

MINUTES

CRESSKILL PLANNING BOARD

MAY 9, 2017

Mr. Morgan opened the meeting at 7:32 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. Moss and Mr. Ulshoefer. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Ulshoefer made a motion to approve the minutes of the April 25, 2017, meeting. The motion was seconded by Mr. Moss. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, sending a representative for Matkal Realty to this Board for approval. They are proposing a sub-division at 72 7th Street. The proposed subdivision will not require any variances. Applications #1501M, 1502 and 1053 were received on April 27, 2017 and are currently under review. Mr. Sean McClellan was present for the Public Hearing scheduled for tonight and noted that he is the engineer on this project as well. Mr. Morgan asked him what they are proposing. Mr. McClellan stated that it is two lots, one is 150 feet and one is 50 feet. They are wishing to subdivide it into two 100 foot lots so they conform, and are proposing two houses. The existing house is coming down. There will be no variances.

Application for Soil Erosion and Sediment Control Plan Certification for 112 Westervelt Place, M3M Builders, Application #1498. File.

Application for Soil Erosion and Sediment Control Plan Certification for 51 Roosevelt Street, Perrine Assoc., Martin Lucibello, Application #1504. File.

Copy of a memo from Ms. Barbara Nasuto to Mr. Edward Rossi, Construction Official, and Ms. Cheryl Furio, Zoning Board Chairperson, regarding New Construction-FAR Variances. Ms. Nasuto states in the memo that at the Zoning Board meeting this month, two applications for new construction of homes were memorialized: 256 East Madison Avenue and 94 Park Avenue. Several variances were granted by the Zoning Board including an FAR variance. Since it is new construction, both applicants must still appear before the Planning Board to show what is being constructed and reviewed by the Engineer. No permits should be given until approval is received from the Planning Board.

Subdivision Committee

Councilwoman Tsigounis noted that new applications were received. Application #1501M, 72 7th Street, Matkal Realty LLC was received on April 27, 2017 and is currently under reviewed. Also received with

that is Application #1502, 72 7th Street, Lot 1096, and Application #1503, 72 7th Street, Lot 1102. All three applications are under review.

Another new application that was received is Application #1504, 51 Roosevelt Street, Perrine Assoc, Martin Lucibello, received on May 2, 2017, and is currently under review.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he spoke to the attorney of both applications and told them that he just received the plans and he wouldn't have a completeness determination for tonight's meeting. He will have it for the next meeting. He didn't look at Application #1504, but assumedly it will require some variances, but he doesn't have anything yet.

Mr. Azzolina stated that on Application #1500, 169 5th Street, Frank DeCarlo, the site plan was reviewed for completeness and it is substantially complete and they require a bulk variance for aggregate side yard. He would recommend that the Board consider scheduling this for a Public Hearing on the next open date. Mr. Calder made a motion to schedule the Public Hearing for May 23, 2017, seconded by Mr. Durakis. All present were in favor. Motion approved. Mr. DeCarlo will be notified tomorrow of the hearing date.

Mr. Azzolina reported that he prepared a report for the Public Hearing and it was distributed at the meeting two weeks ago. He had nothing to add to it.

Old Business

None.

Public Hearing – Application #1499, 5 Crest Drive North

Mr. Schuster noted that this hearing is continued from the last meeting. All the notices were in order. It was determined that we were going to continue this matter without further notice. Mr. Thomas J. Barrett was present for the applicant and stated that at the last meeting we required the applicant to retain counsel and that is him. Mr. Barrett stated that he believes the Board is familiar with the application. They are going to remove the existing dwelling and to erect a new dwelling. It is an undersized lot, as are all of the lots in that particular neighborhood. The variances sought are really due to the pre-existing conditions. Mr. Schuster asked what the actual applicant name was. Mr. Garrett noted that it is Crest Drive North LLC.

Mr. Barrett wanted to have the engineer go over the details of the application for the Board's consideration. Mr. Sean McClellan, 84 Gettysburg Way, Lincoln Park, NJ, was sworn in by Mr. Schuster. He is a licensed engineer in the State of New Jersey. He has appeared before this Board many times before. His license is presently in good standing. He was accepted as an expert in the area of engineering.

Mr. McClellan stated that the existing lot as it sits is non-conforming in both width and area. The width is 60 feet where 100 feet is required. The area is 6,221 square feet where 10,000 square feet is required. The house as it currently sits today, is non-conforming in several ways. One side yard is 13.7 feet where 15 feet is required and one side is 13.9 feet and the combined setback is 27.6 where 35 feet is required. Also non-conforming about the existing house is the impervious coverage, which is at 37% currently

where 33.9% is allowed. There is also a detached garage in the back left corner that is 4.1 feet from both the rear and side yard where 5 feet is required. What they are proposing to do is demolish the existing house and put up a two-story dwelling. The side yard setbacks are going to remain the same. They are going to hold the 13.7 and 13.9 side yards and the 27.6 combined side yard. They are also proposing a small building coverage variance. They are at 1,316 square feet and are allowed 1,244 so they are asking for a 70-square foot variance for building coverage. Just as a little information, if you have a 10,000-square foot lot, their coverage would be 13.16% and if they would be conforming with what they are proposing, they would have a lot as small as 6,508 square feet.

Mr. McClellan noted that they are proposing a front-loading garage, garage under. The architect will talk a little bit more about that. The current driveway as it exists now is only 2' off the property line, where they are proposing to bring their driveway into the property about 15 feet or so. Mayor Romeo asked if that was because it was a double driveway. Mr. McClellan stated that it has a small retaining wall but they kind of share a little bit in the right-of-way and then it splits off. That driveway is also steep at the beginning. It is at about 13%. They are proposing to move the driveway over and also only be about 5%.

Two other variances that they seek is (1) building height. They are asking for 1.2 feet. The way that is calculated is, you take the top of wall corner and then the right side corner and average them, they are conforming. But the fact is the retaining wall on the left side, you have to use the average bulk raise so that is where they fall a little bit short when it comes to the building height.

Mayor Romeo asked about the chimney. Mr. McClellan noted that he is going to the roof peak. Mr. Barrett noted that the architect will address all of that. Mr. McClellan noted that the other variance related to the height is the wall. They are asking for a 5 ½ foot wall in the front yard where a four foot is allowed. It is only a very small area where they exceed four feet. It is on the right side of the property where they have those first steps where they have the high spot of about 5 ½ feet and then on the left side just up against the house. The driveway comes straight into the house and the walls will be on both sides of the driveway.

Mr. McClellan noted that soil movement is relatively small, about 270 yards will be exported from the site. Mr. Moss asked what the point was of having a wall that is higher than required. Mr. McClellan stated the property from the street to the house is very steep so that is why they are going with a garage under driveway. When you do a garage under, the house has to sit about nine or ten feet higher than the garage first floor, so the grade there needs a wall to meet that grade. In order to get a wall less than 5 ½ feet, and also help with the building height, they could come with their driveway from the street and pitch down to the garage, which they could do, and he has done in many cases, but they prefer not to do that because then you have to put a trench drain in front of the garage, and you have to put a seepage pit and he is just not a big fan of water pitching towards the house. He tries to avoid that whenever possible. If something happens where the trench drain gets clogged or the seepage pit backs up, the water is going to go into the garage.

Mr. Ulshoefer had a question about the wall. The wall is approximately 5 ½ feet, basically on the driveway. He wanted to know if that was going to block the person's view when they are backing out, because, obviously if you are sitting in the car it is going to be a lot lower and you are going to be halfway into the street possibly before you can see if there is a car coming. Mr. McClellan noted that the wall is very shallow as you approach the street. As you get towards the property line, and you still have 10 feet to the road, the wall is only about one foot there.

Mr. McClellan stated that they have one seepage that is big enough to store the entire runoff of the house and one storm pit chamber to control the runoff for any water that goes into the window well.

Mr. Barrett asked Mr. McClellan if he had the opportunity to review Mr. Azzolina's letter. Mr. McClellan noted that he did. Mr. Barrett stated that there are four trees in the front yard that are being removed. Mr. McClellan noted that there is a 30" Oak that is right in the middle of the driveway. There are a couple other small trees, a 6" dogwood and a couple other small trees that he did not show on the plans that he believes are less than 6" that have the possibility of being removed.

Mr. Barrett stated that he described the retaining wall and asked if there was going to be any kind of safety measure. Mr. McClellan noted that there will have to be a fence wherever it exceeds 2 ½ feet on the wall. It will most likely be a fence because he doesn't know if landscaping is allowed as a buffer, but whatever is required, they will comply.

Mr. Barrett noted that there was question in the report about replacement trees. Mr. McClellan stated that he doesn't think there is any Borough Ordinance for that currently, but he will be happy to work with the Board or Building Department to replace the trees.

Mr. Barrett asked Mr. McClellan about the proposed building. Mr. McClellan noted that the proposed impervious coverage is going to be conforming. Allowed is 33.9% and they will be below that at 33.8%. The existing impervious coverage is 37%. They are actually going to make the impervious area from non-conforming to conforming. Mr. Barrett noted that there was also some suggested changes or revisions to the plan, such as indicating type, location, size and inverts of all underground utilities if the Board sees fit to approve the application. Mr. McClellan stated that that is all stuff that he can provide.

Mr. Barrett stated that they are also seeking a waiver from providing a survey of properties within 200 feet due to the fact that it is just a one lot application. Mr. Barrett asked Mr. McClellan if he had any drainage calcs. Mr. McClellan thought they were submitted, but he will re-submit them to the engineer. This house requires storage of 1,641 gallons and they are providing a 2,260 gallon seepage pit. Mr. Barrett noted that, similarly, there is a requirement that the sanitary sewer be TVed. Mr. McClellan stated that that is one of the first things they would do to make sure it is capable.

Mr. Barret called the architect Mr. Uri Rapaport. Mr. Rapaport, 15 Franklin Street, Tenafly, NJ, was sworn in by Mr. Schuster. Mr. Rapaport has appeared before the Board many times before. He is presently a licensed architect in the State of New Jersey. His license number is 12108 and is presently in good standing. He was accepted as an expert in the area of architecture.

Mr. Rapaport has a rendering of the house because there was a question about the walls and he has a 3-D model so it will be easier for everybody to understand what he is trying to do because it is a little bit different. He marked the rendering as Exhibit A1 and the 3-D model as exhibit as A2.

Mayor Romeo asked if the wall that is coming up is the chimney? Mr. Rapaport stated that it is a chimney. It goes up and then extends over the roof. The idea is that the house is very narrow and he wanted to give it a little more meat, more substance, and by doing that he thinks that the house is not as skinny. He is just bringing the chimney over the roof. Mr. Schuster asked what the square footage was of the chimney. Mr. Rapaport noted that the chimney is not in the square footage, only in the height, because the chimney is not part of the height calculation. Mr. Schuster stated that the normal chimney is 2 x 2 or something like that. Mr. Rapaport noted that usually it is 5 x 2. Mayor Romeo asked where exactly the flue was. That is the question. Is it in the middle of the house or is it all the way over on the left. Mr. Rapaport explained that the fireplace is sitting next to the exterior wall of the first floor so the flue is going to be on the left side going all the way up along the exterior wall. The rest is all decoration.

Mr. Morgan asked what the final height of chimney was. Mr. Rapaport stated that the top of the chimney reaches above the peak of the house by another two feet. The peak of the house is 1.2 feet over the limit of 28 feet. The chimney is another two feet. Mr. Rapaport noted that a fireplace by the commission is not part of the calculation, so he is just giving the house a little bit more substance. Mr. Schuster stated that the chimney extends out on the side of the house and the rest of that is all a design element. Mr. Rapaport explained that even a parapet wall is not a part of the house. If this was a flat roof with a parapet wall, you don't count that as part of the height. Mayor Romeo asked if the client was going to live in the house. Mr. Rapaport stated that they were not.

Councilwoman Tsigounis was trying to rationalize this. The Board is a little concerned because the fact that it is a faux type appendage doesn't mean that it carries weight to say that it is not included like a chimney. She understands the principle of the design, but she thinks what the Mayor is concerned about

is that the decorative part is not really classified as a chimney. It is a decorative piece. It is probably supported on the roof and not going through the house. Is there a way you can be just as successful by having it where it doesn't have to take such prominence. Mr. Rapaport said that he can do anything. He is just suggesting an idea and if the commission of process is incorrect, how about he pulls the wall apart. Councilwoman Tsigounis stated that you have to be careful because something like this could cause an issue later on because it doesn't meet the definition. We are trying to protect all of our interests. She thinks that is what the Mayor is concerned about.

Mr. Rapaport made an effort to bring the whole thing here to show the dimension in relation to the house and how paramount it is and he wouldn't do it if he didn't think that it added to the design. You might not agree to the aesthetics. Councilwoman Tsigounis stated that she doesn't think anybody disagrees on the aesthetics, she just thinks the Board is trying to figure out what the best way to deal with this is with the zoning codes. Mr. Schuster noted that most of what is here is not functional. It is a design element. Just a small percentage of what is here is actually the flue for the fire. Mayor Romeo asked Mr. Rapaport to sit in his position and look through his eyes and see what he is seeing. He is seeing that he is a good architect and he is very creative. There is no way he could design anything like this. It is a very nice looking house. But the Mayor is looking at it from a different point of view. He is looking at it from the point of view of what is the impact of this house on the street. Mr. Rapaport has already said that they are not living in the house. They are doing this for profit and that is what the world is about. He has no objection to that. But they are leaving and everybody in the neighborhood is going to look at this. The peak is already a foot-and-a-half over and then you are adding this wall on top of that, which is another two feet, so the people across the street are looking at this thing every day for as long as they are living in the house. These people have made a profit and left. He doesn't have an objection with that but what he is trying to say is that there is an impact on the neighborhood, which the Board has to take into consideration. The Board is willing to work with them, because they have always worked with them in the past. What he is saying is there is one thing to have the house at 28 feet, but you have already gone over that and then you are adding something on top of that out of décor that may be very nice looking but you are not going to be looking at it six months from now. The people across the street are going to be looking at it. The people behind them, that are looking through their backyard, are going to be looking at it.

Councilwoman Tsigounis stated that we can substantiate going over on the height because the engineer testified that the reason why they did this was because they have a garage under and they didn't want the slope down, so there is a reason behind the height variance that they are looking for. However, on top of that, a decorative element just furthers the impact. Mr. Rapaport said that what he is hearing is that he has the chimney going up, but not going over the roof would be OK. So, what we are talking about is a small triangle that is over the roof and that is the issue. Councilwoman Tsigounis stated that the issue is that we are over the height as it is because of the testimony that you didn't want to have a sloping down driveway, which is better for the house. That is probably why they are asking for a height variance because they needed to elevate the house. That has substance behind it. There is a legitimate reason to request that. Is there a legitimate reason to grant the decorative element? Mr. Rapaport explained that a regular traditional fireplace is not part of the height calculation regardless, so they won't even talk about that. It is only because he is stretching it over the roof. That is the issue. Councilwoman Tsigounis agreed that that is the issue.

Mr. Schuster asked if this was real stone. Mr. Rapaport noted that it was fake stone. It is called cultural stone. It could be fake or natural but it is only a veneer. Mayor Romeo asked what the bearing was on selling the property for profit on whether or not you have this fireplace there. What is the impact if it is not there. Is this all just creative on your part? Mr. Rapaport stated that this is only one detail of many other things, because when people buy a house they want to know that there is the right number of bedrooms and bathrooms and the floor and the design and the location and the size of the property, so if he is asking if it won't sell if they don't do it, the answer is no. It is just one detail. Mayor Romeo stated that 29.2 feet is high for that neighborhood. In that area they are all Cape Cods. Mr. Moss doesn't think that we should be concerned about profit in this equation, we should be concerned about setting a precedent. Mayor Romeo doesn't want to impact the people across street to who live there and these people are selling it. Just making a little less impact on the neighborhood may go a long way in getting this

approved. In other words, don't just leave them hanging there and then take off. Come to something where it is beneficial to everybody and it doesn't make an impact that goes the wrong way against the people that are living there for the next 30 years. That is all he is saying. He has no comment about Mr. Rapaport's creativeness. He is a good architect.

Mr. Calder stated that it appears to extend halfway into the house. So, it is not a minor addition. The width of the fireplace goes well beyond the utility of the fireplace. Mr. Rapaport stated that if the Board thinks this is going to be the wrong impact on the street, then he will change it. He thought that he came with the rendering and the model and he could convince the Board, but he didn't. Councilwoman Tsigounis noted that it is beautiful and it has convinced her to appreciate the fact of why they are asking for the height variance. She can see that pitches are not steep so she can see there is reasons behind it. The Board is also very concerned. She appreciates his talent. She thinks it is beautiful without having to extend it. She knows how difficult it is and she knows how the profession is. They never get everything you ask for. She is trying to justify it herself. Mr. Rapaport stated that if this is something the Board believes doesn't work right, he will try some other time.

Mr. Calder asked what the reason was behind the height variance of the wall where they are asking for a 5 ½ foot wall in the front yard. Mr. Schuster stated that they wanted a better pitch for the driveway. Mr. McClellan noted that they wanted the driveway to pitch toward the street and not toward the house. Mr. Barrett explained that this is because of the existing grade. Mr. McClellan noted that it slopes from the street quickly up to the house. That is why they have the garage under. Mr. Barrett asked if they were proposing a change in the existing grade on either side of the driveway. Mr. McClellan said there is no change in the grade that much from the existing grade. Mr. Calder asked if it was increasing or decreasing. Mr. McClellan explained that right now at the house corner they are at 99, where the existing grade is 98.8, so it is increased very slightly and the reason is because they are trying to make a swale, so the water from both sides of the property come to the center and flows off.

Mr. Rapaport stated that when he looked at the property in the beginning the property almost calls to take advantage and go with the garage underneath, this way you don't need to have a steep driveway and you can create a better design altogether and that is what they are trying to do. Mr. Calder asked what the ceiling heights were in the garage. The ceiling heights in the garage are nine feet because of the garage doors and the first floor is nine feet and the second floor is eight feet. Mr. Rapaport explained that you can't go below nine feet in the garage because you need space for the garage doors to open. Mayor Romeo asked if the first floor became eight feet, how would that impact anything they were doing? Mr. Rapaport thinks that today, to do a first-floor new house eight feet, you really don't do it. It would feel very low.

Mayor Romeo asked about the building coverage. Mr. McClellan stated that they were over on the building coverage by 1.15%. Mr. Rapaport said that he was trying not to exceed the FAR, because he thinks that the FAR is the most important thing. On the small lots, sometimes the coverage doesn't work and they are asking for something very small and that is where they are coming from. Mr. McClellan also stated that impervious coverage is going to be reduced as well and they don't need a variance for that. They are reducing that by almost 4%. Mayor Romeo stated that the side yard combined is existing and he can live with that because it is already there.

Mr. Calder asked if he could try to keep the building coverage in compliance. Mr. Rapaport explained that he tried to keep the existing side setbacks and that gives him a narrow space to work with. It is difficult to create something in a narrow space so he thinks they are not asking too much with the coverage. Councilwoman Tsigounis stated that the Board is looking to chew down the height and she can understand that having eight feet on the first floor doesn't really go with today's expectations, but how about 8 ½ feet. She can understand the garage being nine feet and the second floor is already at eight feet, but the first floor, is nine set? Mr. Rapaport said that this is the standards of the lumber. When you order the lumber, it is either eight feet or nine feet. If you want to do something in between, then you have to cut each stud to a different height. Mr. McClellan noted that you can reduce it a little bit by artificially manipulating the proposed grades and building it up a little bit, but they don't want to build up a mound just to try to reduce the height. They tried to massage it the best they could between the driveway

and his roof pitches aren't very high and walls to try and get that and as he mentioned before, if they use the grade at each corner, it conforms. If they use the 99 at the corner and the 105 at the corner they conform. On the one side, they have to use the aggregate of the 99 and the garage floor, so that is where they get the 1.2 feet. From each side, they are conforming.

Mr. Moss asked how there could be a compromise. They said that the house is narrow, which it is to an extent, so they wanted to give it some meat and that is why they wanted to extend it. We should try to find a way to keep his ideas, the aesthetics of it and so forth, and still balance the height that we are looking for. Is there a way to be able to keep what they are looking to do and still bring it down? Mr. Schuster thinks what they are talking about is that the height is a foot over and his understanding is the big issue is the use of a design element that extends across half the house. Obviously, if that is reduced in size to basically the size of the functional flue, that would certainly reduce the perception that it is excessive. That would give less of a bulky view of the front of the house. Still, the actual measured height would be 29.2 feet and the flue is going to be exempt. Mr. Rapaport wanted to point out that the height is to the highest point, so basically you are talking about the peak, the small triangle on top of the roof that is above the limit. It is not like it is a massive piece, it is just the ridge, like the top of the top. He doesn't think this is going to affect much of the neighborhood. Mr. Morgan said that the ridge is 29.2. Mr. McClellan stated that that is from the average front grade to the highest point of the ridge. Mr. Morgan noted that the chimney is then another two feet above the ridge, so now we are talking 31 feet.

Mr. Rapaport explained that the whole thing goes back to the garage because they would like to have the garage pitch to the street and not the other way around. Any other house, they can drop the house different, but because they want to maintain the pitch for the water and snow, which is a much better solution, that is where the whole thing starts. His roof lines are very low.

Mayor Romeo asked Mr. Azzolina if he was OK with the walls on both sides of the driveway. Mr. Azzolina state that there are no sight obstructions as Mr. McClellan testified. The length of the wall that exceeds four feet is probably about four feet, so it is not the entire length. It is a very short distance right adjacent to the garage. It is very common. We have done a number of these. Usually they are the scenario that Mr. McClellan is describing where the pitch is towards the house. This is a little bit different but there is nothing objectionable about these retaining walls. He does need railings on these for fall protection and this is one of the comments in his report. It can be a railing or fence, whatever works. Mr. Calder asked if that counted towards increasing the variance. Mr. Azzolina noted that it does not.

Councilwoman Tsigounis stated that she is satisfied with both the architect and the engineer's explanation as to why they are requesting the height variance for the roof peak. It makes sense in her opinion. It is the way that they always measure it, but because of the way they have the garage there, that is why it is exacerbated.

Mayor Romeo asked if they were willing to take away the "drive-in movie screen" or chimney extension. Mr. Rapaport said that he would. Councilwoman Tsigounis said that she can live with the actual height because she understands the rationale behind it so it validates the variance for her. Mr. Morgan asked if the other houses in the neighborhood were 28 feet or less. Mr. McClellan didn't measure them but he would say that they were probably right at 28 feet or a little less. This existing driveway really pitches up and is right on the property line so they are really improving the driveway situation. The new driveway is fairly flat and are moving it off the property line.

Mayor Romeo asked what the purpose of the piece that is over the driveway. Mr. Rapaport said that they were trying to make the impervious area about the size of the garage so that the retaining walls go just a little bit more than the garage doors. They didn't go all the way to the corner or make it bigger because in general a bigger driveway is not something that you want to do. Mayor Romeo noted that when you open the garage door there is two feet or so on the left under the peak.

Mr. Ulshoefer asked if they can improve on the building coverage since they are over on that as well. Mr. Rapaport said that if they have to change the coverage then they would have to do a different design because when you enter into the house from the garage all the way up, you make the footprint smaller,

minimum coverage, then this design does not work. Mr. McClellan noted that this is a very small lot and they are not asking for a lot. Mr. Ulshoefer stated that that was their choosing of buying that property. Mr. McClellan said they are asking for 1316. If they would have had a lot that would be just 6580, they would be conforming. If they had a 10,000 square foot lot they could do a 2,000 without asking. They are not asking for a huge amount, they are asking for 70 square feet. Mr. Ulshoefer stated that according to the plans it is 71.5 square feet.

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

Mr. Barrett wanted to bring the Board's attention to the fact that the impervious coverage is being reduced by 199 square feet, so net it is still 128 square feet less. Mr. Rapaport noted that just from the existing coverage, they are also removing the detached garage in the back, which opens up the backyard to this property and also to the neighbors. So, for the coverage, he thinks they are doing better, but they are not complying. Mr. McClellan also noted that they are removing two existing non-conformities by removing the garage as well, that is only 4.1 feet off the side yard.

Mr. Morgan asked if there was any possibility of changing any of the designs to get us down into the height. Mr. Rapaport stated that changing the design for height means they cannot do the garage in the basement or the garage would be with a reverse pitch and he doesn't think that is a great solution.

Mr. Barrett summed up by saying that if you look at the overall application, while it does ask for a building coverage variance, he thinks that is offset by the reduction in the impervious coverage. There will be less of the lot covered, although the building is over the permitted amount, by just 71 square feet. As to the height, he thinks the testimony is clear that the better design is to have the driveway pitch to the street, rather than to pitch to the driveway. That, of course, leads to the 1.2-foot height variance, and again, only at the peak. If you look at the rendering, on the left side, at the corner of the house it is far less than 28 feet at that point. He knows the Board has a question about the chimney, so the chimney is really not going to be 31 feet high, it is going to be much less, and you can tell by the rendering that it is going to be less than that because of the location.

Mr. Morgan asked if the chimney is going to be reduced. Mr. Rapaport noted that if that is a condition of approval, then yes the chimney will be reduced. Mr. Moss asked how much the chimney would be reduced. Mr. Rapaport said that it will be a standard chimney, regular size, 2 x 5. Mr. Durakis asked about the height of the chimney. Mr. Rapaport noted that, by code, if it is an active chimney, the chimney height has to be two feet higher than a point 10 feet away.

Mayor Romeo stated that he thinks Mr. Rapaport has at least tried to work with the Board. Councilwoman Tsigounis has some good points as far as to why he is over by that height. Mr. Morgan thinks the biggest question is on the chimney and it is whether we would like to just have the chimney stack or the design that Mr. Rapaport has proposed. Mr. Schuster thinks that the only way he is going to make it is if he brings the house lower down and then the street is going to pitch down into driveway. He doesn't think we want to have that. If there is water coming down the hill, it is going to be in the garage. That is a legitimate reason why they have designed it the way they have.

Mr. Schuster stated that what has been discussed here is that the applicant has agreed to amend the application to provide that the decorative chimney is going to be reduced to the standard size chimney basically with the same type of look it has now. That is the only other modification that is being proposed now. That is where the application stands.

Mr. Calder made a motion to approve, subject to the redesign of the chimney to a 2 x 5 functional chimney structure which will be shown to the engineer for approval. Mr. Morgan asked if they have agreed with Mr. Azzolina's report. Mr. Rapaport noted that they are in full agreement with his report. Mr. Barrett stated that they will comply with all the requirements in Mr. Azzolina's letter. Mr. Mandelbaum seconded the motion. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer,

Mr. Calder, Mr. Durakis, Mr. Mandelbaum, and Mr. Moss all voted yes. Mr. Ulshoefer voted no. 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. Moss to adjourn the meeting at 8:37 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for May 23, June 13, June 27, and July 11, 2017, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary