

MINUTES

CRESSKILL PLANNING BOARD

JANUARY 9, 2018

Mayor Romeo opened the meeting at 7:32 PM and announced the requirements of the Open Public Meetings Act had been fulfilled. He stated that the first order of business was the election of officers for the year 2018. Councilwoman Tsigounis nominated Mr. Dean Morgan for Chairman. The nomination was seconded by Mr. Ulshoefer. All present were in favor. Mr. Durakis nominated Mr. Ulshoefer for Vice Chairman. Mr. Calder seconded the nomination. All present were in favor. Ms. Bauer was asked and agreed to stay on as the Secretary. All were in favor. Mr. Durakis made a motion to keep Mr. Schuster as the Planning Board Attorney. Councilwoman Tsigounis seconded the motion. All present were in favor. All nominations and motions were approved.

The meeting was turned over to Mr. Morgan.

Mr. Morgan opened the meeting at 7:32 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. Calder, 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.

Mr. Durakis made a motion to approve the minutes of the December 12, 2017, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Public Notice from the Zoning Board of Adjustment of the Borough of Demarest noting that they will hold a hearing on January 16, 2018 at the Municipal Building of the Borough of Demarest for the purpose of considering and taking action on the application of Karp Alpine, LLC, for the development of a 149 unit Assisted Living Facility including Alzheimer's care units, related facilities, administrative offices, social rooms and other associated uses incidental to an Assisted Living Facility. Copy to Mr. Schuster. File.

Application for Soil Erosion and Sediment Control Plan Certification for 219 Magnolia Avenue, 15 Wakelee Drive Corp., c/o Mario Valente, Application #1523. File.

Memo from Ms. Barbara A. Nasuto dated December 21, 2017, regarding Ordinance No. 17-18-1512, An Ordinance to Amend Section 275-123, Inclusionary Zoning, Article XXIX, Borough of Cresskill, Bergen County, NJ. Mayor Romeo explained that this ordinance regards COAH. Copy to Mr. Schuster. File.

Resolution designating the Borough Clerk as the official to make and issue certificates as to whether or not subdivisions have been approved by the Planning Board or Governing Body; and that in the absence of the Borough Clerk, the Deputy Borough Clerk is hereby designated as such official.

Resolution appointing Councilwoman Simone Tsigounis as the Class III Planning Board Member for the term ending December 31, 2018.

Letter of Introduction from Mr. Bob Rusch dated December 28, 2017, sending Mr. Joe Corallo to this Board for approval. He would like to construct a new single-family dwelling at the 66 Pershing Place. Application #1524 was received on December 28, 2017. Mr. Luppino was present for this application. This property is located on the corner of 12th Street and Pershing Place. Mr. Azzolina stated that there is one unique aspect on this application. He asked Mr. Luppino if he spoke with his engineer. Mr. Luppino said that he did. The house currently fronts on Pershing. The proposal is to front the house on 12th Street. There is a section in the code on corner lots that states that once a primary frontage is selected, it remains with the property. He had the same conversation with the property on Deacon and Evans. He doesn't know if Mr. Luppino discussed this with his professionals. Mr. Luppino noted that he was told that if he changed the plans and put an entrance on Pershing, it would fit the code and the current back yard would remain the back yard. Mr. Azzolina stated that the plan does note a door, but it is up to the Board to determine if that satisfies the code or not

Councilwoman Tsigounis noted that the Board just received the plans and it seems like they are just trying to make it work by putting in a door. Mr. Corallo explained that the Building Inspector didn't get back to him right away, so they are going to move the door back to Pershing. Mayor Romeo asked them, when you walk into the front entrance on Pershing, what do you walk into? Mr. Corallo stated that you walk into a mudroom, then a hallway. Mr. Mandelbaum asked them if the driveway was also changing. Mr. Luppino agreed that the driveway is currently on 12th and they are changing it to Pershing. Councilwoman Tsigounis noted that they would have to supply the architectural plans so the Board could review them and then they could report at the next meeting. Mr. Corallo noted that they handed in 15 copies of the plan. Mr. Azzolina noted that that was 15 copies of the site plan, not the architectural plans. His office has seen them because he requested them and the architect or engineer e-mailed them to him. He is currently reviewing it and he will have discussions with their professionals over the next two weeks and the Board will make a determination at the next meeting.

Subdivision Committee

Councilwoman Tsigounis noted that a revised plan was received for Application #1514M, 18 Kenilworth Drive, Vajily Kuzubov and Aleander Chalov, on December 27, 2017. Mr. Azzolina noted that he recently received it, but has not yet reviewed it. He will review it in the next week or so and will have a report at the next meeting. The applicant's counsel was present. They noted that it is a two-lot subdivision. Mr. Azzolina reviewed the plans and they were initially incomplete. They revised the plans to address the incompleteness items and provided a conceptual architectural plan. Mr. Azzolina noted that that was a major comment in his review letter to demonstrate that the lots could be developed. He doesn't anticipate any problems with the revised plan, so if the Board is willing, he has no objection to scheduling the Public Hearing for the next meeting. Councilwoman Tsigounis doesn't see any reason not to schedule the Public Hearing. Mr. Morgan agreed. The Public Hearing for Application #1514M was scheduled for January 23, 2018.

Report from the Borough Engineer's Office

Mr. Azzolina stated that the applicant and engineer for Application #1522, 21 New Street, Reger Realty, LLC, were present. Mr. Michael Hubschman noted that this is a single-family house on New Street, no variances required. Mr. Azzolina noted that it is an oversized lot and no variances are required. The applicant had initially proposed it as additions/alterations and for whatever reasons, it proceeded beyond that and the house was knocked down in its entirety, short of the foundation, at which time the Construction Official issued a stop work order and they were directed to submit an application to the Board for new construction, which is what this application is. He has reviewed the plans. Everything about it conforms to the ordinance. He offers no objection to the Board approving the plans at this time.

Mr. Hubschman explained that they were renovating the house and it was termite damaged. They ended up removing all the wood and bringing it down to the foundation. The foundation was eight-inch block, so the building official is saying that they have to put 10" block in. Mr. Azzolina noted that the foundation will be

demolished, but pretty much the new house is going in the same footprint as the existing house. Mr. Hubschman said that it will be a little deeper in the back but the rest of the footprint is the same. Mr. Azzolina noted that the only comment his office had was some of the coverage numbers were actually a little overstated because they used the area within the 125 feet, but for this type of lot where they have adequate frontage of 100 feet, you actually use the entire area of the lot. The coverages stated on the plan are still less than what is permitted and they are even less than what is shown. There are no variances required. Proper drainage has been provided. He recommends that the Board approve the plan at this time.

Mayor Romeo asked how the house was knocked to the ground. Mr. Reger noted that as they started doing work, they had termite damage and his contractor thought that it would be better to remove all the wood and at that point they basically took it down to the foundation. At that point, it was new construction. The foundation walls are only 8" thick so they needed to get an architect come out to see if they would be able to build on what was there and he said they couldn't. That is why they had to resubmit all the plans with a new foundation.

Mr. Ulshoefer asked if the Board had the new plans. Mr. Reger said yes. Mr. Ulshoefer understands that they have no variances, but it would be nice to know that they were coming here tonight even though they have no variances, without being on the agenda for tonight. He reviews all the plans that are on the agenda and he is not going to bring a stack of paper so high and nobody shows up. If he knew he was coming, he would have looked over the property and his plans. He doesn't think it is fair to the Board to just show up even though they have no variances. He thinks it should be a strict thing, if you are going to come, be on the agenda so people know you are going to be here. Mr. Reger stated that they submitted everything a long, long time ago. Mr. Ulshoefer wasn't saying they were out of date or anything, he is just saying it would be nice to know that they were coming here. He thinks that should be the policy so he can look at the plans. He hasn't look at these plans since the last time he got them.

Mr. Morgan made a motion to approve the plans. The motion was seconded by Councilwoman Tsigounis. All present were in favor. Motion approved.

Mr. Azzolina noted that on Application #1523, 219 Magnolia Avenue, 15 Wakelee Dr. Corp., the Board may recall that this was a three-lot subdivision created over 10 years ago. This is the last remaining lot to be developed with that subdivision. No variances are required. The plan as presented complies with all the requirements of the code. There is an overstatement of the coverages based on the misapplication of the lot area, but once again, conservatively stated. He offers no objection. He would recommend that the Board approve this plan at this time. Mr. Morgan stated that based on Mr. Azzolina's recommendation, he sees no problem with it. Mr. Morgan made a motion to approve, seconded by Mayor Romeo. All present were in favor.

Mr. Azzolina has prepared a report for 273 Jefferson Avenue for tonight's Public Hearing that he e-mailed to all the members.

Resolution for Application #1520, 55 Cedar Street, Lumaj Homes LLC, was introduced by Mr. Calder, seconded by Mr. Mandelbaum. Mr. Schuster noted that he was made aware of some typographical errors on Page 4, Paragraph 6 and he will make those corrections. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, and Mr. Rummel all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

Old Business

Mr. Wael Iskandar from Lukoil was present. He was at the last meeting regarding the Lukoil gas station at the circle. He presented the Board with the letter for Lukoil stating that he cannot remain open until midnight. Mayor Romeo told him that he will have the Chief of Police write up the letter to send to Lukoil. Mr. Iskandar presented plans for his convenience store at the gas station. He is not doing any construction. The plans

showed the racks and counters. Everybody was OK with the plans. An approval letter was sent to Mr. Iskandar with copies to Ms. Barbara Nasuto, the Building Department, Fire Department, Police Department and Health Department.

Public Hearing – Application #1519 – 273 Jefferson Avenue

Mr. Matthew Capizzi was present representing the applicant, 273 Jefferson Avenue LLC. This is an application for a new single-family dwelling on this lot. The lot is undersized as to area and width. They are coming before the Board for side yard variances this evening, which essentially resonates from the shortfall in lot width. The house complies in all other respects with regards to the bulk requirements. Even though they are shy in lot area by about 2,500 square feet, they don't need any coverage variances, building coverage, impervious coverage, or what not. It is essentially just the side yard variances that are at issue this evening. Fifteen feet is required on either side of the building and they are a little over thirteen feet on both sides of the building. They are shy about a foot-and-a-half on the left and right side yards.

Mr. Capizzi noted that he has one witness here this evening, Mr. Michael Hubschman, the engineer, and he will take the Board through the plan. Mr. Michael Hubschman, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. He is a licensed professional engineer and planner. Mr. Hubschman has testified before the Board many times as an engineer and planner. He is going to be proffered as an engineer and planner. His license is presently in good standing. Mr. Hubschman was accepted as a professional planner and engineer.

Mr. Capizzi asked Mr. Hubschman if the plan on the board was the same plan that was distributed to the Board. Mr. Hubschman stated that it was the same plan with the exception that it is colorized. This packet was marked as Exhibit A1. The packet consists of three sheets. The existing conditions plan is on sheet 3. The lot is 65 feet wide and 116 feet deep. North is to the right. They are north of Madison Avenue and about the middle of the block between Lexington and Madison. The site has a single family one-and-a-half story dwelling on it. It sits about even with the adjoining houses. There is a newer house on the left and he did the site plan for that in about 2006. There is a mix of newer and older houses on the block. The topography existing is at elevation 94, and the platform where the houses are is at elevation 100, a little level in the back and then it is very steep from there going back up to Roosevelt.

Mr. Hubschman noted that the existing side yard is nine feet on the south and 14.6 feet on the north. Those are non-conforming. Fifteen feet is required and a total of 35 feet combined is required. The lot width that is required is 100 feet and they are at 65 feet. The lot area is 7,880 square feet and required is 10,000 square feet. They are in the R-10 Zone.

Mr. Hubschman stated that they are proposing to remove the existing house and construct a new dwelling with a footprint of 1,570 square feet. It is a modest size house, about 2,400 square feet of livable area. The house will be at the same plateau elevation so it looks OK in the neighborhood. It is pretty even with the adjoining houses. They are requesting variances for 13.37 feet on the side yards where 15 is required and a total of 35 is required. They are just slightly shy of the 15 feet. Mr. Capizzi stated that the need for the variance comes from the shortfall in the width. Mr. Hubschman agreed because the width is 65.9 feet, or 66 feet, which is 34% undersized in width, so that is why that shortfall comes. They are not wide rooms in the house and there is also that slope problem in the rear where the house next door has a larger back yard. They are kind of scrunched more to the front so that is why the house is just a little bit wider.

Mr. Capizzi asked about the offsets from the neighboring properties and if there was sufficient side yard even though there is a deficiency. Mr. Hubschman noted that to the south there is 28 feet between the houses at the closest point and to the north it is 26 feet between houses at the closest point, so there is adequate light, air and open space between the houses.

Mr. Capizzi noted that as far as Mr. Azzolina's letter of yesterday's date, they will comply with all the recommendations. Mr. Hubschman stated that Mr. Azzolina asked for some minor revisions and to remove and replace that wall in the rear, which they will do. The tree removal, and he doesn't think Cresskill has a

tree removal ordinance, but they would supply some shade trees along the front and some replacement trees.

Mayor Romeo asked if there was any problem with drainage coming down from Roosevelt or any drainage easements that they know of because he knows there was a problem down the block from this. Mr. Hubschman stated that they are at the high kind of point in Jefferson so there wouldn't be any easement. Mayor Romeo said he was looking from the hill on top down to there. Mr. Hubschman said there is no problem. Mayor Romeo asked about the driveway and if there was a problem with the driveway being on the neighbor's property as there was on another property in the area. Mr. Hubschman noted that there is no problem with this property. He also stated that they are proposing a seepage pit for the runoff. Everything drains towards the street so there shouldn't be any problem with the neighbors and runoff.

Mr. Morgan opened the meeting to the public. Mr. Joseph Dahl, 95 Roosevelt Street, Cresskill, wished to be heard. Mr. Dahl noted that the application says that the applicant also seeks a major soil movement permit and waivers. He wanted to know what exactly is going to happen. It seems that a lot of the newer houses now, they are just slicing out chunks of the hill and eventually you are going to lose the support. Mr. Capizzi explained that when he prepared the notice, he didn't have the benefit of Mr. Azzolina's letter at that time and he just wanted to be cautious in the event that he needed any waivers, he put that in the notice should something come up. Mr. Azzolina noted that none of that is necessary. They do not have a major soil moving permit that some towns make a distinction between the volume of soil that is being moved on the property. On this particular design, he is leaving the rear yard in its current elevation. He is just going to remove and replace that existing retaining wall at or about its current location so there will be no modification to the slope area adjacent to his property. There will be some excavation for the larger footprint of the dwelling, but not anything out of the norm. Mayor Romeo asked if he was concerned with the hill. Mr. Dahl said that he was. Mr. Azzolina noted that they are not touching that portion of the property.

Mr. Schuster asked how many bedrooms the house has. Mr. Hubschman stated that there are four bedrooms and one in the basement.

Mr. Morgan closed the meeting to the public.

Mr. Schuster stated that they have five bedrooms in the house and asked how many bathrooms they had. Mr. Hubschman stated that they have three bathrooms on the second floor, full baths, a half-bath on the first floor and a full bath in the basement. The house is 2,634 square feet in livable area, which complies with the FAR ordinance. Mr. Calder asked if that included the 5th bedroom. Mr. Azzolina explained that it did not because basement areas are excluded from the FAR.

Mr. Schuster asked the applicant for their notices. The attorney presented Mr. Schuster with the notices.

Mr. Calder stated that they eluded to the fact that all the trees on the side of the property and the front of the property were being removed and they are asking for a variance on the setback. He asked how they would have the Board reconcile the fact that they are not in compliance with the side yard setbacks but they are taking out all of the natural buffer between them and neighbor by removing all of the trees. Mr. Capizzi stated that they supplement the side yards with green giants on both sides to provide a buffer between the properties. Mr. Calder then asked if it is customary then to note the removal of the trees but not memorialize the replacement of the trees in the site plan. Mr. Capizzi stated that it is not a requirement of the site plan approval to show tree mitigation, but customarily in discussion with the Board, if they feel that landscaping is warranted, then they generally hold that as a condition of approval and that is something they are agreeable to. He noted that he would not have been able to so quickly respond to his question if he had not already discussed this with his client ahead of time, so when they were outside they did discuss it. One of the points in Mr. Azzolina's letter was the issue of tree removal, so this evening they discussed tree replanting at the site. They discussed putting six-foot Green Giants on either side of the house to provide a buffer there.

Mr. Hubschman noted that they are also putting two shade or street trees in the front along the property line. Mr. Capizzi stated that they will put six evergreens on each side of the dwelling for a total of 12 additional evergreens, plus the two shade trees along the front yard. Councilwoman Tsigounis noted that they will be planting 12 trees to make up for the 11 trees that will be coming down. She noted that the trees that are

coming down are really not in danger of the building footprint, they are around the perimeter, so in order to replace that buffer around the neighboring properties they are willing to replant the six Green Giants on each side and maybe a pear tree, pin oak or whatever Mr. Azzolina thinks is best for the two shade trees in the front.

Mr. Durakis made a motion to approve, seconded by Mr. Mandelbaum. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, and Mr. Malone 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 8:29 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for January 23, February 13, February 27, and March 13, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary