

## MINUTES

### CRESSKILL PLANNING BOARD

DECEMBER 22, 2020

Mr. Ulshoefer opened the meeting at 7:33 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilman Kaplan, Ms. Bauer, Mr. Malone, Mr. Mandelbaum, Ms. Tsigounis, Mr. Ulshoefer and Mr. Sutera. Also present were Mr. Stamos, Board Attorney and Mr. Azzolina, Borough Engineer.

\*\*\*\*

Ms. Bauer made a motion to approve the minutes of the December 8, 2020, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

\*\*\*\*

### Correspondence

Notice from PSE&G dated December 14, 2020, regarding the Application for an Extension of a Freshwater Wetlands General Permit Number 1 PSE&G Natural Gas Distribution and Transmission System Rights-of-Way Maintenance in Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, and Union Counties, New Jersey. File No. 0000-05-0036.1, FWW160001. This letter is to provide the Borough with legal notification that an application for an Extension of a Freshwater Wetlands General Permit Number 1 (FWW GP1) will be submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the maintenance of existing Public Service Electric and Gas Company (PSE&G) Electric Natural Gas Distribution and Transmission System Rights-of-Way, as shown on the enclosed map.

PSE&G is required to maintain its regional electric transmission system on an ongoing basis in an effort to provide safe and reliable electric service to its approximate 18 million customers by the New Jersey Board of Public Utilities (BPU) and the North American Electric Reliability Corporation (NERC). This activity has been previously permitted under a "blanket" FWW GP1, issued on May 6, 2016, and set to expire on May 5, 2021, (NJDEP Permit No 0000-05-0036.1, FWW160001). The FWW GP1 authorizes the disturbance of wetlands and State open waters necessary to perform temporary and routine maintenance and repair activities within the PSE&G National Gas Distribution and Transmission System Rights-of-Way including: vegetation management and maintenance; access road repair, rehabilitation, replacement, maintenance and/or reconstruction activities. The FWW GP1 also authorizes the emergency repairs within wetlands and State open waters necessary to restore service to affected areas. File.

\*\*\*\*

### Subdivision Committee

Nothing to report.

\*\*\*\*

### Report from the Borough Engineer's Office

Mr. Azzolina had nothing to report other than the report for tonight's Public Hearing.

\*\*\*\*

**Old Business**

None.

\*\*\*\*

**New Business**

Ms. Blanca Curruchich was present with a Letter of Introduction from Mr. Bob Rusch, Construction Official, dated December 8, 2020. She would like to open a facial and waxing salon at 15 Broadway. The only thing she has to do add is add a sink and it is one room that she will have to make into two rooms. It is going to be called Glow Aesthetics. Mr. Mandelbaum made a motion to approve, seconded by Ms. Tsigounis. All present were in favor. Motion approved. Memo of approval sent to Ms. Curruchich via the Building Department, with copies to Ms. Francesca Maragliano, Mr. Bob Rusch, the Fire Department, the Police Department and the Health Department. File.

\*\*\*\*

**Public Hearing – Application #1563 – 170 14<sup>th</sup> Street**

Mr. Mark Madaio, Legion Drive, Bergenfield, was present representing the applicants, Tatiana and Max Manco. He gave the notices and affidavits of publication and service to Mr. Stamos. The intention is to tear down the existing home and build a new home. The property is 7,528 square feet in an R-10 Zone requiring 10,000 square feet. That is an existing variance. There is nothing they can do about that. And, of course, it is pre-existing. The lot width is 60 feet. It is supposed to be 100 feet. The lot width is a pre-existing condition. It has existed and it requires and has an existing variance. Those two things are interesting, but what is also interesting is the lot depth, required to be 100 feet is actually 125 feet. This lot is 25% smaller than what is required under the ordinance, narrower by 40 feet than what's required under the ordinance, and 25 feet deeper than required by the ordinance. In other words, it is a long, narrow lot, relatively speaking.

The property and the proposed home will actually do some interesting things. Building coverage will be 2.9% over required. Impervious coverage will go from 33.9% to 34.6%. That is 7/10<sup>th</sup> of a percentage point. So, despite modern times, the tearing down of the 1950s home, the construction of a 2020s home, the actual increase in impervious coverage is only point seven tenths. The side yards are supposed to be 15 feet, they have currently nine and six feet. They will have 11 and 15. So, for real, the side yards are actually about double. They are going from 9.5 feet and 5.9 feet to 11.8 feet and 15.2 feet. This brings the side yards, which on a long narrow lot is very difficult, more into conformance with the zoning. Finally, the combined side yards are supposed to be 35 feet, they are currently 15.4 feet and it will nearly double to 27 feet.

They are here on one of those rare occasions where they are telling you about two variances, meaning lot area and lot width, that they can't resolve, and two or three variances that they are making better. One of the side yard variances they are eliminating altogether. And what you are trading off for that is a 7/10<sup>th</sup> of a percentage point increase in impervious coverage and a 2.9% point in building coverage. Of course, the lot is 25% too small and they didn't create that. But yes, you would expect them to require, even on a modestly size home, a little extra building coverage. That is not a function of the house being so big in an R-10 Zone, that is a function of because the lot is so small. Having said all that, Mr. Madaio would like to call the project engineer.

Mr. Madaio noted that he did received Mr. Azzolina's engineering review letter today. They have had an opportunity to look at that.

Mr. Stamos stated that he has had a chance to look at all the notices and affidavit of service and affidavit of publication and they are all in order. Mr. Sean McClellan, 101 West Street, Hillsdale, NJ, was sworn in

by Mr. Stamos. Mr. Stamos noted that he has worked with Mr. McClellan several times and he is a licensed professional engineer, and he was accepted as an expert in engineering.

Mr. Madaio asked Mr. McClellan if everything he said was true. Mr. McClellan stated that he did not, but in a good way. He said that the existing impervious coverage was 33.9%. That is actually what is allowed. The existing impervious coverage is 35.1% and they are reducing that to 34.6%. Mr. Madaio stated that they are actually making the impervious coverage less than what presently exists.

Mr. McClellan explained that there is an existing 1½ story house on the site. The existing side yards are not conforming. On the north side it is only a 9.5 foot side yard and on the south side it is only 5.9 feet. They are extending both of those side yards to 11.8 and 15.2 feet. The existing impervious coverage, as they just spoke about is 35.1% where 33.9% is allowed. They are reducing it to 34.6%.

Mr. Madaio asked how wide the house would be if they built the house with no side yard variances. Mr. McClellan noted it would be 30 feet with no side yard variances, but if you had no combined side yard variance, it would be 25 feet. Mr. Madaio noted that in order to build a functional home, they are going to dramatically lessen the side yard variances, but still need some of them. Mr. McClellan agreed.

Mr. McClellan stated that the existing dwelling didn't have any type of retention system. All the water from roof just went down the leaders and went to the ground. Their plan is to store the entire 2" storm event for this proposed house into a seepage pit to percolate into the ground so it will greatly reduce any type of drainage that comes off the property. Also, there is a 25-foot-wide driveway that has a front load garage, small, covered porch with a walkway, and a small patio in the rear.

All the water from the roof is going to be stored in a 1,000-gallon seepage pit. The 1,000-gallon seepage pit with the stone can provide storage for over 2,600 gallons where the house itself only creates about 2,180 gallons. The seepage pit has more than enough capacity to handle the entire house.

Mr. Madaio asked Mr. McClellan if he had Mr. Azzolina's review letter. He wanted to know if there were any drainage issues or items that they cannot accommodate. Mr. McClellan noted that behind the house there is a 15-foot-wide drainage easement with a pipe that is a 12" diameter that runs behind the house in the vicinity of the patio, which is kind of unusual. They did the site plan for the house to the north and it was discovered that the pipe was there when they did that house. That is why the house only goes back as far as it does. Mr. Madaio stated that that easement also defines their building envelope or building location. Mr. McClellan agreed.

Mayor Romeo noted that the house to the north had a problem with water constantly coming out from the sump pump. Mr. Azzolina stated that the sump pump was connected to a seepage pit, which had an overflow through the base of the curb, that was constantly running. Since then, it was discovered that there was the pipe back there, so all the water was put into the pipe in the back and that solved the problem of the water going into the street. Mayor Romeo asked what caused that. Did they dig too deep with the foundation? The water table there is so high, if they go down to that depth, are they going to have the same problem. He is trying to anticipate if that is going to be a problem. Mr. Azzolina stated that that is the question posed in his report. There is a sump pump depicted on the drawing, but it is not detailed as to where the discharge is going to be. They do have that pipe available to them. The other difference between this property and the property to the north is the property to the north is a little bit higher. There is a general slope to the south, so this basement is actually 1.4 feet lower than the basement to the north.

Mayor Romeo asked the owners if they understood the problem. If they go too deep, they are going to hit the water. Mr. McClellan stated that right now their basement is 1.4 feet lower than the basement to the north and he is showing a 10-foot basement. Their plans are showing only a nine-foot basement so that will bring them up one foot and then they are going to raise the first floor another 4" so they will have the same basement elevation as the house to the north. And they would like to have the sump pump go into the existing pipe. Mr. Azzolina said that this should work, and the insurance policy here is the pipe in the rear. He noted that it was probably a sanitary sewer when this area was a camp that some creative builder in the 50s or 60s decided to turn it into to a storm drain. The complicating factor that they haven't flushed out is whether the county storm drain system is also connected to that storm drainpipe. They still have to

do some more investigation. It was in excellent condition. There is some debris in the line, but it is free-flowing at the southerly end.

Mayor Romeo asked Mr. Stamos if this will be able to be memorialized. Mr. Stamos said he could do it. Mr. Malone asked if the basement was the same height and it was a problem, isn't the problem going to be replicated again. Wouldn't it make sense to go higher. The neighbor to the north stated that the problem went away once the sump pump was connected to the pipe in the rear. The sump pump hardly runs now. Mr. Azzolina stated that that is the thing with ground water. You might not have this problem for another five years. It fluctuates. That neighborhood is very wet. There is no way to tell when the problem will happen.

Mr. Madaio called Mr. Raul Maderos, 24 West Railroad Avenue, Tenafly, NJ, as his next witness. Mr. Maderos was sworn in by Mr. Stamos. He is the architect on the project. He has testified before this Board many times before and was accepted as an expert in the area of architecture. Mr. Madaio marked the site plan as Exhibit A1 and the architectural plan as Exhibit A2.

Mr. Maderos noted that there are four bedrooms upstairs and one in the cellar. The footprint of the house is 1,732 square feet which is about 23%. The square footage of the house is about 2,600 square feet. The house is not out of scale with the homes in the neighborhood. Mr. Maderos stated that it depends on the lot. Some houses are larger on larger lots. The house is not out of scale with houses on similar lots built years ago or built more recently. Mr. Madaio noted that the design is dictated a little bit by the easement, the 60-foot wide where 100 is required and they are still only 7,500 square feet, approximately, even though their lot goes back 125 feet. They can't go back any further because of the easement. Mr. Maderos agreed that the house was absolutely a result of all of these forces. Because of the easement, they brought the house forward. With the front yard setback pushing towards the rear, it kind of widened the house ever so slightly, but it was, of course, to kind of respect the easement that exists there. They do not need a front yard setback.

Mr. Madaio stated that the streetscape is still maintained at the 25 feet that the town wants, and they had to work between that 25-foot line and that easement in the back. That made the house a little bit chubbier. But the house is still less than exists. Mr. Maderos agreed.

Mr. Maderos noted that they talked about maybe raising the house so that their basement elevation might be a little bit higher than the house to the north. However, he doesn't know if it will be so simple as just allowing them the extra height because what is going to happen is, right now they have eight-foot ceiling heights in the basement, which results in about seven feet once you get all the mechanicals installed in the ceilings down there. So, it's modest as it is. It is actually what you would find in 1950s homes so not so modern that way. If they were to just kind of shift the basement and first floor up, now the first floor tries to disconnect from the ground and so, in the backyard, you are going to end up having a platform, or a landing, before you come down to the patio. The rear of the house is right at the easement so the landing would exist over the easement and that would hinder access in case anything would happen in the area. They are proposing a paver patio on grade, which would be easily dismantled and put back together in case access would ever be needed in the future. That is why he says as easy as it is to simply shift the house completely up, that would be nice and simple, but because the first floor doesn't want to detach from the ground so much that way, he would reconsider taking that action. Right now, even with the eight-foot ceiling heights in the cellar, it is on par with the basement height right next door. Mr. Maderos stated that by tapping into the drainage pipe in the easement and keeping it the same level as next door, hopefully, they will perform as well as the house next door seems to be doing. Mr. Azzolina thinks that will work.

Mr. Madaio thinks he has provided his proofs that it is a long narrow lot that is 25% undersized, eliminating or lessening at least two side yards and the combined side yard and the impervious variances that currently exist. The needed side yard variances are simply because they are trapped between the 25-foot setback and the easement and the house bulges out a little, but still less than what is there.

Ms. Tsigounis asked, regarding the drainage easement, should anybody need access to it, like the DPW, does anything go with the house, is there any sort of a waiver should the applicant sell the house, and somebody needs to get there, that the applicants are responsible for rebuilding. Mr. Madaio thought there

was a recorded easement. Mr. Azzolina stated that there is not a recorded easement yet. This was only discovered last year. This is a proposed easement. One of the things that has to happen across each of those properties that is traversed by this pipe is the Borough has to acquire easements. Mr. Madaio noted that, in the event that the Board sees fit to approve the application, there certainly can be a condition that if easements are to be part here, that one would be granted. Ms. Tsigounis stated that they would agree to allow access to it and then when they are done with the work, the owner would have to restore it without the Borough's expense. Mr. Madaio stated that in the event that an easement is done to all the homeowners as a true Borough easement, you can certainly indicate it would free, they would do it, and usually there are several pages of conditions, one of which being the Borough has to get to it, rip it up, and usually refill, but they are not going to replace the pavers or anything like that or the landscaping. They have no problem with that.

Mr. Stamos stated that what he heard from the testimony is that they have a hardship due to the size of the property. Mr. Madaio explained that it is a classic C1, an unusual topography or shape of the piece of property that it burdens them. The best game here is to go deep, and they can't go deep. The house is what it is and the negative criteria is met by the fact that they are either lessening or eliminating three or four variances in this process. He doesn't think a lot of applications could do that, but they are able to do that here despite being stuck between those two lines. That is their proffer for approval.

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 based on the conditions that were discussed and on the future easement regulations that would come into play once the easement is memorialized. The motion was seconded by Mr. Mandelbaum. On Roll Call: Mayor Romeo, Councilman Kaplan, Ms. Bauer, Mr. Malone, Mr. Mandelbaum, Ms. Tsigounis, Mr. Ulshoefer and Mr. Sutera all voted yes. Motion approved.

\*\*\*\*

### Other Business

None.

\*\*\*\*

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

\*\*\*\*

Motion was made by Mayor Romeo to adjourn the meeting at 8:11 PM, seconded by Ms. Tsigounis. All present were in favor. Motion approved.

\*\*\*\*

The next four regular Planning Board meetings are scheduled for January 12, January 26, February 9, and February 23, 2021 at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary