

MINUTES

CRESSKILL PLANNING BOARD

MAY 22, 2018

Mr. Morgan opened the meeting at 7:37 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Ms. Bauer made a motion to approve the minutes of the May 8, 2018, meeting, seconded by Mayor Romeo. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated April 11, 2018, sending Mrs. Hamani to this Board for approval. She wishes to construct a new single-family dwelling at 277 Highland Street. Application #1532 was received and is currently under review.

Letter from Diktas Gillen, Attorneys at Law, to Ms. Barbara Nasuto, regarding the Mandatory Stormwater Webinar. The New Jersey Department of Environmental Protection (NJDEP) has directed that the Borough's Governing Body, Planning Board and Zoning Board Members must complete a Stormwater Training Webinar no later than July 1, 2018. In addition, all persons must certify to completing the training webinar.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 14, 2018, sending a representative for BL Sisters LLC to this Board for approval. They would like to open a gluten free vegan bakery at 22B Union Avenue. No one was present.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 14, 2018, sending Mr. Oren to this Board for approval. He would like to construct a new single-family dwelling at 260 Concord Street. Application #1534 was received on May 16, 2018.

Letter from the Board of Chosen Freeholders, County of Bergen, dated May 17, 2018, regarding the first reading of Ordinance No. 18-13 entitled "Introduction of a Site Plan Ordinance to Establish Bergen County Standards for Sustainable Land Development Site Plans," and a Freeholder Resolution No. 436-18 adopted on May 16, 2018, entitled "Notice of Intent to Establish Bergen County Standards for Sustainable Land Development Subdivision Plans." File.

Letter to Mr. Dean Morgan from Mr. James Jung of TL Sign regarding a sign permit application for 2 Piermont Road, Café RX. He presented the sign plan on the 24 of April Planning Board Meeting and all the board members approved the sign plan with the one condition of providing information about the façade of the premises. On the very next day, I submitted the width and height of the building by sending the survey to the building department. However, Ms. Heley Langan did not receive the approval letter from the Planning Board, so we do NOT have a permit yet.

Mr. Jung was supposed to come back to the next meeting with the dimensions of the building. He did not come back. There was some discussion as to whether he needs to be here to approve it. It was decided to send him a letter and have him come to the next meeting.

Subdivision Committee

Councilwoman Tsigounis noted that revised plans for 26 Cresskill Avenue, Application #1525M, Lumaj Builders, LLC, received on May 18, 2018, were distributed.

Revisions for Application #1528, 27 Clark Street, Ilan Doran, were received on May 9, 2018, and these plans were also distributed. Mr. Azzolina noted that he did receive that application and he has reviewed the revised drawing and has prepared a report if the Board is prepared to go forward tonight.

Application #1532, 277 Highland Street, Jennifer & Gabriel Hamani, was received on May 10, 2018, and is currently under review. Mr. Azzolina noted that he just received it within the last week and has not had the opportunity to review it.

Application #1534, 260 Concord Street, Dana Koblenz, was received on May 16, 2018, and is also under review. Mr. Azzolina noted that he has not received this application yet.

Mr. Mark Madaio noted that he was here for 27 Clark Street. He noticed for tonight for this application as well as for the Knickerbocker property. Clark had been here and it was just a revision because there were some fairly significant side yard variances and those have now been completely eliminated. He understands that the engineer has a review letter done on that. They have re-noticed for tonight as was the Board's pleasure. He wasn't here at the last meeting but that is what he was told was said at the last meeting. He believes he can get through Clark very quickly. Mr. Schuster asked for those notices and Mr. Madaio gave him the notices for 27 Clark Street.

Mr. Madaio explained that there was no question in his client's mind that 27 Clark was on for tonight's meeting and that they were asked to re-notice the public for this meeting, which they did, and the big issue at the last meeting was the excessive side yards which they have now completely eliminated.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he had nothing else to report other than what was already discussed.

Old Business

None.

Public Hearing – Application #1528 – 27 Clark Street

Mr. Mark Madaio was present representing the applicant, Mr. Ilan Doran. He has offices on Legion Drive in Bergenfield. The application is one that the Board is familiar with. The applicant was here at the last meeting not represented by counsel and sought some significant side yard deviations on the lot. The lot is 7,800 square feet. The lot is approximately 25% short in lot area. The lot they are starting with is 25% deficient in lot area. It is only 74 feet of frontage, so it is 25% deficient in frontage. He is proud to say his clients had nothing to do with that. They didn't make the lot, they didn't create the undersize lot. They haven't benefitted from the undersize lot in any way, but they, in fact, do have an undersize lot. They

came to understand that a very significant portion of the Board's concern was related to the side yard variances being sought at the last meeting. As a result of some discussions they have held, the applicant has reoriented the house. Instead of wide and width-based on a narrow lot, it is now a house that is conforming as to width but is a little bit longer and deeper than you would otherwise see. So, they would need a five-foot variance either as to front yard or back yard, or 2 ½ feet in the front and 2 ½ feet in the back, however people are comfortable with it.

The other variances required are a variance as to building coverage, which is permitted at 20% and they are 22%. Again, their lot is 25% undersized. They are 2% over the standard for the building coverage. Impervious coverage is permitted to be 32.10%. This is 33.21%, or approximately 84 feet over in impervious coverage. Again, by any reasonable measure, they have an undersized lot. They were supposed to work with the Board and the Board is supposed to very carefully consider variances because of the fact that the lot is undersized. So, what he is describing to the Board in all regards here is a lot that 25% undersized, but they are delivering slight, slight variances as to coverage, impervious coverage. Floor Area Ratio they kept spot on. So, they do not violate a Floor Area Ratio. Of course, that should be a good indication to most people that they are not overbuilding the lot, despite the fact that they suffer the hardship of a lot that is 25% undersized. Those are the only variances required. The only ones that they have significant control over, in his mind, are either the five-foot rear yard setback, a five-foot variance for front yard setback, or 2 ½ or any way that the Board would like to break it up. All of that is required because they have taken a house that was designed longitudinally and they have decided to make that house narrower so they don't offend the side yards on a narrow lot and make the house a little bit deeper in its dimension.

That is what he has this evening. He also has the engineer and architect, but he thinks he has summoned up that the real variance here that they really can do something with is five feet at this point and none of them side yards. The clients heard the Board's concerns at the last meeting and has tried very hard to respect those concerns.

Mr. Sean McClellan, 101 West Street, Hillsdale, New Jersey, a licensed professional engineer in the State of New Jersey, was sworn in by Mr. Schuster. He has been licensed for 15 years and has been here many times before. Mr. Schuster deemed him an expert in engineering for tonight's hearing. Mr. McClellan noted that Mr. Madaio's description of the house was accurate and the construction of the house requires a five-foot variance somewhere on the front to back access but there are no side yard variances on any other access. Mr. McClellan noted that they are about five feet short on the depth. He believes that they are not asking for quite that whole five feet though. They are asking for a 1 ½ foot front yard variance and a 1.8-foot rear yard variance, so about 3.3 feet.

Mr. McClellan noted that they are seeking a very minor impervious coverage variance as well as a building coverage variance. He wanted to point out that they are actually reducing the building coverage from what is existing. It currently exists at 25% and they are going to be at 22%. The impervious coverage is at 32.7% currently where 32.1% is allowed and they are going to 33.21%. They will be at approximately 100 square feet over on impervious.

Councilwoman Tsigounis asked if the site plan as presented now was the zoning analysis prepared as they have it. Mr. McClellan noted that it was. She stated that she would like it to stand as it is shown and not be shifted.

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

Mr. Ulshoefer asked if the measurements are less than what are on the plans for what they are asking for in the front and back. Mr. McClellan explained that the lot is short by five feet at 95 feet deep. However, they are asking for a 23.5 front yard, which is 1.5 feet short of 25 required and 28.2 feet in the rear which is 1.8 feet short of the 30 feet required. The total is a 3.3-foot variance, not a five-foot variance.

Mayor Romeo asked Councilwoman Tsigounis what she meant by leaving it the way it is. Councilwoman Tsigounis explained that basically counsel was expecting that we can feel free to shift it forward or

backward and she is more comfortable voting on it as is, but then she was countered by the Chairman who mentioned that maybe we should consider if it is setback a little bit further. The Board should really discuss which way to go. Mayor Romeo is concerned with sight line in the front yard. When you look out the window and looking for a child, there is a foot-and-a-half of a house next door sitting in front of you. If they move it back 1.5 feet, it is not going to be anything in the back, so just move it back so it is in line with all the other houses. Mr. McClellan would have no problem shifting it back. There is not enough of an impact in the rear yard.

Mr. Madaio stated that they can eliminate a variance by not needing a little front variance and a little back variance and need only a back variance. Also, of course, streetscapes are on the master plan and the purposes of zoning is to maintain consistent streetscapes, attractive streetscapes, and they are very happy to make that change.

Mr. Ulshoefer asked about the trees and if they were familiar with the Tree Ordinance. Mr. Madaio noted that they agree to fully comply with the tree ordinance. Mr. Ulshoefer also pointed out the buffer zone in the back. Mr. McClellan noted that one of the changes they made enable them to take down one less tree.

Mr. Schuster stated that they are going to amend their application to provide for a complying front yard and request a variance for the rear yard. Mr. Madaio stated that it is so amended and they are no longer seeking a front yard variance and they will be asking for a 3.3 foot rear yard variance. Motion made by Mr. Durakis, seconded by Mr. Ulshoefer. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion Approved.

Public Hearing – Application #1533M – 462 Knickerbocker Road

Mr. Mark Madaio was present representing the applicant, 15 Wakelee Drive Corp. His offices are Legion Drive, Bergenfield, New Jersey. He is here with regard to 462 Knickerbocker Road. It is a subdivision for 15 Wakelee Drive. It is a major subdivision. That subdivision, if it is approved by the Board, what they will have is five residential lots and one commercial lot. Unfortunately, the commercial lot is necessary because this commercial property, the gas station, is still being cleaned up. It is still the subject of a clean-up order and there are monitoring wells on it and it is not a property which in the foreseeable future could become usable as a single-family residence with grass. That is the status of it and that has been the status of it for a long time. Nothing his client is doing is changing that, but unfortunately, that corner and that gas station is still being cleaned up by Exxon today and is not really suitable for single-family construction. So, then the question is, what do we do with it. It can't be included in any other lots. It can't help make the other lots bigger. It has a very limited value, again, because it simply cannot be used in any connection with the residential.

What the applicant is seeking is three homes fronting on 12th, two homes fronting on Knickerbocker and this small commercial structure with some residential upstairs, which he will be discussing some affordable housing components with that, and they think the best foot forward for this property. The property still, arguably, is a valid non-conforming use. It could be a restaurant, it could be a bar, it could still have something that includes exterior seating, all the things that he thinks are probably less desirable for the neighborhood than homes that pretty roughly match what is right around it.

When he says roughly match right around it, there are variances required. The variances, though, when you look at them, it will become clear that they are not inconsistent with what is around it and he doesn't think, for example, the Knickerbocker frontage, you will be seeing homes or lots that will be out of character at all with Knickerbocker. Either way, the commercial has to be the commercial lot, and he doesn't envision that the other space would be one very grand home on Knickerbocker. He thinks the idea that those variances would be required for those two homes, and whatever variances are required for the commercial structure, that pretty much lays itself out. Both of these lots, if you combine them, would have a significant frontage and a significant depth, but he doesn't think anybody would think they

would be building a very significant home on Knickerbocker in that location. But it will be consistent homes with what is there and he thinks that is what they are shooting for, eliminating the existing use, dealing with the environmental issues that, unfortunately, come with the property and will be there for years to come regardless of whether or not they receive this approval, and then the homes would front on 12th Street, again, legally, they may not be consistent exactly with current zoning, but are very consistent with what is out there. Frankly, they regard the variances as a relatively small price to pay for having this site done and cleaned up and rendered conforming, not any longer a non-conforming restaurant that could be any level of volume or boisterousness. He would also note that the corner lot, the commercial lot, at least certain portions of it or some configuration of it, is zoned commercial, and he knows that the Engineer has talked about that in the review letter. He knows there may be people that wonder why that doesn't have any coverage or why does it have a higher coverage or why does it have a greater impervious coverage. It is because it is commercial and is actually zoned commercial. That gas station probably pre-dated zoning in this community.

Mr. Madaio called Mr. Michael Hubschman, the engineer, who would be in a position to discuss the preliminary and final major subdivision, which is one approval that they are seeking. The site plan for the commercial structure is another approval they are seeking, and the site plans for each of the five residential structures as the ordinance mandates. Mr. Hubschman, 263 S. Washington Avenue, Bergenfield, was sworn in by Mr. Schuster. He is a licensed professional engineer and planner in the State of New Jersey. He has been licensed for 34 years and his license is in good standing. Mr. Schuster stated that he was accepted as a professional engineer and planner for today's hearing. Mr. Hubschman marked the major preliminary subdivision plat dated March 2, 2018, as Exhibit A1, which was drawn by Hubschman Engineering, and they are seeking several approvals off the same plan.

Mr. Hubschman noted that on sheet 2, A1-2, Existing Condition Plan, it denotes the old Hunger Peddler restaurant, the old Exxon Station on the corner, a large paved parking area in the rear, parking spaces in the front on Knickerbocker, no curbing on Knickerbocker and on 12th Street. The site is 208 feet by 218 feet along 12th Street. The corner is in the C-Zone, approximately 100 x 100. The remainder is in the R-10 Zone. The one lot in the corner, Lot 1, depicts two principal uses on one lot. The Hungry Peddler did encroach a little bit on the C-Zone. Mr. Madaio noted that as it stands today, there are two principal uses on this single lot. He noted that the law is fairly clear on two principal uses on a single lot is not permitted. It obviously grew up with the town that way, but that would in fact require a D variance today, for two principal uses on a single lot. Their application will, of course, be eliminating that D (or use) variance circumstance that currently exists.

Mr. Madaio asked if this one lot was all covered by easements or cross easement agreements or access agreements so that this existing lot is divided so that it can handle these two single uses. Mr. Hubschman noted that there was one existing cross easement to run a right-of-way. Mr. Madaio noted that they are eliminating all of that and going straight ahead with six single lots.

Mr. Madaio asked about the topography of the lot. Mr. Hubschman stated that the lot slopes towards the northeast and east. Mr. Madaio notes that at the 12th Street frontage of the lot there is a green area that sort of buffers 12th Street from the restaurant and gas station uses. Mr. Hubschman noted that there is a modest buffer zone. You can also see that there is a jog in the road in 12th Street and the road was never really improved. Their application will include extending the curb and make 12th Street the proper width and redo all the curbing around the entire site and a new sidewalk on Knickerbocker.

Mr. Hubschman explained the proposal. There are five residential lots. The lots on 12th Street are 80-foot widths by 100 or so in depth. The corner lot they put the remainder because of the 25-foot setback. On 12th Street, the proposed homes are 25-foot front yards and 30-foot rear yards. The side yard they are seeking a variance for a total side yard, however, if you look at the way the yards are skewed, you actually do have it. They take the total side yards of 15 and 18, which is 33 and 35 is required. But if you really look at it, you have 15 and 22 because the lots are skewed. Mr. Hubschman pointed out that the three lots on 12th Street are marked as 1.01, 1.02 and 1.03.

Mr. Hubschman explained that on Lot 1.01, the lot is 8,400 square feet, 1.02 is 8,000 square feet and 1.03 is 8,000 square feet. There are variances required for lot area for each property and for lot width.

Two lots also require variances for total side yard. These are for lots 1.02 and 1.03. They are also requesting building coverage variances. These houses are the same houses that were built on the church property. They don't need an FAR, but they are slightly over on the building coverage with the two-car garage. Lot 1.01 is 20.7% and the .7% is 64 square feet. Lots 1.02 and 1.03 are 22.3% and that is about 189 square feet over on the building coverage. The FAR works, but it is because of the two-car garages. The garage doesn't count for the FAR but it counts for the building coverage. Those three don't require any other variances. All three are slightly over on building coverage and slightly under on lot size and the amount of square feet actually over on lot coverage is anywhere between 64 square feet on the corner lot and 189 square feet on the other two lots. Mr. Hubschman explained that the corner lot was designed to hold the 25 feet side yard on the corner. They are three standard Colonial type homes. Mr. Madaio noted that they are already in town on the church property across town.

Mr. Hubschman explained that the properties on Knickerbocker, Lots 1.04 and 1.05 are sort of a separate neighborhood. You are on a County road and the lots in Cresskill are mostly 60 feet wide and across the street is Dumont and those lots are all 50 feet wide with smaller homes. They are proposing the two residential lots at 73 feet and pushed the depth in the front as much as they could because they are on a busy road. They are in the 10,000 square foot zone and they are 78,005 square feet each. They would require the same area variances, 73-foot width where 100 is required and the total side yard again is sort of a product of the skewing. This whole property was part of the Burns property that went all the way down past Short Place. Those two lots would require a slight building coverage of 20.7% for being 89 square feet over, a two-car garage, and they are on a County road so they have to provide a small turn-around on the site. They are okay on impervious coverage. There is no FAR variance required. The heights will conform. Side yards of minimum 15 will conform and the combined will actually be over 35 but the way it measures is a little peculiar and they have 30 feet rear yards. They also require County approval. They will have new curbing, new sidewalks to the corner, new radius, they have to do the County road widening, so it will all look brand new going around the whole site.

Mr. Madaio wanted to discuss some of the site plan issues. Mr. Hubschman noted that they are reducing the impervious on the site by 12,000 square feet. The site that has ground water contamination is more towards the corner where the gas station is. The other properties don't have any indication of contamination. They are not proposing seepage pits. It is not really something you want to put on the site to introduce more ground water in. Because of just the sheer reduction of 12,000 square feet of paving, the runoff from the site will be much less. Mr. Madaio noted that the amount of pavement on the site today is 12,000 square feet more than the amount of pavement on the site as developed. They are taking 12,000 square feet of pavement off of this site that currently exists. He says that, as a result, there will be a reduction of runoff. Mr. Hubschman noted that right now there is no control. All the runoff goes right into the Cresskill system. They will be eliminating all of that, and they will be working with the Borough Engineer as to any issues with or problems with how that works.

Mr. Madaio noted that as far as any other site plan stuff, they have access to water, sewer, and gas. Mr. Hubschman noted that it is a fairly level developable site. He knows that in Mr. Azzolina's letter he was kind of requesting that they make the lots stand-alone if they can. Mr. Hubschman noted that they can't unless they put a wall in the rear of 1.04 and 1.05, and they will look at that. Mr. Madaio asked him to explain what stand-alone means. Mr. Hubschman explained that this means not to have the lots drain onto other lots. Try to have them all drain out towards the street basically. He noted that it is a little difficult with the two lots on Knickerbocker because they do pitch back about three feet, but they will look at that. They can definitely do that with the lots on 12th Street. They will drain out to the municipal system as they do now. This is in compliance with all the new practices where you are supposed to have more lawn and unconnected impervious surfaces.

Mr. Madaio referred to sheet A1-3 and asked Mr. Hubschman to indicate the high points on the site. Mr. Hubschman noted that the high points are in the southwest and the low point is in the northeast. He was asked if there was any configuration where they can flow water onto the adjoining lots southward. Mr. Hubschman noted that there wasn't unless they berm everything and pitched it that way. Everything is going to drain back towards the northeast. They are not going to do anything that is going to cause that water to flow uphill. Mr. Hubschman stated that this is a very developable site in this way. Everything drains away from everything and you have three streets around it.

Mr. Madaio asked if with curbing, electric and all the typical site plan concerns on each of the five residential lots, if there were any concerns on any of the lots. Mr. Hubschman stated that there wasn't and noted that Mr. Azzolina had some recommendations about adding street trees and they still have to prepare a tree replacement plan, which they haven't done yet.

Mr. Madaio noted that they have talked about the subdivision as a separate entity and now have talked about the site plan in regards to the five houses, and now he wants to turn his attention to the corner commercial lot. Mr. Hubschman stated that that is the C-Zone lot and they are proposing the first story being office and is shown on A1-5. There are two rectangles shown on the plan. The rectangle on the south is the proposed office of 1,760 square feet of professional office on the first floor and to the north are proposed three one-car garages. Upstairs there are three one-bedroom apartments proposed, of which one, the one over the garage, is going to be a COAH unit. This is permitted in the C-Zone. Mr. Madaio again stated that although it is the same lot, the corner is a different zone.

Mr. Hubschman stated that there are still about four or five monitoring wells on that portion of the property that might remain up to five years on the sight. Mr. Madaio asked if he was accurate when he stated that because of those monitoring wells it is not a property that lends itself to single-family construction, because most people don't want to buy houses that are on contaminated property, and also there is a different set of standards required for this property. Mr. Hubschman noted that it has D restrictions and has to be noticed to all the buyers and it is a very hard residential development. They are proposing three apartments with a small parking area in the rear, everything at grade, and no basement. That corner has that challenge, and not only can they not bury seepage pits very easily, but they also cannot excavate a basement given the current circumstances. Mr. Hubschman explained that it had to be positioned around the parking dimensions which are all 18 and 24 standard dimensions for the small parking lot. The three one-car garages are pushed up in the front. Even though they don't require a front yard variance in the front, they require a front yard on Grant. The front yard setback on Grant to the building is 10.3 feet and that does require a setback variance, but on the two-story mixed-use building, the setback is 21.93 on Knickerbocker. On Knickerbocker, 10 feet is required. The side yard is five feet where the Peddler building was, five feet to the parking, arborvitae plantings and street trees. They didn't detail foundation plantings, but they will do that when they do the tree replacement plans.

Mr. Hubschman noted that 11 parking spaces, including three garages, are provided. They require 14 parking spaces for the square footage and the units, but they have the dual use where the residents probably require one and are required to have 1.8, and then you have the office use where they are not there at night, so it is an adequate number of spaces for that building. The building is handicapped accessible, but the apartments are not. They are walk-ups. There is a 10-foot buffer required and they have five feet, but they are not buffering up against a stranger neighbor, they are buffering into their development with an arborvitae planting. They have every incentive to adequately buffer it from the house they are trying to sell.

Talking about water, drainage, electricity, and everything else is regularly available like it is for every other house along Knickerbocker Road. They are connecting a service drain to the existing system and everything is available on site.

Mr. Madaio stated that that is their overall plan, subdivision and site plan as to the individual lots. Mr. Morgan asked why the office building wasn't even with the houses but closer to the street. Mr. Hubschman explained that it was because of the dimension of the parking lot in the rear. They wanted to hold the five-foot buffer. Mr. Madaio noted that it does seem odd, but it is a different zone. Mr. Hubschman stated that it is 25 feet from the curb.

Mr. John Bryjak, 135 Hiawatha Boulevard, Oakland, New Jersey, was sworn in by Mr. Schuster. Mr. Bryjak is a licensed architect and professional planner in the State of New Jersey. He has been a licensed architect since January of 2011. He has testified before numerous Boards throughout most of the northern New Jersey area. Mr. Schuster accepted Mr. Bryjak as an expert architect and planner for tonight's hearing.

Mr. Bryjak marked his first Exhibit as A2 and it was the plans for the mixed used building. The drawing depicts a two-story structure. The office entry door is protected with a horizontal roof eave. This is supported by two columns on either side of the door. It was the intention to have it look like a center hall Colonial and residential appearance and keep it at a residential scale as well. The total square footage of the footprint, including the garages, is 2,420. Essentially, it is a center hall Colonial in appearance at the corner, gable ends and the building is arranged in two sections to minimize its appearance and to provide for the residential scale. You have the front section and the section to the left that is set back about 14 feet from the front section. Even though the front of the building sets back about 21 feet from Knickerbocker, the garage portion actually sets back another 14 feet. That stops the garage section from crowding that corner.

Mr. Bryjak noted the end gable roofs over the main pass of the building. The section closer to Grant Avenue has a nested gable within the main gable of that structure. On sheet 2 is the elevation that faces the parking area. The elevation is similar to the west elevation. It has a gable projecting forward above the entry door to the office in the center. The secondary entry door to the office and symmetrically placed entry to the second-floor dwelling units are also depicted. This faces the home being built on the corner of 12th Street and Grant. The applicant has an incentive that this elevation be attractive. They have tried to make all four elevations look as best as possible.

The south elevation has the other end showing the gable roof but also shows the columns that project out that support the roof eaves at the rear of the structure as well as the front. That faces proposed Lot 1.05. Some of the materials they are proposing to be using would be asphalt roof shingles, vinyl siding with trim, manufactured stone that wraps around the building, and double-hung windows. The first floor is basically an open floor plan with two accessible unisex toilet rooms.

The second-floor plans have three one-bedroom units with square footages of 846, 713 and 663. This is on sheet 4 of Exhibit A2. Mr. Bryjak explained the layouts of the apartments. These are three self-contained single-bedroom units.

Mr. Madaio noted that even though there are five lots, there are only two separate footprint homes. Exhibit A3 is the floor plan for the homes along 12th Street. The homes have a gable roof, porch entrance, gable over the garage door, four bedrooms and approximately 2,600 square feet. This is the same design for each of the three houses on 12th Street, with the fact that the garage may be changed, the look may be changed and there may be some variation, but the basic design and footprint, which has been indicated already exists in town, will be the same.

The next footprint is the footprint for the homes facing Knickerbocker Road. The total square footage of these homes is 2,300 square feet. These are two-car garage, four-bedroom homes. They have a turn-around in the driveway because they are on a County road. The visual features are similar to the ones constructed on 12th Street.

Mr. Bryjak showed some colorized elevations depicting the mixed-use building and called that Exhibit A4. Mr. Madaio noted that he doesn't need any D variances. Mr. Schuster stated that it is safe to say that this would enhance the zoning in the neighborhood. Mr. Bryjak agreed. It is in more conformance with the area than what is there now. It helps to develop a hazardous piece of property.

Mr. Azzolina stated that on the architecture, regarding the apartment sizes and the statement offered by Mr. Hubschman that one of the apartments would be COAH, that would mean that one of the apartments is undersized with respect to the market rate as specified in the code. Mr. Bryjak stated that there is an error on his drawings. The square footage of the two apartments were misrepresented. Unit #1 is about 40 square feet smaller than what they are showing on the drawing. Unit #1 should actually be 806 square feet and Unit #2 should actually be 753 square feet. The affordable unit is 663 square feet. Mr. Azzolina stated that required for a market rate one-bedroom unit is 750 square feet, so with the correction that Mr. Bryjak just offered, that is an appropriate dimension for a market rate unit. Mr. Madaio stated that as for the affordable unit, it will be a rental. He understands that the town has fully enacted an affordable program at this point.

Mr. Morgan asked if they are agreeable to everything in Mr. Azzolina's report. Mr. Madaio stated that they reviewed the letter and they will certainly agree to everything in it. The report sets forth everything else that would be a condition of approval. Any variances or waivers or anything else called out by the Engineer, they, of course, agree to and hereby amend their application to include.

Mr. Azzolina noted that he had a couple of supplements that didn't make it into the report. He believes that a de minimus exception would be required for the configuration of the lot lines which are non-perpendicular. Mr. Madaio agrees. They have been challenged by the skew of the lot lines and they have had no choice but to follow that skew down the block and so they agree they need a de minimus waiver and request it. Mr. Azzolina explained that they need a de minimus exception for the non-perpendicular lot line configuration which, as Mr. Hubschman testified earlier, actually is a good thing, because it increases the side yard setbacks for the vast majority of the structure, so they just need the variance at the corner area basically. The majority of the structure complies with the combined side yard dimension.

Regarding the number of commercial tenants in this case, will it be one tenant or possibly two with the second door. Mr. Madaio stated that it could be possibly two, but don't see a circumstance where it would be more than two and two would then involve interior layout for access to bathrooms, etc. Mr. Azzolina stated that that wouldn't matter so much with respect to the parking in that the parking is a function of the square footage, which they are basing the calculation on the total square footage, so whether it is one or two users, theoretically, that wouldn't come into play.

Mr. Azzolina noted that the site plan shows two patios as being four by five. They are probably not really patios, they are landings, he guesses, would be a better description. Mr. Madaio noted that as they update or finalize the plans, they will be happy to change that. Mr. Azzolina stated that there is reference to a fence and there is a detail for a fence, but the fence locations are not actually shown on the drawings, so they should be added. Regarding the drainage discussion he had earlier, he believes a better design based on the experience that they had on Park Avenue and Morningside would be for the units themselves, the drainage to be self-contained either directing it towards the street as opposed to across other people's properties. The other job he suggested is adding drainage systems in the rear yards which presented some problems, so he is saying he thinks those issues could be overcome by extending, if necessary, the municipal drainage system on 12th Street, and also the County drainage system, which they may require anyway, he doesn't know, and then you would have a direct connection to the storm drain rather than having easements on properties. He thinks it is doable. It is something that the applicant's engineer and he can discuss the refinements to that concept.

The other items are set forth in his report to the Board dated May 22, 2018. He believes the applicant's engineer has covered all of the variances. The one variance that is noted on the plan, but he is not quite sure is applicable, is regarding the buffer zone requirement on the commercial property. He is saying that it is only five feet but there is a front yard set back on the structure of 20 feet. Mr. Hubschman noted that the Knickerbocker Road one is a typo. He will take that off. It is on Page 10 of 17 in his report. That is not a variance. He talked about the tree removal. Shade trees need to be provided. Building height calculations need to be added to the plan. Fire hydrant access should be specified on the plan. He notes that three hydrants exist in the vicinity of the property, so he believes they satisfy the 400-foot limitation for the RSIS, but they should quantify that on the plan.

Mr. Morgan opened the meeting to the public. Mr. Brian Glantz, 488 12th Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. He lives directly across from the property. Mr. Glantz asked if they were suggesting that they were going to amend the curb on 12th Street behind where the Hungry Peddler was so that it will be in line with the other homes on 12th Street. Mr. Madaio stated that he believes that is the engineer's intention. Mr. Hubschman stated that they are going to straighten out the curb so it lines up with the other curb. Mr. Glantz stated that he spent a considerable amount of money waterproofing his property, including a curb, creating a driveway, because water would come down 12th Street and the properties are not always level with the ground, so the water would come into his property, so he had to spend well over \$10,000. When they talk about provisions so that water will drain properly, and they talk about the water going in front of those homes, are they confident that that additional water will not encumber other homes on this one street. Mr. Hubschman stated that there is much less

impervious. They are taking away 12,000 square feet, and the road is crowned. Once they build the new gutter lines, the water will not cross the street at all.

Mr. Glantz asked, in their experience, if you take a look at the two homes, his home and the one to his right, those are two homes and across the street on the same size of property you are going to build three homes. Any experience on what that does to the property values? Mr. Hubschman noted that he is not an expert in anything real estate, so he wouldn't know. Mr. Glantz asked if he knew what these homes were going to sell for. Mr. Valenti stated that they would sell in the \$800,000 or \$900,000 range. Mr. Glantz stated that that is roughly half the value of what the other comparable newer homes would sell for. He thinks the other homes on that block sell for about \$1.4 millionish.

Mr. Madaio stated that, nonetheless, what they propose is three new homes. Mr. Glantz noted that the house next to him sold for \$1.3 mil seven years ago. Mr. Valenti stated that he will sell them for whatever the market will bear. Mr. Madaio noted that whatever the numbers are, they are. They are not in the business for selling for less than the market will bear, nor are they in the business for sitting on empty houses. The question is not, does three houses vs. two houses, alter those property values, the question is, what does a tavern with outdoor seating and a contaminated gas station do to the area property values. Mr. Glantz agreed.

Mrs. Rosemary Abelson, 454 Knickerbocker Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. She is the first house next to the property on Knickerbocker. Mrs. Abelson asked when the proposed start date is for this project. Mr. Madaio noted that they probably anticipate starting, once all the approvals are in place, which they will be pursuing vigorously in the event the Board approves, they imagine it will be in September or so. Mrs. Abelson asked about what was going to be going up between her property and her rear neighbor and the proposed property.

Mr. Mario Valenti, 127 South Washington Avenue, Bergenfield, New Jersey, was sworn in by Mr. Schuster. He is the contract purchaser of the subject property. Mr. Valenti stated that, as permitted by code, he is allowed to put a six-foot PVC fence from the corner of the property to the house. Going forward, it has to be four-foot PVC fence. Mrs. Abelson stated that her fence, or Mr. Valenti's fence, is totally collapsing right now. Is there any way possible that that can be fixed prior to them building because right now, if there wasn't a tree there, the whole fence would be down. Mr. Valenti stated that when he owns it, he will address it. Mrs. Abelson asked if the garages on the multi-use building going to open to Knickerbocker. Mr. Valenti noted that they are going to open to the back parking lot.

Mr. Glantz asked, for clarification, where the entrance for the parking lot was. Mr. Valenti noted that the entrance to the parking lot is on Grant. That is the only ingress and egress. The door that is going to be on Knickerbocker Road is really just for aesthetics.

Mr. Phil Raspe, 492 Knickerbocker Road, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Raspe noted that the bane of his existence for the last 10 years has been these monitoring wells. Not only are there some on the gas station property, which he understands are going to be there for years, he has some on his property. He asked if he can get rid of those. Mr. Madaio stated that he is not going to give anyone else environmental advice on their property. Mayor Romeo stated that he has talked to Exxon a number of times and has been informed that this site is well on its way to being cleaned up. Mr. Valenti noted that the readings have been better and he has employed his own environmentalist and they have read the reports and it is getting better.

Mr. Yossi Gelman, 473 12th Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. He is the neighbor on the south side. He understands that they don't currently have plans for tree replacement, but he understands they are going to plant some trees. He would like to ask them to consider planting trees instead between the two properties to the south and this development because there are existing trees right now between the two areas. Mr. Madaio stated that they could certainly promise that they are going to develop each lot in compliance with the tree ordinance. He cannot promise that they will cluster and be buffering this development from the existing development of Knickerbocker anymore than when they built their houses they buffered it especially well from the ones to the south of it or continuing

wherever. He thinks it is most likely their intention that these lots blend in just like all the other lots in the neighborhood. There is no special barrier they intend to create.

Mr. Morgan closed the meeting to the public.

Mr. Ulshoefer noted that there are 47 trees that have not been flagged as to whether they are coming down or not coming down and that has to be on their plans. Mr. Madaio explained that their intention, obviously, is to update their plans. Most likely, when they gain ownership of the property, and fully comply with the ordinance before they get their permits.

Mr. Ulshoefer knows there are wells on the property and he knows it has been leaking for many years and his concern for the people that move into these houses, when you start the construction and you start digging the holes, is there going to be anybody monitoring. His concern is once you start opening up the ground that hasn't been disturbed in all these years, is there going to be anybody from the environmental or from Exxon to make sure that that is not leaching further into where these houses are. Mr. Madaio noted that they are never opening that ground. Mr. Ulshoefer means where the houses are. Mr. Valenti stated that, first off, monitoring well #6, which is on the plan, has never been dirty. That is the one that is the most furthest east. He is working to get that abandoned. The plume isn't going south, the plume is going northeast. That is the way the water flows. That is the water table. Anything that is to the right of the gas station, has been tested and is clean. There are no contaminations. The only contamination, and Exxon drew a very descriptive drawing of what the plume looks like and that is the plume. Unfortunately, the people across the street are being affected and they have monitoring wells all over their property. There are five monitoring wells on the commercial piece. One monitoring well on the lot that is on the corner. There is a total of six monitoring wells. Where the parking lot is presently, there is one monitoring well. Mr. Ulshoefer asked if they were concerned about what will happen once they start opening up the ground. Mr. Valenti stated that he is going to dig footings. It is going to be slab on grade. Nothing is going to come up. Nothing is going to come out of there. Mr. Ulshoefer asked if it could go around and up the sides of the walls. Mr. Valenti noted that it won't and that it is going down.

Mr. Valenti stated that the contamination is benzene and xylene which is seeping into the ground. He just did a sonar test this past week just to make sure there was nothing in the ground. There are no hidden tanks and nothing that anybody missed. He has to market these things. If there is contamination, you are going to smell it.

Mr. Malone stated that he thinks the applicants did an excellent job given the alternatives. The two neighboring properties are his concern and he thinks they both raised questions regarding a barrier and he is not quite sure their concerns were addressed. We heard a six-foot vinyl fence, we heard some trees being removed and he wants to know if there is more definite information that they can provide them with regards to perhaps planting evergreens or something to where they are not facing necessarily a six-foot white vinyl fence and are not blending in or kind of segregated if that were the case. Mr. Valenti noted that the whole purpose of the fence is because if you do evergreens, you will have the deer come in and eat the evergreens. You have to maintain them. Most times he has found that you are better off putting up a vinyl fence than a living fence. It stays a lot better. The problem is with the trees. He went and he assessed it more than once. When you dig, you have a four-foot overdig. The way the trees are, they are within that area. So, if you are digging by the canopy, you are affecting the root system. That tree may not die this week, or this month, but it is going to die once you have disturbed the root system. A lot of this is basically he has to see. You have to keep in mind that he has to market these houses. He is not going to do something that is detrimental. When he leaves that neighborhood, it is going to be a heck of a lot better than it is today.

Mr. Mandelbaum asked if he had an idea of the time frame from when he puts the shovel in the ground to when it would be complete. Mr. Valenti didn't really have an absolute answer. He wants to get it complete as quickly as possible. He'd like to say he would be done in a year to a year-and-a-half.

Mayor Romeo explained that the Hungry Building dates back to Camp Merritt. Since he was a boy, that gas station has been there. The Burns family owned the property across the street and it went all the way down to Carleton Terrace and it was a construction site. That was all filled and cleaned up and improved.

Now we are down to one of the last eyesores in town. There have been other possibilities for this property over the past year. Unfortunately, you can't build that last house on the corner, so you are going to be building something that is going to be an office. That is zoned Commercial now, but it will be changed to Dual Use which will be an office on the first floor and apartments on the second floor so that it cannot revert back to some sort of retail. It will always be what it looks like. It will look like a house. Just looking at it, it will be a big, big improvement. This will be very beneficial for the neighborhood. We just satisfied our fourth round of COAH and we are now good until 2025. Exxon is not leaving the site until it is cleaned. Mayor Romeo thinks this is beneficial for the area.

Motion made by Mr. Ulshoefer, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion Approved.

New Business

None.

Other Business

None.

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

Motion was made by Mr. Ulshoefer to adjourn the meeting at 9:32 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for June 12, June 26, July 10, and July 24, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary