

# **MINUTES**

## **CRESSKILL PLANNING BOARD**

**SEPTEMBER 10, 2019**

Mr. Calder opened the meeting at 7:31 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Malone and Mr. Rummel. Also present were Mr. Schuster, Planning Board Attorney, and Mr. Azzolina, Borough Engineer.

\*\*\*\*

Mr. Durakis made a motion to approve the minutes of the August 13, 2019, meeting, seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

\*\*\*\*

### **Correspondence**

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated August 7, 2019, sending Mr. Migorodskiy to this Board for approval. He would like to construct a new single-family dwelling at 100 Jackson Drive. Application #1554 was received on August 30, 2019 and is currently under review.

A proposal for FTR Gold 6.2 Upgrade with Windows 10 Pro OS was received by Ms. Francesca on August 27, 2019. File.

Vouchers from Mr. Steven V. Schuster for services rendered relative to the Cresskill Planning Board for the month of July 2019 in the amount of \$2,649.88, and for the month of August in the amount of \$3,174.78. Mr. Durakis made a motion to approve, seconded by Mr. Mandelbaum. All present were in favor. Motion approved.

Application for Soil Erosion and Sediment Control Plan Certification for 100 Jackson Drive, Yuriy Migorodskiy, Application #1554. File.

Application for Soil Erosion and Sediment Control Plan Certification for 8 Burton Place, Lumaj Homes, LLC, Application #1552. File.

Application for Soil Erosion and Sediment Control Plan Certification for 23 Burton Place, Lumaj Homes, LLC, Application #1553. File.

\*\*\*\*

### **Subdivision Committee**

Councilwoman Tsigounis noted that two revisions were received. Application #1550M, 292 Magnolia Avenue, Ji Eun & Malnam Kim, was received on August 19, 2019, and is currently under review. Application #1540M, 35 Westervelt Place, Robert & Theresa Zerrenner, was received also and is under review.

\*\*\*\*

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

Mr. Azzolina stated that Application #1550M, 292 Magnolia Avenue is substantially complete. They made the revisions that were required with respect to the calculations of the impervious coverage and the FAR. In talking to the attorney, he has some possible conflicts. Mr. Capizzi noted that the next date is September 24, and, unfortunately, he is not available that night. He is also the attorney for Application #1540M, 35 Westervelt Place and would like to split the two up and not do them on the same night. Mr. Azzolina noted that the Zerrenner application has been out there longer so we should schedule that one first. It was decided to schedule Application #1540M for a Public Hearing on October 8, 2019, and Application #1550M on October 22, 2019. Mr. Capizzi was informed and is okay with that.

Mr. Azzolina noted that the other application they are currently reviewing is Application #1554, 100 Jackson Drive, Yuriy Migorodskiy. It is currently under review. It is a knockdown. The zoning notes indicate no variances, but they haven't reviewed the plan in depth yet, so they can't confirm that.

\*\*\*\*

**Old Business**

None.

\*\*\*\*

**New Business**

The new owners of the Lukoil at the circle were present. They applied for a propane tank exchange and received a letter of intro to come here tonight. Sam and his partner Ali, are currently operating the Lukoil. Mayor Romeo stated that he needs the Fire Department to look at the site and where they are locating the propane storage. They are proposing to put the propane storage cages behind the building. It is an exchange. They plan on putting two cages with a capacity of 36 cylinders each. Basically, when a customer comes in and wants to exchange it, they just go behind the building and put the empty cylinder in the cage and bring out a full one. They don't fill the cylinders. They are always locked.

Mr. Schuster asked if it is a permitted use in the zone. Mayor Romeo stated that he is going to give it to the Fire Chief and have him go up and inspect the space. If he says it is OK, he will get the permits. Lukoil leases the station from the landlord, and they are the franchisee of Lukoil. They have no relationship with the landlord. They have a sublease from Lukoil. The landlord is the Barbara Ann Wilson Trust Account.

Mr. Bob Kurth, Merritt Avenue, Cresskill, is having a problem with the builder at 25 Merritt. He has knockdowns and build-ups up and down the block. This is the first time he has had problems. The first thing started the weekend of October 7<sup>th</sup> and 8<sup>th</sup>, 2018. The builder took all of his privacy hedges out of his property. On October 9 he notified the building department and John Casper was checking with them and was contacting the builder who was supposed to get back to him and never did. On November 5, he received a letter from Colin Quinn, notification of the Zoning Board meeting on November 29, 2018, and they wanted six variances for the house. They went to the Zoning Board hearing and one of the problems they had was the ponding and the water table. They acknowledged they had that problem and they were going to correct it. He brought up the issue about the shrubs and as per their lawyer and the builder, they said they would replant in the spring.

Since then, there have been various issues at that property. In December, they had no floor, and somebody fell through into the basement and all of Cresskill Emergency Services were there for a couple of hours getting the guy out. The next day there was a notice of imminent hazard issues as per the Building Department against the builder.

Since then, it only gets worse with him trying to live in the area. His driveway was constantly blocked various times. Vans are one thing, but they had dumpsters in the street. Some they had permits and others they didn't. They had a port-o-john in the street right by his driveway. When they were told to move it, they put the port-o-john on the sidewalk. On July 26, they finished the property and they put in a six-foot boundary fence. He doesn't even think they understand the code, because when he checked with the Building Department, they have six feet of fence going all the way past the end of the house towards the front. As of now, it is still that way and it is too far. At this point in time, he has contacted the Building Department again on the 29<sup>th</sup> of July, they said they would contact the builder. The builder never returned any calls to anybody. The last resort he got is coming to the Planning Board. Is there anything the town can do?

Mayor Romeo asked if the house was finished. Mr. Kurth said it is done and is now for sale. Mr. Schuster stated that they don't get a CO until they do what they have to do. Mayor Romeo wanted the address, which is 25 Merritt and the builder is either ER Homes or Blue Print Builders. They got six variances from the Zoning Board. Mayor Romeo will bring it to Mr. Rusch's attention in the morning and got Mr. Kurth's cell number so he can get in touch with him.

\*\*\*\*

### **Public Hearing – Application #1552 – 8 Burton Place**

Mr. Mark Ruffolo was present representing Lumaj Homes. Application #1552, 8 Burton Place, is an application for a single-family home requiring three variances. Mr. Schuster stated that he received the notices, and everything is in order. Mr. Ruffolo stated that the first variance is a side yard variance where 15 feet is required, and they are proposing 13 feet and existing is 8.8 feet. They are improving on an existing non-conformity. The second variance is another side yard variance, where 20 feet is required, 13.2 feet is proposed and the existing is 12.8, so it is another improvement on an existing non-conformity. The third variance is the combined side-yard where 35 feet is required, and 26.2 feet is proposed with an existing of 21.6. That is another improvement on the existing non-conformity. The property is somewhat unique which you will hear about from the testimony from the experts. There is a 75-foot frontage. It is a rectangle with angles to the property.

Mr. Ruffolo called Mr. Uri Rapaport as his first witness. Mr. Rapaport, 15 Franklin Street, Tenafly, NJ, was sworn in by Mr. Schuster. He has appeared before this Board many times. His license is presently in good standing. He was accepted tonight as an expert in the area of architecture. Mr. Rapaport has been retained as the architect on this project and he is familiar with this project.

Mr. Rapaport stated that they are proposing a single-family house, replacing a single-family house. They are not looking to build anything bigger than is allowed. The only thing is that this property is narrow. It is only 75-feet wide and the combined requirements of 35 feet on both sides doesn't leave them much of the house to do. They are here asking to have side yard relief that will leave them 26 feet altogether instead of 35 feet and it will be much improvement over the existing because today the existing house doesn't have as much side yardage. He thinks that with a 75-foot frontage, this is quite in proportion with the house they are building.

Mr. Ruffolo asked Mr. Rapaport if he took into consideration the existing non-conformity and designed the house accordingly. Mr. Rapaport noted that aside from the side yards, they do conform to all the other requirements and this is because the lot is narrow. It is only 75 feet and the requirement is 100 feet. The size of the house is 3,194 square feet, which is a modest house. It conforms to the FAR and the coverage and they conform to what is allowed and it is what they usually do.

Mayor Romeo asked Mr. Sokul Lumaj how this house compares to the house on Cranford. Mr. Lumaj said that this house is bigger because the Cranford lot is smaller.

Mr. Sean McClellan, 101 West Street, Hillsdale, NJ, was sworn in by Mr. Schuster. He has appeared before the Board many times before as an engineer. His license is presently in good standing. He was accepted

today as an expert in engineering. Mr. McClellan is the engineer on this project and is familiar with the property. He is aware of the three variances. Mr. Ruffolo asked Mr. McClellan what he has done to reduce the impact of the non-conformities on the property. Mr. McClellan noted that on the north side, where the current side yard is 8.8 feet, they are proposing 13.2 feet. On the south side, they are 12.8 feet from the line, and they are proposing 13 feet, so they have lessened the existing non-conformities. They have a 1,000-gallon seepage pit that will take the flow from the entire house and percolate it into the ground.

The plan shows three trees, two pine trees and one holly, which is not really much of a tree, but it is right up against the siding of the house, to be removed. He is not sure why this tree is shown because typically towns want to see trees more than 6". There is one tree that they did miss that's in the vicinity of their proposed driveway. It is an 18" Japanese maple. It is in Mr. Azzolina's letter. He did verify that it is there. Trees over 6", they will be removing three. They will be replacing them somewhere else on the property. Ms. Bauer asked what sort of replacements they will be putting in. Mr. McClellan stated that they will be happy to coordinate with anybody from the Building Department on what they would recommend for this site.

They are taking two pine trees but would replace them with something else. He could do one shade tree in the front and two trees somewhere else. Maybe a red maple and a dogwood or something like that. Mr. Durakis asked if they could take care of the other points mentioned in Mr. Azzolina's report. Mr. McClellan stated that they could meet all of Mr. Azzolina's comments.

Councilwoman Tsigounis had a question for Mr. Rapaport. She is curious as to the skew of the garage. Mr. Rapaport stated that he wanted to take advantage of the depth of the property. He opened up the front of the house with a skew like that so it makes an optical illusion that it is a bigger house, although it is a narrow one. Councilwoman Tsigounis asked about the roof. Mr. Rapaport stated that it is a sloped roof but with an angle. You have the garage coming to the front on an angle so you get the bigger front. Councilwoman Tsigounis was satisfied.

Mr. Calder asked Mr. Azzolina if all his comments and conditions were being satisfied. Mr. Azzolina feels that they will address all his comments. He wanted to note that the curb along the frontage is in poor condition, so he recommends that the entire length of the curb be removed and replaced. The applicant's engineer needs to submit calculations verifying the capacity of the proposed drainage system and standard video inspection of the sanitary sewer to confirm that it is in good condition at this time.

Mr. Calder opened the meeting to the public. Ms. Vicenza Gaglioti, 7 Burton Place, Cresskill. She lives right across the street. Her thing is the property is very small. She knows the builder and thinks he is a nice guy, but he tends to put huge houses in small areas. She needs a blueprint to see what the house looks like. What she knows is the house is going to be sideways. She understands that the garage is going to be in the back. Councilwoman Tsigounis explained that the house is parallel to the street. Ms. Gaglioti was not understanding where the garage was. Mr. Rapaport explained that the house is set back. Because it is a deep lot, they pushed the house back and only the garage is sticking out. He doesn't think it will affect her in any way because the house will be further away from her.

Ms. Kuniko Naito, 12 Burton Place, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Ms. Naito asked about the side yard next to her property. Mr. Rapaport showed her that the new house will be further away from the property line than what the current house is and there will be more space. Mr. McClellan stated that the existing house is 8.8 feet to the property line and the new dimension will go to 13.2 feet.

Mr. Calder closed the meeting to the public.

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

\*\*\*\*

**Other Business**

None.

\*\*\*\*

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

\*\*\*\*

Motion was made by Mr. Mandelbaum to adjourn the meeting at 8:26 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

\*\*\*\*

The next four regular Planning Board meetings are scheduled for September 24, October 8, October 22, and November 12, 2019, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary