

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**APRIL 9, 2019**

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 Tsigounis, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel. Also present was Mr. Schuster, Planning Board Attorney, and Mr. Azzolina, Borough Engineer.

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Mr. Durakis made a motion to approve the minutes of the March 26, 2019, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

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#### **Correspondence**

Flyer from Rutgers for the Planning and Zoning conference on May 10, 2019.

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#### **Subdivision Committee**

Councilwoman Tsigounis had nothing to report.

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#### **Report from the Borough Engineer's Office**

Application #1548, Ramiz Bodini, 157 Knickerbocker Road, the plans are substantially complete. There was one discrepancy between the architectural and engineering plans. Mr. Hubschman noted that they were going to change the height. The architectural plan needs to be changed. Other than that, the application is complete and is ready for a Public Hearing. Apparently, it has already been scheduled by the applicant's attorney. The attorney, Mr. Madaio, sent out the notices for April 23, on March 27. Mayor Romeo stated that if it is ready to go, we can schedule it for April 23, so the Public Hearing was scheduled for April 23, 2019.

Application #1549, 31 Allen Street, 31 Allen Street LLC, was also reviewed. Mr. Azzolina spoke to Mr. Hubschman earlier today. They reviewed that plan and are able to say that that plan is also substantially complete. They had spoke about scheduling that for the first meeting in May if that is acceptable with the Board. That is a 50 x 140-foot-deep lot on Allen Street. This is in the middle of the block. This was scheduled for a Public Hearing for May 14, 2019.

The Zerrenner application on 35 Westervelt is currently under review. Mr. Matt Capizzi is the attorney on that application.

Mr. Azzolina also prepared a report for tonight's Public Hearing for Application #1547, 56 Chestnut Street.

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**Old Business**

None.

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**Public Hearing – Application #1547 – 56 Chestnut Street**

Mr. Dean Stamos was present representing the applicant, Mr. Frank DeCarlo of FDC Development LLC. This application involves a property located at 56 Chestnut Street. The applicant has demolished an existing home on the property and proposes to build a modest-sized home on the lot. They have a few bulk variances which involve a minimum rear yard variance as it counts to the cantilever by an inch, minimum building coverage, and finally a maximum impervious coverage variance, all minor in scale.

Mr. Stamos called Mr. Hubschman. Mr. Michael Hubschman was sworn in by Mr. Schuster. He is a licensed professional engineer and planner. His office address is 263 S. Washington Avenue, Bergenfield, NJ. He has appeared before this Board many times before. His license is presently in good standing and was accepted as an expert for today's purposes in planning and engineering.

Mr. Hubschman or someone from his firm prepared the plan. The colored rendering was marked as Exhibit A1. Mr. Hubschman stated that it is an undersized lot in the R-10 zone, which requires a 100 x 100 lot. This lot is 75 x 100. It is 25% undersized, which is similar for this block. There are some 50s and 75s. There is a 1 ½ story house on the property and they are proposing to remove that house and redevelop it and construct a similar house to 39 Chestnut Street which Mr. DeCarlo also constructed. It is the same house with different finishes. It is the same size lot. That house had also received the same variances of a pretty minor nature due to the fact that it is an undersized lot. It is a very modest house at 2,500 square feet. They meet the side yard requirements which are 15 and 20. There is a one-foot overhang on the second story in the rear that encroaches one inch on the rear yard. That is a very small encroachment. They are slightly over on the building and impervious coverage. That is due to the small covered porch and the overhang. It is a hardship because of the undersized nature of the property. The maximum building coverage is 20% allowed and they are at 21.3%, which is 98 square feet over, which is a pretty small 10 x 10-foot area.

Basically, the rear yard is one inch encroaching, and Ms. Pantale will discuss that. The bedrooms are only 11 feet upstairs. You may say the inch doesn't matter, but it is part of the whole design of the house. The impervious coverage is 32 square feet over. It is just minor. They are proposing a 20-foot-wide driveway. That picked up the additional coverage and the patio in the rear. They are proposing one seepage pit, actually decreasing the impervious on the site by 309 square feet. They are vastly improving drainage in the area. There is a wall on the right side of the property that they will be removing. It doesn't show on the plans, but Mr. DeCarlo said he is going to remove that. It is a six-foot high masonry, old patio block that you can see through, wall and he is going to remove that.

Mr. Stamos asked about the variances and if they could be granted under C1 or C2. Mr. Hubschman said yes because it is a 25% undersized lot, very modest house, that fits into the neighborhood. The FAR is under what is permitted in the zone. The C2 criteria is that it is a benefit to the neighborhood. You are redeveloping the lot. There are a few other lots that are redeveloped and there are some older, older homes with a lot of debris on the front yards.

Councilwoman Tsigounis asked about the size of the proposed patio. Mr. Hubschman noted that it is 238 square feet. Mr. Azzolina noted that it works out to about 17 x 14. He had asked that the dimension be indicated on the plan. Mr. Mandelbaum asked about the retaining wall that is coming down and if it effects the neighbor to the right. Mr. Hubschman stated that it is not a retaining wall. It is sort of a fence wall. It doesn't retain anything. Councilwoman Tsigounis asked about the patio because since they are asking for impervious, that is one area she worries about when they actually construct a patio. That's a very easy thing to enlarge. Mr. Azzolina stated that when they do the final CO site inspection, he checks that. But it should be specified on the plans.

Mr. Hubschman noted that he will add that and stated that Mr. Azzolina had a few other comments in his letter that they received, and he has no issues complying with anything in the letter. They are adding a patio but reducing the impervious coverage and adding a seepage pit. Mr. Calder noticed that there was a typo on the plan under #9. He writes that there is a total decrease in impervious and it should read "total increase" in impervious. Mr. Hubschman agreed that it should be slight increase. That goes to his drainage but they are adding a seepage pit.

Mr. Schuster asked if there were new plantings on this site. Mr. Hubschman stated that they are not showing them, but they will provide shade trees and full landscaping on the property similar to what they did on 39 Chestnut. Mr. DeCarlo stated that the Japanese Maple will be staying but the Hemlocks are kind of dead so they will be removed. He will probably take those down and do a nicer planting. He will do a nice screening for privacy. The right side is the rear yard of the corner lot. Mr. Ulshoefer asked if he was going to put in any maples or oaks. Mr. DeCarlo said he will put shade trees in up front. Mr. Ulshoefer stated that according to Mr. Azzolina's report, he took down seven or eight trees already. Mr. DeCarlo noted that he took down one tree that he had to pay for, and he followed the ordinance to the best of their abilities. They were told not to clear cut, so he didn't. He left some trees on the side. It would make more sense to take down the straggly trees and do a nicer planting. Mr. Ulshoefer said that as long as they are not just like little bushes and stuff. Mr. DeCarlo stated that they normally do a fairly mature planting and screening.

Councilwoman Tsigounis asked about the curb being macadam on that block. Mr. DeCarlo stated that they are going to do Belgium block, not macadam. Mr. Azzolina noted that that is a standard comment in his letters. Mr. Hubschman noted that they did Belgium block at 39 Chestnut.

Ms. Stephanie Pantale, 70K Chestnut Ridge Road, Montvale, NJ, was sworn in by Mr. Schuster. She is a licensed architect and has appeared before this Board many times before. Her license is presently in good standing and was accepted as an expert in architecture for today's purposes. The architect's plans were marked as Exhibit A2.

Ms. Pantale noted that the plans show a four-bedroom home. It is similar to the one that is across the street. There are four bedrooms upstairs and one bedroom in the basement. The garage is on grade. You walk in and have the living room or dining room, you pick. Walk through and you have the kitchen, dinette and family room, very small mud area and powder room and a closet. There is a two-car garage, but it is kind of tight. Upstairs has a bedroom 13 ½ x 11 ½, a common bathroom where they typically try to put in a Jack-and-Jill, but they couldn't do that. They have a laundry upstairs because they couldn't squeeze it on the first floor. There are modest bedrooms in the back which are 10.4 and 11.6 and then a nice size master. She cantilevered the second floor one foot. She did not realize it created a one-inch variance. She did not realize that until a couple days ago. She didn't think that one-inch was that big of a deal. To cantilever it 11 inches instead of 12 is really de minimus. When you talk about the building coverage, the cantilever of the second floor is part of the building coverage and, therefore, even though there is grass underneath it, they are still being calculated for it. Forty feet of it is just hangover. It also impacts impervious coverage because it is also part of that.

First floor square footage livable is 1,116 and second floor square footage is 1,439, which is 2,555 square feet and they are still 25 square feet less than the FAR permits. She didn't go to the max.

Mr. Schuster asked Mr. DeCarlo if he owned the property personally. Mr. DeCarlo stated that he owns it under the LLC. Mr. Schuster noted that it is reflected on the plan that he owns it.

Mr. Stamos stated that based upon the testimony, it is a modest-sized home, pretty identical to the home at 39 Chestnut that was built with the same relief that they received. The Board knows the work product of his client and it will be an improvement to the neighborhood, so he asks that the Board act favorably on the application.

Mr. Azzolina believes that the applicant's testimony has covered the zoning aspects of his report. He believes they properly stated the variances required. The waiver that would be required as is typically required is the 200-foot survey map. He is assuming a waiver is sought for placing it on the tax map as opposed to a detailed survey. The Board needs to consider that waiver request. There are some minor plan revisions required under page 5 of

7 under V, a-d, in his report. Regarding tree removal, they had the permit for the removal of the large maple in the back. He understands by testimony that they wish to remove the three existing hemlocks. He agrees that they do appear to be in poor condition in his opinion as well. He doesn't think it would be a terrible thing to remove them and replace them with new plantings. The other tree that was retained was described as a maple, but it is actually an oak, the one in the front corner on the plan. That tree is there and they limbed it a little, so it is not overhanging the house.

A typical comment regarding the building sewer, the statement is made on the plan is they propose to reuse the existing building sewer if in good condition. He requires a video inspection be done on the piping to confirm that it is in good condition, in which case it can be reused. He needs a DVD copy of that inspection when that is done. On the stormwater management, calculations have been provided and indicate that the 1,000-gallon seepage pit is adequate for the design storm that they use in town. The only outside approval, other than Borough agencies, would be the Soil Conservation District Approval. Mr. Hubschman stated that they already applied and should get it any day. Mr. Stamos agrees to all of Mr. Azzolina's comments.

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

Mr. Durakis made a motion to approve, seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo voted yes. Councilwoman Tsigounis stated that they did a good job trying to limit the house the best they could. Because, as they mentioned the variances they are asking for not only are de minimus, if you look at it in relation to the overhang, it is really not preventing any water infiltration into the soil, she feels comfortable voting yes for this. Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone and Mr. Rummel all voted yes. Motion approved.

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#### **New Business**

None.

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#### **Other Business**

None.

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

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Motion was made by Mr. Calder to adjourn the meeting at 8:06 PM, seconded by Mr. Mandelbaum. All present were in favor. Motion approved.

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The next four regular Planning Board meetings are scheduled for April 23, May 14, May 28, and June 11, 2019, at 7:50 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary