

MINUTES

CRESSKILL PLANNING BOARD

JUNE 26, 2018

Mr. Morgan opened the meeting at 7:32 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Durakis made a motion to approve the minutes of the June 12, 2018, meeting, seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 4, 2018, sending a representative for Edenland Wellness Massage to this Board for approval. They would like to open a massage center that would include chair, foot, body and facial massages at 21 Union Avenue. The owner noted that they have been in Tenaflly on Highwood Avenue for six months now. They are just going to put some partitions up inside. It is next to the bagel shop. They will have chair massage, full body massage, facial and foot massage. They are licensed. No major construction. They will clean it up and paint the whole place. They will leave the awning and change the lettering. Whatever the town calls for, they will stay with the code. They will make sure everything complies with the town's regulations. The lettering will be all English. They will have the sign place put in writing what they plan on doing and bring it to the Building Department before they do anything.

Mr. Ulshoefer asked how many massage therapists they were going to have and what their hours were going to be. The owner said they will have at least two and will be open from 10:00 AM to 9:00 PM, seven days a week. Mr. Durakis made a motion to approve, seconded by Mr. Mandelbaum. All present were in favor. Motion approved. Approval memo sent to Edenland Wellness Massage with copies to Ms. Maragliano, Mr. Bob Rusch, the Fire Department, the Police Department, and the Health Department.

Application for Soil Erosion and Sediment Control Plan Certification for Application #1534, 260 Concord Street, Dana Koblenz. File.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 20, 2018, sending Mr. Lumaj to this Board for approval. He would like to construct a new single-family dwelling at 54 Cranford Place. Application #1535 was received on June 21, 2018. This is currently under review.

Letter from the Municipal Excess Liability Joint Insurance Fund dated June 11, 2018, regarding Land Use Liability. The letter states that there has been a significant increase in suits against Planning and Zoning Boards alleging that their actions violate civil rights. Therefore, it is critical that all planners and zoners receive training to prevent land use liability claims. Attached is a script for a one-hour program that can be presented by your land use or municipal attorney. Copy given to Mr. Schuster. File.

Subdivision Committee

Councilwoman Tsigounis noted that in addition to Application #1535 already introduced, Application #1536M, 26 Cresskill Avenue, Lumaj Builders LLC was received on June 25, 2018, and is currently under review. Mr. Mark Madaio was present and he noted that he understands that the property behind Hamrah's has already been noticed for July 10. Either he or one of his colleagues will be here on July 10 for that application. It is a straight-ahead site plan approval with no variances. He is hoping that within the scope of the meeting a no variance proposal is something that the Board could conclude that night.

Of course, he would like a Public Hearing on Application #1536M. He understands that it was dismissed. He has refiled, which he assumes was the intention. What is in the past, is in the past. He represents the applicant. They intend to move forward with an application here. Their expectation is that they will be heard in compliance with the statute. Their expectation is regardless of how many people are here, they will be assured a full and fair hearing. Then the Board can vote whatever way they vote. They are confident that they can convince the Board that there is a lot of residual resentment on this application that may not be directed to his client. They would like an opportunity to show the Board that. Lumaj is the owner. The guy that used to own it, who he understands may have been difficult at times, took his money and is gone. They have refiled and repaid escrows and repaid application fees. There is a statutory clock. He assumes there is almost no escrow because they just submitted the exact same plans that they had. There should be very little attorney review and very little engineering review. The plans were deemed complete four to six weeks ago and they are still complete. He will try to have all his witnesses. He hates to have people come out for applications and only be told it is carried.

Mr. Madaio assumes the application is complete, it is the same application. It starts a 120-day clock. It is up to the applicant how much of that we use or not. He would expect always to have a chance to be heard. However, if there is an emergency and he sends a letter respectfully requesting an adjournment, he is going to assume people are going to look upon that the way you look upon anybody else's request for an adjournment. If he sends a letter requesting an adjournment, he assumes it will be responded in the spirit in which it is requested. Mayor Romeo noted that they should have the plans reviewed by the next meeting. Mr. Madaio noted that he will be at the next meeting, or someone from his office will be, and they can discuss it then.

Report from the Borough Engineer's Office

Mr. Azzolina noted that on Application #1529, 23 Legion Drive/29 Division Street, Legion LLC, he has done a completeness determination and has found the plans to substantially complete as presented. He recommends that the Board hear that application at the next available hearing date. The name of the development is The Grand Rose. The other thing he notes about it is he is not sure that escrows have been posted yet. Now that the zoning is in place, the application is ready to proceed.

Mr. Azzolina noted that he has also prepared reports for the two Public Hearings tonight, Application #1532 and Application #1534.

Old Business

None.

Resolution for Application #1531, 62 Merritt Avenue, 62 Merritt LLC, was introduced by Ms. Bauer, with the resolution amended to include the row of six-foot evergreens between the subject property and the property to the west at 66 Merritt Avenue. The motion was seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, and Mr. Malone all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

Mr. Durakis made a motion to pass the Fair Share Housing Plan, seconded by Mr. Mandelbaum. All present were in favor. Motion approved.

Public Hearing – Application #1532 – 277 Highland Street

Mr. Ulshoefer recused himself from the Public Hearing for this application.

Mr. Uri Rapaport, 15 Franklin Street, Tenafly, was sworn in by Mr. Schuster. He is a licensed architect in the State of New Jersey and is representing the applicants, Jennifer & Gabriel Hamani. Mr. Rapaport noted that this application is for a construction of a brand new single-family home to replace a single-family home that is currently there. The property is currently undersized, and they propose to comply with all requirements except for the second front yard setback. This is a corner lot and they need to keep two front yard setbacks which makes it impossible.

Mr. Rapaport handed out a sheet that had graphics that summarizes the whole thing and it will be very easy to see what they are trying to do. This was marked as Exhibit A1, Zoning Analysis. Mr. Rapaport noted that everything is coming down. All structures, the detached garage, the house, the pool, the decks, the driveway, everything is coming out. If they have to keep 25-foot setbacks on both front yards, they are left with a very narrow shape of between 28 feet to 22 feet, which is almost impossible to create a real design for a house. In the proposed section, you can see that they are asking to have less of a setback on Monument Place. It is not a parallel line over there, so it varies. The shortest point is 16.1 feet and it goes up to 18.5 feet and then goes back down to 16.2. The section of the garage is at 33 feet. The setback variance is only for part of the house, not the entire length. The existing setback is only 13 feet on Monument Place. They are making it better than it is right now.

Mayor Romeo asked Ms. Hamani if they were going to live in the house. She said that they are going to rent it out or maybe sell it. They are not sure yet.

Mr. Schuster asked what the square footage of the house was. Mr. Rapaport said the FAR is 2,719 square feet and the coverage is 1,753. This is compliant. They didn't ask for any additional coverage because they can manage to comply with everything else. Another thing is that the garage currently is sitting very close to the property line on both sides and by having the garage attached to the new house, they open up the back yard significantly and it will affect, to some extent, the neighbors because they will have the open space to enjoy and not have this structure blocking the view in the back. They are also getting rid of all the impervious areas.

Mr. Morgan asked about patching up the curb on Monument Place. Mr. Rapaport noted that that is part of the requirements of the engineer. Once the house is done, they have to make the curb complete.

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

Mr. Durakis asked if the impervious coverage, building coverage and FAR were in compliance. He didn't see the calculations anywhere. Mr. Rapaport noted that the impervious coverage on the site plan is 29.3%, which is less than required. Mr. Azzolina had one clarification. The building coverage is 19.97%, which is less than 20% and it complies. They are reflected on the engineer's plan, which Mr. Rapaport did not testify to that. Mr. Azzolina's office has reviewed this plan and they find it to be technically correct.

as far as the recitation of the single variance condition, which is the proposed front yard setback that Mr. Rapaport discussed. There are the pre-existing non-conformities relative to the lot itself, which are the lot area of 8,777 square feet, where 10,000 square feet is required, minimal lot frontage measured along Highland Street being 70.87, where 100 is required, and the proposed front yard setback that they are seeking. The design waivers that are typically requested for applications such as this would be a 200-foot radius survey that is not provided. He assumes a waiver is requested for that. As far as the site plan review goes, certain minor revisions required as indicated in his report on page 5 of 7. The standard comment regarding the use of the existing sewer. They need to do a video inspection of that to confirm that it is still in good condition and able to be re-used. Stormwater management design is acceptable to his office. They talked about the curb. There is no sidewalk on the roads, so it is strictly replacing the curb by the existing opening and there will be a new curbing along a portion of Highland as well. They need to coordinate that with the DPW Superintendent. Regarding the tree removal, they are proposing to remove two of the eight trees that are on the property. One is within the driveway area and the other one is within close proximity to the front of the house, within 15 feet, so it would be permitted within the code. Once again, they need to obtain Building Department approval of that aspect of the application.

Stormwater management is appropriate, a single 1,000-gallon seepage pit and storm check chamber for the areaways. Mr. Morgan asked Mr. Rapaport if there were any problems with Mr. Azzolina's report. Mr. Rapaport said the report was fine. That's all standard requirements. Nothing is a problem. Mayor Romeo asked Mr. Azzolina if he was okay doing this without an engineer's testimony. Mr. Azzolina noted that whatever the Board is comfortable with. He doesn't rely on the testimony. He reviews the plans. He reviewed the lot. It is really whatever the Board and attorney are comfortable with.

Mayor Romeo asked why the house was on a bias and not square. Mr. Azzolina noted that the lot lines are not parallel. The northerly lot line and the street line are not parallel. It looks like he oriented the house parallel to the rear line and all the other angles on the house are 90 degrees and that is going to create that skew along the front of the house, which, as Mr. Rapaport testified, gives you the variable setback, minimum being 16.1 greatest being 33.

Motion to approve made by Mr. Durakis, seconded by Mr. Mandelbaum. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Malone and Mr. Rummel voted yes. Motion Approved.

Public Hearing – Application #1534 – 260 Concord Street

Mr. Uri Rapaport, 15 Franklin Street, Tenaflly, was sworn in by Mr. Schuster. He is a licensed architect in the State of New Jersey and is representing the applicant, Ms. Dana Koblenz. This is an undersized lot. The lot is less than 10,000 square feet, the minimum required, but the main thing is that the lot is very narrow. The lot is 60 feet wide. With 60 feet wide and they have to comply with the side yard setbacks, the combined side setbacks of 35 feet that would give you almost nothing and they could not build anything. Right now, the house doesn't comply with the current zoning ordinance, so they propose to do something, but they need the Board's help with the side setbacks.

Mr. Rapaport distributed another graphic and it was marked as Exhibit A1. The requirements would leave them a very narrow building envelope. The existing house, a Cape Cod, has very small setbacks. They are offering to keep 10 and 10, which is an improvement over the existing, although not in compliance. If they take 10 and 10 from the existing, they are left with 40, which is manageable. He hopes that the Board will see that it is very difficult otherwise. Other than that, they aren't asking for anything else. There is no coverage or FAR or height.

Mr. Schuster asked for the square footage of the house. Mr. Rapaport noted that the FAR of the proposed house would be 2,787 square feet. The coverage is 1,800. Mayor Romeo asked if the existing house had a garage. It was noted that it is 44 feet wide and does have a one-car garage. Mr. Azzolina noted that you can't even walk through the side yard because it is only five feet and it is all overgrown.

Mr. Rapaport noted that the lot is 147 feet deep. By keeping the house more towards the front, they have a really nice backyard.

Mr. Azzolina stated that the FAR, once corrected for the size of the house, it is properly calculated for the first 125 feet of the depth, as opposed to using the full depth of 147 feet. The plans correctly quantify that. There was one minor discrepancy between the architectural drawings and the site plans that Mr. Rapaport corrected today and presented to him today. The second set of floor plans shows the adjusted FAR of 1,426 square feet, which is 16 feet or so different than the original plan submittal.

Councilwoman Tsigounis asked if they were building it to live in or to sell it. The owner said she was selling it. Mayor Romeo asked about something on the plans. Mr. Rapaport explained that it was the roof of the garage because the second floor is smaller than the first floor.

Mr. Morgan opened the meeting not the public. No public wished to be heard. The meeting was closed to the public.

Councilwoman Tsigounis wanted to see the plans because she was concerned about the garage area. She sees that the garage bump out is just the garage and the second floor is not over the garage. The house is about as narrow as you can get. Mr. Morgan asked if they had any problems with Mr. Azzolina's report. Mr. Rapaport stated that Mr. Azzolina did a great job and his report is fine and everything is acceptable. Mayor Romeo asked if there was any problem with drainage being that the property slopes down. Mr. Azzolina stated that once they construct the seepage pit and the storm check chamber as shown, this design is tried and true. The house immediately next door has the same kind of design and he is not aware of any issues from the down slope property owners. With the proper control, it will be acceptable.

Mr. Schuster asked who the builder was. DZ Builders is the builder and he has a home office and they live in Cresskill.

Motion to approve made by Mr. Mandelbaum, seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel voted yes. Motion Approved.

New Business

None.

Other Business

None.

Mr. Morgan opened the meeting to the public. No public wished to be heard.

Motion was made by Mr. Mandelbaum to adjourn the meeting at 8:46 PM, seconded by Ms. Bauer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for July 10, July 24, August 14, and August 28, 2018, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary