

MINUTES

CRESSKILL PLANNING BOARD

MAY 9, 2023

Mr. Ulshoefer opened the meeting at 7:31 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, and Mr. Malone. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

Councilwoman Schultz-Rummel made a motion to approve the minutes of the April 11, 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 April 26, 2023, sending Engineer Christopher Lantelme, who is representing the applicant, Gil Gerstl, to this Board for approval. They would like to construct a new single-family dwelling at 49 Westervelt Place. No plans have been received yet.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated May 1, 2023, sending a representative for The Eye Experience to this Board for approval. They would like to open an optical boutique and a center for comprehensive medical eye exams at 1 Union Avenue, Suite 101. Drs. Eva and Dimple Patel were present. They are both optometrists. They will do eye exams as well as sell glasses. They figured since there is not really an optometrist in Cresskill, residents currently have to go to a neighboring town to get their eye care, so it would be very beneficial to have eye care in town. You can also buy eye glasses there. It is the last one on Piermont by the yogurt place. It will be called The Eye Experience. They are in the process of doing the signage. They will come in with it and they know they have to be within the signage block that is there. Ms. Bauer made a motion to approve, seconded by Mr. Berger. All present were in favor. A letter of approval was sent to Drs. Eva and Dimple Patel, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department and the Health Department. File

Subdivision Committee

Application #1590, 20 & 26 E. Madison, Michael Prulello (50%) and Marlene Fabiano-Prulello (50%) was received on April 26, 2023, and is currently under review. The plans were distributed. Mr. Capizzi was present representing the applicants. He explained that they will be knocking down the two houses and replacing them with retail on the first floor and then two units on the floors above for a total of four units on the second floor. Councilwoman Schultz-Rummel asked how parking was going to be addressed. Mr. Capizzi noted that it is going to be a shared parking agreement. The principals own both lots but what they want to do is basically construct two separate buildings so they can essentially give one building to each child but there will be a cross-easement over each lot for circulation and parking purposes. The buildings share a common outside building wall, but there is no shared commonality between the two. It is a separate building on each lot that will be touching. You won't notice that it is two buildings from a street-view perspective, but from a construction perspective, it will be separate. They are sharing a wall. Mr. Azzolina is currently reviewing the application.

Report from the Borough Engineer's Office

Mr. Azzolina had nothing new to report except for his report for tonight's Public Hearing for Application #1588, 171 Magnolia Avenue.

Old Business

None.

Public Hearing – Application #1588 – 171 Magnolia Avenue

Mr. Douglas Bern was present representing the applicant, Tenaflly Rentals 2 LLC, for Application #1588, 171 Magnolia Avenue. They furnished Mr. Stamos with their notices. He originally noticed for two weeks ago, and that meeting was adjourned. He has two witnesses, Mr. Sean McClellan, the Engineer, and Mr. Raul Mederos, the Architect. This is a proposed single-family home in the R-10 Zone. The site is presently vacant. The intention is to construct a new single-family home of approximately 2,565 square feet on a 7,500 square foot lot, that is 75 x 100 feet. It is a corner lot on the corner of 9th and Magnolia. They are proposing to turn the house so that the front now will face 9th Street. They will explain why that makes a lot of sense and it is good planning sense. It enhances the environment for the neighbors, particularly on 9th Street. They did that in consideration of increasing the side yard. The prior home had a slight front yard setback and as Mr. Azzolina pointed out, they are actually reducing the non-conformity of the variances by this application. They think it makes sense and they hope the Board agrees. This is to provide more appropriate side yards to the 9th Street neighbor. The neighbor is present this evening and he will be available to speak. It does give rise to what is a C2 planning variance, and that is where benefits outweigh the detriments which is the test for the C2 variance.

The front yard setback on Magnolia was 11.4 feet and they propose a 19-foot side yard variance now. Magnolia would now be on the side. The requirement according to the ordinance is 25 feet. The side yard will now conform at 15 feet as they propose this change. There is a slight building coverage variance. The prior house was 20.9% and proposed is 23.2%. They will provide testimony why they think that makes sense. The FAR and all remaining dimensions comply.

Mr. Capizzi was present on behalf of the neighbor at 194 9th Street, Mr. Pasi, right directly to the north of the subject property. The builder and the buyer were also present. Mr. Capizzi explained that the neighbor, Mr. Pasi had reached out to him, and he called Mr. Bern. Mr. Bern spoke to his client about Mr. Pasi's concerns and the applicant was very accommodating, took to the revisions right away, sent them the amended plans showing them how the house was being flipped towards Magnolia thereby creating that conforming yard to the north and Mr. Pasi wanted him to relate to the Board that, certainly under the modified context, he supports the application and looks forward to the improvements being made.

Mr. Stamos stated that he had the opportunity to review the affidavit of service and affidavit of publication. They are accurate and timely. It was noticed for April 25, and we did have a posted notice that the meeting was carried so the Board does have jurisdiction for tonight's meeting. Also, the parties did cooperate with neighbors. They actually had a call together.

Mr. Sean McClellan was sworn in by Mr. Stamos and was accepted as an expert in the field of engineering. Mr. McClellan is familiar with the town and zoning ordinances. Mr. McClellan noted that this is a corner lot on the corner of Magnolia and 9th Street. The existing lot is 75 x 100, which are the majority of the lots in Cresskill. The existing home is non-conforming in front yard on 9th street where it is only 9.6 feet where 25

feet is required. It is also non-conforming on Magnolia where it is 11.4 feet where 25 feet is required. Additionally, even though the address is Magnolia and the house fronts on Magnolia, the driveway comes onto 9th Street. The driveway is also non-conforming. It is only about 6" from the lot to the north, where the driveway is supposed to be 10 feet from the side yard.

The removal of this house will remove two non-conformities, the front yard on 9th Street, the driveway side yard, and they will also be reducing the non-conformity on Magnolia. The existing house is 11.4 and they are proposing 19 feet. The house to the east is only 11.8 feet. This house was 11.4 feet and now it is going to be 19 feet. This plan is going to bring the dwelling into much more conformance than it was.

Mayor Romeo stated that he walked the property, and his concern is the house below them to the east. He thought that house was further back. Does the new house impinge on the sightline of the house below it? Mr. McClellan noted that the house is 22 feet from the curb to the house. When he walks out of his house with the existing dwelling, he would look at the edge of the existing house. They are setting the new house back about eight feet so he will now be able to see past the house. They will be closer to the standard.

Mr. Bern asked Mr. McClellan if it makes sense to turn the house and afford greater compliance with the ordinances by doing so with this design. Mr. McClellan said that the new driveway will be 16 feet off the sideline, so they are eliminating the non-conformity of the driveway. Additionally, Magnolia was the front yard, and the setback was 25 and the rear was 30 so you would only be able to have a 20-foot-wide building envelope with the house depth which is extremely narrow, and you would barely be able to have a garage without seeking variances. Also, Magnolia is steep so having the driveway come off Magnolia with the slope, it wouldn't make sense to have the driveway come off of Magnolia. So, the design makes sense in his view and more compliant than the prior house. Mr. McClellan stated again that they are removing two existing non-conformities and they are improving the other non-conformity.

Mr. Bern referred to Mr. Azzolina's review letter and asked Mr. McClellan if he had any remarks as he went through it. Mr. McClellan noted that the building coverage on his plans is 23.2% where 20% is required, but it should be 22.6%, therefore only seeking a 2.6% building coverage variance, not the 3.2% that he has on his plans. He will correct that. Additionally, the basement elevation is 89.3. He has that on his plan twice. The basement portion under the garage is actually 87.3, so he will make that correction as well. The additional variance they are seeking is also a small impervious coverage variance. They are at 33.5% where 32.4% is allowed. He stopped at the site and it appears that where you stop at the stop sign that is on the west side of 9th Street, where the proposed retaining wall is proposed to be, you still have a clear view of both lanes of Magnolia, so there won't be any problems with the sight distance for people travelling on 9th Street towards Magnolia. The 10" Dogwood tree they are proposing to keep. Additionally, landscaping between the retaining wall and Lot 366, which is the lot down Magnolia from them, they will provide Green Giants or Arborvitaes in that area to make sure there is some screening for the neighbor. About the retaining walls, the client has hired a structural engineer to design those and he will submit the calculations for them. Mr. McClellan noted that there is a detached garage which will be removed.

Mayor Romeo asked if the garage was underneath. Mr. McClellan noted that it is two steps down from the first floor. The first floor is at 99.3 and the garage floor is at 97. It is the normal two-foot difference. There is a basement under the garage. Mr. Azzolina asked them to design the drainage for a three-inch storm instead of a two-inch storm because we do get more rain and because they do have a trench drain in the driveway. It just works out that he over-compensated the drainage and the current drainage that he shows actually is enough for the three-inch storm but since he does like to have a factor of safety, he will increase this storage slightly to make sure that he has enough for a three-inch storm plus some.

The meeting was open to the public. No public wished to be heard. The meeting was closed to the public.

Mr. Raul Mederos 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 was retained to design the house at 171 Magnolia, but the new address on 9th Street is to be determined if the plans are approved.

Mr. Mederos noted that the construction set of plans are dated February 8, 2023. Mr. McClellan's engineering plans were marked as Exhibit A1 and Mr. Mederos's plans were marked as Exhibit A2. Mr. Mederos stated that this is a plan that has worked very well for the typical size lots in this part of Cresskill. The front door faces 9th Street. It is sort of a center hall except the formal rooms, living room, dining room occur along the right side of the foyer. That leads you towards the rear where you have the open kitchen and family room. This sort of composition is very typical of a new single-family residence, especially in this part of town. A two-car garage as well is very expected. The garage is not underneath, it is just two steps down from the first floor. Underneath the garage is a media room that they are proposing, subterranean.

As far as the size and shape of the house goes, in this design they made every effort to condense it as best as they could. Normally, they do a 20 x 20 garage. Here they have a 19 x 20 garage to compress it along the sides just to reduce the setbacks that they are seeking and building coverage as best as they can. The same goes for the rooms. The living and dining rooms are only 12 feet wide. Fitting a dining room table that is even narrower than that gets a little tricky. This sort of mentality carries up onto the second floor where they have a typical four bedrooms, one master and three kids' rooms. The kids' rooms are packed tightly at 12 x 11 for the most part. The master, as they typically do, faces the rear yard. If they cut it anymore, it starts to be quite detrimental to the functionality of the rooms inside.

Mr. Bern asked Mr. Mederos about turning the house to face 9th Street and if it creates better harmony with the neighbors, particularly the neighbor on 9th Street, in terms of the aesthetics. Mr. Mederos said honestly it is easy to improve. The front yard setbacks in particular are quite harsh as they are today at just 11 and change feet from the property lines, and just over 20 feet from the curb. What they are proposing now is 19 feet on Magnolia plus the 10 feet on the right-of-way puts the house at 29 feet, almost 30 feet, from the curb line. To put that into context, the typical garage is 20 feet deep, so it is about a garage-and-a-half deep from the streetline, as proposed. If they were to face Magnolia, as Mr. McClellan mentioned earlier, that results in a house that is only 20 feet deep and that is a car's depth or a garage's depth, so to find a design that would work presumably could be difficult. That would require more variances in terms of setbacks just because of that hardship of the 20-foot depth. The building envelope would only afford them 20 feet so they would have to inflate that a bit to make any kind of house work.

Mr. Mederos noted that the master bedroom has its own bathroom suite, bedroom two has its own bathroom and bedroom three and four share a Jack and Jill bathroom. On the first floor, they have a full bathroom. In the basement, they have a full bathroom and bedroom five with an egress window. The exterior will, in all likelihood, be Hardy planks and cement board siding. He showed the elevations of the house.

Mayor Romeo asked if the house was going to be white. Mr. Mederos said that he hasn't talked to the team about colors. Mr. Ulshoefer asked if that was five bathrooms. Mr. Mederos said that that is correct. Mr. Ulshoefer wanted to know why so many when if they removed one that would afford them additional room. Mr. Mederos agreed except that it is kind of what makes sense to the masses. Mr. Stamos asked what was the need for a full bath in the basement? Mr. Mederos said that was because they were proposing a bedroom downstairs and that is the only bathroom there, so it would serve that bedroom. Mr. Stamos asked about the egress window. Mr. Mederos stated that they have the egress window for the bedroom. The other window wells that they have facing Magnolia are not as deep.

Councilwoman Schultz-Rummel asked what was happening to the vinyl shed. Mr. Mederos stated that it will be gone, otherwise they would have to factor it in to the building coverage calculation and they didn't. Councilwoman Schultz-Rummel asked about the mechanics on the side. She sees the generator is out in front of the condenser units. The generator is just an option. They are not putting the generator in. It will be generator ready. For the purpose of illustration, they put the future location should the new owner decide to put it in, he will apply for permits. Mr. Mederos noted that the clearance requirements for the air condenser units are typically between 10-12" from the house, whereas the clearance requirements for a generator tend to be five feet from window openings because of the emissions. It makes sense to have the condenser units closer to the house and the generator further from the house. Councilwoman Schultz-Rummel asked if the generator would be 15 feet from the sideline if it is added. They said it would be.

Councilwoman Schultz-Rummel asked if the driveway was slanting downwards. Mr. McClellan noted that it will pitch towards the garage slightly. That is why they have a trench drain and that is why they are providing extra drainage. The way the existing driveway is now it pitches downward. They looked into eliminating the trench drain and they would have to raise the first floor about three feet higher than it currently is. With the topography and the way it slopes to the east, they worked a lot to not have the driveway pitch down, but it wouldn't work with the elevation. Mr. Mederos stated that three feet would also be problematic as far as the building height goes and they could only make the roof pitch so shallow or they would exceed the maximum height.

Mayor Romeo asked the client if he was satisfied with this. The builder and the buyer were both satisfied with this plan. Mr. Capizzi stated that his client was pleased with it and thanked Mr. Stamos for facilitating the discussions.

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

Mr. Azzolina believes that the witnesses have addressed the comments set forth in his report to the Board dated May 8, 2023. The only caution he would give the applicant is the building sewer video. He would recommend that be done as soon as possible, within a week, because we will be paving Magnolia in a couple weeks so if there is any need to repair or replace the sewer, that obviously needs to be done before that road improvement is undertaken by the Borough. Right now, the existing sewer is along Magnolia. The plans depict that they are going to reuse that connection.

A question came up relative to the driveway slope. The garage is lower than the elevation of the street, but not to the extent where you have a garage under. There is probably a two-foot difference in elevation from the roadway elevation to the garage floor. They have a 12" trench drain which should be adequate. He recommends that the pipe be upsized to a six-inch pipe. They have indicated that that will be done. He recommends that the drainage system be upsized. They have agreed to that. The homeowners need to be mindful of the fact that the trench drain needs to be maintained. It cannot be blocked by leaves or snow because that could lend internally to water entering the garage. Something that the homeowners need to be vigilant of is to make sure that that remains unobstructed both at the grade level as well as the pipe that comes out of the structure into the seepage pits. With those cautions in mind, and the corrections that the engineer indicated would be made to the plan, he thinks the Board should be able to make a decision.

The other thing that was covered was the geotechnical investigation. Has anything been done to confirm that you can dig down 11 or 12 feet to not hit bedrock or not encounter ground water. Mr. McClellan stated that in early December they dug down 10 feet and hit no rock and no water. They did take a soil sample. He will send Mr. Azzolina the report.

Mr. Bern has nothing further. He thinks the questions have been answered and appreciates the time and attention of the Board and the fact that the neighbor came and endorsed the proposal.

Mr. Berger made a motion to approve, seconded by Ms. Bauer. On Roll Call: Mayor Romeo and Councilwoman Schultz-Rummel voted yes. Mr. Ulshoefer voted no. Ms. Bauer, Mr. Berger and Mr. Malone 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 Mr. Berger to adjourn the meeting at 8:28 PM, seconded by Ms. Bauer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for May 23, June 13, June 27, and July 11, 2023, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary