

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**MAY 10, 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, Ms. Furio, Mr. Malone, Mr. Rummel, Mr. Sutera, Ms. Tsigounis and Mr. Berger. 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 April 26, 2022, meeting, seconded by Mr. Rummel. All present were in favor of the motion. Motion approved.

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### **Correspondence**

Application for Soil Erosion and Sediment Control Plan Certification for 163 E. Madison, Application #1582, Lewis Baez. File.

Application for Soil Erosion and Sediment Control Plan Certification for 478 Knickerbocker Road, Application #1533M, 15 Wakelee Drive Corp. File

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 22, 2022, sending Mr. Sorrentino to this Board for approval. He will be purchasing the building at 41 Union Avenue. This is a commercial change of ownership. The is the building that houses Hanami with a school upstairs.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 2, 2022, sending a representative for Body Boost to this Board for approval. They would like to open a boutique fitness studio at 32 Piermont Road, Unit 1. The business would also sell pre-packaged snacks, smoothies and fitness retail items.

Mr. Sorrentino was present. The tenants are staying the same, the building is just changing ownership. They are not planning anything else there. Mr. Malone made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. A letter of approval was sent to Mr. Sorrentino, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department.

Ms. Eden Harry and her partner Maisy were present and are looking to open up Body Boost. It is a fitness studio operating group classes with five different methods. She is a veteran in the fitness industry. She has been a teaching fitness instructor for 15 years and has had various boutique fitness studios and gyms. Maisy is from Demarest and is a trainer and they decided to open a studio together. She has a background in marketing, wellness and beauty. This is unit 1 in the building that houses Dunkin Donuts and it is where Trips Away was. They welcome both males and females over 16. Mr. Malone made a motion to approve, seconded by Mr. Sutera. All present were in favor. Motion approved. A letter of approval was sent to Ms. Harry through the Building Department, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department.

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**Subdivision Committee**

Ms. Tsigounis had nothing to report.

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

Mr. Azzolina had nothing to report except for the Report for tonight's Public Hearing for 7 New Street.

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**Old Business**

None.

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**Public Hearing – Application #1582 – 7 New Street**

Mr. Baez was present for the Public Hearing for Application #1582, 7 New Street. Both Mr. Lewis Baez, 34 Glenwood Avenue, Demarest, NJ, the owner, and Ms. Kiersten Osterkorn, 42 Central Avenue, Midland Park, NJ, the engineer, were sworn in by Mr. Stamos. Ms. Osterkorn has appeared before many boards in Bergen County before but never before this Board. She has been a licensed engineer in the State of New Jersey for 12 years and has also been a licensed planner since 2015.

Mr. Baez stated that he is the owner of 163 E. Madison Avenue. They are proposing to demo the existing structure and erect a new two-story single-family home, along with repositioning the orientation of the frontage of the house from E. Madison Avenue to New Street.

Ms. Osterkorn noted that she had the house as originally 163 E. Madison at the time they performed the survey. She stated that she is also a surveyor. Speaking to the existing conditions, she did the survey for the property which does front on E. Madison Avenue. For the purposes of conversation, north is the upper west direction of the property. She will speak to south as E. Madison and east as New Street. As part of the project, they are looking to demolish the house, the walkways and the existing driveway. Under current topography conditions, the property does slope from the northeast direction of New Street to the southwest direction at E. Madison. There is about a 4-5-foot grade change from the northeast to the southwest.

There is a stone wall along the frontage. It is not a high wall or a construction wall that retains a lot in terms of soil. It is more of a decorative stone wall that runs along the property along the frontage of E. Madison which they are looking to keep as part of this project. As shown on the existing conditions plan, they have some trees on the property that they are looking to remove. There was noted in the engineer's letter that there were additional trees that they did not locate at the time. As part of this, they were off the property and she did not think they were necessary to locate, but as part of the condition, if approved, from the engineer's letter, they will locate them. There is a tree on New Street, just southeast of the utility pole, but it is just outside the wood fence, and it is in the public right-of-way, so they weren't looking to disturb that tree, while some of the trunk comes into their property, the majority is in the public right-of-way and there is another large tree which is off of the property. There are some smaller trees that are on the property that she didn't deem at the time necessary to locate. But, if needed for the plan, they can show them. There were some evergreens that are along the frontage and sides that would be cleared regardless.

Under proposed conditions, as explained by the applicant, they are looking to face the house on New Street, so as part of the application this is called 7 New Street. That was discussed previously with the Borough. They are showing the driveway just off of the intersection of E. Madison in order to create a frontage that matches the house across the street. That house's driveway is just off the intersection as well and they wanted to create as much frontage and green space as possible leading up the street. She does know the

driveway for the property to the north is on the south side of their property, but they wanted to have some greenspace in between and when they were grading out the property in looking to provide the same grading and drainage pattern that did exist, they had proposed the driveway in its current location. It was noted in the engineer's letter about possibly flipping the entire house and driveway which they would be open to in conversation. They did think this was an appropriate spot and location for the house, but they can entertain conversation if it is thought that there is too much traffic and if the driveway should be pulled farther away and that would be an additional waiver request.

As part of the single-family dwelling, originally when they designed the house, at the time when she was hired by LCL Development, she was not aware at the time that there was a variance being requested. As Mr. Baez pursued with the town and looking at the flipping of the house, based on the change of facing it on New Street, we have their frontage being a variance of what is required. The existing frontage is supposed to be 100 feet and by flipping it and facing it on New Street, the frontage is 87 feet. With that they are now in front of the Board for a lot frontage variance. Given looking at E. Madison and at New Street, it was beneficial to look to flip the house and take the driveway off of E. Madison while it was creating a variance situation for pulling the driveway away from the intersecting street and putting in on New Street. She feels that that benefit definitely outweighs the detriment of having the driveway onto E. Madison. Everything else on the property does comply. They comply with their setbacks. They are providing stormwater management. They have a drywell proposal on the property to collect all the roof leaders. It was noted in the engineer's letter about sidewalk and curbing replacement if necessary. They understand that E. Madison was recently repaved and if any work was to be redone, they would have to comply with the town's requirements. Their intention is to tap off of all the existing utilities and not have to cut into E. Madison Avenue, aside from changing the current driveway location and that they will fill that in with the full height curb and grass and replace the sidewalk in that location. There will be no intention of going into E. Madison.

After reviewing the engineer's letter and looking at some of the stipulations of a test pit being required for stormwater management, and advising them for inspection of it, requesting additional trees being located on site, and being subject to the Building Department for review of some of the tree removal, it was looked at for some more information for the wall that they were looking to keep and not actually to disturb and meet the grades at the top of the wall. The biggest question with the variance relief, aside from the frontage on New Street, is the location of the house and the driveway location. Does the Board agree with where it is being located right now or would it be preferred to be flipped and the driveway pulled further away from the intersection?

Mayor Romeo asked about the sidewalk. Mr. Azzolina noted that the sidewalk starts at the intersection of New Street and continues in a westerly direction along E. Madison Avenue to County. Ms. Osterkorn noted that they are keeping that sidewalk and just filling in the section that was a driveway apron and that will become a full height curb and grass and the sidewalk where the apron was. They will make it look like the rest of the sidewalk. Mayor Romeo asked about the wall and if it goes to the east of the driveway. Ms. Osterkorn said it does and they will fill it in to match the wall.

Ms. Osterkorn noted that the house as situated meets all the setbacks. If they were to flip it, that one tree that is in the public right-of-way, would have to get removed for the driveway opening. She knows E. Madison is busy, but she can't speak to New Street. She doesn't see that the additional two cars from this house would be a big impact to New Street. The house that is directly across the street has the driveway close to the intersection as well. She didn't see it as an extreme detriment to it. If it is felt from the Board that they would prefer the driveway to be further away on the condition of approval, it doesn't change the site plan in a whole. She is literally just taking the whole thing and flipping it. All of the green spacing, the utilities, the stormwater management, all that is added is an additional tree removal, but she would let that be up to the Board's opinion of this driveway placement. Everything else that is in the engineer's letter, he asked about a key map, and at the time that she was hired, she was not aware of the variance that was going to be, so she did not have a key map. When the applicant submitted and went through everything, it would be something simple. It is a tax map to add to the plan and she can add it to the plan. Everything else she can address in testimony or revise on the plan if needed.

Mr. Azzolina stated that Ms. Osterkorn addressed the majority of his comments in his letter. He agreed that the primary comment would be that the driveway location, which numerically it appears that they are less than 50 feet from the corner of the curb to the driveway opening so theoretically that would be a waiver if it were to remain in the current configuration. Flipping the house would satisfy that 50-foot standard. He is just making the applicant aware of the fact that this intersection is used as a cut-through for people to avoid the traffic light at Hillside, Union and County Roads. A lot of people cut through here. The Board members live in town, and he will defer to the Board as to the appropriateness of flipping the house.

Ms. Osterkorn noted that they are not opposed to it being done, we would request that if it was needed that it not be a request to come back for another meeting. Ms. Tsigounis noted that she is a walker, and her first impression was that the driveway is much too close to the intersection and there are going to be accidents there. She also wants the Board to consider, being an architect, that it is a better location for the garages, because you can figure that the garages are like a bulk, or a mass, and the testimony is to have the green space and she thinks the architectural design of the house is to have the mass at the corner rather than being on the inside. It is a double-edged sword. There are pros and cons to have the driveway mirror imaged. Yes, at first glance she said the driveway should be pushed up further north, and then reconsidering the other aspect of the layout, she can see why the garages were placed there.

Mr. Azzolina thought it would help the Board to have the architectural drawings put up. Mayor Romeo noted that the owner is not living in the house. Mr. Baez stated that he wasn't. Mayor Romeo explained that this is a dangerous corner. He said that there have been accidents where cars have gone over that wall. When they make the turn onto New Street, they make the turn very sharply and end up in the other lane. It is better if the driveway is further up the street. He has seen cars go through the wall, so it is a good thing to turn the house around onto New Street. It may not be as architecturally pleasing flipping the house, but it will be safer. When they come around the turn, they are actually on the wrong side of the street. Ms. Tsigounis said that they do have the wall and the wall is a design element so it might actually be better to flip the house and put the mass away from the wall.

Mr. Stamos stated that for the record we will mark the engineer's plans as Exhibit A1 and the architectural drawings as Exhibit A2. It was noted that the house across the street has the driveway entering on E. Madison very close to the intersection. It does not come out on to New Street. Ms. Tsigounis noted that that is better than to have the driveway further up the street. Ms. Osterkorn stated that when she looked at it, she was looking at the green space and where the driveway was across the street. By flipping the house, the driveway will be moved about 20 more feet up the street.

Ms. Osterkorn is wondering where the A/C units will go when they flip the house. She cannot put them on the other side because then they would be in a front yard, which is not allowed. She could keep them on the outside of the garage or in the back. Mr. Azzolina stated that they could be put in the backyard.

Mr. Stamos asked about the tree removal. On the plans it says that six trees are being removed. From the site visit, it shows that 20 are marked for removal. Ms. Osterkorn asked what size needs to be shown. Mr. Baez stated that there are 19 that are currently marked. What is on the plan is what ever was required based on the size perspective which he thought was above 10". A lot of the ones that are marked are really small trees. Mr. Ulshoefer asked how many they were leaving. Mr. Baez said that if they flipped the house, there will be one more that will be removed that will be where the driveway is going to be. There is another tree that they can now keep so that will be a wash.

Ms. Tsigounis asked why they were taking down the three trees in the northwest corner. Mr. Baez stated that from his perspective it was to allow future owners enough yard space. Ms. Tsigounis noted that she could see if they were going to die because of the construction, but when they come down for nothing, she feels that leaving them would be more of an enhancement. Ms. Osterkorn asked if they don't take them down, is there a tree removal process they have to follow. She was informed that they have to file for a permit to take them down. Ms. Tsigounis said that they try to prevent clear-cutting properties because we are losing a lot of our older stock of trees. She didn't know if they were sick or if there was a reason for them to come down. If it was strictly for the yard space, she doesn't know if that is a good enough reason to take them down.

Mr. Berger stated that there is a tree on the corner that he would like to see saved because it is a really nice tree. That is the tree that would be saved if they flipped the house. He noted that the house across the street was a total clear cut and Ms. Tsigounis stated that it looks terrible.

Ms. Osterkorn noted that she only showed trees that were 10" or larger. Mr. Ulshoefer would like to know tonight how many trees would be left when they are finished. Mr. Baez noted that there were 19 to come down including very small trees. Ms. Osterkorn stated that they will keep the three in the back corner, so there are 16 coming down. Mr. Ulshoefer said that when they replace a big tree with a small little tree, it takes a long time to come back to a good size.

Mr. Sutera stated that in the real world, without trees, looking out the back of the house, you are looking out at non-stop traffic, and he thinks that would be detrimental for anybody living there. Mr. Baez stated that they plan on planting, but they don't know how many trees of all sizes there are on the property. They didn't plan on cutting down every single tree that was on the site. Mr. Ulshoefer asked him if he knew how many were on the site right now. Mr. Baez doesn't know. He just counted the ones he was going to take down. He thinks there are at least five or six additional trees that they are leaving. Ms. Tsigounis stated that if the trees are outside the building footprint, they don't want the building to kill the trees because they understand that the roots would be compromised, and there are legitimate reasons for taking down trees in that respect, but she thinks they are getting the point that if there is no reason to cut the tree down, don't cut it.

Ms. Osterkorn asked if there was a way to write it so that if approved, they will not remove any tree outside 20 feet beyond the building envelope. She can go back out as a surveyor and locate every tree on the property, put it on the plan, and then put a perimeter around the new building for disturbance and put the tree preservation area to try to keep all of them that they can keep. Mr. Azzolina stated that under the town ordinance, it is 15 feet from the building. Ms. Osterkorn asked if there was a certain size she should be doing. Mr. Azzolina stated that Mr. Baez is correct that the definition of a tree in this town is 10" and above. There is some interpretation involved in that. Some of the trees' sizes are not indicated. The three trees in the back are 15", 12" and 10". Mr. Azzolina stated that trees under 10" are unregulated. Ms. Osterkorn thinks there might be some trees that might be a little less that might be worth keeping. She just wants to clean out scruff. Ms. Tsigounis stated that it will be so much more attractive if you leave the trees instead of cutting them down and it is a busy intersection so the trees will help with the sound.

Ms. Osterkorn stated that she will put a perimeter of 15 feet around the house and try to keep everything outside of that except for the scruff. Mr. Baez said that there are some small things growing in every direction that are about 4" along the wall that are not visually pleasing that he would like to be taken down. Ms. Osterkorn asked if there was someone from the Tree Commission that could guide them. Mayor Romeo told her to call Frank DeCarlo to meet her at the site and he could go over what is a tree and what is a weed and can help to distinguish the difference between the two. She asked that if approved, these would all be conditions. Mayor Romeo said yes.

Mr. Stamos stated that Ms. Osterkorn touched on some planning testimony. Ms. Osterkorn stated that with respect to lot width and the way everything was facing, in visiting the property and taking everything off of E. Madison and knowing how the traffic flow was going to work and coming onto New Street would be a signification improvement. It would be a definite improvement. It would not be a detriment. You would not be looking at anything with the zone plan. While they are creating a lot with a non-conforming width, it does better suit the neighborhood, better the functioning of the lot and intent of what the zone plan is, which is more to keep the properties facing each other. Having the driveways on the same street, taking some traffic congestion off E. Madison she thinks would be an extreme benefit that would outweigh detriment that would be there. Mr. Stamos noted that it could be a C1 and C2 in this scenario. Ms. Osterkorn agreed.

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

Ms. Tsigounis made a motion to approve with the conditional items that were discussed, seconded by Mr. Malone. On Roll Call: Mayor Romeo, Councilwoman Schultz-Rummel, Mr. Ulshoefer, Mr. Bauer, Ms. Furio, Mr. Malone, Mr. Rummel, Mr. Sutera, Ms. Tsigounis, and Mr. Berger 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. Rummel to adjourn the meeting at 8:26 PM, seconded by Ms. Tsigounis. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for May 24, June 14, June 28, and July 12, 2022, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary