

MINUTES

CRESSKILL PLANNING BOARD

NOVEMBER 14, 2023

Mr. Ulshoefer opened the meeting at 7:30 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, Councilwoman Schultz-Rummel, Mr. Ulshoefer, Ms. Bauer, Mr. Berger, Mr. Malone, Mr. Rummel, and Ms. Tsigounis. Also present was Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

Mr. Rummel made a motion to approve the minutes of the October 10, 2023, meeting, seconded by Mr. Malone. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated October 11, 2023, sending a representative for Baby Monitor Direct to this Board for approval. They would like to open an office for the sale and servicing of baby monitors at 100 Union Avenue, Suite 120. Christine, the property manager for 100 Union Avenue was present. She noted that her tenant, Ian, the owner of Baby Monitor Director was also present. He noted that they just relocated from Israel a couple of months ago. They are a 30-year-old company. The office is based in Israel. They also have offices in Japan and Europe. They have about 50% of their revenue here in the U.S. mostly sold through Amazon Marketplace, Walmart Marketplace or through their own website. Here they are focused on baby breathing monitors and baby video monitors. They are looking to extend the U.S. market even further. The market has consolidated a little bit due to brick and mortars shutting down like Baby's R Us. Their goal is essentially to start off with customer service and sales and potentially later on hiring product managers. He and his wife, Zoe, have four kids and they live in Tenaflly. They are here to stay so this is long term for them.

Mayor Romeo asked if they were strictly office. Ian noted that it is strictly office. The square footage is 847 square feet. They have additional space upstairs so if they grow, they have the space. They have an office manager they hired a couple weeks ago, and they will hire another customer service rep probably by the end of the year and a product manager in Q1 is the plan. Zoe was a doctor in the past and now she is working in AI and she is helping managing the business. Mr. Malone made a motion to approve, seconded by Mr. Rummel. All present were in favor. Motion approved. A letter of approval was sent to Baby Monitor Direct, LLC, with copies to Ms. Francesca Maragliano, Mr. Bob Rusch, the Building Department, the Fire Department, the Police Department and the Health Department.

Subdivision Committee

Ms. Tsigounis introduced Application #1594, 264 E. Madison, RRF Properties, LLC, received October 20, 2023, and Application #1595, 268 E. Madison, RRF Properties, LLC, received October 20, 2023. The plans were distributed and are currently under review. This property was subdivided last year and now they are coming in for site plan review.

Report from the Borough Engineer's Office

Mr. Azzolina reviewed Application #1593, 4 Fenway Court, and the Board was concerned with a couple of things about the site. It is a uniquely shaped property that has five sides. This property has a long history. He had discussed with Mr. Rusch and the applicant's professionals how to view the yards on the property. It is in

conformance with the direction they were given as far as what the front yard, which is obvious along Fenway court, and fighting to have to live with the rear yard on this property as the side yard which is not the case. It is opposite the front, so it is definitely the rear. The plan as presented is in conformance with those findings presented earlier. In order to build the house that they are proposing, they do need some relief in the rear yard. The setback required is 30 feet and they are proposing 17.9 feet to the closest point. That is correct.

They are saying they need a variance for impervious coverage also. It is a conforming lot in that it is more than 10,000 square feet. It is on a cul-de-sac, which has less than 60% of the frontage, but it was a created lot back in the '50s. We have a section in our code that says you can have a cul-de-sac design as long as it has 60% of the frontage. It should be 60 and it is 58.82, so rather than calling it a non-conforming lot, he thinks you can recognize that it is an existing private lot, close to 60. Everything else about the lot would conform as far as the lot dimensions go.

Another question the Board has was the garage design. You are permitted to have a three-car garage in the R-10 Zone. However, when you do your FAR calculation, you're only allowed to take credit for a two-car garage which is 440 square feet. They have taken that into account. They are showing a conforming FAR. The history of the application is that they went to the Zoning Board and were not received very well, so they scaled it back to this plan, which conforms other than with respect to the rear yard and impervious coverage. They have a patio, some stairways, access, etc. That is one aspect of the application.

Something that Mr. Azzolina discussed with their engineer several months ago, when the Environmental Laws were in the process of changing, was the DEP Regs raise the flood elevations by two feet. This property may be in the flood plain under the new form of calculations. He has to talk to their engineer. He is not able to say yes or no. The topography shown on the plan is an assumed datum. You have to have either data that agrees with the FEMA maps or data that agrees with the State maps which is based on different datum so that you are looking at comparable elevations. That is something that he will recommend they look into first because that could have a substantial impact on the development potential for the property. It is relatively flat through there. Pierce Avenue, as you all know, goes underwater. Fenway Court is kind of at the same elevation. Now if you add two feet to those known flood conditions, he suspects it will be on this property and that is going to impact whether you can put a basement on this property or not. This plan depicts a basement.

Councilwoman Schultz-Rummel stated that then the impervious coverage becomes a real issue. Mr. Azzolina noted that it is something that can be dealt with, and they are proposing stormwater management systems. Numerically, yes, they are over by about 300 square feet. Councilwoman Schultz-Rummel asked if that was based not on the new flood elevation, but on the previous, correct. Mr. Azzolina noted that that wouldn't have anything to do with impervious coverage. Impervious coverage is simply a percentage of the lot. Councilwoman Schultz-Rummel noted that she understood the impervious coverage, but if you are in a flood zone, the last thing we want to do is grant variances for impervious coverage. She would highly discourage that.

Ms. Bauer asked couldn't they use sump pumps to pump the water out of the basement. Mr. Azzolina stated that having a basement or not wouldn't be our call, that would be a DEP call to determine if this property is a regulated site. There is a basement now and they are proposing one. Mr. Azzolina believes that there is a basement in the existing home because there are windows along the foundation. This also has a proposed pool.

Ms. Tsigounis asked about the garage. Three-car garages are permitted, however, as she recalls, three-car garages are not permitted in the front of the house. Mr. Azzolina is not familiar with that section of the code. Mr. Malone asked if they only built a two-car garage, would they still be over on impervious or not. Mr. Azzolina stated perhaps not. The building coverage complied. The building coverage is at 19% and they are permitted 20%. It is not so much the size of the building proper, it is the pretty wide driveway to accommodate the three-car garage width, and then they have a pretty substantial patio in the rear. Ms. Tsigounis noted that it is the whole orientation of the house. He can re-orient the house. Mr. Azzolina also pointed out that they only have decking along one side of the pool basically.

Also, the architectural could use a little more information. There are some unusual things about the design that are not clear unless you are studying the plan. One of the things that struck him as odd was that you actually have a door from the powder room out to the patio/pool area. He understands that you want to have access to a bathroom, but it seems odd that you have an exterior door in your bathroom. It is not obvious because he didn't give him that elevation shot. He gave them the front only of the house. Where he is talking

about is in the rear. He also has steps down to the basement. There are quite a few issues that need to be flushed out of this application. Primarily the DEP issue. That is really their burden. He had discussed it with them several months ago. They did have a window in which they could have made application and maybe gotten it in and not have had to comply, but as of July 17, those rules came into effect.

This house is 17 feet from the back line. This is why they were arguing that this was a sideline and not a rear line. Mr. Azzolina didn't agree with it. Mr. Rusch didn't agree with it. Mr. Stamos was involved with the conversation. That is the rear line because it is opposite the front of the house. Mr. Malone asked if they could build the house in a different orientation on the lot. Ms. Tsigounis said they could, and Mr. Azzolina agreed. It may not be a house of this size. There is an existing home on the property that is within the setbacks. They can come before this Board and make their case, subject to, and further approvals, but that is their call. He believes their attorney is Mr. Matt Capizzi.

Mr. Azzolina just reviewed this plan earlier today, so he will discuss this with them tomorrow. He wanted to share his preliminary thoughts with the Board.

Old Business

None.

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 7:53 PM, seconded by Mr. Rummel. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for November 14, November 28, December 12, and December 26, 2023, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary