply and not require the side yard offsets. Ms. Tsigounis was curious about the same thing. Mr. Sutera was wondering why we were talking about variances. Is it in fact because the client wants a home at a certain size? Ms. Bogart doesn't think it is that at all.

Ms. Bogart stated that there are a couple different design options. Obviously, one is to do a smaller home and try to more comply with the side yard setbacks. Or you could either move the home back or in front of the other homes so there is a little more space there. There are a couple different planning options that could be put to light that could remediate or appease some of these concerns. Mr. Stamos asked if it was feasible to build a home on the properties that does not require side yard setbacks. Mr. Capizzi just talked to Mr. Hubschman and stated that they will amend the application to provide 15-foot side yard setbacks as to each side yard on each lot, but they will still need a variance for the combined side yard setback. So, the combined side yard setback would be five feet on each. They will have 15 and 15 on each side yard setback and hopefully that will address the Board's concern. So, they will be left with two variances per lot, the lot width and the combined side yard setback. Mr. Stamos stated that they would basically have a home that would be about 37 feet wide. Mr. Hubschman said that they can get that to work.

Mayor Romeo questioned that they were going to build a 37-foot-wide house. Mr. Hubschman noted that that is why they wanted it to be more like 42 feet. Mayor Romeo noted that based on the economics of it, the sale price of that property, which is none of our business, but you must take it into account, how is the builder going to get his money back building 37 ½ foot wide houses in that neighborhood. Mr. Hubschman noted that one of the houses on Park Street was 38 feet wide. And it is doable. The garages are sort of offset on those.

Ms. Bauer asked what the average of the lot frontages was in the area. Ms. Bogart didn't do the average on the lot frontages. On the first page, when she did the lot frontages, she just looked at the frontages that were around 75 feet, because that was what they originally proposed, and that was 56 lots, so it's 81% of the lots in the area. Then she went back and looked at the lots that were approximately 67 feet or less, which is what they are proposing, and that is 21% of that study area. She did not do the average. It is a significant portion of those lots that are non-conforming. Ms. Bauer said that on the average, they are larger than 67 feet. Ms. Bogart stated that most of them are around 75.

Mr. Malone asked if there was any consideration to two 75-foot lots and one 50-foot lot. Ms. Bogart noted that that was their original application that was presented in November. Mr. Malone said that that was a flag lot. Ms. Bogart stated that that is impossible to do without a flag lot. Mr. Malone stated that there are several lots in the area that are 50-feet wide. He noted that you would need variances on the 50-foot lot, but you wouldn't necessarily need them on the 75-foot lots and most of the lots in that neighborhood are 75-foot lots. Ms. Bogart noted that that is correct and that is why they originally came up with the application that they did to comply with the surrounding area. She doesn't believe there was a concept with just a 50-foot lot and then two 75s.

Mr. Ulshoefer opened the meeting to the public. Mr. Steven Schuster wished to be heard. He wanted to know how they are going to be expected to ask any questions when they haven't even seen the report that was submitted to the Board just today. They can't be expected to conduct an examination on the report or have questions. Mr. Capizzi addressed Mr. Schuster and told him that the report was not prepared. The exhibit was just given to the Board. Mr. Schuster said that the exhibit was prepared today, and they had no opportunity to review or analyze it in any way. This is just a paper analysis of the map right now. Mr. Capizzi stated that there is no plan before the Board right now. Mr. Schuster noted that it is unfair that they haven't had the chance to conduct a review of the report because they haven't seen it. Mr. Capizzi didn't agree. The planning testimony is typically done by way of live testimony at a hearing and is supported by exhibits. You heard the testimony, so go ahead and ask your questions. Mr. Schuster stated that he hasn't seen what was prepared. How can he ask a question? Mr. Capizzi invited Mr. Schuster up to take a look at the exhibits.

Mr. Fred Zypman, 285 East Madison Avenue, Cresskill, wished to be heard. He has a question about the report. In Ms. Bogart's analysis, she talks about area and neighborhoods, does she refer to the whole of Cresskill. She makes statements about size and compare to what's in the area. Ms. Bogart noted that the State law is that they are asked to provide notice to people within 200 feet and that is supposed to be the area from a planning prospective. She feels that you look at the street, new houses on the street and potentially additional new growth in the area. She knows when they were here in November, there were a lot of people on Palisade that were concerned, so she added that to her analysis. She showed the map of the area that she did. It included East Madison, Palisade and across the street. That is what she felt, when she went out there, was the area of influence.

Mr. Chris Santilli, 165 Palisade Avenue, Cresskill, wished to be heard. Mr. Santilli noted that in terms of the notice area, the 200 feet, he wanted to know how many houses were conforming in that notice area. Ms. Bogart stated that she did not look at that but could probably tell him that. She looked it up and noted that five of the 15 are conforming. After looking more closely there were homes that weren't included. Mr. Hubschman looked at the tax map and he came up with 15 out of 26 are non-conforming. Ms. Bogart didn't look at the other side of Palisade Avenue because she felt they didn't influence their proposal particularly since they have homes that are fronting on Madison Avenue. She only included the homes on Palisade that were adjacent to the subject property because they are impacted but not on the other side of the street. Mr. Capizzi said that Ms. Bogart says when there is a front yard setback variance it impacts on the streetscape. Ms. Bogart agreed. The side yards are going to impact on East Madison not Palisade Avenue. Mr. Capizzi asked Ms. Bogart, as far as the impact on the streetscape of the proposed front yard setback variances, are they going to have a positive or negative impact effect, the shortfall, on the streetscape. Ms. Bogart doesn't feel there is any impact on any of the homes on Palisade Avenue.

Mr. Louis Sicheri, 279 E. Madison Avenue, Cresskill, wished to be heard. He is looking at the map and he sees no side streets. His house is almost directly across from this property. It barely makes this map. How is this possible. Why isn't Dr. Loman's property that's on the corner of East Madison and Engle Street on this? Why are we getting all these properties down the street from it? He doesn't understand why the property that is on East Madison Avenue and Engle Street is not on this map? Mr. Capizzi asked Mr. Sicheri to calm down and give Ms. Bogart a chance to answer his questions.

Ms. Deana Lopresti, 165 Palisades Avenue, Cresskill, wished to be heard. She stated that Ms. Bogart mentioned when she spoke about the three lots that there was a possibility because of the variances needed between them that one might be set back or that there could be some combination thereof. What would the impact of being set back would a plan like that be to the backside neighbors on Palisade Avenue. Ms. Bogart said it was just a comment and she was suggesting that there was some concern about the side yard setbacks and there were different design ideas that they could come up with. Ms. Lopresti said that that could definitely have an impact on the other side. Ms. Bogart also said that they would have to have a 30-foot rear yard so there would be a way to maintain a buffer. She doesn't believe a house would ever be built all the way in the back of those properties.

Mayor Romeo informed Mr. Sicheri that the map is accurate and showed him the map and explained it to him.

Mr. Schuster noted that what we stated earlier was that these properties on the exhibit were the ones she thought would be impacted by the development. Ms. Bogart agreed. He asked if she believed that a property on New Street would be impacted by this development. Ms. Bogart noted that she had Palisade, East Madison, Oak, Engleside and Center. Mr. Schuster noted that there is one house on New Street. He believes that it is a quarter of a mile away. Ms. Bogart noted that that house is conforming. Mr. Schuster just wanted to talk about the relevant areas. In other words, she is considering properties a quarter of a mile west, but she didn't consider all the properties that were within 200 feet of the subject property. Ms. Bogart agree. Mr. Schuster asked if that was contrary to what most planners would do as far as that is concerned. Don't you consider properties within that 200-foot area as they are important for site development. Ms. Bogart noted that if she was trying to make sure that this analysis looked in their favor, why would she include a lot that conforms. Mr. Schuster interrupted and yelled that's exactly his point – in their favor. Mr. Capizzi told Mr. Schuster that this is not an argument. You are asking her questions and asked him to calm down. Ms. Bogart said she was answering his question. It is a conforming lot, so if she was trying to do something that was not above board, why would she include a lot that conforms to the zoning ordinance that is contrary to the argument that they are proposing tonight.

Mr. Schuster stated that they are supposedly concerned with a larger area. His point to Ms. Bogart is why didn't they consider properties that were within 200 feet of the subject property. Ms. Bogart noted that as she indicated to this Board, she doesn't believe that if she has three lots that front on East Madison, it has any impact on the homes on the other side of Palisade. There is no access to Palisade, there is no visual impact to them, the homes are going to front on Madison. Therefore, the only homes that she took into consideration are the homes on Palisade Avenue that are directly impacted because they are adjacent to the subject property. Mr. Schuster asked why she would consider properties that are a quarter mile away. Ms. Bogart stated that they are not a quarter mile away. The New Street property that Mr. Schuster is referring to is in Block 86 and it is less than a quarter of a mile. Mr. Schuster noted that Ms. Bogart doesn't believe that all the properties within the 200 feet of the subject (property) are necessarily relevant in her analysis about the surrounding area. Ms. Bogart stated that that is not what she said. Ms. Bogart stated that what she said to this Board in her testimony is that she looked at the neighborhood and what she thought from a planning prospective would be impacted. Mr. Schuster then stated that what she thought was a property a quarter mile away would be impacted by this and ones that are less than 200 feet are not. Mr. Bogart stated no. And as she suggested to him, she does not look at properties a quarter mile away. That property on New Street is Block 86, Lot 138 and is on the map and is less than a quarter mile away. Mr. Schuster said that is certainly more than 200 feet away. Ms. Bogart agree to that and like she said, it is conforming to the ordinance. It is one of the few lots that are conforming.

Mr. Schuster noted that if we are going to take properties the other way east that are equal distance away from the subject property to New Street, wouldn't a lot of these properties be in fact 40,000 square feet lots. Ms. Bogart stated that it didn't make sense to her from a planning perspective because from a planning perspective when she went to visit the site, those lots in that neighborhood were very different and separated from the neighborhood that she felt was important. Mr. Schuster stated that that wasn't his question. Ms. Bogart stated that that was her answer. Mr. Schuster then stated that she wasn't going to answer him. Ms. Bogart said that she answered his question. Mr. Schuster said she didn't answer his question. Ms. Bogart said she was pretty sure she did. Mr. Schuster said that he doesn't think she did.

Mr. Schuster wanted to know how many lots are in fact less than the proposed 67 ½ feet. Ms. Bogart answered by saying she believed they just went through this in detail. Mr. Capizzi asked Ms. Bogart to go through it again. Ms. Bogart noted that the engineer indicated that there are 26 lots and about 15 are non-conforming. Mr. Schuster said that wasn't his question. He wanted to know how many lots within 200 feet are non-conforming.

Ms. Tsigounis stated, with all due respect, directed to Mr. Schuster, this is not an interrogation. It's just members of the public asking questions. She thinks he knows that the Planner did testify as to the nature that she did study the street. She thinks we should move on. Mr. Schuster asked, isn't it a fact, that the

property across the street was recently developed as a 125-foot lot. Ms. Bogart agreed. Mr. Schuster asked if she was familiar with a property located at 8 Kenilworth. Ms. Bogart stated she was not. Mr. Schuster asked if she knew anything about 26 Cresskill Avenue. Ms. Bogart stated she did not.

Mr. Stamos opened the meeting to the public for any comments. Mr. Fred Zypman, 285 E. Madison Avenue, Cresskill, wished to be heard and was sworn in by Mr. Stamos. Mr. Zypman stated that it came up a few times the comparison with Park Street. His comment is that his feeling is the character of that area of town is very different from the area that this development is being proposed.

Mr. Tom Hessmer, 268 E. Madison Avenue, Cresskill, wished to be heard and was sworn in by Mr. Stamos. Mr. Hessmer wanted to know if they were to divide the property in half and somebody builds two big houses, what are the offset rules for those two big houses relative to the properties next door and behind. Mayor Romeo noted that the sides yards are 20 on one side and 15 on the other. Set back from the street is at least 25 feet and the back is 30 feet. He would have a 100-foot backyard easily.

Mr. Steven Schuster, 170 Palisades Avenue, Cresskill, wished to be heard and was sworn in by Mr. Stamos. Mr. Schuster noted that one of the things the Board is entitled to take judicial notice on its prior decisions on actions on applications. If you recall, we had a similar application on 8 Kenilworth for a subdivision and the Board ruled that they were not going to allow two undersized lots. This property is within three blocks of the subject property. On 269 Madison Avenue, directly across the street, there was also something about somebody buying that property. That is a 125-foot lot. If you go to 20 and 26 Cresskill Avenue, a similar application came in for another three-lot subdivision and that was denied for two lots only. He thinks clearly the precedent and the intent of the Board is not to grant these subdivisions. As far as the experts are concerned, he thinks expert opinion can only be considered based on the facts provided. The facts by which the opinions are being made. Otherwise, it is what we call a net opinion, and it is not to be considered. For all due respect to Mr. Hubschman who he has know for forever, the fact of the matter is he is talking about runoff and all this type of stuff which we don't really know what that is going to be at this point because there are no plans. It is all speculation. There is no basis for that. As far as the planning expert is concerned, he thinks clearly that the fact of the matter is that she failed to consider properties relevant to this site. Properties within 200 feet that she did not consider. He believes her testimony was telling and was that she goes for things that support the application. He thinks it is important to realize that if you look at case law in this type of situation, to get a flexible C variance, you have to prove that this three-lot subdivision would advance the purpose of zoning. We have already discussed that you cannot build without substantial detriment to the public welfare. The benefits to the public are not outweighed by the detriment. The variances will substantially impair the intent of the zoning. The application cannot be granted, not just to advance the interest of the owner, it must better the community.

Mr. Don Skog, 157 Palisade Avenue, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Skog noted that obviously this is a very complex issue for the Board to decide and doesn't have anything but admiration for the Board in dealing with this. One comment he would like to make and might be a little impertinent to the subdivision today but might become more and more pertinent for the Board's consideration when future variances might be requested and that is in the November meeting it was pointed out that from the east to the west points of the property, there is a 25-foot drop in grade. What wasn't pointed out is that there is also a grade between the north and south between Madison and Palisade Avenues. A number of times in the past, the properties, particularly at 149 Palisade Avenue has been flooded. Right now it is under construction and he thinks that most of the people here know that Palisade Avenue, east of that, was covered in mud and water up to the curbs. His concern is that no matter what the Board considers tonight, and what you might consider for future variances, that something be made very definitive about flood control, maybe by the engineer or whatever. You can't put sewers through people's property. The property that is really subject to flooding is 149 Palisade Avenue, but also 145, 153 and to a little bit of extent, his property, 157. He has had some rivers go through but go through unfortunately down to his neighbors. But flooding is a significant concern based upon the grade of that property. Any considerations made tonight, and certainly in the future, no matter what you decide tonight, really need to take into account flood control and flooding of neighboring properties.

Mr. Louis Sicheri, 279 E. Madison, Cresskill, wished to be heard and was sworn in by Mr. Stamos. Mr. Sicheri noted that he has lived on E. Madison for 40 years, not quite as long as the Hessman's, but they have been good neighbors. He just wanted to say that forty years ago, when he bought his property, it was a small ranch house, and they weren't the first people in the neighborhood to actually make a renovation. Over the course of time, many people around them renovated their houses. The community and the neighborhood became very attractive. They love living there, and they would like to see the community continue to be attractive. He looks at this thing with the three proposed houses right out of Park Avenue and he is thinking that is not his neighborhood. He doesn't want his neighborhood to look like that. He hates to say it, but it is the way he feels. He doesn't think it is a great move. He would like to see the whole neighborhood take a little bit of an upgrade. Okay, so we are going to have two big houses. God bless you. You go up the street a quarter mile and there are plenty of big houses. He doesn't think there is any better version in Cresskill for big houses. Why not. The neighborhood is great. It is growing and getting better and better. This he believes is a big step backwards.

Ms. Cynthia Lash, 162 Palisade Avenue, Cresskill, wished to be heard and was sworn in by Mr. Stamos. Ms. Lash is in concurrence with what other people have said. She is on the other side of Palisade, but she can tell you that in the winter now, with the trees with no leaves, you see right through, and she thinks it is going to change the feel and the ambience of the neighborhood. It's not as bad as if it were a half a dozen town homes, but it is going to change. She would much rather see two big homes than three smaller homes on small lots.

Mr. Ulshoefer closed the meeting to the public.

Mr. Capizzi requested a two-minute break.

Back in session, Mr. Capizzi presented the Board with a new plan, marked as Exhibit A5. This is a plan by Hubschman Engineering, dated December 15, 2021. This is a proposed two-lot subdivision. This would be a minor subdivision, splitting the lot right down the middle. Mr. Hubschman noted that they are showing a 100-foot lot frontage on the east and a 101-foot lot frontage on the west. East lot would be 25,787, and the west lot would be 25,225. They are fully conforming lots. They are not asking for any variances. It will be a minor subdivision filed by deed. They will come back for site plan approval.

Mr. Stamos stated that we have to open the meeting to the public for questions and comments. This is a conforming subdivision. There are no variances requested as part of this application. No public wished to be heard.

Mr. Ulshoefer closed the meeting to the public.

Mr. Malone made a motion to approve, seconded by Ms. Tsigounis. 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. Sutura to adjourn the meeting at 9:44 PM, seconded by Mr. Malone. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for February 8, February 22, March 8, and March 22, 2022, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary