

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**JULY 25, 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, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Ms. Tsigounis and Mr. Philiou. Mr. Berger arrived at 7:36 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Jack Van Horne (filling in for Mr. Dean Stamos), Board Attorney.

\*\*\*\*

Mr. Malone made a motion to approve the minutes of the July 11, 2023, meeting, seconded by Ms. Tsigounis. All present were in favor of the motion. Motion approved.

\*\*\*\*

### **Correspondence**

Application for Soil Erosion and Sediment Control Plan Certification for 171 Magnolia Avenue, Tenafly Rentals 2 LLC, Application #1588. File.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated July 24, 2023, sending a Representative for HDR Holdings, LLC, dba Wonder, to this Board for approval. They would like to open an eating establishment at 1 Union Avenue, Suites #105 and #106. The business will include seating as well as delivery and pick-up services to customers to order a wide variety of cuisines from renowned chefs and restaurants from across the country. They are a food technology company that partners with chefs and restaurants from across the country and recreate their recipes in their kitchens and their restaurants using their cooking techniques and that allows them to provide this variety of restaurants and chefs to areas where you otherwise wouldn't be able to get those dishes. For example, Tejas Barbecue is outside of Houston and is one of their best sellers. He is from Jersey, but it is hard to find legitimate barbecue in Jersey. That is their basic model. What they do in their restaurants is they allow you to order from multiple different restaurants. They will provide seating, delivery, and take-out. Just like any other restaurant, there is some preparation that takes place off-site. The establishment is going to be called Wonder.

They use a variety of different cooking techniques which he can't get into because so much of it is proprietary. Tejas is their barbecue. They also partner with Bobby Flay, Chai Pani which is award winning Indian street food in North Carolina, Di Fara Pizza out of Brooklyn. They have a lot of white label restaurants. They have an incredible amount of Michelin star chefs as part of the company. They have a lot of flexibility with this model where they bring in a number of different restaurants into one location and a number of different menus. Then they flex them in and out depending on how they are performing.

They opened their first location in the Upper West Side three or four months ago. They just opened a location in Chelsea this week. They have a location in Westfield and they are going to end up with four or five in New Jersey by the end of the year. There will be no liquor. He doesn't think they will be pursuing any kind of licensing with the ABC or anything like that for a bring your own. They expect to open by the end of the year. Ms. Tsigounis made a motion to approve, seconded by Mr. Malone. All present were in favor. Motion approved. A letter of approval was sent to Wonder, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department, and the Health Department.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated July 25, 2023, sending a representative for Nails To Long For to this Board for approval. They will be purchasing units 1 & 2 at 29 East Madison Avenue, which is currently occupied by TJ Nails. The business will still operate as a nail salon under a new owner, and they will be changing the signage to reflect the new name. Ms. Tsigounis made a motion to approve, seconded by Mr. Philiou. All present were in favor. Motion approved. A letter of approval was sent to Mr. Yinji Xu, with copies to Mr. Bob Rusch, Ms. Francesca Maragliano, the Fire Department, the Police Department, and the Health Department.

\*\*\*\*

**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 for Application #1591.

\*\*\*\*

**Old Business**

None.

\*\*\*\*

**Public Hearing – Application #1591 – 49 Westervelt Place**

Mr. Mark Madaio, with offices on Legion Drive in Bergenfield, was present representing the applicants, Gil Gerstl and Naomi Sender. The property is located at 49 Westervelt Place. The applicants currently reside at 90 Westervelt and have five children, two of which are currently in the school system. They wanted to stay on the same side of town and decided to design a new home. He has Mr. Raul Mederos, architect, and Mr. Sean McClellan, engineer, as his two witnesses. The determination of the applicant was to really not stray very far. There are no variances required except for impervious coverage and a slight side yard, only for the garage. Mr. Madaio pointed out the slight deficiency in the side yard where the garage was. The rest of the house fully conforms to the side yard. The impervious coverage deviation is one of those situations where it is required because they are only allowed to measure the first 125 feet, not the full 142 feet that they have. They subtract out the back portion of this and when you do the math in this case, the impervious coverage is slightly over. He is always questioning that ordinance, and he is never sure if that ordinance applies to all lots or only undersized lots. Mayor Romeo noted that if it was a 100-foot lot it wouldn't apply. It only applies to undersized lots. Because the lot only has a 75-foot frontage, which is a pre-existing condition, they would require an impervious coverage variance because they only take the first 125 feet of measurement.

Mr. Sean McClellan, 101 West Street, Hillsdale, was sworn in by Mr. Van Horne. He is a licensed engineer in New Jersey and has appeared before the Board many times and was accepted as an expert engineer. His license is in full force and effect. Mr. McClellan drew these plans, and they are dated February 28, 2023, last revised May 10, 2023. It is accurate that the plan speaks to the idea of removing the existing dwelling, construct a new dwelling, new appropriate drainage, lighting, driveway, all of those other components, as well as a swimming pool in the rear yard. The site dimension are 75 x 142. They did not create the lot, it is existing. The variances required are combined side yard where they are at 31 where 35 is required and if you go anywhere along the house, you are at 35, except for the portion where the garage is. The garage is only one story. The side yard on the right side is 15.7 and on the left side is 15.3, so each side yard complies as individual side yards, even that portion where the garage is. It is only the combined side yard where the garage is that is deficient.

Mr. McClellan noted that they are going to be improving the site quite a bit in terms of drainage. The first way is that the existing house doesn't have any drainage system so all the water that falls on the roof goes down the roof drains and goes pouring off the property onto Lot 20. The second way is the grading. Right now, there is a slope from right to left and there is about a four-foot grade difference from corner to corner. They are putting a three-foot retaining wall to flatten out that area. What that does is allow the water to go across the grass slower, and slower gives it time to penetrate into the ground. Less slope and less velocity gives it time to absorb into the ground.

Mayor Romeo asked Mr. Azzolina if they could change the grade like that. Mr. Azzolina stated that this design has been utilized throughout town at many sites. He does agree with Mr. McClellan's position that it is a better design. Mr. Madaio noted that the retaining wall is on the left side of the property and the

keystone wall is at the rear of the property. Mr. McClellan stated that there are a few jogs in the keystone wall in the rear to save a few trees. The retaining wall will be approximately three feet tall at the highest point. It is the highest at the back corner at 101.8 and the bottom is 98.8. Mayor Romeo asked what it was going to look like to the neighbor next door. Mr. McClellan stated that he will be looking at three feet of wall face. The wall starts at grade and as it goes to the back it gets higher. There is no wall on the right. There is a stone wall, but that is on the neighbor's property. Mr. Madaio mentioned that the neighbor to the right has a fairly extensive stone wall. He doesn't know if it has a utilitarian purpose. It is a very nice stone wall and may level that property in a similar fashion.

Ms. Tsigounis wanted to ask about his comment that the retaining wall is to go around the trees, but it seems that the retaining wall is meant to level the area so that you can get more yard space because all those trees seem to be coming down. Mr. McClellan stated that the trees are at the lower portion of the wall. They are taking out the 12" Oak and the 6" Oak. But there is 6" Oak and 36" Oak. The main thing for them to curve the wall is to save the 36" Oak and also the 14" Oak. They are on the property line. Ms. Tsigounis asked if the ones in the rear that are not infringing at all in the housing footprint, maybe on the pool, are all coming down, is that to construct the wall to level the yard. Mr. Madaio noted that the ones in the rear are not coming down. There are only two coming down. There are some trees on the side yard that are coming down. Ms. Tsigounis stated that the more trees that come down, you worry more about the stormwater runoff. Her main concern is the drainage. Mr. McClellan pointed out the three trees coming down because of the house, the three small 8" Oak trees are coming down because of the wall. There is an Oak tree that appears dead. If you visit the property and go in the backyard, you feel like it is 9:00 at night because there is such a huge canopy of trees that no grass can grow back there right now.

Mr. McClellan explained that as far as the drainage, right now all the water that falls on the roof, goes down the drain and goes right off the property. That is a lot of water. Then you have a pitch so at first the water goes into the ground but as the ground gets saturated, it comes directly off the property. What they are doing is part of the yard area that doesn't have the house, their roof area is going to catch that water, which will lessen the amount of water. The entire house that used to flow off the property is now going to be caught. There is a drain around the pool so that area is now going to be caught and will flow into the seepage pits. And they are leveling the property so they will be slowing the velocity of the water down which gives it more time to percolate into the ground. The existing driveway, which is all impervious, slopes towards the house. They redesigned the garage elevation and the driveway, so this entire impervious area of driveway now goes towards the street. The overall drainage situation on the property, even though they are taking down some trees, and they will be replacing trees, the overall drainage situation is less water is going to go onto Lot 20 post-construction than it does pre-construction.

Mr. Madaio stated that there will be normal house lighting, utilities are available, all of those regular things are happening. Mr. McClellan agreed. Mr. Madaio asked if there were any things in Mr. Azzolina's review letter that they can't comply with. Mr. McClellan noted that there is not. They can comply with all of the suggestions of the Board Engineer. Mr. McClellan stated that the two main things are the pool and he didn't put a fence, which was just an omission on his part. There will be a fence for the pool, and it will conform to all the Borough codes. Also, they are taking out some trees. They do plan to put two shade trees in the front of the property. One will go nicely between the right property line and the driveway, and another on the left side, 2 1/2" caliber Red Maple or whatever the Board or the Shade Tree Commission would like them to do. On the right they are saving most of the trees. They are taking down a 6" small Oak and a small Maple. All the spaces in between the trees they plan on putting Green Giants as a screening measure along these property lines wherever they need to be filled in.

Mayor Romeo asked about the 40" Sycamore. Mr. McClellan stated that that is a massive tree. It is right in front of the house. Right in front of where the doorway would be. He couldn't say if it was healthy. The position of it with the house and in relation to the driveway, it puts it right in the middle of the house. Ms. Tsigounis asked if it was out of the building line. Mr. McClellan said it was just out of the building line. He said it would block the house. He doesn't know how far the canopy is and if it would affect the construction of the house at all. It probably has a large root system that might get damaged with the construction of the driveway. They can't slide the house over anymore because they are already at the setback line. They have a minimal driveway as it is. He feels that it will be in the way of both the view of the house, the front door and also the construction. Mr. Madaio stated that the applicant just informed him that the prior owner told them it was once hit by lightning as well.

Mr. Madaio stated that they are not anti-tree. Ms. Tsigounis noted that anything that is going to be compromised by building is another issue. If it is going to be compromised and have to be taken down

because of the construction, as long as they are within the building footprint, she doesn't think anybody has a problem with trees being removed. Mr. Madaio doesn't think it is something they intend to keep. They don't want that tree in front of their house. Mr. Ulshoefer asked about the rest of the trees, the other 13 trees. It seems like a lot of trees are coming down. Mr. Madaio stated that none of this is gratuitous. They have kept all but two trees on the right side of the house keeping nine trees. On the left side of the house, they are taking out a significant amount of trees because they are building the retaining wall that is now going to stop water from running on to the neighbor like it did for the last 50 years. If you don't want the retaining wall, they don't need it. Everybody loves trees, but you do have to occasionally cut trees. If the Engineer wants to go through the plan and say there are some trees that they should or could keep, he doesn't know. In the rear they are intentionally curving the retaining wall in two places to preserve the patch of trees behind them. He doesn't know anybody that builds crooked retaining walls to preserve trees. Trees, unfortunately, will have to come down. He doesn't see any way around that. Mayor Romeo asked if they are going to replace some of these trees. Mr. Madaio stated that they will, of course. Mr. McClellan said they will put the shade trees in the front and fill in all the gaps.

Mr. Madaio restated that on the right they are taking out two of eleven, in the rear they are taking out two of six and on the left side they have a 15-foot side yard setback and there are seven 5", 8" and 9" Oak trees. Mr. McClellan noted that they are taking out five trees that are 10" or more. There are two exactly where the pool is. There is one that they think is dead. The only tree that is really not in the area of construction is one 12" Oak and they are making sure they are saving the larger Oaks in the back with the retaining wall design. Mr. Madaio stated that nobody would buy this lot to live in the 1,200 square house that was built in 1945. The fact that it is as substantially compliant as it is, and when you recognize that, even with being this close to the Zoning Ordinance, which is a couple percent over on impervious coverage, trees are going to come out.

Ms. Tsigounis wanted to continue more on the impervious coverage because she noticed how small the patio is, how the pool is and that there is not even a patio around the pool. She is very concerned about impervious coverage on a brand-new construction. She feels that on this particular design, you need more patio space to make this a functional pool and patio area. Mr. Madaio noted that the patio is 12 x 15, and no one would say that is an oversized patio. That was intentional because they wanted to limit impervious coverage. The patio along the side of the pool is basically seven feet wide, it's wide enough for a deck lounge chair. They are not coming in for patios around the pool. Ms. Tsigounis noted that is exactly her concern. This might end up becoming more of an issue as you live with it. She asked if there was any way you could not have an impervious coverage variance on this application. The architectural are one thing, but she is mainly concerned with the site plan.

Mr. McClellan stated that they have 3,303 square feet of impervious coverage. They are allowed to have 32.4% and they are at 35.2% and that is dividing the 3,303 square feet by only the first 125 feet of the lot. If they were to divide it by the entire lot, their impervious coverage percentage would be 30.9%. Ms. Tsigounis wanted to make sure they understand why we do that. It is because they are narrow lots, and we want to prevent monster homes because it is just not fair to the context of the neighborhood to take advantage of the whole entire lot depth when you have a narrow lot. It is one way of keeping things under control. She likes maintaining that control. She really needs to be convinced as to why they are requesting that slight variance. It is so slight that she feels that it shouldn't have to be required.

Mr. McClellan noted that if they used the whole lot, they would be at 30.9%, which is less than the 32.4%. They are 265 square feet over on the impervious. Mr. Madaio stated that looking at the tax map you can see that although their lot is narrower than required, other than Lots 18 and 20, which are the widest lots on this side of the street, the rest all look like 60s. If you look across the street, 11 and 13 are slightly wider, but 16, 18, 19, 21, and 23 are all narrower. This is not a situation where our lot is the narrowest by any means. Our lot is actually one of the widest lots on the streetscape and they are still having a hard time fitting in their garage, which is a minor variance, and the impervious coverage where 265 square feet is the amount over. He asked if there was anything on that 265 that can be removed to make the impervious coverage less. Mr. McClellan stated that he would leave that to Mr. Mederos to see if there is anywhere he could shrink the house. The driveway is 19 feet wide, and they always use 20 feet. They went to 19 because they figured that was the narrowest you can get two cars side-by-side. Ms. Tsigounis agreed with Mr. McClellan which is why she is saying maybe coming from the house would reduce it. They are very tight on the patio, tight on the pool surrounding, tight on the driveway. Maybe it can come from the house, but she doesn't know.

Mr. McClellan stated that the way they have the walk and the driveway, and the patio is only 12 feet, and they just did the minimum at the pool, which is seven feet by the length of the pool, and the pool coping is

minimum. They tried to keep everything as minimal as possible. His goal was to be below the 32.4% for the entire lot which they would have been well below that had they had the 30.9%. With the drainage improvements, they even have drainage for the pool and patio, where the existing site doesn't have any. Mr. Madaio noted that no one doesn't agree that they can handle the site water 100% unquestionably. Everyone agrees that what is there now has never handled any drainage. Could they get rid of the pool patio and put their lounge chairs on the grass? Ms. Tsigounis stated that she is not saying that. She thinks they have exhausted everything, and she understands the testimony of the planner so perhaps it comes from the house. Mr. Madaio said that respectfully, of course, they live down the block and have five kids. The purpose of this was not to have a house where they couldn't put their five kids. The whole purpose here is to stay in the same neighborhood, requesting a slight variance for impervious coverage. The purpose of the impervious requirement is drainage and every engineer in the room agrees that they 100% handle the drainage. He understands that there is a number, but he doesn't want the number to be the "north star" of this. If it was, there wouldn't be any such thing as variances. He will have Mr. Mederos come up. If something can come out of the house here or there, but if two feet were taken off the entire rear of the house, they would be talking about 80 square feet. He is talking about infinitesimal numbers that really don't do very much.

Mr. McClellan's site plan was marked as Exhibit A1. Mr. Raul Mederos's architectural drawings were marked as Exhibit A2. Mr. Azzolina's report was marked as Exhibit B1. Mr. McClellan noted that even though they can only use the first 125 feet, they are still complying with the FAR. Mr. Madaio stated that that is significant because the FAR is the overriding calculator of whether or not the home is too big. Even by the ordinance, the FAR is fine. That should tell you an awful lot.

Mr. Mederos was sworn in by Mr. Van Horne. Mr. Mederos is a licensed architect in the State of New Jersey and has appeared here many times. His license is current and was accepted as an expert in architecture. Mr. Mederos designed the house. Mr. Madaio asked him if there was anything that he took into account or any places where they could potentially trim any square feet of impervious coverage. Mr. Mederos stated that as far as impervious surfaces go, there are patios, driveways, and components that could be shaved to bring the impervious number down. As far as the house goes, with these particular clients, he remembers first meeting with them in the early Fall and they worked for many, many months fine tuning and tweaking this house to make it work for their family's needs. As Mr. Madaio mentioned, they have five kids and they designed the house with six bedrooms, four on the second floor, one on the first floor, and one in the cellar. He remembers going back and forth a few times about two inches here and two inches there and trying to allocate spaces and it's kind of a rare thing where they get into this kind of fine tuning. He feels that based on the history with that, the house is somewhat sensitive this way to being reduced. When you talk about reducing the footprint of the house, when you take a foot off of a house, it could be quite impactful to the functionality in the flow and everything else on the inside. Whereas on the outside, it might not amount to many square feet in terms of making an impact on the impervious number.

Given that perspective, if anything would drive the impervious numbers down, he would say the driveway maybe could be shaved a little narrower. Twenty feet is the norm and theirs is designed to be 19 feet trying to do what they can to keep their impervious numbers down because they knew they were going to be looking at a variance and they wanted to be mindful of every square foot. But their garage doors are designed to be 17 feet wide. If they cut six inches on either side of that and made the driveway 18 feet wide for the length of the front yard being about 25 feet, they could shave down another 25 square feet there with the driveway. Otherwise, he knows that there have been properties in town designed with pools that have zero patios around them and only have the coping. He thinks, as has been alluded to earlier, can be a little bit not so functional, where you step out of the pool and you essentially step right out onto the grass that way. With the pool in place here, practically speaking for it to be functional, they have included the seven-foot patio, which is as modest as they can make it before it becomes unusable. As Mr. Madaio mentioned, the patio itself coming off of the house is 15 x 12 and is rather modest to begin with because of their attempts to keep the overall impervious numbers down. All of these major impervious components have been attempted to make it as concise as possible. Other things that contribute to impervious like walkways, landings, the pool equipment pad, are a given. There is not much else that they can take from. Even if they did, these are smaller components that wouldn't amount to much. For all these reasons, they find themselves here. He can speak more to the side yard variance, but they designed the house to be very slender and stretched backwards, which occupies more of the backyard than most people would like, but that was an attempt to design the house to conform predominantly to the combined side yard requirement where only the one-story garage encroaches into the combined side yard component.

Mr. Madaio asked Mr. Mederos if they could move the garage over to eliminate the side yard variance or would that just eliminate the main stairway to the house. Mr. Mederos stated that you will notice that the stairway is immediately adjacent to the garage so if the garage was to shift in, all of that would follow and that would cause a little bit of a ripple effect inside. Mr. Madaio noted that if the driveway is 25 feet long and they made it one foot narrower, so that you now have an 18-foot-wide driveway that nobody looks to build, you would save 25 square feet. Ms. Tsigounis stated that, if anything, it would come from the house, and she guesses the clients want a pool. Mr. Madaio noted that the pool does not count for impervious coverage. Ms. Tsigounis agreed but said that the patio around it does.

Mr. Madaio noted that the deficient side yard is 21 feet in length on a property of 142 feet deep. It is an infinitesimal part of the length of the house or the length of the property. He doesn't know where they can find coverage. On the first floor, the little jut out in the back is a portion of the kitchen. Mr. Madaio asked Mr. Mederos if the little jut out in the back were eliminated, how many square feet would that save. Mr. Mederos stated that he is fairly certain that the owners wouldn't want them to compromise that. This kitchen was derived from the kitchen that they currently have across the street in their home. He thinks it would be a disservice for them to move in to a brand new house that had a kitchen that was smaller. These are the same exact specs as the ones that they currently have, more or less.

Mayor Romeo asked Mr. Mederos about the patio coming out the back door. He wanted to know what the drop was from the door to the ground. Mr. Mederos noted that it is very common on his houses to have 16" down to the patio. It is healthy for them to maintain two feet around the perimeter of the house, but when it comes to the patio, the construction code doesn't require them to keep eight inch distance from the surrounding grade. The foundation wall needs to be exposed eight inches above from the surrounding grade. Where the patio happens, it has to taper away to shed water, conversely it pitches up against the house, they can gain a few inches there to keep only two steps down from the house. There are two risers down, two eight-inch steps, which amount to 16". That it is a concrete patio. Mayor Romeo asked about making it a deck. Mr. Mederos stated that it would likely need to be made of steel or something that would resist corrosion because the wood, even if it was treated wood, would sit right on the ground and it would eventually rot. Mayor Romeo said to raise it up just enough to have one step down and stated that they would save themselves the square footage of the patio. Mr. Mederos asked if that was because the deck doesn't count towards impervious coverage? He was told that was correct. Mr. Mederos wasn't aware of that. Ms. Tsigounis said that as long as there is space underneath it. That would save them 160 square feet.

Mr. Azzolina stated that although it would not count as impervious coverage, under our code as it is currently written, decks count as building coverage. The way the code was worded, and there was talk about changing it but he is not sure if the change was ever implemented, the word "building coverage" includes the phrase decks, so that would perhaps throw them into a building coverage variance which perhaps is more significant than impervious surface coverage. He will agree that they have controlled the water effectively on this property. Typically, impervious coverage is related to storm water management, so the drainage design is appropriate.

Mr. Madaio asked if there was anything else that would help them better understand this or is that really it and there is nowhere for them to go on this. Mr. Mederos stated that knowing the history with the homeowners, they are probably not going to reduce the footprint of the house, so really it would be a matter of the three major impervious components that were talked about, the driveway, the rear patio, and the pool patio that would contribute to being less. Mr. Madaio noted that the FAR is conforming. He restated that they are talking about 265 square feet over in a site that admittedly completely accommodates the drainage that overage would create.

The statute speaks to lots that are undersized, unique size, shape, topography, and they did not create this lot. The fact that we have an ordinance that takes that 75-foot lot and makes it even smaller than it actually is when you do your calculations, has always been a little bit of a bee in his bonnet, but it is what it is. If the lot is truly undersized and has created a hardship in complying with this variance, and they think it certainly has, and they have mitigated admittedly by every engineer here, the negative criteria, the negative impacts of that variance, which is completely addressing any water issues, he would suggest that they have proven that variance to the Board. There is no additional property available. It is one of the widest lots on the block. It is the same size as Lot 20. Every lot on this side of the street on Westervelt is small. They are actually a fairly good size lot even though they are undersized. But when these lots of 60 and 75 feet were created, you didn't have a 100-foot requirement. It is an undersized lot and that creates a certain amount of hardship. On the other side of the street, there are possibly two lots that are larger and one or two that are around the same. All the rest of those are smaller. Every one of those lots is an undersized lot that the owners did not

create. They were created by action of the governing body in passing the 100-foot ordinance and then because you have this 125-foot ordinance, you compound undersized lots by making them even more undersized by a mathematical equation that the town fathers saw justification for.

Mr. Philliou asked the homeowners if they saw any opportunity for compromise on the home. Mr. Mederos stated that maybe the homeowner could speak a little more to this but given that they are almost a year in the making here putting the house together and he can't remember other clients that he has had conversations with about two inches from here to there and trying to allocate space that they have available to where it would best be suited for the house. It just seems, in this particular case, unlikely that the house would make sense to solve the impervious. Mr. Madaio stated that he would love somebody's idea of what they could cut out, but if they cut an entire side of this house back a foot, it would save 90 feet. It would save nothing. Nobody is going to drive by this house and say it is 2% too large. Certainly no one is going to detect that because of the excess water runoff that they have completely handled.

Mr. Mederos stated that, in his opinion, he would image that of the three zoning components, building coverage, impervious coverage and FAR, he is assuming the building coverage and FAR are in place to curb bulk and provide open air to the neighborhood which more relates to the house, whereas impervious he doesn't know that is a component that relates to the house. He thinks it is there to curb overbuilding on the lot so that the properties can naturally absorb rainfall the best they can. If they are exceeding impervious, he thinks it needs to be mechanically offset by the engineering systems which seem to be A-OK from the engineers in the house.

Ms. Tsigounis asked if there was anything else that Mr. Azzolina needs to add? Mr. Azzolina stated that he mentioned in his report the replacement of the curb and sidewalk along the entire street frontage. Currently the sidewalk is in poor condition so that should be removed and replaced. The asphalt curb should also likewise be removed and replaced by Belgium block curbs that would match the property to the east of this property. For clarification, the property immediately adjacent to this property is a consolidation of four 25-foot-wide lots, so they have 100 feet next to them. There are some larger properties in the neighborhood. The tax map is a little deceptive. It doesn't have the dimensions shown. For the Board's information, he agrees that there are 12 trees shown to be removed, but under our code, a tree is defined to be 10" in diameter or greater. As the engineer pointed out, they are removing five trees that would qualify as trees under our code. The only tree in question is the 40" Sycamore in front on the property. Mr. Madaio stated that that is an interesting point. When people talk in terms of them removing 10 or 12 trees, they are not. They are removing five trees. If you don't want another 1,500 square foot house there, then they are taking down five trees. He thinks Mr. Mederos said it much better.

Mr. Madaio stated that the measures of bulk are building coverage and FAR. Both of these they meet. That is the measure of if the house is too big. The measure of impervious is really an engineering function of water absorption. The testimony is it works better, and it absorbs all of the water. Having said that, he rests on the application as is. He thinks they have proven the affirmative and negative criteria of the statute. They have a hardship based on an undersized lot. They are 265 square feet over on coverage on a lot that is almost 11,000 square feet.

Mr. Malone made a motion to approve. He thinks they did an excellent job working with the constraints that they were faced with. He thinks they are saving far more trees than they are removing and the trees that they are removing is actually going to be a benefit, which we don't see very often. It is not a large house, yes they could build a one-car garage instead of a two garage, but he doesn't want a one-car garage in his town. For those reasons, he made a motion to approve. Mr. Berger seconded the motion. On Roll Call: Mayor Romeo stated that the thing is this is a family that lives in town with kids, and they are only moving down the block, so they are not doing this for profit. After 25 years on the Board, if you look at variances required, we have passed these amounts at least 50 times. It is minimal what they are doing, and they are trying to do the best that they can for their family. He doesn't think these little variances are going to make a hill of beans. Nobody can go by there and say they are 2% over. We are here to try to help people. What they presented is reasonable and we should go along with it. He voted yes. Mr. Ulshoefer and Ms. Bauer voted yes. Mr. Berger stated that it was very good testimony, and it is a very good-packaged house for their family and the testimony definitely convinced him and he voted yes. Mr. Malone voted yes. Ms. Tsigounis stated that she also agrees that the testimony was critical to making a decision. You have to iron out all the kinks and tangles and she thinks that we are here to welcome them back into the community and she appreciated the counsel's and experts' time for the dialogue to make her comfortable with her decision. Ms. Tsigounis voted yes. Mr. Philliou noted that he hopes that the drainage system is correct. That is critical. Cresskill has issues and that is of paramount importance. Mr. Philliou 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 8:45 PM, seconded by Mr. Malone. All present were in favor. Motion approved.

\*\*\*\*

The next four regular Planning Board meetings are scheduled for August 8, August 22, September 12, and September 26, 2023, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary