

MINUTES

CRESSKILL PLANNING BOARD

APRIL 23, 2019

Mr. Morgan opened the meeting at 7:27 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. 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.

Mr. Ulshoefer made a motion to approve the minutes of the April 9, 2019, meeting, seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Letter from MCB Engineering Associates, LLC, dated April 16, 2019, to the Borough of Cresskill Planning Board, regarding the NJDEP Treatment Works Approval application for Application #1529, 23 Legion Drive/29 Division Street, Legion LLC. The letter states that they are submitting a Treatment Works Approval Application for this property for the construction of eight-inch diameter sanitary sewer mains which shall extend from the site and connect to the existing sanitary sewer mains located within Legion Drive and Division Street. File.

Application for Soil Erosion and Sediment Control Plan Certification for 56 Chestnut Street, Application #1547, FDC Development, LLC. File.

Application for Soil Erosion and Sediment Control Plan Certification for 31 Allen Street, Application #1549, Allen Street, LLC. File.

Application for Soil Erosion and Sediment Control Plan Certification for 139 Stivers Street (157 Knickerbocker Road), Application #1548, Ramiz Bodini. File.

Subdivision Committee

Councilwoman Tsigounis reported that she had a revised application for Application #1548, 157 Knickerbocker Road, Ramiz Bodini, received April 11, 2019. This is the architectural drawings for this application.

Report from the Borough Engineer's Office

Mr. Azzolina noted that they are currently reviewing the Zerrenner Application #1540M on 35 Westervelt, which is a major subdivision because they are seeking variances. He would like to meet with the

applicant's attorney and engineer to go over a few details. They are seeking subdivision approval only at this time. Initially it was a site plan/subdivision application. They bifurcated it for just the subdivision. It did present some house plans which did indicate that they would need some significant variances to develop the property. He just wants to meet with the applicant's professionals to make sure that all the zoning criteria are clear on the plans. They are a little unclear at this point. If that meeting takes place within the next two weeks, he could recommend that the Board schedule it at the following meeting or the meeting after that. It is a subdivision only as he understands the application.

Mr. Azzolina stated that 31 Allen Street, LLC, Application #1549, is substantially complete as presented and he recommends that the Board schedules that for a hearing as well. That is already scheduled for May 14, 2019.

Old Business

None.

Resolution for Application #1547, 56 Chestnut Street, FDC Development LLC, was introduced by Mr. Ulshoefer and seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, Mr. Malone, Mr. Rummel all voted yes. Motion approved. The original shall become a permanent part of these minutes.

Other Business

Ms. Leanna DeSheplo from Moon House Yoga, 210 Knickerbocker Road, was present and was approved as a yoga studio recently and wants to incorporate massage therapy and wants to see if she can do that. She has the resume and information of the woman that is going to work for her. She is licensed and has been doing this for a while. Mr. Schuster asked how much more parking this was going to take up. Ms. DeSheplo noted that it would be her car and one client at a time. There will be no walk-ins. There would not be a class at the same time as she is there. Mayor Romeo would like to hold off on this as this is the second request they have had for a multi-use in the same office. He has no objection, but the Board needs to get a legal stance on how to do it legally. Ms. DeSheplo was asked to come back to the next meeting.

Public Hearing – Application #1548 – 157 Knickerbocker Road

Mr. Mark Madaio was present representing the applicant, Ramiz Bodini. His office is located on Legion Drive in Bergenfield. He presented Mr. Schuster with his notices. The project is the construction of a new home at the corner of Knickerbocker and Stivers. That home will replace an existing smaller Colonial home which currently fronts on Knickerbocker. That home they propose will now front on Stivers. They require no variances for the house except by reorienting the house, their rear yard setback becomes 23 feet, where 30 feet is required. There are no other variances required for the home. They believe that rotating the home so that it fronts on a side street, and you are backing out in ingress and egress are on the side street instead of Knickerbocker, is a far better choice for safety ingress and egress, line of sight and everything else. In order to accomplish that, they need a seven-foot rear-yard variance and nothing else, for a lot that is approximately 21% oversized. They are required to have 10,000 square feet and they have 12,199 square feet. The property as a corner lot has two frontages, both of which they have maintained. Their frontages, and the burden of having two frontages, is something that they have managed to maintain.

The property is 150 in length, or depth, depending on what you call the frontage, that would, if they had continued to use it as the frontage, implicated another variance for your measurements of FAR coverage and everything else, based upon the 125-foot measuring factor. By switching the property to Stivers Street, they eliminate all of those variances that might be incurred as well. In order to do this, a construction of a single-family home, they require the eight-foot rear yard setback, so that you have a side, a rear and two conforming frontages.

There is also an ordinance that says, once someone picked the front, you have to continue with that front. However, in this case, since both sides are fronts, he doesn't imagine that it matters what front they pick. They would rather have a Stivers Street address and access, rather than a Knickerbocker Road address and access, and he trusts that the town would too, unless the Board insists that they back out into Knickerbocker Road. He can't imagine anybody thinking that is a better idea.

With regard to the one eight-foot rear yard setback variance, and by the way they can move the house forward towards Knickerbocker Road somewhat and they can move it a little bit closer to Stivers to give it more of a rear yard. That, however, would start to need a front yard setback variance on Stivers. It just might be preferable to a rear yard setback variance which faces the adjoining home.

For the one variance, he has Mr. Michael Hubschman and the project architect to show the layout of the house. The long and short of that issue is the Knickerbocker Road frontage is 69 feet. It is undersized. To front the house towards this undersized frontage on Knickerbocker, it is problematic. Why would they do that when they have a 150-foot frontage on a side street where they can back out safely and they have the length to actually move the driveway and design the house so the driveway is way off the Knickerbocker Road/Stivers Street intersection. The property is much, much better by re-orienting the house. Additionally, facing the house to Knickerbocker does not really give the option of constructing a Colonial, and certainly not a center hall. It would be a lesser home, in a more dangerous position, and why would anybody want that or do that.

Mr. Michael Hubschman, 263 South Washington Avenue, Bergenfield, was sworn in by Mr. Schuster. He is a professional licensed engineer and planner. He has appeared before this Board many times before. His license is presently in good standing. He was accepted as an expert witness in planning and engineering for today's hearing. His drawing was marked as Exhibit A1, which is the same drawing that was submitted, but has been colorized. Mr. Madaio asked Mr. Hubschman if he was correct in stating that there was only one variance related to the house. Mr. Hubschman noted that there is the existing lot depth variance of 69 feet, which is the function of the lot size and the rear yard is 22 feet. Mr. Azzolina brought up in his letter that there is a bay window that might increase it because it encroaches into the back yard. If they have to measure from the bay window, which is a cantilever, they will measure from that.

The lot is oversized, but it has a 69-foot frontage on Knickerbocker so they sort of have a hardship here with the two front yards. It is narrow in width. The existing house is a split level that fronts on Stivers Street, but the address is Knickerbocker Road. They are seeking to front the new house on Stivers Street, however, they would like the address to be Stivers Street. If you visit the house, there is a sign on Stivers that says 157 Knickerbocker. Mr. Madaio is not sure that you get to pick your address, however, the prior house fronted on Stivers and they want this house to front on Stivers and it is their intention to request a Stivers Street address, rather than continuing to call a house that fronts on Stivers 157 Knickerbocker. He doesn't know that that is within the Board's purview. Mr. Schuster thinks that can be addressed in the resolution, but there is no guarantee that is going to be the case.

Mr. Hubschman stated that the house is going to front on Stivers exactly like the last house. It is a center hall Colonial. Mr. Madaio noted that in the event they were to front the house on Knickerbocker, their building envelope would only be approximately 25 feet wide. Mr. Hubschman stated that it would be even smaller. Mr. Madaio noted that that would be an impossibility and a departure from the current frontage which is Stivers. They just want to do the same frontage that it has always been, regardless of what you called it. Mr. Schuster stated that for purposes of zoning, you have two front yards that you have to

comply with. Mr. Madaio agreed. Mr. Hubschman stated that that is part of the hardship. It is a narrow lot. It is only 93 in the rear and 69 in the front so it narrows the building envelope. Mr. Madaio stated that the lot width, both in the front where it is in the 60s and in the back where it adjoins the house to the west are both undersized. In no event do they reach 100. That is not their fault. They did not create the lot. The lot exists as a lot that is too narrow, burdened by two frontages and they would like to place the house at the exact same orientation the current house is, which is to say, fronting on Stivers. The tricky part seems to be that they want to call it a Stivers Street address for a house that fronts on Stivers Street.

Mr. Madaio asked Mr. Hubschman if they have water, sewer, access to everything else that they need to operate the house. Mr. Hubschman noted that they do. He went up to the sight today and there was water running down the street and Mr. Azzolina said that was from somebody's sump pump. They will have to investigate that ground water a little more with the basement elevation so that they are above the ground water. There is a house at 176 14th Street, a new house, that seems to be pumping water out.

Mr. Hubschman went over Mr. Azzolina's letter. The ground water was the most important part to do some due diligence, check the ground water, dig a test pit when they are demolishing the house. They are at an advantage because they do have a drain right in front of the house so if they have a sump pump they wouldn't be pumping the water right onto the street. It is a detriment in the winter too because of all the ice. Most of his letter is informational. Mr. Azzolina had one question about removing the trees. Mr. Hubschman noted that they will be replacing them one to one and add some street trees. They don't detail it, but they will add some trees.

Mr. Madaio asked, in the event that the plans were approved, could they revise the plans per Mr. Azzolina's comments in his letter. Mr. Hubschman noted that he could. They are minor map issues. They will replace all structures on the property. The existing house is closer to the neighbor's house than the new house will be. The existing house is 17.7 feet and they will be further away. They are not seeking a height variance. They will either have to deal with the water or if they have to lift the house up, they will lower the roof. The basement has an eight-foot ceiling height and nine feet floor to floor.

With regards to tree removal, they are showing seven trees being removed. They will replace as required. For storm water management, they are decreasing the impervious and installing a seepage pit. Mr. Hubschman said they can comply with all of Mr. Azzolina's suggestions. They will reuse the sanitary sewer connections but will take the necessary steps to ensure that is possible or will alter their connections. Mr. Hubschman said they have to TV inspect the sanitary sewer.

Mr. Thomas Ashbahian, 39 Spring Street, Ramsey, NJ, was sworn in by Mr. Schuster. He is a professional architect. He has not testified before this Board or the Zoning Board before. He has testified before many Boards in the County of Bergen. His license is presently in good standing. He was accepted as an expert in the area of architecture. Mr. Ashbahian marked his plan as Exhibit A2. In the upper right-hand corner is the front elevation of the home. It faces Stivers. They are taking the opportunity to create somewhat of an articulated front façade rather than a straight-on façade. There are a number of different dimensioned windows, arched windows. There is a rather modest presentation of roofs do the height restriction. They are introducing some faux stone trim and trying to create some visual interest. The façade does not create a front yard setback.

The next drawing below the front façade is the rear elevation. Next Mr. Ashbahian pointed out the side facing the neighboring property and the side facing Knickerbocker. The side facing Knickerbocker will have the chimney, the windows, the different roof lines and it will appear attractive from Knickerbocker. It will have a number of elements that will make it visually interesting. They are not using any portion of the existing footing. They are removing the entire structure. That existing structure is closer to the neighbor than they will be, and it is are closer to Knickerbocker than they will be.

Mr. Ashbahian noted that the first floor contains a two-car garage, kitchen, great room, open area, dining room, living room, and a first-floor bedroom. The living room itself has a vaulted ceiling up to the second floor. The entire first floor is 2,204 square feet of living space including the garage. The second floor has four additional bedrooms, three full bathrooms and a laundry area. Only elements that you would expect

to see in a house that is just under 4,000 square feet. They worked with the engineer's office to make sure they met all the parameters of the total areas, the FAR, etc.

On the front of the home, he expects to use some metal roof accents to create some visual interests, the windows with divided lights, some decorative garage doors, the faux stone, a certain amount of roofing will be visible from the front, and most likely a HardiePlank® type of siding.

Mr. Asbahian said that this is very conventional but a lot of house within the 4,000 square feet. Five bedrooms and four-and-a-half bathrooms seems to be a very popular point to be at these days with one bedroom on the first floor.

Mr. Morgan opened the meeting to the public.

Mr. Edward Wilkin III, 158 14th Street, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Wilkin talked about the driveway and agreed that having the driveway fronting on Knickerbocker would be ridiculous. He noted that he is not here for the variances. He thinks it is very premature to even look at this situation as far as a construction site until the water situation is rectified at 176 14th Street, which is only 30 feet away from the corner of this adjoining property which said construction is going to take place. There is a major problem up there. They have been pumping water for over a year. It has been a hazard. The Mayor has been told of it numerous times and he has not reacted at all. Mayor Romeo stated that that is not true. Some arguing ensued. Mr. Schuster stated that at this point in time, the purpose is to ask questions about the subject property.

Mr. Wilkin stated that this is not at the point to be discussed as there is an ongoing water problem in that area which needs to be discussed before this even comes to this point. Mr. Madaio noted that he will take that as a comment and not a question of the witness. A comment about a different piece of property. Certainly everybody knows about 176. That does not mean business stops on properties in the area. But obviously he thinks people are somewhat wiser and the engineer has certainly, early and often, expressed the idea of you better make sure this property works. Mr. Wilkin asked if they knew the situation of the water at 157. Mr. Madaio stated that he did. Mr. Wilkin asked what it was. Mr. Schuster explained that he should be asking the engineer these questions and not the lawyer. Mr. Madaio objects to being asked about the water situation at 157.

Mr. Hubschman noted that during the demolition they will have to dig a test pit. The basement is about five feet deep. Mr. Wilkin asked what the water situation was now. Mr. Schuster interrupted and said to let him answer the question and then he can ask another question.

Mayor Romeo asked how many people were here from 14th Street. The entire public acknowledged that they were here from 14th Street. Mayor Romeo asked if they were here to see what was going to be done about the water problem. They all acknowledged that they were. Mayor Romeo stated that one has nothing to do with the other. He noted that this part of the meeting is for the Public Hearing. The Board will deal with the water problem at the end of the meeting.

Mr. Azzolina only had one question, and he spoke with the applicant's engineer this afternoon. He has not been inside the existing home, so his question to the engineer was, is there a sump pump in that home. Do we know what the existing lowest floor elevation in that home is? He doesn't know if the architect has been in the home or perhaps the applicant can testify as to the sump pump. Mr. Ramiz Bodini, the applicant, stated that there is a sump pump. Mr. Bodini, 14 Park Avenue, Cresskill, was sworn in by Mr. Schuster. Mr. Azzolina noted that the home appears to be a split level. He asked if there was any floor elevation lower than what is the existing ground elevation on the west side of the home. Mr. Bodini stated that there is a basement that is approximately five steps down. He stated that there used to be a sump pump but there is no active pump.

Mr. Azzolina noted that what he sees as a significant difference between this application and the application around the corner, is there is an available storm drain at the corner of Stivers and Knickerbocker, which then discharges to the County drainage system, which is a twin 21" clay pipe,

according to the applicant's plans. His suggestion would be that any drainage system would then discharge via the footing and the sump pump system would then discharge to the roof drain system which discharges to the seepage pit which would then have an overflow into the municipal storm drain so you would not have any possibility of the situation that we are experiencing on 14th Street. He would still recommend that they do all the investigations that he recommended in his report, but he believes that this application will be significantly different than what is being experienced around the corner.

Mr. Nick Rapaport, 165 Knickerbocker, Cresskill, was sworn in by Mr. Schuster. Mr. Rapaport noted that the drain on the corner of Stivers and Knickerbocker is the only drain on that whole block. In a normal winter, they wind up getting a lot of water running down their driveway because the drain is not sufficient. Mr. Morgan stated that they will talk about the water after this hearing is done. Mr. Rapaport explained that what he is saying is that only overflow should be going into that drain because it shouldn't take anymore on a regular basis. Mr. Madaio stated that they agree and that's why it is only overflow.

Mr. Azzolina noted that the existing inlet that is on the corner was constructed in the 1940s and 1950s. They are different than today's standards. It is undersized. In other words, the grate area is not as large as what they put in the ground today. The opening at the head piece is not as large either. It doesn't have the ability to collect as much water as today's structures, but certainly that can be looked at on a larger scale if warranted.

Mr. Wilkin noted that once again he is talking about the sump pump draining by gravity to the storm drain but that is impossible because it is the highest point in the property.

Mr. Morgan closed the meeting to the public.

Mr. Ulshoefer noted that they spoke about the trees coming down. He asked if they would apply for the permits to get the trees. Mr. Madaio doesn't think they have applied for a tree removal permit yet. They, of course, will follow every ordinance and law the Borough has and replace as required. Mr. Morgan asked about the driveway and where the driveway across the street was located. Mr. Hubschman noted that it was almost adjacent to the driveway. They probably won't back into each other, and it won't be as dangerous as backing into Knickerbocker. It is a common occurrence. They are a little off center.

Mayor Romeo asked about the square at the top of the drawing. Mr. Hubschman noted that that was the neighbor's garage. He then pointed out the neighbor's house. The proposed house has been moved away from that house.

Mr. Ulshoefer stated that the current house's driveway comes out on Stivers. It doesn't come out onto Knickerbocker. Mr. Madaio agreed and apologized if he gave that impression. His intention was to impress upon the Board that the entire existing house is oriented to Stivers and yet there is this insistence that it be called 157 Knickerbocker Road. They only want to orient the house and their driveway the exact same way it has been oriented and built since 1945 or 1950 or 1960. The existing house has been oriented completely to Stivers. They want their house to be oriented completely to Stivers and they believe that that is a fundamental reason for the rear yard setback, which is currently about 18 or 19, or whatever it is, that they are increasing to almost 23, to be granted, because that really is the only variance they need. The other variances are related to the undersized width at the top and the bottom, which of course are prior non-conforming figures. Mr. Ulshoefer understands what he is saying, but it seems like he was leading people in a sense that they want to go to Stivers with the new house, but the old house went to Stivers. He wants to make sure everybody knows what is going on. Mr. Madaio apologized if he did not make that as clear as he could have.

Mr. Calder noted that the Board's engineer's recommendation with respect to the stormwater drainage system are being adopted. Mr. Madaio agreed and said that all of them are. He said the trick is not to build the house until you check all that stuff.

Mr. Mandelbaum made a motion to approve, seconded by Councilwoman Tsigounis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer, and Mr. Malone all voted yes. Motion approved.

Mr. Madaio thanked the Board and asked that the Resolution at least contain a voice of non-objection to a Stivers address. It really makes no sense to have the address plate on Stivers say 157 Knickerbocker. If the Board can at least not object to it, he is hoping the clerk in the post office will see the wisdom.

New Business

None.

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

Motion was made by Mr. Durakis to adjourn the meeting at 8:24 PM, seconded by Mr. Mandelbaum. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for May 14, May 28, June 11, and June 25, 2019, at 7:50 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary