

MINUTES

CRESSKILL PLANNING BOARD

NOVEMBER 28, 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. Malone, Mr. Rummel, Ms. Tsigounis, and Mr. Philliou. Also present was Mr. Paul Azzolina, Borough Engineer.

Mr. Rummel made a motion to approve the minutes of the November 14, 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 November 6, 2023, sending a representative for 62 Merritt Avenue (Ofer Shapira) to this Board for approval. They would like to construct a new single-family home at 65 Merritt Avenue and require variances for both side yards and combined side yards. No plans have been received.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated November 14, 2023, sending a representative for Paper Street Coffee to this Board for approval. They were approved to open a new coffee shop at 22B Union Avenue. They are proposing to install a new sign. The owners were present. Mayor Romeo asked them what the width of the front of the store was. They didn't know. The previous sign was a very small sign. This is quite a bit larger. The letters are 18" tall according to the owner. They can reduce the size if need be. The width of the façade is 14 feet. Mayor Romeo suggested that he take it back to the Building Inspector and have him look up the ordinance and see if it fits. If need be, he will need to come back for a variance. Or he should be able to tell him the allowable sign area and he can reduce the size of the sign to fit. If he does that, Mayor Romeo said he would be all set to go if the sign is reduced to fit in the area allowable.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1594, 264 East Madison Avenue, RRF Properties, LLC.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1595, 268 East Madison Avenue, RRF Properties, LLC.

Subdivision Committee

Councilwoman Schultz-Rummel introduced Application #1596, 26 East Madison, Micbel Foods LLC, Michael M. Prulello (50% owner) and Marilene Fabiano-Prulello (50% owner), both at 23 Westervelt Place, c/o Matthew G. Capizzi, was received on November 13, 2023, and is currently under review.

Report from the Borough Engineer's Office

Mr. Michael Hubschman was present for Applications #1594, 264 E. Madison and #1595, 268 E. Madison, RRF Properties LLC. Neither application needs any variances. They received the Soil Erosion Control Permits. Mr. Azzolina has nothing significant on these applications. There are some things that he will discuss with the applicant's engineer regarding the calculations for stormwater management. He does provide a stormwater management system. Calculations were submitted to the Building Department. He agrees that no variances are required. There is some confusion as to the addresses on the architectural drawings and that has been corrected. The plans as presented are substantially complete. The tree removal plan has been prepared but not submitted. He will discuss that with the Construction Official. He will assume that some replacements will be going in on the properties. Mr. Hubschman agreed that there will be. He also stated that they designed it to have as much drainage as possible run out to the grade and they had about two-and-a-half times the storage on site than they needed because on the subdivision there was a lot of concern. Mr. Azzolina agreed that the number of seepage pits exceeds what is required. The technical issues he will work out with Mr. Hubschman.

Mr. Azzolina reviewed Application #1593, 4 Fenway Court, and he spoke to the applicant's engineer and advised him of the fact that that property is on the boarder of the 100 year FEMA flood plain, which with the new DEP ruling, when the flood elevations are increased by two feet, there is a potential that that flood plain will now be on that property and that will limit what can be done on that property. He recommended that he a.) revise the drawing so that its vertical datum is consistent so that you can tell whether the elevations on that property are in fact below the flood elevation. Beyond that, to apply to the DEP for applicability determination to tell them what they can and can't do on that property under the regulations, either an individual permit or a permit by rule, whatever requirement would be applicable to whatever their design is. That is a way down the road. It is on them.

Old Business

None.

New Business

Mr. Stamos noted that he sent to Chris the new application packet that he developed because we need a new application for Planning Board applications. He will get in touch with Chris and hopefully by the new year they will have a new application form in place. He noted that the form could be used for both the Zoning and Planning Boards.

Mr. Stamos also noted that there are new proposed ordinances that were distributed. The first one, Ordinance No. 23-26-1627 deals with Building Coverage. They seek to amend the ordinance to include: All land areas covered by buildings or other structures. These areas shall include but is not limited to residences, garages, sheds, porches, cabanas, uncovered decks which are larger than 150 square feet, covered decks and buildings or other structures with roofed areas. Mr. Azzolina noted that the way that the code is worded right now, it doesn't make a distinction between covered and uncovered decks. Here Mr. Rusch recommends, and he agrees, that to exempt a modest sized deck of 150 square feet from the building coverage calculation, which has been a problem in the past where decks are added, and it comes time for a CO, and he'll tell Mr. Rusch that the building coverage is greater than what was proposed. It has been a problem in a couple of applications. With this exception, that should not be a problem anymore. Any covered deck would still automatically be included. This takes out the inconsistency in the code relative to the uncovered decks of only 150 square feet. Anything greater than that is included in the building coverage.

Ordinance No. 23-27-1628 addresses the maximum permitted building coverage. This is for the R-15 and R-10 zone. Mr. Azzolina noted that this just makes reference to the 150 square foot deck exception. This does not mention the R-40 zone but should include it as well.

Ordinance No. 23-28-1629 is the same exception to allow for the 150 square feet. This is where it is going to be inserted in the code in Article XI Supplementary Regulations.

Ordinance No. 23-30-1630 amending Chapter 275 Article II Definitions – Height. The new definition is: A dimension calculated by measuring the finished grade along the perimeter of the building or structure at points 10 feet apart with the beginning point being the lowest finished grade adjacent to the building or structure, and adding all of said measurements and then dividing the total arrived by the number of measurements taken. Mr. Azzolina noted that they should add “proposed” finished grade. Some towns use existing grade. He thinks proposed grade is a more relevant indicator of the actual height you are going to perceive.

Ordinance No. 23-30-1631 – Amending Chapter 275-35 – One Family Residence Zone – Amend the current ordinance to reflect the flood level change of the DEP so the maximum permitted building height in the R-15 zone would be 30 feet and R-10 zone would be 31 feet. Ms. Bauer asked why there was a difference between the R-10 and R-15. Councilwoman Schultz-Rummel thought the agreement was going from 28 to 30 feet. Mayor Romeo agreed that it should be 30 feet in both the R-10 and R-15 zones. The R-40 zone says you can go up to 33 feet, which most of the homes on the hill are because they provide a 6x12 fire apparatus access zone. Mr. Azzolina has had this conversation with the Chief of the Fire Department. Whether there is a fire apparatus access zone or not, he is going to get to a 33 feet high roof no matter what. To him, it makes sense to say they are allowed to go to 33 feet in the R-40 zone, or 32 feet, whatever number the Board is comfortable with. All the homes in Cresskill Hills are all at 33 feet. He doesn't think any of those homes stick out as being overly tall as any other homes in the neighborhood. That seems to be a logical number for the R-40 zone. So, it was agreed to change the R-10 zone back to 30 feet. Mr. Azzolina explained that it is 28 feet in the R-40 zone unless you provide the fire apparatus zone, then you can go up to 33 feet.

Ordinance No. 23-31-1632 – Amending Chapter 218 Article I Definitions – Height. Just inserting the definitions into this Chapter.

Ordinance No. 23-32-1633 – Amending Chapter 275 Article XI Supplementary Regulations – Exception to Garage Construction – Construction of Garages at or below basement level is hereby prohibited. Garages shall not be constructed at a level that is not at natural grade. Garages may be constructed on a hill, subject to topographical survey measurements submitted to the Borough Engineer and/or Borough Construction Official for their final determination if the garage may be constructed below the natural grade plane.

Ordinance No. 23-33-1634 – Amending Chapter 275 Definition for New Construction – 275-3 – Define new construction as construction of a building on a vacant lot or the renovation of an existing building where 50% or more of the perimeter walls thereof have been removed at any point during the course of construction. Mr. Azzolina stated that they probably need to tighten up the definition of what constitutes the walls they are talking about. It would be 50% of the perimeter wall structure at the first-floor level or something to that effect to clarify what walls. Mr. Stamos will add perimeter wall structures on the first floor.

Mr. Stamos will respond to Ms. Maragliano with the Board's comments on all the ordinances the Board discussed.

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 Mr. Rummel to adjourn the meeting at 8:11 PM, seconded by Mr. Malone. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for December 12, 2023, and January 9, January 23, and February 13, 2024, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary