

MINUTES

CRESSKILL PLANNING BOARD

JANUARY 24, 2017

Mr. Morgan opened the meeting at 7:37 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. Ulshoefer and Mr. Mandelbaum. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Morgan turned the meeting over to Mayor Romeo to appoint the Vice Chairman. Mr. Mandelbaum nominated Mr. Ulshoefer. Mr. Calder seconded the motion. All present were in favor. Mayor Romeo appointed Mr. Ulshoefer Vice Chairman. The meeting was turned back over to Mr. Morgan.

Ms. Bauer made a motion to approve the minutes of the January 10, 2017, meeting. The motion was seconded by Mr. Mandelbaum. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated January 13, 2017, sending Mr. Dong Soon Park to this Board for approval. He and 2 Piermont LLC (Jin Ouk Lee) would like to use 2 Piermont Road for an office and warehouse for electronic parts.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated January 11, 2017, sending a representative of Meg Britton to this Board for approval. They would like to use 5 Legion Drive for a photography studio, Meg Britton Photography LLC.

Mr. John Campoli was present for 5 Legion Drive. He is the owner of 5 Legion Drive. Mr. Britton and his wife Meg are interested in renting the space where Cablevision used to be. He went to see Mr. Rossi and no permits are required. The space just needs painting and installation of a new floor. He doesn't think there are any other issues that they have to address in the space. Mr. Britton was present and explained that his wife and he are 50/50 in the Meg Britton Photography LLC. She is currently in a smaller space in Tenafly. They are picking up a larger space to be able to do photography as well as some video production. His wife, in addition to taking pictures, also teaches on the topic. Whether she is doing live broadcasts on-line, recorded broadcasts of her teaching lessons, they would take place in this space as well. The hours would be 9:00-5:00. Generally speaking, the studio could go days with no one in it. And there could be one day where they would be doing a live production and maybe there would be a dozen or so folks that could come in, run the production and then leave. It is much less traffic than what they currently had. They do children's portraiture.

Mr. Schuster asked about the videos. Mr. Britton noted that the video is the education side of the business. The videos are either live or recorded lessons and workshops on how to take pictures, editing, working on computers and that sort of content. They will be putting it together and today you don't need much to broadcast on-line.

Mr. Schuster asked about the parking. Mr. Campoli didn't have the exact count off-hand, but noted that there is at

least 35 in the front. Mr. Britton stated that they would not even use 20 spaces. They have done some of these productions in their home and there are maybe 12-15 people max. They have just under 1,800 square feet. The building is one story.

Mr. Calder made a motion to approve, seconded by Ms. Bauer. All present were in favor. Motion approved. Letter of approval sent to Meg Britton Photography LLC, with copies to Ms. Barbara Nasuto, the Building Department, the Fire Department, the Police Department and the Health Department.

Mr. Martin Santini was present for 2 Piermont LLC, the applicants interested in using 2 Piermont Road for an office and warehouse for electronic parts. This is the Hamrah's property. They were here a few weeks ago with proposed plans to use the first floor as a partial deli. Mr. Schuster asked if they were here for a hearing or for an informal. Mr. Santini explained that they were here because they got a letter from Mr. Rossi to the Planning Board suggesting that they come in for an informal to review what was being proposed. Mr. Schuster thought that they already did that. He asked if they were contract purchasers of the property. Mr. Santini stated that they were. They are closing next week. Mr. Schuster explained that this is an informal and that the Board is not bound by it. All suggestions can be changed. This is just a discussion of an informal nature.

Mr. Santini noted that what they intend to do is that there are two sides to this building. There is one side that is totally separate and that side on the ground floor will be used as the retail facility and the shorter piece will be used by the owner as his own offices. There is also a second-floor section of this building that will be used by the owner for his personal offices. The owner is in the small part electronics business and they are requesting that this Board at least hear or entertain the application that will be put forth. He believes that it has already been submitted to Mr. Rossi. Application #1495 has been submitted. What they are here for tonight is to have the Board just look at the clarifications. They did a plan for the proposed deli. They don't have a tenant yet for the proposed deli, but they are looking to put something of that kind of retail use on the longer part of the existing interior space. The shorter part of the interior space on the ground floor will be used as the owner's personal offices, and the second floor will be used as the owner's personal offices.

The site currently contains 28 parking spaces. They have a plan to adjust it to include two additional parking spaces so they will have 30 parking spaces and the computations that they have for the uses that are proposing, there will be a requirement of 29 spaces so they will be one parking space more than what will be required in the zoning ordinance. Ms. Bauer asked them what made them turn the space into a deli. Mr. Santini noted that the owners are requesting that that be considered as a retail space so that in the future they can rent it out to some kind of a food service or a deli operation that they feel would be a use that would be compatible with their other use. Ms. Bauer asked if another somebody came in with another retail use, would they be in agreement or are they particular to a deli. Mr. Santini said that it is open. What they are asking is that the Board take a look at the proposal. They are only making it as a suggestion. There is no use that has been signed up by the applicant. What they would like to do is at least entertain the floor plan to illustrate that that deli would require nine parking spaces and the offices would require the 21 parking spaces.

Mr. Calder thought that we heard at the last meeting that the thought was that it would not be for sit down but for pick up and leave. Mr. Santini stated that the intent is for you to go in there and get a coffee, bagel or donut or a sandwich or whatever they are going to afford to the buying public and pick it up and leave. There are no intentions at this particular point in time to have seating. Mayor Romeo noted that they are putting a deli in to cover their bets for retail, but it is already retail. Mr. Santini stated that it is already an approved use. Mayor Romeo noted that the part that he is not getting is the space that is open to the second floor. Is he putting a floor in there or will it remain open to the second floor. Mr. Santini noted that they probably will put a ceiling in the deli, but they are not closing off anything else. They are not doing anything interior to close it off. The offices are already on the second floor. They will just partition it off.

Mayor Romeo asked what the business was. Mr. Santini stated that his business is small electronic components. They are going to have offices on the first floor and some storage potentially on the first floor of small electronic parts. It is wholesale. The same owner is going to be using the entire second floor for offices around the perimeter of the building with windows on the exterior and a bullpen kind of open-office plan in the center of it. Basically it is existing. They are adding new bathrooms. They are adding a second means of egress. Councilwoman Tsigounis noted that they are going to be using it for their own and they will be renting a portion of

it for retail.

Mr. Calder asked if there was any plan to change the footprint. Mr. Santini noted that there is not. The only thing that they might want to change is add a couple windows in the exterior wall which is not a big deal. Mayor Romeo asked how many parking spaces there were. Mr. Santini noted that there are 28 existing and they are adding two more, which will make a total of 30, and the calculations as per the Zoning Ordinance, he only requires 29 spaces, so they are one over. They will have a rear entrance. They can also come in off of Piermont. They will have about 15 total employees in the offices. They don't know how many in the retail space.

Mayor Romeo stated that what the Board was concerned about was that they were going to finish off the second story, which he did not know was load bearing. That is going to all stay the same. The deli will be on one side, so the only two tenants are the retail deli and the owner. Mr. Santini stated that the owner was going to occupy the majority of the building. Mr. Roy is the owner and he lives in Cresskill. Mr. Santini noted that they are putting in a second stair and there is a cost involved in that to make the building meet the requirements of fire egress and all that kind of stuff. They are trying to pay attention to the requirements of life safety issues.

Ms. Bauer stated that if it is a food kind of tenant, they will have to have a health inspection. Mr. Calder asked if the electronic components require any special handling, any special storage. Mr. Roy noted that they do not. They are CPUs for computers. They are import/export, not manufacturing.

Mayor Romeo stated that as long as we approve the use, this is just a re-occupancy. It is a permitted use in the zone. The use is already permitted in the zone, they are just reoccupying it. Mr. Calder made a motion to approve, seconded by Ms. Bauer. All present were in favor. Motion approved. Letter sent to 2 Piermont LLC stating the Board's approval with copies to Ms. Barbara Nasuto, the Building Department, the Fire Department, the Police Department and the Health Department.

Subdivision Committee

Councilwoman Tsigounis reported that we received a new site plan Application #1495 for 2 Piermont Road, 2 Piermont LLC, which was received on January 20, 2017. This was just discussed during correspondence and approved as a re-occupancy.

Report from the Borough Engineer's Office

Mr. Azzolina reported that Application #1493, which is the Carbonell residence at 62 Jackson Drive, with plans prepared by Hubschman Engineering, has a number of deficiencies as outlined in his memorandum dated January 24, 2017. They are mostly of a minor technical nature, so once the revised plans are prepared, he doesn't believe any variances will be required, just strictly technical information. The house was knocked down a couple of years ago. It is a vacant property at this point in time.

The other report Mr. Azzolina prepared is for the Public Hearing scheduled for tonight for Application #1485M, 67 Phelps Avenue, Mary LaBelle.

Old Business

None.

Public Hearing – Application #1485M, 67 Phelps Avenue

Public Hearing for 67 Phelps Avenue, Application #1485M, Mary LaBelle. Mr. Thomas Barrett was present for the applicant. As was discussed at the work session in December, this is an application to divide an oversized lot into two lots, which will require a lot width variances. They are proposing lot widths of 84.5 feet where as 100 feet is required. In addition, with the proposed dwellings, they are seeking variance relief from the requirement that the total side yards be 35 feet. They are proposing on the one lot 30 feet and on the other lot 31.9 feet. The applicant is prepared tonight to have testimony from the engineer, from the project architect and from the planner.

Mr. Schuster stated that they are looking for subdivision approval of variances and site plan approval. Mr. Barrett stated that that is correct. They did have the opportunity to review Mr. Azzolina's report of January 24, 2017, and a recommendation that was contained therein to change the elevation at the front of the dwelling on 41.02A and a construction of small retaining wall. He has had the opportunity to discuss this with the professionals and they are in agreement that that can be done, thereby eliminating the height variance for that particular house. They are still left with the lot width and the combined side yards. They will be able to eliminate the height variance. In addition, they are seeking the waiver from the requirement that there be sidewalks. There will be testimony from the engineer who has been throughout the neighborhood as to the general lack of sidewalks in the neighborhood. And, first time brought to their attention, they will also need a waiver from the requirement that the driveway be 10 feet from the property line, since the proposal is to have it five feet from the property line, so they will seek a waiver on that.

At this time, Mr. Barrett called the Project Engineer, Mr. Sean McClellan, 84 Gettysburg Way, Lincoln Park, NJ, and he was sworn in by Mr. Schuster. Mr. McClellan was here as an engineer. He has appeared before this Board before and other boards in Bergen County. His license number is 45194 and his license is presently in good standing in the State of New Jersey. He was accepted as an expert in engineering.

Mr. Barrett asked Mr. McClellan if he had the opportunity to survey the neighborhood and examine the tax map. Mr. McClellan stated that he did. He stated that in the R-10 Zone 100 feet is required for the lot width. They are proposing to have 84.25. He wanted to see what the other properties in the neighborhood had to make sure they weren't asking for too much. The expanded key map of the 200-foot radius of the property was marked as Exhibit A1. Copies were distributed to the Board members. There are 18 properties within 200 feet of the subject property. Of those, nine are less than the 100 feet for lot frontage. Of those, six have less than what they are proposing for this application.

Mr. Barrett noted, with respect to this application, that there are some steep slopes located on the site. Mr. McClellan stated that they are shown on the major subdivision plan, which was marked as Exhibit A2. The areas that are between 15 and 25% are crosshatched in blue and 25% and over are crosshatched in black. Mr. Barrett asked what steps were taken in designing the improvements of the houses being constructed in order to better deal with the issue of the steep slopes to insure that any disturbance that occurs would not have any adverse consequences. Mr. McClellan noted that on Lot 41.02, what they did is the existing house is currently 12.3 feet off the property line, which is an existing non-conformity, and they will be removing this house and putting a proposed house that is going to be 16.9 feet off the property line instead of 12.3. On this entire property, that is the biggest side yard setback that they are proposing. Part of the reason is in the lower right hand corner, you have a very large area of slope in excess of 25%, so that is the reasoning that the proposed house would be as far off the property line as they could at 16.9 feet, which is going to eliminate the existing non-conformance of the existing house of 12.3 feet. Also, they tried to get the houses as close to the street as possible at 25 feet, because in the rear of the property they do have steep slopes.

Mr. Barrett noted that, with respect to the neighborhood, there is a proposal that no sidewalks be installed. Mr. McClellan noted that throughout the neighborhood and this street and streets around it, there are no sidewalks. On the property just adjacent to this property to the right, their driveway comes out to the curb as pavers and also has a walk that comes out the curb as pavers and he does have concrete connecting those two, the walk and the driveway. It is not a full size walk and it is kind of between his wall, which he believes is in the right-of-way and his curb. Other than that, there are no sidewalks. If he puts sidewalks in front of these properties, there would be nothing connecting.

Mr. Barrett asked what other steps have been taken on the proposal for potential runoff or any consequence like that. Mr. McClellan noted that both proposed houses are going to have a 1,000-gallon seepage pits to contain all the stormwater that comes off the roof. The existing house, as it sits today, does not have roof leaders, it just drains to the ground. It is not stored in any type of pits. They make an improvement by containing all stormwater runoff that comes off both houses.

Mr. Uri Rapaport, 15 Franklin Street, Tenafly, NJ, was sworn in by Mr. Schuster. Mr. Rapaport is the project architect and has appeared before this Board many times. His license number is 12108. His architecture license is presently in good standing in the State of New Jersey. He was deemed an expert in architecture. Mr. Barrett asked Mr. Rapaport to describe how he arrived at the designs on the subdivision plan, marked as Exhibit A3, the proposed dwellings as well as the existing dwelling.

Mr. Rapaport stated that when he studied the design on this project, he made sure that they comply with the FAR, meaning that they don't build any house that is too big for the property. The two houses comply with the FAR. In this case, they are even a little bit smaller because the FAR is based on the first 125 feet of the property and these properties are larger so they have houses that are not too large by any means. Secondly, the location of the houses. Because of the slopes, he had to place the houses at the optimum location in order to meet all the setbacks and get the best, more or less, level property and not to disturb the slope as much as they could. That is how they chose the location and the shape of the houses.

In 84 feet width, it is difficult to comply the combined setback, which is 35 feet, it would make the house much narrower and deeper and disturb the slope. So, they meet the minimum, which is 15 feet side setback. He hopes the Board understands that. They meet the minimum and by that they don't disturb the slope that much. Other than that, if you look at the actual design, the look of the houses, he went with the topography so the houses are not a big box, but they are more stepped up with the roofs and they complement the topography and are not fighting the topography. This is in general what guided him. Mr. Barrett stated that they eliminated the height variance because of the suggestion from Mr. Azzolina.

Mr. Rapaport marked as Exhibit A4 and Exhibit A5 the drawings of the houses. Exhibit A4 is lot 41.02, Exhibit A5 is 41.02A and Exhibit A6 depicts both houses as they will appear next to each other. The driveway on Lot 41.02, the eastern lot, is on the western side. The driveway on 41.02A has the driveway on the side. He was looking for the least pitch for the driveways.

Ms. Brigitte Bogart, 648 Godwin Avenue, Midland Park, NJ, was sworn in by Mr. Schuster. She has never appeared before the Cresskill Planning Board, but has appeared before about three-quarters of the Planning Boards in Bergen County. Her license number is 5679. Her license is presently in good standing. She is accepted as an expert Planner before the Board for tonight's purposes.

Mr. Barrett asked Ms. Bogart if she had the opportunity to review the plans and noted that the application is seeking to divide the property to result in lots that are deficient and be 84.25 feet rather than the 100 feet that is required. Also, she has heard the testimony as to the combined side yards and that, in an attempt to disturb as little as possible, it led to the inability to meet that standard. He asked Ms. Bogart to tell the Board about this from a planning perspective.

Ms. Bogart noted that from a planning perspective, this is a very simple application because we have very unique characteristics to the site. One, it is an oversized lot, 22,000 square feet, where 10,000 is required. There is 168 feet of frontage, which is very unique along Phelps Avenue. She did a study of the frontage and lot area along Phelps Avenue and she distributed it as Exhibit A7. This is the surrounding development pattern analysis. Not only is this pictures, but it is a map.

Ms. Bogart stated that, as a planner, what she tries to do is familiarize herself with the site and surrounding area and neighborhood and the engineer gave a background as to lot area and lot width in the area within 200 feet. What the exhibit shows are pictures of the site and pictures of the dwellings to the east and to the west and also the tax maps from the DEP of Phelps Avenue. There are 35 sites with frontage on Phelps Avenue between Knickerbocker and Jefferson. From a planning perspective, when she went to go visit the site, she thinks those

are areas of influence. When you drive down Phelps Avenue you are looking at the sites to the north and south of the street. Of those 35 sites, 27 of them actually have frontage on Phelps Avenue. A majority of them are the side yards and backyards. Of those 27 sites, an average of the front widths is 92 feet. They are proposing 84. They are very similar to what is in the surrounding area streetscape on Phelps Avenue. From that perspective, they are keeping with the neighborhood development pattern. Also, generally speaking, if you look at the photographs, there are a variety of different housing types. You have ranches, you have new houses, you have bi-levels, you have contemporary houses, you have houses with larger retaining walls, deep driveways, and what the proposal is is to actually minimize the steep driveways, reduce the amount of retaining walls and create a housing size that is appropriate for the neighborhood. From all those perspectives, she thinks, not only do they have a unique site with the steep slopes and what not, but they also have a site and proposal that will fit into the surrounding development pattern.

As you heard from the engineer and the architect, they are proposing to subdivide the site into two lots. They do have an oversized site, but as mentioned in the Master Plan, their site is zoned for R-10 and the majority of the residential lots are zoned R-10. What is unique about that is that you have 3/4ths of the community residential zoned R-10. They have a site with substantial steep slopes and the Master Plan says there is about four spots in the municipality that have steep slopes. It is very difficult to have a general zoning regulation to accommodate 3/4ths of the municipality in the residential zones and that will apply to the steep slopes and unique nature of their site itself. The regulations for the R-10 almost actually create a slight difficulty for them to develop the site itself. The Master Plan identifies that.

With regard to lot width, as she mentioned and as identified on the exhibit, they are in keeping with the neighborhood building pattern. The building height variance is going to be alleviated by building a retaining wall. What they are trying to do is create a development and housing design that is unique to the site and that accommodates slopes and that reduces the disturbance as recommended by the engineer and she thinks they accommodated that, however, it requires minor C variances. From that perspective, she thinks they are all better zoning alternatives than what complying with the zoning ordinances would result in.

Ms. Bogart stated that with regards to the existing side yard, the existing house is 12.3 feet from the side property line. They are actually moving that to 16.9 feet, which removes the existing non-conformity. What they are requesting is a combined side yard variance for both houses. If the side were developed with one large house, you wouldn't have that interior side yard setback which actually creates open space between the houses. You would just have one large lot. They are almost compliant with both houses. They are about five feet off and on the new house, the garage is the only thing that basically intrudes upon that setback. The entire house complies with the combined side yard, the garage area is the only thing that actually requires the variance in the new house. From those perspectives, she thinks they are actually improving the situation because they are improving the non-conformity and they are reducing it and they are creating a side yard setback between the houses that wouldn't exist if the lot were developed with one house.

Ms. Bogart explained that they are intruding on the steep slopes, but what they tried to do is create a house that was pushed further to Phelps Avenue, further to the right-of-way, to not intrude upon the steep slopes. What is important to know is if you look at the Master Plan, it talks specifically about your steep slope ordinance and it says that, specifically in Section 3.2.2, the development of relatively steep slopes 15% or greater can cause many environmental hazards. For example, A) the loss of vegetation cover reduces beneficial effects of foliage mass to both humans and wildlife. It reduces the quality of oxygen producing photosynthesis potential and removes viable nesting and breeding habitats. It removes food sources and greatly diminishes the temperature moderating effects of foliage. B) Removal of the root system that creates fibrous roots to stabilize the soil particularly causes erosion. This in turn can cause subsequent degradation of the water quality of downstream waterways. Removal of water absorbing vegetation causes increase surface stormwater drainage and has adverse effects on the virtue of loss of natural vegetation. All the goals in the Master Plan pertain to maintaining the trees. The goal here in the plan was to ensure that they maintain the vegetation on the site. She thinks that despite the fact that they are intruding on the steep slopes, they are meeting all the goals of the Master Plan by maintaining the foliage as best as they can. They are actually pushing the buildings forward, creating some other variances but they are maintaining the goals of the Master Plan. From those perspectives, she thinks there are benefits of what they are proposing in regards to the steep slope disturbance.

Mr. Schuster asked about the pictures in Exhibit A7. The top row has pictures of the subject property. The second row are pictures of houses as you drive down the street from Knickerbocker to Jefferson.

Mr. Morgan opened the meeting to the public. Mr. Michael Ventolo, 68 Phelps Avenue, Cresskill, wished to be heard and was sworn in by Mr. Schuster. He lives right across the street. Mr. Ventolo noted that when you are speaking about the slope and they are saying that you are better to have two house instead of one because you have to push it back. He spoke to a builder that just erected a house on the corner and he said it wouldn't be cost effective to push it back, so it is not really an environmental issue, it is cost effective. He did speak with the builder and some of the problems he had were with the driveway and they seem to have been met because originally the driveway was going to be facing his walkway and his bedroom window. But as he sees now, they put the driveway on a curve and they put it back. His question is, he moved here from Hudson County 25 years ago. He has the corner lot. There were some dogs that were constantly being walked on his lawn so he put up a little fence about two feet high and every day he came out and it was destroyed. Finally, one day he saw who did it and he said, "this is Cresskill and we don't like fences." He is kind of in that mode now. Two houses is an eyesore to wedge into that small place, there is no question. It is two big houses in a space like this. Second of all, he is an ex-principal. There is a serious problem here with overcrowded classrooms. They are trying to rectify the problem. He wants it explained how putting an extra house is going to rectify the problem, not to mention instead of an average of two cars across the street from him, with two driveways there will be at least four or maybe more. That is his issue with this. He came here 25 years ago. His graduating class in North Bergen was 700 students. When he came here he understood there were 200 students from 6-12 in the high school. You have a problem now with class size and overcrowding. How can this benefit Cresskill. For him, this is a matter of profit. Profit for the seller and profit on the builder. Can you explain to him how it will benefit Cresskill in any way.

Mr. Nick Malki, 57 Phelps Avenue, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Malki stated that they are asking for a variance to make the distance between him and the proposed house 25 feet instead of 30. He doesn't like that. It is too tight. He wants his space. If he wants to have extra space, he has to go on their side, not on his side. Mr. Barrett explained that they are actually increasing the distance from 12.3 to 16.9 feet. The variance occurs because the other side is also 15 feet and the ordinance requires a total side yard of 35 feet. There will be an increase over what is there today. The side yard ordinance was explained to Mr. Malki.

Mr. Ventolo noted that there is one large pine tree to the right of the driveway. As he mentioned, they had a storm some years ago and six pine trees came down on his property and two on his house. Yesterday he was convinced that the large pine tree to the right of the driveway going east was ready to come down. The builder had asked him if he could get in touch with the town officials and see if he could have permission to take the tree down. He did call the town and spoke with the head of the public works and he said there is no ordinance that if the builder decides that he wants to take down the tree he can. For the record, he would just like to confirm that that tree will be taken down. Mayor Romeo asked if the tree was in any of the pictures. The tree is on the subject property.

Mr. Morgan closed the meeting to the public.

Mr. Ulshoefer asked the planner about the slopes. He can see the difference of 106 to 98 as you go down the hill. He is also concerned with the fact that they are taking 43 trees down and she was talking about the birds and the habitat and everything else, and at the same time you are taking 43 trees down, including 11 that are included on Phelps Avenue that are town trees. Mr. McClellan noted that they are taking 19 trees down. Six of them are on the steep slope area. Mr. Ulshoefer noted that according to Mr. Azzolina's memorandum, there is approximately 43 trees coming down. There is also a tree in the back that is not in the building envelope. Mr. Ulshoefer explained that they are taking down a lot of trees and sometimes if you adjusted the house a little bit, you wouldn't have to take down so many trees. Mr. McClellan noted that it is his opinion, and he doesn't have much landscape knowledge, that pines tend to choke the other trees. Mr. Ulshoefer noted that he has a 100-foot pine in his front yard and it has never moved. Will he replace the trees that he is removing, especially the town trees. Mr. McClellan noted that they are replacing the trees with shade trees, whatever the ordinance specifies.

Ms. Bogart shares Mr. Ulshoefer's concern completely and that was her first question when she met with the engineer, why was the house where it is. What happens if you move it around, move it to the back? That is why

she provided the testimony she did. Once you start to move the dwelling to the back, you start to eliminate some of the larger trees. Yes they are reducing the number trees on site, however, they are keeping and trying to maintain as many of the larger trees as possible and that's why the architect provided the footprint he did. It is not a box. It is not a typical big box you see of most developers. It is a design that accommodates a footprint and steep slopes and trees on site. Yes, they are removing some trees, but they are trying to maintain as many as possible and she gives credit to the engineer and architect because they were very sensitive to the existing site conditions.

Mr. Ulshoefer asked if it was possible that the builder can replace some of these trees on the sides or somewhere on the property after he takes down all of these trees. Mr. Barrett stated absolutely.

Mr. Calder stated that he heard many mentions of the steep slope, but he looked at lot 41.02 going from west to east and it looks like 98 feet on the left and 98 feet on the right. When he looks at 41.02A, the elevation goes from 106 to maybe 102. Where is the steepness. Mr. McClellan pointed out all the steep slopes on the plan. That is why they kept the driveway and the house to the left. Mr. Calder stated that it sounded like the inability to meet the combined side yard setbacks had to do with the steepness of the slope, but there is virtually no slope through where the house is. Mr. McClellan explained that they tried to keep the houses where there was no slope. Mr. Calder asked if they could make it smaller and not require variances. He has heard a lot about lot sizes in the neighborhood but hasn't heard anything about the typical size of the home in the neighborhood. These are 3,200 square foot houses. Are they typical of homes in the neighborhood on these typically undersized lots. Ms. Bogart stated that she personally did not do any research on the building sizes, but she felt, looking at the building plans and the elevations and comparing them to what she saw on the street, they were very comparable as far as what you see from the street frontage what their elevations are going to be. If you look at the exhibit and compare it to the elevations on the board, she thinks they are very similar.

Mr. Rapaport explained that they went by the zoning limitations. They complied with the zoning. According to the zoning, the size of the house fits the property. Mr. Calder stated that he would agree with that, however, they are asking for variances. Mr. Rapaport stated that that is where they start from. Then they see how they can put the best solution and many times they come here when they have a narrow lot and they have to ask for relief for the combined side yards. Ms. Bogart agrees 100% with Mr. Calder's concern and she thought about that as well and thought about why not reduce the dwelling size. The reality is, when you are looking at a dwelling, you want two rooms and a center corridor. That is what a typical modern dwelling is. In order to accomplish that, you need a certain amount of width and that is basically what they provided here. If you reduce the width beyond what they have proposed, you are turning the dwelling sideways and you are ignoring the streetscape and she thinks it is a big no-no from a planning perspective. What you are going to have to do is turn the dwelling lengthwise and create facing garages on the street and widen the dwelling along the depth of the lot. Mr. Calder asked if that argument was assuming you don't adjust the square footage. Ms. Bogart noted that it is not about the square footage. If you look at the floor plans, it is not all about the big box. You don't have rooms stacked above one another. What you have are set backs, you have smaller rooms above larger rooms, you have nice architecture that is stepped up into the slope. So, it is not about reducing square footage, it is about the width of the rooms themselves. She believes it is much nicer to come out the front door coming out to the streetscape than having the side door.

Mayor Romeo asked Mr. Malki if he was satisfied with the answer he got. Mr. Malki stated that he was. Mayor Romeo addressed Mr. and Mrs. Ventolo's concerns. He agrees with them about the pine tree across the street because he was in the police car when the six pine trees from their property went across fell over and the street was closed for days and days. That pine tree that is sitting across the street from them on the borough property he will make sure gets taken down. Secondly, he is not in favor of cutting all these trees down. He is not an environmentalist like Mr. Ulshoefer is, but he does acquiesce to his concerns because there are a tremendous amount of trees being cut down, so if this is approved and they are cutting down some of these trees, they will replace them somewhere on the property. The applicants agreed. He doesn't think they go in there just to cut down trees just to cut them down. It is a beautiful wooded lot. He thinks the only thing wrong with it is that it is a little narrow, but the square footage is bigger than most of the lots on the street. Mayor Romeo asked Mr. Ventolo if he lived half in Cresskill and half in Tenafly or all in Cresskill. Mr. Ventolo noted that he lived all in Cresskill.

Mayor Romeo wanted to talk to him about the school overcrowding. He asked Mr. Ventolo what he thought the average size class should be. Mr. Ventolo thought it would be great if it would be 20 and certainly not over 25. Mayor Romeo stated that they are looking at anywhere between 22-25 now. He thinks with the referendum, whether it goes through or not, or whether the town ends up building the property themselves and putting the eight classrooms in, he thinks that will quell a lot of the overcrowding. As the first graduating class from this high school, they were at 153. His daughter graduated with 83. As he knows, it is cyclical. It will go down again. He doesn't think this house here is going to really impede on the population of the school having one extra house. They thought Willow Run was going to do that and it ended up yielding seven children and none of them are school age yet and seven children over 1,200 population in three schools he doesn't think is going to make a difference, but he understands where he is coming from, since that was his career.

Mayor Romeo stated that he is sorry they are taking down that chalet. It is a beautiful little house. His main concern was that it fits in the neighborhood and he thinks these houses do. It doesn't impact on the Ventolos to the point where it is going to make them uncomfortable. They moved the driveway so they wouldn't have to back out across from it. They are decent builders and they do the right thing for the neighborhood which he commends them for. He doesn't know if that is enough to not vote for this thing but he understands their concerns. He just wants to make sure they are not going to be up nights worrying about this. If there is something really bothering them, he would like to know what it is. If it is what he said, he thinks they can overcome that with the trees, the moving of the driveway and stuff like that. The overcrowding of the schools will be solved and it will go down again three or four years from now.

Mr. Ventolo wanted to know if this is a precedent. Are there many more of these. Mayor Romeo explained that we have been living with this for the past five or six years. There were so many 50 foot lots. They are all gone. There were three more of these. One was here two months ago, one was here tonight and there is one more and he doesn't know if that will ever go through or not. We are done with subdivisions of lots in town because there are no other properties that will even come close to something like this. This is actually so far back that if you drove by you wouldn't even know it is there. We are basically done with subdividing properties because we don't have any more left. We try to hold the line on side yards and size of houses, and he thinks we guarded that. Most people have enough side yards. He thinks we are trying to do the right thing here. His main concern is that they are not going to be really unhappy. Mr. Ventolo stated that his thought was would he prefer to have two smaller houses or one large house. In his opinion, he would rather have two smaller houses than one large house. Mayor Romeo stated that these two house would fit in. Mr. Ventolo noted that his only thought was he couldn't think of one positive thing that it would do for the community, but he can only believe that it is only profit, profit on the builder and profit on the seller. That was his thought. If the members of the Board lived in his house, would you allow that to be built, two houses that you would have to look at every day.

Mayor Romeo noted that he doesn't have to look at it but he doesn't think it would be that much of a detriment because of the fact that they are willing to work with them. He is glad that they switched the driveway so they are not backing out with the lights into his bedroom. He will get that tree cut down and try to get them to cut less trees on the property. Mr. Ventolo also asked that when the building starts, if it does, that the people that come to service it, aren't parked in front of his street. When they come in with dumpsters, that they don't put the dumpster right in the middle of the street by his house blocking his driveway. He saw when they put the new house up next to Mr. Malki, they would put the dumpster there and it would sit there for two days in the street, and the people that were working on the house would park their trucks and their cars and would take up half the street. He doesn't want to have to deal with that for a year. Mayor Romeo noted that he is familiar with the builder and he can assure him that that will not be the case. If he has a problem, he should call the Borough Hall and they will handle it.

Councilwoman Tsigounis made a motion to approve the plan as presented. She thinks they did a very good job in keeping especially with the landscape. It is not a cookie cutter type of project. She does try to think of beautifying the community and she hopes that this project will add value to the neighbor's home. The motion was seconded by Mr. Morgan. Mr. Azzolina wanted to clarify that the number of trees to be removed is 19 on the property itself and 11 within the right-of-way, which includes the tree that Mr. Ventolo was speaking about. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Ulshoefer, and Mr. Mandelbaum all 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. Calder to adjourn the meeting at 9:07 PM, seconded by Mr. Ulshoefer. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for February 14, February 28, March 14, and March 28, 2017, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary