

MINUTES

CRESSKILL PLANNING BOARD

JUNE 22, 2021

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, Councilman Kaplan, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera, and Ms. Furio. Mr. Mandelbaum arrived at 7:35 PM. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Stamos, Board Attorney.

Mr. Rummel made a motion to approve the minutes of the May 25, 2021, meeting, seconded by Ms. Furio. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 21, 2021, sending Ms. Marge Perry to this Board for approval. She would like to open Trunk Pop Dinners at 29 East Madison Avenue (Units 4 & 5). The business provides prepared meals curbside and will not have indoor seating. Ms. Perry noted that they have a business in Tenafly that they started during COVID. It is called Trunk Pop Dinners. People drive up, they pop their trunk, they put the dinner in their car, and they drive off. They don't need parking. There are two parts to their business. The first part is that they sell meals. When they sell the meals, they ask that in lieu of tipping or anything like that, people make donations, and they use those donations to feed community members in need. There was a kitchen in the space that was demolished and they are going to build it back. Mr. Rummel made a motion to approve, seconded by Mr. Sutera. All present were in favor. Motion approved. Letter of approval sent to Ms. Perry with copies to Ms. Francesca Maragliano, the Building Department, the Fire Department, the Police Department and the Health Department.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 11, 2021, sending Mr. Lumaj to this Board for approval. He would like to construct a new single-family dwelling at 110 6th Street. Some variances are required. Combined side yards, FAR, Impervious Coverage and Building Coverage are the variances he is looking for. Mr. Lumaj said the size of the lot is 7,500 square feet. Application #1569 was received. This is a knockdown. Mr. Azzolina noted that he received them the end of last week. He has not had the opportunity to review them, but he is hearing that they need an FAR variance. That can only be granted by the Zoning Board. Mr. Lumaj is asking for the Board to review them and approve them and then he will go to the Zoning Board for the FAR variance. Mr. Stamos stated that he has to go to the Zoning Board for the FAR. Mr. Lumaj wanted to know if he could get approval here first subject to getting the FAR variance from Zoning. Mayor Romeo asked Mr. Lumaj if he could reconfigure the house to avoid the FAR. Mr. Mandelbaum didn't think hearing it before the Zoning Board was a good idea.

Mayor Romeo explained that if he lowered the FAR this Board could hear the whole application. If he doesn't, by State law, he has to go to the Zoning Board for that. Mr. Stamos noted that if he has an FAR variance, it is just the Zoning Board. They have sole jurisdiction over that. Mr. Lumaj understood that but wanted to know if he could come to the Planning Board first. Ms. Furio noted that it is the other way around. Mr. Lumaj would like the Board to look at it and he will take it subject to getting the FAR approval from the Zoning Board. Mr. Stamos stated that we don't hear anything that has an FAR variance. If it has an FAR variance, it just goes to the Board of Adjustment.

Letter of Introduction from Mr. Bob Rusch, Construction Official, dated June 4, 2021, sending a representative for Samdan Restaurant, 178 Piermont Road, to this Board for approval. They would like to

install a new LED sign at this location. Ordinance 275-19F states "The aggregate area, in square feet, of all signs on any wall shall be no greater than $\frac{1}{2}$ the length, in feet, of such wall." The width of the proposed wall is 60 feet which would facilitate a 30 sq. ft. sign. The application is for a 72 sq. ft. sign. That is twice the size as allowed. A letter was sent to Samdan explaining that they have to fill out an application and apply for a variance for the sign.

Subdivision Committee

Application #1569, 110th Street, Sokol Lumaj was received on June 16, 2021, and is currently under review. It requires variances, including an FAR variance.

Report from the Borough Engineer's Office

Mr. Azzolina prepared a completeness determination two weeks ago dated June 8, 2021, for the subdivision Application #1567M, 268 E. Madison Avenue, Jane Reilly. There are a number of incomplete items associated with the application. It was deemed incomplete. They are awaiting revised plans for this application.

Old Business

None.

Resolution for Application #1566, 5 Merrifield Way Richard & Joan Hebert, c/o 15 Wakelee Dr. Corp. Mr. Stamos stated that this was a two-lot subdivision on the corner of Grant and Merrifield Way. All the variances were granted. They were short on the frontage but had more than sufficient lot area. One lot is 81 feet and the other one is 87 feet, but they are very deep lots. They relocated the detached garage and brought it compliant. The neighbor was satisfied with that. They are complying with most if not all of the comments raised in Mr. Azzolina's report. They will provide shade trees every 50 feet. There was one thing they possibly couldn't comply with which was the possible underground utilities because they are already on the opposite side of the street. The Chairman asked about the 13 trees that are being cut, and with the calculation it ended up that the replacement is about six or seven, which is noted in the record. Subject to the standard conditions, the Board approved the application. Mr. Malone made a motion to approve, seconded by Mr. Rummel. On Roll Call: Mayor Romeo, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Rummel, Mr. Sutera, Ms. Furio all voted yes. Ms. Tsigounis was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Public Hearing – Application #1568 – 67 Westervelt Place

Mr. Craig Weis was present representing Ms. Ashley Norris, the applicant of 67 Westervelt Place. Ms. Norris has been in Cresskill her entire life. She grew up here and continues to live here and is looking to now build a home. Prior to this, he became aware that the neighbor had some concerns about the site plan and they had an opportunity to work together. They are going to ask to add one additional variance which would be a six-foot fence down the side. While being permitted to the rear corner of the house, the neighbor and he, through counsel, had agreed to be asking for the fence to reach the front corner of the house. Mr. Hubschman has prepared for you to see that instead of the fence coming down and attaching to the rear corner at the six-foot height, which would be permitted, they are going to ask for a variance to allow it to come down to the front corner. In order to make it look more uniform, make a perpendicular line to the

opposite side and bring it down and tie it in with a four-foot fence across the front. That is the only modification to the application.

Mr. Rafael Corbalan, attorney for the neighbor, Mr. Gregory Brainin, 71 Westervelt Place, next door to the applicant, had some concerns. They were going to raise an objection, but with the addition of this variance and the fence, they will withdraw their objection and consent to the application.

Mr. Stamos noted that he reviewed the notice, affidavit of publication, the certified list of property owners within 200 feet and the receipts and they are in order, so the Board can continue.

Mr. Corbalan noted that if the variance for the fence is denied, he wants to reserve his rights to the objection, so if they are going to be presenting experts to testify, he would still move forward with his objection and he would just withdraw everything at the end if the variance is granted for the fence. His concern is that they are going to present this whole application and he is going to lose his ability to cross examine for other aspects of the application.

Mayor Romeo stated that we need to let him make his presentation so he can tell us what he is going to do. Then he can get up and say whether he likes it or not.

Mr. Michael Hubschman, 263 S. Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Stamos. He is a licensed engineer and his license is currently in good standing. Mr. Weis asked if Mr. Hubschman was familiar with the site and the plans that are presented to the Board. Mr. Hubschman stated that he is very familiar with the plans. His office prepared it.

Mr. Hubschman noted that the Board is familiar with the street and there are a lot of smaller lots on the block and a few 75-foot lots and a few 100-foot lots on the block. They are a 50-foot width lot by a 146-foot-deep lot. In the R-10 zone, 10,000 square feet is required. The existing lot is 7,319 square feet. The lot frontage, where 100 is required, and they have 50 feet. Those are existing non-conformities to do with the property. The proposal is to remove the dilapidated house and the very large two-story garage in the rear, remove everything and redevelop the lot. The property is generally flat. Most of the run-off goes towards the front. They propose to construct the house that is a 30-foot-wide house, so they are requesting a side-yard variances for 10.1 and 10 feet. Basically, they are 10 feet on each side, which is pretty standard for 50 lots that they have done in Cresskill and in the neighborhood.

The neighbor to the right has requested that they propose a six-foot fence along that right sideline. They are not adverse to it. He also thought they were permitted to have a six-foot fence onto the front yard. He now understands you are only allowed to have that up to the rear yard and to appease the neighbor and keep everyone happy, they will run it the entranceway. They are amending the application to request that small section of fence. That would be not really perceivable from anyone. There is a very large arborvitae row to the east of the property. From the street you are not going to really perceive that the fence is in the way because the house is kind of blocking it. They are not proposing the fence in the front. That would be intrusive in the neighborhood and more objectionable.

They tried to keep the driveway as high as possible and pitch it down slightly, put in a trench drain and seepage pit in the driveway. That design seems to work pretty well. With the paver drive and the sump pump overflow that goes to the seepage in the rear.

They received Mr. Azzolina's letter, and they really have no objections to any of the comments in his letter. The one item is the height, and they took the height as the two front corners, which are 90 and 88 so they averaged that to 89. Mr. Azzolina brought up in his letter that the Board sometimes takes the midpoint of the wall of the driveway, even though they go by what the ordinance says, which is the front two corners. If they take the midpoint of that wall, then they are at a 29-foot height. They could lower the house a little bit, maybe a half of a foot, and he knows Ms. Pantale said they could probably lower the roof a little bit which is now four on 12 so it is not a major pitch on that roof. So, if the Board was objectionable to that, it is a 28-foot house, a 28-foot paper height house, but because of that wall with the driveway going down there is a technicality.

The two ten-foot side yards are really the major variance. They couldn't build to a 35-foot total side yard or they would have a 15-foot wide house on the lot. With the two-car garage being 20 feet or so and 10 feet for the entrance, it is really about the minimum width for the house. And it fits within the neighborhood. Across the street there is a newer house, #76, which is a 50-foot lot that has 10-foot side yards. Both 76 and 68 have 10-foot side yards. It is standard on those smaller 50-foot lots. The neighbor to the right is 20 feet away so there is 30 feet between the houses. There shouldn't be any detriment to the neighborhood caused by that request of the side yard. It is more of an enhancement to have a 30-foot house.

The proposed square footage of the house is 2,385 square feet. No FAR variance is required. The existing building coverage was 22% and they are at 17.7%. They are going down on the lot. There is a huge garage in the back that is coming down. Ms. Furio asked what the distance is from the front piece to the street. It is about 39 feet from the end of the six-foot fence to the street. Mr. Stamos stated that on a corner lot, just to clarify, you can't be within 25 feet from the street. He asked if they were okay with four feet coming across. Mr. Weis stated that four was okay coming across, but the ordinance only allows them to tie to the rear corner at six feet. Mr. Stamos noted that since they are closer than the rear of the house, that four feet fence has to be 50% open. Mr. Weis is okay with that. He just wants to make sure that both sides of the house are the same and match.

Mr. Weis asked Mr. Hubschman about the fact that they are bringing down the coverages. Mr. Hubschman stated that the impervious coverage presently is 55.8% and they are going down to 33%. The building coverage is going from 22% down to 17%. It is a smaller development. It will have a lot less runoff.

Mr. Hubschman noted that this is a C1 hardship based on the narrowness of the property. You can't rebuild within the ordinance because of the width of the house. The request wouldn't cause any detriment on the neighborhood. This is standard on a 50-foot lot. It allows them to have a two-car garage. Mr. Stamos asked if the fence would help ameliorate any effect on the adjacent neighbor. Mr. Hubschman said that it does and there is no detriment because fences are pretty standard in side yards and it is only for the 30 feet or so. There is no traffic or visual problems.

Mr. Ulshoefer asked about the fence and saying that nobody can see it. Mr. Hubschman said that there is a large arborvitae hedge there that is 15-18 feet high. Mr. Ulshoefer asked why they were putting a fence there then. Mr. Hubschman stated that the neighbor was requesting it. Mr. Gregory Brainin, 71 Westervelt Place, Cresskill, was sworn in by Mr. Stamos. He is the neighbor that is requesting the fence. He stated that he is losing the space of the side yard. The larger width of the house felt very much like it was starting to encroach on the perception of his property. Ultimately, his realtor and he and the lawyer all felt that it definitely could affect his resale value of his house when he is selling it. The idea of the fencing is to create a nice tidy privacy look to what he is losing in side yard space. And the distance of the house to his property line, he is gaining in not seeing really the space encroachment. It diminishes that sense.

Mr. Stamos marked Mr. Hubschman's colored rendering of the site plan as Exhibit A1. Mr. Weis called Ms. Stephanie Pantale as his next witness. Ms. Pantale, 70K Chestnut Ridge Road, Montvale, NJ, was sworn in by Mr. Stamos. She is a licensed architect in New Jersey and her license is currently in good standing. The A0 sheet of the plan is dated 6/21/21, and the rest of the drawings A1, A2, A3 and A4, are dated 6/7/21. They are marked as Exhibit A2. Her building data was not correct, and she had to correct it per Mr. Azzolina's memo. It is now in accordance with Mr. Hubschman's plans.

Ms. Pantale noted that this house is three bedrooms up on the second floor and one bedroom in the basement. Basically, when designing these homes on 50-foot lots, they try to get a two-car garage and an entrance. For that she needs about 21 feet for the garage and about nine feet for a porch and front door. Through the front door you have a closet, living room, dining room, kitchen, and open family room plan. There is staircase going to the second floor. Upstairs there is a master towards the back, two bedrooms with a shared bathroom across the hallway and a laundry space. The footprint of the house, including the porch is about 1,300 square feet. That is the whole footprint. They are trying to keep everything modest. The shape of the house is jagged a little bit for the front porch. By the front porch, they are 10 plus eight feet which gives them 18 feet compliant for the side yard setback. Only for the 31 feet past the porch do they encroach to the 10-foot mark. As a designer she tries to be a little bit sensitive to at least one side of the project. She can't always narrow everything for both sides. The other side is 10 feet straight back.

Mr. Weis asked Ms. Pantale if she was familiar with the block. Ms. Pantale noted that she is and stated that she has done several homes on this block. This is consistent with planning and design currently in the neighborhood. The house will be hardy plank and some stone. It will have some metal roofing and a hipped roof, and they sloped everything to be considerate to neighbors for light and air. Ms. Bauer asked where the utilities were going to be. Ms. Pantale stated that they would be on Mr. Hubschman's plan and Mr. Hubschman stated that they would be in the rear.

Mr. Stamos asked about the footprint. Ms. Pantale stated that the footprint is approximately 1,300 square feet. The existing footprint is 1,621 square feet and that includes the big garage in the back. They have reduced that. Everything they have done on this house plan except for the side yard and side yard aggregate are conforming to the lot. They are under 20% for building coverage. They are under the FAR requirement. They are under everything except for the sides which you can't fix. The fact that they are supposed to be 100 feet across with a 35-foot aggregate, 15 foot minimum, you really can't meet that.

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

Mr. Corbalan withdrew his objection so long as the six-foot fence is approved tonight.

Ms. Furio asked how many extra feet of the six-foot fence are they looking for? Ms. Pantale noted that they are looking for 31 extra feet of the six-foot fence on both sides so they match. Mr. Sutera asked if the arborvitaes were on the same side of the property where they are requesting the fence. Mr. Weis stated that they were. Mr. Corbalan asked that aside from the six-foot fence, his client asks that when construction happens that the property be staked with a silk fence to protect his client's plantings and in the event there are any damages to his client's plantings that they be replaced with equal size and species. Mr. Weis stated that they have no objection to that.

Mr. Mandelbaum made a motion to approve, seconded by Ms. Bauer. On Roll Call: Mayor Romeo voted yes and noted that a lot of the newer Board members probably haven't seen a 50-foot lot. But 10 years ago, there was a rash of these because all of the houses on 3rd, 4th, 5th and 6th street were falling down and Mr. DeCarlo and some of the other builders were rebuilding them all and we decided on a side yard of 10 feet each so you could have a 30-foot house. Anything less than a 30-foot-wide house is not very livable. So, what we decided to do is make it 10 feet. Considering what is there now, he thinks it will fit in there and it will be good for the town. Councilman Kaplan, Mr. Ulshoefer, Ms. Bauer, Mr. Malone, Mr. Mandelbaum, Mr. Rummel, Mr. Sutera, and Ms. Furio all voted yes. Motion approved.

New Business

None.

Other Business

None.

Mr. Ulshoefer opened the meeting to the public. No public was present. Mr. Ulshoefer closed the meeting to the public.

Motion was made by Mr. Rummel to adjourn the meeting at 8:21 PM, seconded by Ms. Bauer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for July 13, July 27, August 10, and August 24, 2021, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary