

MINUTES

CRESSKILL PLANNING BOARD

NOVEMBER 22, 2022

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

Mr. Rummel made a motion to approve the minutes of the October 25, 2022, meeting, seconded by Ms. Tsigounis. All present were in favor of the motion. Motion approved.

Correspondence

Notice from PSE&G dated November 10, 2022, regarding the Application for Extension of Statewide Freshwater Wetlands General Permits #1, #2 and #21 and Flood Hazard Area Individual Permit for the Installation, Maintenance and Repair of Existing Underground and Overhead Electric Distribution Facilities and selective herbicide application in riparian zones within Electric Distribution and Public Rights-of-Way. They are applying for an extension for permit 000-02-0031.1 to the New Jersey Department of Environmental Protection (NJDEP), Division of Land Use Regulation. This notice has gone to every municipality in the State. File.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated October 21, 2022, sending Mr. Ndrejoni to this Board for approval. He is seeking a driveway waiver, as per 218-E(1)(c)) at 64 Gilmore Avenue for an existing non-conforming driveway. Mr. Ndrejoni was present. He explained that he wants to extend the driveway towards the house not towards the neighbor. The existing driveway is a few feet too close to the neighbor as it stands. Mayor Romeo explained that because it is existing, we have to give them a waiver even though he is encroaching upon himself. Currently there is just grass there now. He is just going to pave over his own grass.

Mr. Ndrejoni showed the Board the drawing he had of the proposed driveway. He is going over about 10-11 feet into his front yard to the corner of his house. There is no problem with the impervious. He will still be way under. The current driveway is 1,300 square feet. The proposed is 1,900 square feet. He has a 15,000 square foot lot. Ms. Tsigounis made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. An approval memo was filled out and given to the Building Department. A letter of approval was sent to Mr. Ndrejoni, with copies to Ms. Francesca Maragliano and Mr. Bob Rusch, Construction Official.

Application for Soil Erosion and Sediment Control Plan Certification for 158 Truman Drive, Monica Alvarez and Derohn Mitchell. File.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated November 21, 2022, sending Dr. Taehwan Kim, to this Board for approval. He would like to open a veterinary office at 44 East Madison Avenue (formerly The Peddler). The business would offer advanced technology in pet wellness care, diagnostics and veterinary surgery for dogs, cats and exotic pets. He was previously going to go in where the travel agency was, but in this case, he is going to buy the building. He is currently in contract to buy the building. He is only going to be open during the day. No overnight hours.

Mayor Romeo explained that he will have to get permits to do the interior work. Dr. Kim noted that he is just changing the interior, nothing outside. He likes the outside. He is going to put an office and conference room probably on the second floor.

Mr. Ulshoefer asked Dr. Kim if he knew how many veterinarians were in the town right now. There is one on Spring St. Dr. Kim is aware of the one on Spring Street. He knows this one and the one in Tenafly and the one in Closter, but they don't do what he specializes in. If he has a seriously sick animal, he will refer them to an animal hospital in Oradell or Paramus. He hasn't closed on the property yet, but soon. Mr. Rummel made a motion to approve, seconded by Ms. Tsigounis. All present were in favor. Motion approved. A letter of approval was sent to Dr. Kim, with copies to Mr. Rusch, Ms. Francesca Maragliano, The Fire Department, The Police Department and the Health Department.

Subdivision Committee

Ms. Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina had the report for tonight's Public Hearing.

Old Business

None.

Public Hearing – Application #1584 – 222 9th Street

Mr. Mark Ruffolo, was present representing the applicant, Mr. Sukol Lumaj. The property is 222 9th Street. They are here for three variances. The first one is the maximum building coverage where the maximum is 20% and the existing is 19.4% and they are proposing 23.2%. It is a deviation of 3.2% or 242 square feet. The second variance is for maximum combined side yard. The requirement is 35 feet. The existing is 47.2 feet and the proposed is 32 feet, which is a three feet deviation. The third variance is for maximum impervious coverage which is 32.4% required. The existing is 30.9% and the proposed is 35.3% or a 2.9% deviation or 215 square feet.

The proposed dwelling consists of a single-family home with 2,567 square feet. The existing lot is non-conforming. It is 7,500 square feet vs. 10,000 square feet required. The existing frontage is 75 feet where 100 is required. Currently there are two existing non-conformities that are being mitigated with the proposed plans. The first is the front yard which is 18.5 feet which is now going to be 25.2 feet. The second one is a side yard which is 14.5 feet and now is going to be 16 feet. With the Board's approval, he called Mr. Raul Mederos, the architect.

Mr. Stamos stated that he did review the notice, both the publication and the list, and he finds it to be in order, so the Board has jurisdiction. Mr. Raul Mederos, 24 W. Railroad Avenue, Tenafly, NJ, was sworn in by Mr. Stamos. He has appeared before this Board many times and was accepted as an expert in the field of architecture. Mr. Mederos has been retained on this property and has prepared the plans and is familiar with the plans.

Mr. Mederos stated that it is a single-family residence. It is new construction. He noted that all the technical variances have been covered. As far as the house goes there is nothing too out of the ordinary here from what they are typically finding in a new construction home of this size on this size lot. On the first floor you have the foyer when you walk in with the staircase. Typically, they like to have a center hall if possible. That still holds really strong to the general population where you have a center hall, formal living room and formal dining room in the front. In this case, where the lot is narrow, it kind of squeezes everything together and forces them to have the living room and dining room in tandem, with one or the other in the front. Typically speaking, the kitchen and the family room combination open to each other at the back of the house where things are more casual is very common. They are accomplishing that here.

Basically speaking, on the second floor they have four bedrooms including one master bedroom suite and a laundry room. The foyer is open to below and so is the living room from the second floor down. Everything else is the second floor itself. In the basement, you come down to one big rec room. You have the mechanical room in the front, where the utilities come into the house and one sleeping room with a legal egress window towards the rear and a full bathroom that the entire cellar shares. That pretty much makes up the house.

Mr. Ruffolo asked Mr. Mederos if he did everything he could to reduce the non-conformities. Mr. Mederos noted that it is conforming with respect to the FAR. The first floor and second floor are pretty well balanced, which allows them to tighten up the footprint of the house on the site. The second floor steps slightly in so that the combined side yard variance that was mentioned earlier is primarily created by the one story garage on the first floor. On the second floor, they are just shy of conforming with the 35-foot combined side yard. They are just one foot too wide but is just a matter of trying to get the bedrooms to work on the second floor as narrow as possible. Otherwise, the combined side yard would conform on the second floor.

Mr. Mederos was asked if he could have reduced the garage and bedrooms to come into conformity. Mr. Mederos noted that on the first floor there is a two-car garage which kind of holds strong and just makes sense for the neighborhood. There are other neighborhoods two or three towns away where a one-car garage would make sense, but here a two-car garage still holds strong. So, for a two-car garage, 20 x 20 is really the standard. As far as the width of the garage goes, 20 feet is normal. For the foyer they tend to have a six-foot wide double door. Code requires them to have the entrance doors to be at least 36" so they have double doors of those. So, the foyer ends up being eight feet wide with one foot on each side for trim, so you have enough space to pass the staircase. The living room and dining room are 13 feet which are not exactly modest, but it is tight.

Mr. Ruffolo asked Mr. Mederos if he has done other homes for Mr. Lumaj. Mr. Mederos stated that he has. He has worked on similar designs on similar lots. He has done one almost identical to this one. In his experience, this design represents typical homes built today and in Cresskill for a 75 x 100 lot. He took into consideration the neighborhood that has similar size lots with the non-conforming nature of the lots.

Mr. Stamos asked what the square footage of the house was. Mr. Mederos noted that the FAR as Cresskill defines it, they have 2,567 square feet proposed, where 2,574 would be the maximum allowable for them. It doesn't count the 440 square feet of the garage. It doesn't count open to below areas of the second floor. And it doesn't count the cellar because it is more than 50% below grade level. Mr. Stamos asked him about the efforts to mitigate the variances being asked for and being limited by the size of the property. Mr. Mederos stated that he doesn't have a site plan on his plans, and the engineer will go into more detail in his presentation, but he pointed out the shaded area that is the footprint of the proposed building area. The rear of the house is a few inches away from the rear yard setback that they are required to stay within. They don't like to go right to the line, they kind of stay within 2-4" of each setback to be safe during construction. The house is kind of pushing itself to the rear yard and they don't want to encroach and create another variance. They are doing the same on the side yard and have a much more comfortable second side yard so they can conform as much as possible to the combined. With all of that, this is kind of tailored to the lot that is 75 x 100. If they squeezed the house, they would create a rear yard variance and leave the property with no rear yard for the homeowners. If they did so, the garage would remain two-car and the front would be all foyer. The living room would squeeze behind there. The frontage that you would see

would be all garage doors and that is not very attractive. In a way, looking at it that way, it is kind of nice to create the width.

Ms. Tsigounis asked if the patio was at grade level. Her concern is that the house is tight and the impervious coverage is a variance condition and if they are going to have the appropriate seepage pits where it is necessary so that any runoff would be alleviated from going onto the street. Mr. Mederos noted that he couldn't speak as well as the engineer on the seepage topic, but he did come to learn that his rear elevation might not be accurate with regards to the location of the grade. Given the engineer's report, the actual patio is going to be lower which is going to require them to have a landing coming out of the back sliding doors and then a few steps down so that the patio can exist on the ground level as opposed to having a raised patio which disconnects itself from the grass and the yard itself.

Mr. Ulshoefer noted that there is only one tree showing on the property. He asked if they were going to have space to put some up here. Mr. Mederos stated that the engineer's office documented the tree conditions on the property. Looking at the survey that was prepared, it looks like the one tree that he is talking about might just exist outside of their property line. Mr. Ulshoefer thinks there should be room to put trees someplace. Mr. Ruffolo stated that that question can be reserved for the engineer.

The meeting was opened to the public for questions of this witness. No public wished to be heard. The meeting was closed to the public.

Mr. Sean McClellan, 101 West Street, Hillsdale, NJ, was sworn in by Mr. Stamos. He has appeared many times before this Board and was accepted as an expert in the field of Engineering. He is familiar with the property and has prepared the site plan. He was asked, in light of the hardships concerning the size of the property, what he has done to reduce the impact of the non-conformities on the property in the neighborhood. Mr. McClellan stated that, as was already mentioned, it is 7,500 square feet and it is 75 feet wide, where 10,000 square feet and 100 feet wide is required. The existing front yard is 18.1 feet to the building itself. If you take it to the covered porch, it is only 11.2 feet. They are greatly reducing the encroachment to the front yard by removing the existing house. Also, two non-conformities that are not specified on his plan is on the left side of the property you have a detached garage that is only 3.8 feet from the property line where five feet is required and also the driveway runs along the whole north side of the property. That ranges from 2.4 to 3.8 feet where 10 feet is required. The removal of the house eliminates two non-conformities, the removal of the garage removes a non-conformity and the removal of the driveway removes a non-conformity. The removal of those non-conformities and putting the house in the center, which still is not conforming with the combined side yard, they meet both individual side yards with 16 feet where 15 feet is required. The existing house as well is also 14.5 feet where 15 feet is required. So that eliminates that side yard as well.

Mr. Ruffolo asked how they were handling drainage. Mr. McClellan stated that the existing house just has roof leaders that go to the lawn. The back right corner of the house it comes off the roof and sits on a wall so it's almost like the water comes flying off the house and flies across the property into the back right corner. Their proposed house is going to have roof leaders that all will drain into a seepage pit so there won't be any water from the roof that will flow off their property into the neighboring properties. Ms. Bauer asked where the seepage pit is going to be located. Mr. McClellan noted that it is in the front right corner.

Mr. Ruffolo asked about grading. Mr. McClellan noted that the patio would stick up and he always tries to avoid landings, but in this case, they talked about it, and they are going to put a landing with a few steps down to the patio to have the patio be more at the grade level. As far as retaining walls, going from the back left corner, they have a retaining wall about three feet high and comes along the south property line as well. It slopes down in that area so they will flatten out that area and they will have a flat rear yard. Along the north property line, there is a hedgerow that is going to remain. They have a small railroad tie wall that slightly encroaches onto their property, but they are not going to move that unless later on that becomes an issue. Right now they are going to leave it the way it is.

On the plans there is a white pine tree that is noted. Mr. McClellan noted that if you come up about 15 feet from the curb line and 23 feet off the right property line, there is about a 20" pine tree that they are proposing

to remove. That is the only tree that they are going to remove. They are planning on doing Arborvitaes or Green Giants along the rear wall and they are going to have two trees, maybe red maples or if the Board has any suggestions, one in the rear and one that will serve as a shade tree in the front. They are not proposing any fences on the property at this point.

Councilwoman Schultz-Rummel asked about the vinyl fence and chain-link fence that is showing on the plan and if they were coming down. Mr. McClellan noted that the vinyl fence is on the neighbor's property and the chain-link fence is also on the neighbor's property. Ms. Tsigounis asked about the railroad tie that is mentioned. Mr. McCellan noted that he didn't see it when he was out there, but it is probably less than one-foot high and it encroaches on their property, but they are just going to leave it. Mr. Azzolina noted that it is not actually a wall. It is just one tie high and it's curved and it has a slate surface with a couple trash cans sitting on top of it.

Mr. Azzolina stated that he believes that they covered all the issues raised in his report. The only thing that he wanted to note is that the existing building sewer for this property he believes runs directly into the manhole as opposed to any kind of "Y" or saddle connection to the main. That should be confirmed and video tape it and make sure the pipe is in good condition to make sure the pipe can be reused assuming that is the proposal. The applicants covered all the other issues in his report. Variance conditions were described properly. The stormwater is controlled in the typical manner which is putting all the roof into the seepage pit. The retaining wall will be beneficial to the downstreet property owner to contain all the surface runoff. The rear yard will be allowed to perk into the ground. He believes it is a proper design. Ms. Tsigounis asked if that one 1,000-gallon seepage pit was a typical size or is that considered a large size. Mr. Azzolina stated that he used a typical standard which is two inches of rainfall over the entire roof surface, so the design accommodates that manner of rain.

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

Ms. Tsigounis stated that considering the lot area, the architect has done a good job in condensing a lot of home into the dwelling space and her main concern about the runoff was resolved with the engineer and the testimony he gave. She made a motion to approve the application as it stands. The motion was seconded by Mr. Malone. On Roll Call: Mayor Romeo, Councilwoman Schultz-Rummel, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, and Ms. Tsigounis all voted yes. Motion approved.

New Business

None.

Other Business

None.

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

Motion was made by Ms. Tsigounis to adjourn the meeting at 8:21 PM, seconded by Ms. Bauer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for December 13, December 27, 2022, January 10, and January 24, 2023, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary