

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**MARCH 22, 2022**

Mr. Ulshoefer 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, Councilwoman Schultz-Rummel, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera, Ms. Tsigounis and Mr. Berger. Also present was Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

\*\*\*\*

Ms. Bauer made a motion to approve the minutes of the March 8, 2022, meeting, seconded by Ms. Tsigounis. All present were in favor of the motion. Motion approved.

\*\*\*\*

### **Correspondence**

Application for Soil Erosion and Sediment Control Plan Certification for 39 Center Street, 39 Center St., LLC. File.

\*\*\*\*

### **Subdivision Committee**

Ms. Tsigounis had nothing to report.

\*\*\*\*

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

Mr. Azzolina had nothing new to report. He prepared a report for tonight's Public Hearing for Applications #1578M, 33 Westervelt Place (major subdivision), Jameli & Drita Ferati and #1581, 35 Westervelt Place (site plan), Jameli and Drita Ferati.

\*\*\*\*

Resolution for Application #1573, 39 Center Street, 39 Center Street, LLC, was presented. Mr. Stamos stated that this was simply a knockdown of an existing home and a combined side yard variance which is actually an improvement of what is existing. Also, they needed a lot coverage variance. Because they are only allowed to use the first 125 feet of the property, this required them to get a lot coverage variance. They were approved by the Board unanimously. Ms. Tsigounis introduced the resolution, seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera and Ms. Tsigounis all voted yes. Ms. Furio was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

\*\*\*\*

### **Old Business**

None.

\*\*\*\*

**Public Hearing – Applications #1578M & #1581 – 33 & 35 Westervelt Place**

Mr. Mark Madaio, 27 Legion Drive, Bergenfield, NJ, was present representing the applicants, Jameli and Drita Ferati. He stated that this is a subdivision application in order to construct a new home on one of the two lots and leave the existing home on the other lot. He handed Mr. Stamos the original proofs of service and publication. They were pre-sent to Mr. Stamos previously. The application will be for a subdivision to create two 50 x 140ish lots. The construction of a new home is proposed on the new lot and there are some variances that will be pertinent to the old lot. This application is probably not new to anyone. This is probably the first application that has actually come before the Board with regard to it, and that they hope will be concluded. He thinks one of the benefits of this application is that they intend to remove all of the outlying previously commercial buildings. Some may recall or be familiar that there was a glass or glazing company using several of those sheds across the back of this property spanning the entire back of both of the two lots. Those will all be eliminated. As a result, they would like to think they will wind up with homes that conform to the neighborhood and lots that though undersized conform to the neighborhood. They are prepared to start out with Mr. Hubschman.

Mr. Stamos stated that he did review the proof of service and affidavit of publication and notices and they are all in order so the Board has jurisdiction to hear this application.

Mr. Michael Hubschman, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Stamos. He is a licensed professional engineer and planner. Mr. Hubschman's license is still valid in the State of New Jersey and has just been renewed. Mr. Stamos noted that Board has accepted him as an expert in the field of Engineering.

Mr. Madaio asked Mr. Hubschman to explain the existing conditions on the property. Mr. Hubschman stated that he has a three-sheet set of plans. The first sheet shows the property. The second sheet shows the proposed house. He noted that the existing property is 100 feet in width and 145 feet deep on the north side of Westervelt in the R-10 Zone where 10,000 square feet is required, 100 x 100. Presently on the lot is a two-story dwelling that is all on the left side, or the west side, of the property. There are also three accessory buildings in the back that are fairly large and a smaller shed that they are proposing to remove. One is 580 square feet, 350 square feet and 112 square feet going from left to right. There was some sort of business in the back there. There is paving along the driveway. Some paving in the rear that was used for parking. There is a deck. The lot slopes front to back but is fairly level.

The lot size is currently 14,500 square feet. Required in that zone is 10,000 and the single lot is approximately 50% over the requirement. They are not quite at full size for two lots. They are approximately 50 over on a single lot and they propose to create two lots. Mr. Hubschman stated that they are proposing to subdivide the property in half. The one existing house is all towards the left side of the property. They would be 145 x 50, so they would be 7,255 square foot lots proposed, half and half. The lot with the house on it, they are not changing anything about that lot. The driveway is going to remain. Mr. Hubschman noted that Mr. Azzolina's letter had asked them to show removing a portion of the driveway that may be encroaching on the easterly 50-foot lot. They will just clean up the house and the lot and the deck needs some repairs. That property is about 7,262 square feet where 10,000 is required. Mr. Madaio stated that since they propose to leave the existing structure, there will be variances pertinent to the existing structure. Mr. Hubschman noted that you will need a variance for the side yard at 10 feet that is existing on the west, a total side yard would be 23 feet, where the zone requires 35 feet. It is slightly over on the building coverage, 20.5% because the ordinance includes the deck. He knows they will be redoing the deck so they can always remove that half of a percent so that variance might be able to go away. The lot width and lot area are deficient. One of the side yards is supposed to be 15 feet but it is in fact 10. The total side yards are supposed to be 35 but they are 23. The building coverage is supposed to be 20% and they are 20.5% so that is a half of a percentage point over because of the deck which is included in the building coverage. The impervious coverage is supposed to be 35% and they are at 42%, which is over also.

Mr. Madaio stated that importantly they do not require a FAR variance. There is no indication, despite the undersized nature of the lot, that the lot is overused by Cresskill's standards. Mr. Hubschman noted that it is a small house at 1,800 square feet living area. The permitted FAR is 39% and the proposed FAR is 28%. Mr. Hubschman agreed that the FAR is 28.8%. They are at about 75% of their permitted FAR.

Mr. Madaio asked if the lot in its entirety at this point has any unique topography. Mr. Hubschman stated that it is fairly level. The only unique thing is the larger accessory structures in the rear which are going to be removed. Of course, they are existing and were it not for the fact that they are planning this application and sort of cleaning up everything, they could be existing on a continuing basis. Mr. Hubschman noted that there are a lot of variances for those structures like side yard and rear yard as accessory structures.

Mr. Madaio asked about the water, drainage, stormwater and all of that with the existing house. Mr. Hubschman noted that there is an overall reduction in the improved coverage on the property. Mr. Madaio noted that, in fact, when you take the two houses, compared to what is there now, there will be an actual overall reduction in impervious coverage. Mr. Hubschman agreed.

Mr. Madaio turned his attention to the new lot. Mr. Hubschman noted that on sheet 2 they show the new proposed house which is similar to the house that Ms. Stephanie Pantale designed on Westervelt and a couple other times in Cresskill on the 50-foot lots. It is proposed for 10- and 10-foot side yards. It has a 27.2-foot front yard to match the existing house to the left. That is conforming. Mr. Madaio restated that the front yard is conforming, and the side yards are 10 feet each where 15 feet each is required. Mr. Hubschman noted that 15 and 20 is required. The total side yard is required to be 35 and theirs is 20.1. The rear yard conforms. On both of these lots the rear yard is several times greater than required. It is a very deep lot at 140 to 145 feet. The rear yard is 70.9 feet in the new lot and 76 feet in the old lot. Only 30 feet is required. The rear yards are at least double what is required, creating some space and not overburdening the property.

As they are moving forward, the building coverage on this lot will be 24.3%. They are proposing a deck, that can be reduced. It is about 4% over or 280 square feet. They have a conforming FAR on this house. The conforming FAR on this lot indicates that they are not overbuilding by virtue of the primary consideration for density, which is FAR in Cresskill. The only other thing that they need to talk about is impervious coverage which is required to be 35% and theirs is 40.37.

Mr. Hubschman stated that Board has seen the proposed house before. It is on a 50-foot lot. The neighborhood consists of varied lot sizes. There are 50-foot lots down the street. Across the street are all 70-foot lots, so there are a lot of smaller homes and older Colonials, and some redeveloped lots. This house would fit it with the older Colonial look on the block.

Mr. Madaio wanted to address Mr. Azzolina's review letter dated March 21. This was marked as Exhibit B1. Mr. Madaio marked Mr. Hubschman's site plan as Exhibit A1. Mr. Hubschman noted that Mr. Azzolina's letter recommended new curbing, sidewalk and aprons along the entire 100-foot frontage. That is not a problem. He mentions the tree removal which is shown on sheet 3. They are cleaning up the lot and removing about 16 or so fairly smaller trees on the lot. Mr. Azzolina talks about the lot, and Mr. Hubschman notes that it is two lots, 22 and 21, that have merged. The house is sort of built on a 50-foot lot originally. Mr. Madaio asked Mr. Hubschman if he knew the background of the merger at all. Mr. Hubschman said he didn't know, but the deed does show one lot now.

Mr. Hubschman noted that there is nothing in Mr. Azzolina's letter that he couldn't comply with. There are mostly small engineering items that they can take care of if they are approved. Mr. Madaio stated that they are prepared to do whatever is suggested in Mr. Azzolina's review letter. Mr. Hubschman agreed.

Mr. Madaio asked about anything else they need as far as drainage on both of these lots and that they are capable of providing for the drainage on the new lot as is required. Mr. Hubschman noted that they are providing two seepage pits, which is more than required, one in the front to pick up the driveway and one in the back to pick up the roof leaders. Sheet 2 has the decrease in impervious coverage which is 1,156 because they are removing all those structures in the back and the driveways that go to the extra buildings.

There is a pretty large net decrease in impervious. The footprint on the existing home is 1,045 square feet. The amount of impervious coverage they are reducing is actually larger than the entire existing home. Mr. Hubschman noted that they are fairly large accessory structures in the back.

Ms. Bauer asked, when they were calculating the impervious, did they take into account the 125-foot limit. Mr. Hubschman noted that he did and it is shown on the calculations. Mr. Madaio noted that he calculated the FAR the same way. Those are the two items that they are required to on the narrower lots. In actual numbers, they have considerably less FAR.

Ms. Tsigounis asked about the existing driveway where the existing dwelling is. When creating the subdivision, the driveway is up against the property line. The engineer makes note of it. Mr. Hubschman stated that Mr. Azzolina brought that up. The driveway has to be 10 feet from the property line. They are proposing it to be about a foot so that would be a variance or waiver required for that. Mr. Madaio said that they would amend to seek that. There is no garage on the existing lot. Ms. Tsigounis asked how old the house was. Mr. Hubschman believes it was built in the 1920s. Ms. Tsigounis asked about the condition. Mr. Hubschman said he wasn't inside. Ms. Tsigounis said that there is the potential that it will be torn down in the future. Mr. Hubschman said it could be torn down in the future. Ms. Tsigounis said that it could be torn down just to meet current standards of not having a garage. Mr. Madaio agreed. He said that if it was the Board's pleasure, and it meant a significant part of this application, they could very likely try to relocate the garage. Of course, that would increase their coverages, but they are already cutting over 1,000 square feet of coverage out of it. They could talk about that. Mr. Hubschman said that that is a pretty good benefit the lot is sort of in need of, just removing all those old structures and the deck and cleaning it up.

Mr. Stamos said that they talked about percentages and proportions of some of the items, but just to clarify, you have right now a compliant property in terms of lot width. It is actually at the minimum of 100 feet. Now you want to reduce that to 50% of what is required. Mr. Azzolina's report gives the percentages, and some are only a few percentage points off, but we are talking a good percent reduction there, they are deficient by over 27% in lot area. The lot frontage is 50%. The minimum side yard is 33% deficient. The total side yards are 42%. The building coverage is 4% and then the impervious coverage is at 40%. They are fairly significant in terms of the extent of these variances. Mr. Hubschman didn't want to say that, but this is pretty standard with what they have done with the 50-foot lots in Cresskill, trying to hold the 10-foot side yards. The house is sort of unique. It is really on the left side of the property. They lose the lot depth, but they are still 7,200 square feet where 10,000 is required. Mr. Stamos stated that they are creating two lots that are deficient in width, then asking for side yard variances on both. Mr. Hubschman noted that one is existing, but they are requesting a 30-foot-wide house.

Mr. Azzolina stated that there were a couple items that were not discussed. Building heights were not discussed. Mr. Hubschman stated that the existing building is .38 feet higher which is slightly over but existing. Mr. Azzolina noted that it is not identified on the schedule as a variance condition, but it is in fact a variance condition. Mr. Madaio agreed that it is pre-existing, and they cannot take three inches off the existing house, but it is a variance condition. The new home, which they do have control of, is in fact fully conforming as to height. Mr. Azzolina noted that, in that regard, it depends on how you interpret the ordinance. Historically, we interpret these types of applications where you have a changing grade at the one corner of the home, which in this case would be the southwest corner where there is a four-foot high retaining wall. What we have historically done is take the average elevation where you have the top of wall of 76 and bottom of wall at 72, so you say the median value there is 74 compared to the other side. Using that standard, there would be a height variance associated with the new home, but that's not to say the roof pitches couldn't be modified to correct that deficiency, assuming the Board is in agreement with that method of calculation which we have applied to many homes with this type of design.

The other thing that comes into play here is the drainage. Mr. Hubschman mentioned that it is a downward drainage for a portion of the driveway. This site is a little bit different than some of the other ones in town where you have the ability of the roadway to enter into the driveway. Here there would be a crest vertical curve to elevate the sidewalk so you are talking about just the driveway area which would just flow down to the trench drain and enter the seepage pit and then if there is any intense flow, enter a sump pump and bring it to the rear yard. Mr. Hubschman stated that he forgot that Mr. Azzolina's letter also stated the

generator for this type of drainage. Mr. Azzolina said that that is the question. Mr. Hubschman noted that they would install a generator for the pump. He explained that they have used this system and it picks up the driveway with the seepage pit and it seems to be working pretty well. Mr. Azzolina agrees that it works for the normal rainfall, but we have had some historic types of rainfall that we have had failures of that system. Mr. Hubschman noted that that is why they propose the sump pump overflow to the rear.

Mr. Azzolina stated that another thing that the Board should be aware of is that the property basically slopes from the south to the north. In the rear yards of the properties on the next block, there is a drainage system that was installed when that subdivision, the Hillside subdivision, was constructed in the 1960s. So, there is a storm drain just on the other side of the fence. If any flow should flow in that direction, it should make its way under the fence and enter that storm drain. Mr. Hubschman noted that they are removing so much impervious in the rear too that it should make a difference because it will be all flat lawn area. Other than that, Mr. Azzolina believes the Mr. Hubschman has addressed all his comments in his letter.

Mr. Jeffrey Smith, 650 Lotus Avenue, Oradell, NJ, wished to be heard. He was here representing 49 Westervelt Place LLC. He is an owner of 49 Westervelt Place which is two doors up from this application. His question is he heard testimony regarding the backyard being bigger than required. His bigger concern is the view from the street, not so much the backyard. His question is why not eliminate a couple of variances for side yard and make the house narrower and go into the backyard. Mr. Madaio stated that the architect is probably better to answer that question and her testimony is next. Mr. Smith stated that he came down last week to see the plans and he was given the elevations and floor plans. He asked if there was a plot plan or landscaping or a 3D rendering of what the house was going to look like compared to the old houses around it and he was told that that was all they had. The notice said they could come see the plan and he was just shown three pages.

Ms. Stephanie Pantale, 70 Chestnut Ridge Road, Montvale, NJ, was sworn in by Mr. Stamos. She is a licensed architect and her license is still valid in the State of New Jersey. Her plan was marked as Exhibit A2, dated November 19, 2021. She was accepted as an expert in the field of architecture. Ms. Pantale provided the set of architectural for this project. Ms. Pantale noted that the first floor was approximately 1,275 square feet and has a deck in the back. You come in to the first floor into a little entrance foyer, a living room, dining room, family room, kitchen and a staircase. It is a wide-open floor plan and is typical of what they do today. You come upstairs and they only have three bedrooms upstairs. Typically, they try to get four upstairs with one bedroom in the basement. They have four bedrooms total, three upstairs and one possible in the basement. It could be an office or whatever, but it has a window that is an egress window in the basement. The second floor has three bedrooms, a master bathroom, a common bathroom and a small laundry area upstairs. That square footage is approximately 1,132 square feet. The total square footage of both floors is 2,385. In the basement, you have a two-car garage, a small mechanical room, a TV room, a bathroom, and a small bedroom or small office.

Ms. Pantale wanted to answer Mr. Smith's question. She stated that the reason the 30-foot house works is because it gives you a two-car garage, which is today's standard, and leaves you approximately seven feet for a front door to get in. They couldn't narrow this and still have a two-car garage and a front door vestibule. It is kind of tough. If you have the front stairs going straight up, she still needs three-and-a-half feet to get up the stairs and down the stairs to the basement and walk past it. No one talks about wall thicknesses, but they have them. It would be a snug way to do it. This house they did it on the side. This house still encroaches on the side. A railroad car that is skinny and long is not going to be any better or different. Ms. Pantale said that if you make it skinnier, you will probably have to narrow it down to a one-car garage which would limit the parking spaces on site.

Mr. Madaio asked about the elevations. Ms. Pantale noted that you drive down into the basement for the garages and then you walk up the stairs to the first-floor area. It is kind of split level on grade and then it is a normal two-story home. There are other examples of this house in town. She knows there is another one she did on Westervelt, and she did a couple of Fifth Street and Sixth Street where there are more 50-foot lots. She can provide the street addresses. Ms. Pantale showed the right and left elevations as well. She pointed out the two-story window area that is the staircase. She pushed the second floor back a little bit over the dinette area to break it up a little bit. Mr. Madaio asked about the roof and if they had to bring

the roof down a little bit to conform, could she do that. Ms. Pantale said that she could. Mr. Madaio noted that they are not asking for a height variance. It will be built to code and not seeking a deviation for the height.

Mr. Sutura asked about the tempered glass. Ms. Pantale believed it was in the laundry room area. It is also in the bathroom because it is within five feet of the tub. Any glass within five feet of a tub enclosure needs to be tempered glass. She has also been doing it more and more near toilets as well. Also, you want it by the staircase.

Ms. Pantale said that it is a very simple house. It is less than 2,400 square feet. There are a couple houses that she has done on the block. Depending on what the lot is, they try to conform, but on the 50-foot lots it is really hard to meet that with a two-car garage. Mayor Romeo asked where the A/C units were. The A/C units are in the back.

Mr. Ulshoefer opened the meeting to the public for questions of Ms. Pantale. Mr. Jeffrey Smith mentioned that his mother lives in 49 Westervelt and he is there a lot. She has lived there since 1952. He thinks he heard testimony that you could put a single-car garage and then you could have room so that you wouldn't have the variances, or at least one variance on the side yards. Ms. Pantale stated that you would definitely need a variance because it is 35 feet combined side yard. If you subtract that from 50 and it gives you a 15-foot house. If you do 15 and 15 it gives you a 20-foot house. Mr. Smith asked if the house was just too big for the property. Ms. Pantale said it was kind of in keeping with other things. When she did her calculations to do the house, part of the variance is the deck for building coverage. She is not saying remove the deck, because people want decks, and they are asking for the deck now instead of having the owner come back and ask for it after the house is built. Basically, the house would conform at 17.8% building coverage. The deck is adding impervious coverage, 400 square feet. Decks used to be not considered impervious coverage in the town and now they are. Those are just items that yes they are asking for the variance and a lot of it has to do with the deck.

Mr. Smith asked if this house would be in character with other houses down that side of the street with 75 foot and 100-foot fronts. Ms. Pantale stated that they are not all 75 and they are not all 100 feet. There are a lot of 50s. Mr. Smith said further up the street. Ms. Pantale said it is still the same street so if you are looking at the whole neighborhood and you are driving by doing 25 miles an hour, personally she would like to see all consistent housing, and she is not the planner here, but she has been doing this for 25-30 years, she would rather see that than one humongous McMansion standing there. Sometimes it is better to have smaller items and smaller houses than one huge house. Mr. Smith noted that the McMansion wouldn't be in keeping with the character and the fabric of the neighborhood. Mr. Madaio stated that they could build that with no variances. Ms. Pantale noted that it would be an extremely oversized property as well because it is 14,000 square feet, it is not just 10,000 square feet.

Mr. Madaio noted that Ms. Pantale raised a good point that he hopes we take a moment to pause on. The 50-foot-wide lot, if the Board agrees with that, your side yard setbacks are a total of 35 feet. It would be an impossibly narrow small house. It is not just the garage. You could not build a house at 15-feet wide or so. Of course, there are variances attendant to this. Even with a one-car garage he suspects you would still need a heck of a lot of variances. Nobody is living in a 15-foot-wide house. That would be living in a subway car.

Ms. Tsigounis doesn't disagree that there is something nicer about smaller homes, but the fact of the matter is we are creating this. It doesn't exist. Mr. Madaio stated that that is correct. Ms. Tsigounis noted that we are creating this and we are binding ourselves to work within this zoning regulation that the town has that we are asking variances for because we are creating all of this. It doesn't exist. And not necessarily is there going to be a McMansion put there. We are exactly building the maximum we can on these smaller lots. She wanted to emphasize the fact that these are not existing conditions. We are making them, and you are asking for variances based on conditions that they are making.

Mr. Madaio stated that the fundamental question before the Board in this application, and members of the public may speak or not as we continue, is the Board willing to view this area as one in which a 50-foot lot

is appropriate. If that is the case, then he thinks almost everything else flows. Of course, then we are back to what they just dialogued, which is, of course you need side yards, because you can't live in a subway car. Of course, you may need some other coverage variances. But the fundamental driver or understanding of use of the property, FAR, there is no question that they meet that even only measuring to the 125-foot line. But, yes, Ms. Tsigounis touched on really the most fundamental question of the application.

Mr. Madaio noted that he may have cut off members of the public that had additional questions or perhaps even statements. He may ask for a continuance as they evaluate some of the feedback from the Board this evening, but he certainly didn't want to cut off the public.

Mr. William Bailey, 42 Westervelt Place, Cresskill. Mr. Bailey lives across the street. He showed Ms. Pantale a house that he thought she was referring to earlier that she did. Ms. Pantale said it wasn't the house. He just wanted to get an idea of what it was going to look like.

Mr. Madaio would like to carry the matter this evening. He feels that he has laid in a fair amount of testimony about what they would like to do. They would like some feedback from the Board if this is within the realm of acceptability then he would like to come back with a planner to discuss the entire neighborhood and discuss the lots in the neighborhood. Before he gets that feedback, he wants to know if they want to do public comments as opposed to public questions because that may inform some of the Board's comments. He also received a correspondence, which he knows can only be marked received and filed and cannot be evidential. He would like to read it. The correspondence is from a neighbor. Mr. Stamos stated that we cannot accept the correspondence as evidence. Mr. Madaio understands that and the only thing we can do is mark it received and file.

Mr. Stamos stated that normally we take comments after, but if Mr. Madaio is willing to have it happen now, you will still have the opportunity again at the end because if they do come back with a planner, that may bring some comments or questions you may have. The public chose to wait on their comments.

Mr. Madaio produced the correspondence from Ms. Ashley Norris, 67 Westervelt Place. She has lived there for 34 years. She can't attend the meeting. She felt it important to share her support for the application. Her lot is also a 50 x 140 and is more than enough space to build a beautiful residence with ample room. Looking forward to hearing positive news. The Board cannot mark this into evidence. This was marked as received and filed. Mr. Stamos noted that Ms. Norris was before the Board when she had her house knocked down and her house is currently under construction.

Mr. Madaio explained that if this is an application that Board feels that this is something they might entertain, he thinks they demonstrated to the Board why it works, why it fits in. Yes, the lots are 50 x 100, but he believes they have shown that there is a little bit of a bigger picture here, then he would come in and submit additional proofs. If there is feedback, he will always take it and try to make adjustments. Mr. Stamos noted that Mr. Madaio is obviously looking for some comments from the Board. He stated the Board is not going to give anything definitive if they are going to come back with a planner. Mr. Madaio is aware that what the Board would give is just a general sense and understandably the Board can change their mind. It can do anything else it wants. The question really is do they bring a planner in to integrate Master Plan testimony, the neighborhood, etc.

Ms. Tsigounis stated that she thinks it is beneficial to the public to have a planner. As members of the Planning Board, we live here and jell with the decisions that get made on this Board. She is very concerned with the creation of two undersized lots in this zone. Mr. Rummel agrees with Ms. Tsigounis when it comes to building and making other lots. Ms. Bauer stated that when you are talking about variances, this is like 100% off.

Councilwoman Schultz-Rummel agrees that the house that they are proposing, if it was an existing 50-foot lot, the house makes sense. To take a lot that is 14,000 square feet, agreeing that it is beyond what the minimum is, but to create two lots that are now deficient, and all the variances that are going to come along with that, it just doesn't make sense to put something like that out there unnecessarily.

Mayor Romeo stated that we have granted subdivisions on two 50-foot lots when they originally were on two separate deeds. We have done that many times, because the intention at the time was to build two houses. He was looking at the map here and this is clearly just a 100-foot lot because you can see the addresses, as the numbers go up, you cannot figure in two lots there, and that is normally what happens. Or there is a curb cut to show the two lots. We have done that in the past. This is not the case here. Even if it was a merger, which he thinks happened after 1950 where they passed some sort of statute where the common owner had you merge them. In this particular case here, this owner built on one side and built a business on the other side. This is clearly one owner on one property at 35. No. 41 and 49 are 75 footers and then you go into the same thing as you go up and then there is a 50-foot lot. It clearly was supposed to be two 50-foot lots together, so it is a 100-foot lot. The guy bought this as a 100-foot lot to build on. Mr. Madaio agreed and said that he heard that Mr. Hofmeister somewhere may have purchased two lots but may have recorded a deed of merger.

Mr. Madaio is going to ask to carry this without further notice to the second meeting in April, and he will probably run a quick title search as well. If these were always subdivided and Mr. Hofmeister determined to merge them, they would have some historical precedence of this being two lots and he would be happy to bring that in. He will extend the amount of time for the Board to hear this application in any regard. He will speak to the client and make a decision about a planner. He will run a quick title search and see if that takes them somewhere.

Mr. Stamos addressed the members of the public and told them that we are going to be carrying this application to April 26, 2022, without further notice.

\*\*\*\*

#### **New Business**

None.

\*\*\*\*

#### **Other Business**

None.

\*\*\*\*

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

\*\*\*\*

Motion was made by Mr. Sutura to adjourn the meeting at 8:41 PM, seconded by Mr. Rummel. All present were in favor. Motion approved.

\*\*\*\*

The next four regular Planning Board meetings are scheduled for April 12, April 26, May 10, and May 24, 2022, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary